

# CONSTITUTION AND GOVERNANCE COMMITTEE



**Monday 30 January 2023**

**10.00 am Luttrell Room - County Hall,  
Taunton**

To: The members of the Constitution and Governance Committee

Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke, Cllr H Davies, Cllr D Johnson, Cllr H Kay, Cllr C Lawrence, Cllr M Lovell, Cllr M Murphy, Cllr S Osborne, Cllr S Pugsley, Cllr R Wilkins and Cllr A Wiltshire

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Monitoring Officer and Head of Governance and Democratic Services - 20 January 2023

For further information about the meeting, please contact Clare Rendell - Governance Specialist on 01823 357628 or email - [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A(4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

**Are you considering how your conversation today and the actions you propose to take contribute towards making Somerset Carbon Neutral by 2030?**



**RNID typetalk**

# AGENDA

Item Constitution and Governance Committee - 10.00 am Monday 30 January 2023

**\*\*Public guidance notes contained in agenda annexe\*\***

1 **Apologies for Absence**

To receive member's apologies.

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the [Council Website](#)

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team. Any new or updated declarations of interest will be received.

3 **Minutes from the Previous Meeting held on 15 December 2022** (Pages 9 - 12)

To note the minutes from the previous meeting of the Constitution and Governance Committee, circulated within the agenda.

4 **Public Question Time**

The Chair will allow members of the public to ask a question or make a statement about any matter on the agenda for this meeting. **These questions may be taken during the meeting, when the relevant agenda item is considered, at the Chair's discretion.**

5 **Update on the development of the Constitution for the new Somerset Council** (Pages 13 - 56)

To consider Report of the Monitoring Officer

6 **The Scrutiny Arrangements for new Somerset Council - REPORT TO FOLLOW**

To consider report.

7 **Decision Making, Scheme of Delegation and Proper Officer Arrangements for new Somerset Council** (Pages 57 - 132)

To consider report.

8 **Planning Functions and Arrangements for new Somerset Council** (Pages 133 - 166)

Item Constitution and Governance Committee - 10.00 am Monday 30 January 2023

To consider report.

9 **LCN Functions and Arrangements for new Somerset Council** (Pages 167 - 192)

To consider report.

10 **Work Programme** (Pages 193 - 194)

To consider the work programme of the Committee.

11 **Any other urgent items of business**

The Chair may raise any items of urgent business.

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## Guidance notes for the meeting

### 1. **Council Public Meetings**

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the committee and key supporting officers to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

### 2. **Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) or telephone 01823 357628. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers). Printed agendas can also be viewed in reception at the Council offices at County Hall, Taunton TA1 4DY.

### 3. **Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

### 4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

### 5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out.

After entering the Council building you may be taken to a waiting room before being taken to the meeting for the relevant agenda item to ask your question. After the agenda item has finished you will be asked to leave the meeting for other members of the public to attend to speak on other items.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

At the Chair's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total (20 minutes for meetings other than County Council meetings).

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

Provision will be made for anybody who wishes to listen in on the meeting only to follow the meeting online.

## 6. **Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Speak clearly (if you are not using video then please state your name)

- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

## 7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask Participants to leave the meeting when any exempt or confidential information is about to be discussed.

## 8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) if you have any questions or concerns.

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## CONSTITUTION AND GOVERNANCE COMMITTEE

Minutes of a Meeting of the Constitution and Governance Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 15 December 2022 at 2.00 pm

**Present:** Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke, Cllr H Davies, Cllr H Kay, Cllr M Lovell, Cllr M Murphy, Cllr S Osborne, Cllr R Wilkins and Cllr S Ashton

**Other Members present via Teams:** Cllr D Johnson, Cllr L Leyshon, Cllr L Redman, Cllr G Slocombe and Cllr R Woods

**Apologies for absence:** Cllr C Lawrence and Cllr S Pugsley

### 1     **Apologies for Absence** - Agenda Item 1

Apologies were received from Cllr C Lawrence, who was substituted by Cllr S Ashton, Cllr S Pugsley, who was substituted by Cllr G Slocombe and Cllr D Johnson, who would join the meeting via Teams.

### 2     **Declarations of Interest** - Agenda Item 2

Cllr S Carswell declared a personal interest on agenda item 5, as he was a holder of a gambling licence.

### 3     **Minutes from the Previous Meeting held on 21 November 2022** - Agenda Item 3

The minutes of the meeting held on 21 November 2022 were approved and signed as a correct record.

### 4     **Public Question Time** - Agenda Item 4

There were no questions asked, statements made or petitions presented.

### 5     **LGR - Constitution Documents for proposed new Licensing function** - Agenda Item 5

The Committee considered a report from the Principal Lawyer and Practice Manager from Mendip District Council, Lesley Dolan, concerning the proposed functions for the new Licensing and Regulatory Committee to be adopted in the Constitution for the New Unitary Council.

During the debate, the following points were highlighted: -

- Councillors queried several aspects of the procedures used for the Licensing and regulatory Sub-Committees.  
*The Licensing Officer advised that there would be a checklist for councillors to use during a sub-committee. He further explained that the licensing officer and interested parties presented their case first and that the applicant went last, so that they could include in their presentation answers to any comments or questions raised by other parties.*

*Councillors had the opportunity to ask questions after each person had presented their case.*

- Councillors queried the calculation for the quorum of the committee.  
*The Monitoring Officer advised that quorum calculations were governed by statute.*
- Councillors queried the proposed delegation used for gambling applications.  
*The Licensing Officer advised that the delegation was governed by legislation.*
- Councillors queried when the applicant would be notified of the hearing date.  
*The Licensing Officer advised that the applicant received a notice of hearing once the date had been confirmed, plus a copy of the agenda once it was published five clear working days before the meeting.*
- Councillors queried the difference between the Licensing Sub-Committee and the Regulatory Sub-Committee.  
*The Licensing Officer advised that the Licensing Sub-Committee would be for applications under the Licensing Act 2003 and Gambling Act 2005, and that the Regulatory Sub-Committee would be for taxi licences and all other applications.*
- Councillors queried why the sub-committees were being scheduled into the calendar and not just held ad-hoc.  
*The Legal Officer advised that they believed it was best practice to schedule them in.*
- Councillors debated the location for the sub-committees, as some believed they should be held in the locale of the application and others believed it should be held in a central location.
- Councillors who had experience in licensing hearings agreed that the procedure proposed within the papers worked well.
- Councillors stressed that training would be vital for anybody who wished to sit on the Licensing Committee, along with any substitutes.

The Committee AGREED:-

2.1 The proposals detailed in this report, offer a structure that would bring the County and District licensing functions together in a single Committee format.

The Constitution and Governance Committee was asked to –

(1) Approve the proposals set out in paragraphs 2.2 to 2.8 below, in relation to revision of the Council's Constitution.

2.2 It was proposed that a new Regulatory Committee be established to be known as the Licensing and Regulatory Committee for the discharge of the Council's licensing, certification and registration functions to include matters presently set out in paragraphs (d)-(m) of the terms of reference of the County Council's Regulation Committee.

2.3 It is proposed that the new Licensing and Regulatory Committee would establish a standing Sub-Committee to be known as the Regulatory Sub-Committee, to consider and determine applications and/or matters that by law or in accordance with the Council's adopted Policies or this Constitution required a hearing to be conducted.

2.4 It was proposed that the new Licensing and Regulatory Committee would establish a standing Sub-Committee to be known as the Licensing Sub-

Committee, to consider and determine any applications and or/ matters that by law or in accordance with the Council's adopted Licensing Policy and Gambling Statement of Principles or this Constitution required a hearing to be conducted.

- 2.5 A structure chart of the proposed new committees could be seen at Appendix 1 to this report.
- 2.6 Proposed Terms of Reference for the new Committee and its two Sub-Committees were set out at Appendix 2 to this report.
- 2.7 The proposed Scheme of Delegation for the licensing functions was set out at Appendix 3 to this report.
- 2.8 Attached at Appendix 4 was the proposed Hearing Procedure Rules for hearings conducted before the Licensing Sub-Committee. Whilst written for the Licensing Sub-Committee, they could be easily adapted for any licensing hearing. Following current common practice it was proposed to extract the Rules relating to "At Hearing" into a "tick box" list for the Chair to enable an easy single glance to ascertain where the procedure was at any stage of the hearing.

## 6 Pension Fund Governance - Agenda Item 6

The Committee considered a report from the Service Manager for Investments, Anton Sweet, concerning the Terms of Reference of the new Somerset Council's Pensions Fund Committee and the Pension Fund Board to be adopted by the new Unitary Council.

During the debate, the following points were highlighted: -

- Councillors stated that they believed that the Pensions Committee members had been ambivalent about changing the membership numbers.
- Councillors queried whether there had been any issues with being quorate in the past.  
*The Pensions Manager advised that there had been some issues recently, which had led to the proposed change in membership size and composition.*
- Councillors queried the proposal that the Pensions Board Chair could be an ad-hoc position.  
*The Pensions Manager advised that the Chair was appointed by the Board and not by Full Council, the proposal was for only when the Chair was not present and to enable the Board to be quorate.*

The Committee AGREED:-

- 2.1 The Committee was asked to review the Terms of Reference of the new Somerset Council's Pensions Fund Committee (attached as appendix A) and the Pension Fund Board (attached as appendix B) and recommend that they were adopted by the new Unitary Council, without amendment.

## 7 Work Programme - Agenda Item 7

This was a standing agenda item for the Committee so that it could review and set its forward plan of work to support the delivery of the Council's priorities.

The Committee considered the work programme of future work and items to be considered at future meetings and the Monitoring Officer advised that the following changes needed to be made:

- Due to the workload for the next two meetings, it was proposed that the meeting start times would be amended to 10am to allow for the items to be discussed.
- Councillor Kay proposed and Councillor Osborne duly seconded a request that early draft versions of any paperwork due to be on the agendas for the January and February meetings, especially items that related to Planning and Scrutiny Arrangements, were to be distributed to the committee members at the earliest convenience. The committee voted in support of the request.

**8 Any other urgent items of business - Agenda Item 8**

There were no other items of business raised at the meeting.

**(The meeting ended at 3.20 pm)**

**CHAIR**

Somerset County Council

Constitution & Governance Committee

– 30 January 2023

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## **Report of the Monitoring Officer – Update on the development of the Constitution for the new Somerset Council**

Lead Members: Cllr Bill Revans, Leader of the Council & Cllr Theo Butt Philip, Chair of Constitution & Governance Committee

Division and Local Member: N/A

Lead Officer & Author: Scott Wooldridge - Monitoring Officer and Strategic Manager for Governance & Democratic Services

Contact Details: 01823 357628

### **1. Summary**

- 1.1 At its Annual General Meeting in May 2022, the Council agreed an interim Constitution for 2022/23 and recognised that there would be a comprehensive review of the Constitution during 2022/23 through the Constitution and Governance Committee, culminating in the proposed Constitution for the new Somerset Council being recommended to the County Council meeting on 22 February 2023 ahead of vesting day on 1 April 2023.
- 1.2 The Constitution and Governance Committee has been completing a phased review of key elements of the new Constitution for the new Somerset Council over a series of meetings. This work is being undertaken ahead of the Committee recommending the final draft Constitution at its meeting on 14 February 2023 to the County Council for approval on 22 February 2023.
- 1.3 The development of the new Constitution is being undertaken by the LGR Governance Workstream involving the Council's Monitoring Officer in conjunction with the Monitoring Officers of the four district councils. Their work has included reviewing best practice from Somerset councils and reviewing the Constitutions of previous local government reorganisations in Buckinghamshire, Wiltshire and Dorset.
- 1.4 There are several key elements of the draft Constitution for review by the Committee at its meeting on 30 January including:
  - Part C – Council functions, procedure rules and Budget and Policy Framework
  - Local Community Networks – draft terms of reference
  - Part D - Committee procedure rules
  - Part D - Planning Committee terms of reference
  - Part G - Scrutiny arrangements
  - Part I – Officer Scheme of Delegation and List of Statutory & Proper

## Officers

### 2. Recommendation(s)

#### 2.1 The Committee is asked to:-

- (1) Note the update on the development of the new Constitution; and
- (2) Consider and comment upon the draft articles set out in Appendix 1 and Appendix 2.

### 3. Background

#### 3.1 Developing the new Somerset Council's Constitution

Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

The preparation of Somerset Council's Constitution is being undertaken by the Monitoring Officer in conjunction with the district councils' Monitoring Officers for approval by the Council in February 2023 ahead of vesting day. The Constitution and Governance Committee is overseeing the development of the new Constitution prior to the Committee recommending it to the Council meeting on 22 February 2023.

The approval or amendment of the Constitution is a non-executive function and is a function for the County Council and not the Executive. Nevertheless the Executive will want to be a key consultee on proposals since it incorporates the Executive arrangements.

- 3.3 At its Annual General Meeting in May 2022, the Council agreed an interim Constitution for 2022/23 and recognised that there would be a comprehensive review of the Constitution during 2022/23 through the Constitution and Governance Committee, culminating in the proposed Constitution for the new Somerset Council being recommended to the County Council meeting in February 2023 ahead of vesting day on 1 April 2023.

#### 3.4 Principles and approach to developing the proposed new Constitution

##### Principles

At its meeting in September 2022, the Committee agreed the following principles to underpin the development of the new Constitution and council decision making:

- Accountability

- Transparency
- Efficiency
- Proportionality

### 3.5 Approach

Following a review of options the Committee agreed in September 2022 that a new Constitution should be prepared for the new Somerset Council ahead of vesting day on 1 April 2023.

### 3.6 The new Constitution is being structured into key parts on the following basis:

- A. Summary and Explanation
- B. Public Participation (description of the arrangements for public participation in meetings, petition scheme and access to information)
- C. Council (a description of functions and procedures for Full Council meetings and arrangements for Honorary Aldermen/Alderwomen)
- D. Committees (description of the committee structure and arrangements along with terms of reference and meeting procedure rules)
- E. Executive (description of the Executive arrangements and meeting procedures)
- F. Joint Arrangements (description of any joint authorities and joint committee arrangements)
- G. Scrutiny (description of the overview and scrutiny functions and arrangements)
- H. Members (description of Member roles, Code of Conduct, Protocol on Member and Officer relations and Scheme of Members Allowances)
- I. Officers (description of management arrangements, Scheme of Delegation to Officers, list of Proper Officers, Employee Code of Conduct, Officer Employment Procedure Rules, Whistleblowing Policy, Contract Procedure Rules and Financial Procedure Rules)
- J. Appendices – supporting guidance and protocols

### 3.7 Previous meetings of the Committee have reviewed key principles for Part C, Licensing & Regulatory arrangements, Pensions Committee and Pensions Board arrangements.

The meeting on 30 January is due to review:

- Part C – Council functions, procedure rules and Budget and Policy Framework
- Local Community Networks – draft terms of reference
- Part D - Committee procedure rules
- Part D - Planning Committee terms of reference

- Part G - Scrutiny arrangements
- Part I – Officer Scheme of Delegation and List of Statutory & Proper Officers

3.8 The final draft Constitution, comprising all Parts and Appendices, will be considered at the Committee’s meeting on 14 February. The Committee will then recommend the new Constitution to the Council meeting on 22 February for approval and adoption.

3.9 Appended to this report are the key elements of Appendix 1 - Part C (Council functions and procedure rules) and Appendix 2 - Part D (Committee Structure and Procedure rules) for review and comments in order to inform the final draft Constitution. The other matters for consideration by the Committee on 30 January are set out in other agenda items.

#### **4. Implications**

##### **4.1 Legal & Risk:**

This report complies with all legal requirements. The only risk to the Council would result from the Council failing to fulfil its legal obligations.

The Council’s Constitution sets out the legal framework within which the Council takes decisions and fulfils its functions and responsibilities. It needs to be kept up to date and legally compliant.

##### **Financial, equalities, sustainability and community safety implications:**

There are no direct equalities implications arising from any of the proposals in this report. There are also no anticipated direct sustainability or community safety implications associated with the proposals in this report.

#### **5. Background Papers**

- 5.1 Council’s Constitution  
 Monitoring Officer report to Council in May 2022  
 Somerset Structural Changes Order 2022  
 Local Government Acts 1972 and 2000



### **Part C – Council**

[Section 1 Role of Council](#)

[Section 2 Budget and Policy Framework](#)

[Section 3 Council Procedure Rules](#)

[Section 4 Budget and Policy Framework Procedure Rules](#)

[Section 5 Honorary Alderman Scheme](#)

Full Council is the term given to a meeting which all Members attend. This Part deals with what full Council does and how these meetings are run. The Rules include how questions are put to Members, how votes are taken and how Members are appointed to serve on committees or sub committees.

These Rules are written in formal language. If you have specific questions our democratic services team will be happy to help you

## **1. Role of Council**

### **Council Functions**

1.1. The Council's functions are:

- adopting and amending the Council's Constitution;
- approving or adopting the Council's budget and policy framework;
- subject to the urgency procedure of the Council's Budget and Policy Framework Procedure Rules, making decisions which relate to an executive function which is covered by the Budget and Policy Framework, when the decision would be contrary to, or not wholly in accordance with the Budget, or would be contrary to the Policy Framework;
- appointing and removing the Leader of the Council;
- deciding the composition of a Council Committee; appointing Members to be members on a Committee, and agreeing and / or amending the terms of reference of a Committee;
- appointing Members to represent the Council on outside bodies (unless the appointment is or relates to an executive function, or it has been delegated by the Council to an individual or Council body);
- adopting, amending, revoking or replacing the Member Code of Conduct and the Council's Arrangements for Dealing with Standards Complaints;
- adopting, amending, revoking or replacing a Member Allowance Scheme;
- passing byelaws and local legislation;
- public health functions including promoting healthier lifestyles and scrutinising and challenging the NHS and other partners to promote better health and ensure threats to health are addressed;
- confirming and terminating the appointment of the Council's Head of Paid Service (Chief Executive) and Statutory Officers;
- the non-executive functions specified in this Constitution as being the responsibility of the Council;
- appointing Honorary Alderman in accordance with the Honorary Alderman Scheme;
- all other functions which by law must be reserved to the Council.

## **2. Budget and Policy Framework**

2.1. **Policy Framework** means the following plans and strategies:

- a. Corporate Plan
- b. Local Plans including the Minerals and Waste plans
- c. Community Infrastructure Levy (CIL) Charging Schedule
- d. Treasury Management Strategy
- e. Capital and Investment Strategy
- f. Youth Justice Plan
- g. Housing Strategy
- h. Licensing Authority Statement of Licensing Policy
- i. Statement on Gambling Policy
- j. Policy on Pay

2.2. **Budget.** The Budget including:

- Allocating financial resources to different services and projects
- Setting Council Tax

### **3. Council Procedure Rules**

#### **Annual Meeting of the Council**

##### **Timing and Business**

- 3.1. **In** a year where there is an ordinary election of Members, the annual meeting will take place within **21 days** of the retirement of the outgoing Members. In any other year, the annual meeting will take place in May.
- 3.2. The annual meeting will:
  - elect a person to preside if the Chair of the Council is not present;
  - elect the Chair of the Council;
  - elect the Vice-Chair of the Council;
  - approve the minutes of the last meeting;
  - receive any announcements from the Chair and / or the Head of Paid Service and/or Returning Officer;
  - Subject to [Part E Section 2](#) elect the Leader in the year of an ordinary election of Members;
  - appoint the Scrutiny Committees and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
  - agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree; and
  - approve a programme of ordinary meetings of the Council for the year.

##### **Members on Committees and Outside Bodies**

- 3.3. At the annual meeting, the Council will:
  - decide which committees and sub-committees to establish for the municipal year;
  - decide the size and terms of reference for those committees;
  - decide the allocation of seats to political groups in accordance with the political balance rules;
  - make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable by the Executive or the Leader.
  - Receive a report from the Leader about Executive Member appointments and the record of delegations

## **Ordinary Meetings**

- 3.4. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The Chair of the Council and the Leader of the Council may jointly agree to vary the time or date of any ordinary meeting or to cancel any ordinary meeting. If they decide to do so, the decision must be agreed and notified to the Monitoring Officer no less than one month before the date that the meeting was due to take place, unless the variation or cancellation is due to exceptional and unforeseen circumstances.
- 3.5. The order of business at ordinary meetings will be as set out below.
- 3.6. The Chair has discretion to vary the order of business or add items at any meeting. Such a variation may not displace business falling under items a, b, c, d, e or f. The Chair has discretion to invite a speaker to address the Council meeting, or to permit an Officer of the Council to attend the meeting and present a briefing paper or report on any matter before the Council.
  - a. elect a person to preside if the Chair and Vice-Chair are not present (this cannot be a Executive Member);
  - b. approve the minutes of the last meeting;
  - c. receive any apologies
  - d. receive any declarations of interest from Members;
  - e. receive any announcements from the Chair;
  - f. receive a report from the Leader and receive questions and answers on the report;
  - g. receive petitions in relation to matters which in the opinion of the Chair are relevant to the Council's functions;
  - h. receive reports from Executive Members and receive questions and answers on the reports;
  - i. receive reports from the Council's Committees and receive questions and answers on those reports;
  - j. receive any reports from the Council's Scrutiny Committees and receive factual questions and answers on those reports;
  - k. receive reports from statutory officers
  - l. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
  - m. consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the

## Council's Budget and Policy Framework

- n. consider motions; and
- o. deal with questions from Members in accordance with Rule 3.25.

### **Extraordinary Meetings**

#### **Calling Extraordinary Meetings**

- 3.7. The Monitoring Officer may call Council meetings in addition to ordinary meetings and those listed below may request the Monitoring Officer to call additional Council meetings:
- the Council by resolution;
  - the Chair of the Council;
  - 5 Members if they have signed a requisition presented to the Chair of the Council and the Chair of the Council has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **Business**

- 3.8. The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting except that the Chair may at their absolute discretion permit on the grounds of urgency other items of business to be conducted for the efficient discharge of the Council's business.

### **Time and Place of Meetings**

- 3.9. The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

### **Notice of and Summons to Meetings**

- 3.10. The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the [Access to Information Rules](#). At least **5 clear working days** before a meeting, the Monitoring Officer will send a summons signed by them to every councillor. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

## **Chair of Meeting**

3.11. The person presiding at the meeting may exercise any power or duty of the Chair

## **Quorum**

3.12. The quorum of a meeting will be 28 members. If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, or if during any meeting if the Chair counts the number of Members present and declares there is not a quorum present, the meeting will be adjourned. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **Questions by Members**

### **Questions Without Notice**

3.13. Any councillor may ask

- an Executive Member or the Chair of a committee any question on an agenda item. Any questions directed to the Chair of the Audit and Governance Committee must be factual only.
- any Executive Member any question on any issue relevant to their portfolio.

3.14. Questions are normally limited to one (1) minute per councillor unless the Chair consents to a longer period.

3.15. Supplementary questions can only be asked with the consent of the Chair.

### **Questions on Notice**

3.16. Subject to Rule 3.17, any councillor may ask:

- the Chair;
- a member of the Executive;
- or the Chair of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the administrative area of the Council.

### **Notice of Questions**

3.17. A councillor may ask a question under Rule 3.16 (questions on notice) if either:

- they have given notice of the question in writing or by e-mail no later than **noon 3 clear working days** before the day of the meeting to the Monitoring Officer; or
- the question relates to urgent matters, they have the consent of the Chair or councillor to whom the question is to be put and the content of the question is received by the Monitoring Officer in writing or by e-mail by **9.00 a.m. on the day of the meeting**.

### **Content of Questions**

3.18. All questions must, in the opinion of the Chair:

- not be unreasonable;
- contain no expressions of opinion;
- relate to matters on which the Council has or may determine a policy;
- not relate to questions of fact;
- not require the disclosure of confidential or exempt information;
- not relate to a matter which is of purely personal concern to an individual/family member.

### **Time Allowed for Member Questions Without Notice at Council Meetings**

3.19. The number of questions asked under Rule 3.13 (without notice) and the total time allowed for consideration of such questions shall be determined by the Chair;

3.20. At the conclusion of the response to the question under consideration or at the expiry of such time period as determined by the Chair from the time when the first questioner started to speak, the Chair shall conclude the meeting or proceed to the next item of business.

3.21. Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

### **Generally**

#### **Record of Questions**

3.22. The Monitoring Officer will send a copy of any question received under Rule 3.16 (on notice) to the Councillor to whom it is to be put. Copies of all questions under Rule 3.16 (on notice) will be available to all Members and the public attending the meeting.

3.23. Rejected questions under Rule 3.16 (on notice) will be returned to the



questioner with the reasons for rejection.

### **Order of Questions**

3.24. Questions from Members received in accordance with Rule 3.13 (without notice) will be asked in the order determined by the Chair except that if the opposition Group Leader has a question they will be invited to put it first.

### **Response**

3.25. An answer to a question under Rule 3.13 (without notice) may take the form of:

- a direct verbal answer;
- where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- where the reply cannot conveniently be given verbally, a written response will be provided no later than 10 clear working days after the meeting.

3.26. The response to a question under Rule 3.16 (on notice) will be in writing which will be provided to the questioner within 10 clear working days of the meeting.

- copies of all questions and responses will be available on the Council's website with the minutes for the relevant meeting.

### **Reference of Question to the Executive or a Committee**

3.27. Unless the Chair decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to the Executive or the appropriate Committee or sub-Committee as necessary. Once seconded, such a motion will be voted on without discussion.

### **Motions on Notice**

#### **Application of Rules**

3.28. Rules 3.29 to 3.36 do not apply to motions on notice under Rule 3.37.

#### **Notice**

3.29. Except for motions which can be moved without notice under Rule 3.38, written notice of every motion, must be delivered by hand or e-mail to the Monitoring Officer not later than 7 clear working days before the Council

meeting at which it is to be considered.

- 3.30. Except for amendments which can be moved without notice under Rule 3.38 or are allowed under Rule 3.49, written notice of amendments to a motion must be delivered by hand or e-mail to the Monitoring Officer not less than 2 clear working days before the start of the Council meeting at which the motion to which it relates is to be considered.
- 3.31. Once approved by the Monitoring Officer copies of the amendment will be provided to Group Leaders.

### **Motion Set Out in Agenda**

- 3.32. Motions for which notice has been given will be listed on the agenda in the order in which they were received.

### **Scope**

- 3.33. Motions must be about matters for which the Council has a direct responsibility or duty.
- 3.34. The Chair after consultation with the Monitoring Officer will refuse to accept any motion or amendment to a motion which they deem to be illegal, improper, vexatious or out of order.

### **Order of and Time Allowed for Motions**

- 3.35. Notwithstanding the order of Motions within the Agenda the Chair will decide the order that Motions will be considered and the time allowed for consideration of motions on the Agenda. At the conclusion of such period allowed, the Chair shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:
- a. if any speech to be concluded is a speech proposing a motion, the Chair shall allow the motion to be formally seconded (without comment);
  - b. if any speech to be concluded is a speech moving an amendment, the Chair shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and
  - c. otherwise, the Chair shall allow the mover of the motion to exercise their right of reply.
- 3.36. Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council, Committee or Sub-Committee and shall be dealt with at that meeting in the same order and before any other

motions of which notice is given for that meeting.

### **Motions to Amend Budget and Policy Framework**

3.37. Written notice of a motion to move an amendment of the Executive's proposals for the Council's Budget and Policy Framework, subject to the Budget and Policy Framework Procedure Rules, must be delivered to the Monitoring Officer **not later than midday 2 working days before the Council meeting at which it is to be considered.** Motions received after that deadline will only be considered in exceptional circumstances and with the approval of the Chair, Section 151 Officer and Monitoring Officer. The Chair has discretion on how to deal with motions under this Rule.

### **Motions Without Notice**

3.38. The following motions may be moved without notice:

- to appoint a Chair of the meeting at which the motion is moved;
- in relation to the accuracy of the minutes;
- to change the order of business in the agenda;
- to refer something to an appropriate body or individual;
- to appoint a committee or member arising from an item on the summons for the meeting;
- to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- to withdraw a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- to suspend a particular Council Procedure Rule;
- to exclude the public and press in accordance with the Access to Information Rules;
- to not hear further a councillor named under Rule 3.88 or to exclude them from the meeting under Rule 3.89; and
- to give the consent of the Council where its consent is required by this Constitution.

## **Rules of Debate**

### **No Speeches Until Motion Seconded**

3.39. No speeches may be made after the mover has moved a motion and explained the purpose of it until the motion has been seconded.

### **Right to Require Motion in Writing**

3.40. Unless notice of the motion has already been given or the motion is one detailed under Rule 3.38, the Chair will require it to be written down in sufficient time to circulate to all members before it is discussed. The Chair will decide whether there is sufficient time to propose a motion without notice.

### **Secunder's Speech**

3.41. When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

### **Content and Length of Speeches**

- 3.42. Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- 3.43. Subject to Rule 3.46 below a speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.
- 3.44. Subject to Rules 3.45 and 3.46 below, speeches by other Members, including those Members seconding or speaking during their right to reply, may not exceed 2 minutes without the consent of the Chair.
- 3.45. When the Council's annual budget is under discussion, the Leader of each political group, apart from the Leader of the Council and the Leader of the largest opposition political group, on the Council may speak for up to 5 minutes or such longer period as the Chair shall allow.
- 3.46. Any speeches by the Leader of the Council or the Leader of the largest opposition political group will not be limited.

### **When a Councillor May Speak Again**

- 3.47. A councillor who has made a speech on a motion may not speak again whilst it is the subject of debate, except:
- to speak once on an amendment moved by another councillor;

- to move a further amendment if the motion has been amended since they last spoke;
- if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- in exercise of a right of reply;
- on a point of order; or
- by way of personal explanation.

### **Amendments to Motions**

3.48. An amendment to a motion must be relevant to the motion and will either be:

- a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b. to leave out words;
- c. to leave out words and insert or add others; or
- d. to insert or add words

as long as the effect of b. to d. is not to negate the motion or to introduce a new motion.

3.49. Amendments must be in writing and on notice under Rule 3.30 unless the amendment arises during the debate and could not have been reasonably foreseen. The Chair's ruling on the validity of an amendment is final.

3.50. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

3.51. If an amendment is not carried, other amendments to the original motion may be moved.

3.52. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

3.53. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **Alteration of Motion**

3.54. A councillor may alter a motion of which they have given notice with the

consent of the meeting. The meeting's consent will be signified without discussion.

3.55. A councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

3.56. Only alterations which could be made as an amendment may be made.

### **Withdrawal of Motion**

3.57. A councillor may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **Right of Reply**

3.58. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

3.59. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

3.60. The mover of the amendment has no right of reply to the debate on their amendment. If their amendment is carried, they can have the penultimate speech on the amended motion.

### **Motions Which may be Moved During Debate**

3.61. When a motion is under debate, no other motion may be moved except the following procedural motions:

- to withdraw a motion;
- to amend a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- to exclude the public and press in accordance with the Access to Information Rules; or
- to not hear further a councillor named under Rule 3.88 or to exclude them from the meeting under Rule 3.89.

## **Closure Motions**

- 3.62. A councillor may move, without comment, the following motions at the end of a speech of another councillor:
- to proceed to the next business;
  - that the question be now put;
  - to adjourn a debate; or
  - to adjourn a meeting.
- 3.63. If a motion to proceed to next business is seconded and the Chair considers the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 3.64. If a motion that the question be now put is seconded and the Chair considers the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting their motion to the vote.
- 3.65. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## **Point of Order**

- 3.66. A councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The councillor must indicate the Rule or law and the way in which they consider it has been breached. The ruling of the Chair on the matter will be final.

## **Personal Explanation**

- 3.67. A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

## **Motion to rescind a previous decision**

- 3.68. No motion or amendment to a motion to reverse a decision made at a

meeting of the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 15 Members (including the proposer).

### **Motion similar to one previously rejected**

3.69. No motion or amendments to a motion to the same effect as one rejected by the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 15 Members (including the proposer). Once the Council has determined the extant motion or amendment, no one may propose a similar motion or amendment within a further period of six months.

3.70. The requirements in Rules 3.68 and 3.69 above shall not apply where the motion in question arises from the recommendation of the Executive or a committee.

### **Voting**

#### **Majority**

3.71. Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put unless the law provides otherwise.

#### **Chair's Casting Vote**

3.72. If there are equal numbers of votes for and against, the Chair will have a second/ casting vote. There will be no restriction on how the Chair chooses to exercise a second/casting vote.

#### **Method of Voting**

3.73. Unless a recorded vote is demanded under Rule 3.71 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system, if any, or if there is no dissent, by the affirmation of the meeting.

#### **Recorded Vote**

3.74. If 15% of Members (rounded up) present at the meeting request it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and included in the minutes.

#### **Right to Require Individual Vote to be Recorded**



- 3.75. Where any councillor requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **Nominations, Elections and Appointments**

- 3.76. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 3.77. Where a vote is taken for the election of the Chair and the out-going Chair is present in the room and not seeking re-election, the out-going Chair will preside over the election of the new Chair.
- 3.78. The out-going Chair shall be deemed to have retired from that position immediately before the start of a meeting at which a Chair is to be elected.
- 3.79. Subject to Rule 3.74 and in accordance with Rule 3.6 b members of the Council shall appoint one of their number to preside over the election of Chair if the Vice-Chair is seeking election as Chair or is not present.
- 3.80. Officers shall not call for nominations for the election of the Chair.

### **Voting at a Budget Decision Meeting**

- 3.81. Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the Members who cast a vote for the decision or against the decision or who abstained from voting.

**Note:** Budget decision means calculation of the council tax requirement, calculation of the basic amount of council tax, additional calculations where special items relate to part only of the area administered by the Council, calculation of council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

A councillor who has council tax arrears is not eligible to vote on budget decisions.

### **Minutes**

- 3.82. Minutes will contain all motions and amendments in the form and order they were put.

## **Signing the Minutes**

3.83. The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

## **No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

3.84. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

## **Record of Attendance**

3.85. All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance where appropriate.

## **Exclusion of Public**

3.86. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part B of this Constitution or in accordance with the following Rules.

3.87. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

3.88. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

## **Members' Conduct**

### **Speaking at Meetings**

3.89. When a councillor speaks they must address the meeting through the Chair. If more than one councillor signifies their intention to speak, the Chair will ask one to speak. Other Members must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **Chair Speaking**

3.90. When the Chair speaks during a debate, any councillor speaking at the time must stop.

### **Councillor Not to be Heard Further**

3.91. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

### **Councillor to Leave the Meeting**

3.92. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **General Disturbance**

3.93. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they consider necessary.

## **Suspension and Amendment of Council Procedure Rules**

### **Suspension**

3.94. Any of these Council Procedure Rules except Rules 3.72 (right to require individual vote to be recorded) and 3.80 (signing the minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can either be for an item or for the duration of the meeting.

### **Amendment**

3.95. Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **Application of these Rules**

3.96. None of the Council Procedure Rules apply to meetings of the Executive, Committees or Sub-Committees, Joint Committees or other Body of the Council.

## **4. Budget and Policy Framework Procedure Rules**

### **The Framework for Executive Decisions**

- 4.1. The Council is responsible for the adoption of its Budget and Policy Framework as set out in Section 2 above. Once a Budget and the Policy Framework are adopted by Council, it is the responsibility of the Executive to implement the executive functions within that Budget and Policy Framework.

### **Process for Developing the Budget and Policy Framework**

- 4.2. After an appropriate consultation with the community and other stakeholders, the Executive will draft initial proposals in relation to any plan, strategy or budget which forms part of the Council's Budget and Policy Framework.
- 4.3. When the initial proposals have been drafted by the Executive, they will provide a copy to the Chair of the Scrutiny Committee with responsibility for the issue under consideration ("the relevant Scrutiny Committee") (unless it has already considered the initial proposals in accordance with the Scrutiny Committee Procedure Rules set out at [Part G of this Constitution](#)).
- 4.4. At the same time the Executive will notify the relevant Scrutiny Committee of the dates and/or proposed timetable within which the Executive intend to develop the proposal and submit them to full Council for approval. The timetable will allow as far as possible for both the Executive and relevant Scrutiny Committee to consider the proposals at ordinary planned meetings.
- 4.5. The relevant Scrutiny Committee will have three weeks to make its response unless the Executive or relevant Executive member has agreed a longer period with the Chair of the relevant Scrutiny Committee.
- 4.6. The Executive will finalise its proposals for consideration by full Council taking into account the recommendations (if any) of the relevant Scrutiny Committee. The report to full Council will include the recommendations (if any) of the relevant Scrutiny Committee, Executive's response to those recommendations (if any) and the extent to which they have been accepted by the Executive.
- 4.7. Full Council will consider the final proposals of the Executive and may:
  - adopt them without amendment;
  - amend them after a motion to amend is put by the Leader and seconded;
  - refer them back to the Executive for further consideration; or

- substitute its own proposals in their place.
- 4.8. If the Council accepts the Executive proposals with or without amendment the decision shall be effective immediately.
  - 4.9. If the Executive proposals are not accepted, the Democratic Services Manager will inform the Leader of the Council's objections and require him/her to reconsider the Executive proposals. The Leader will have 5 clear working days from receipt of the notification to submit a revised proposal or inform the Council of the Executive's disagreement with the objections. The Council's decision will become effective on the expiry of 5 clear working days after notification of the Council's objections unless the Leader submits revised proposals and/or formally objects in that period.
  - 4.10. If the Leader wishes to submit revised proposals and or disagree with the objections of the Council written notice will be given to the Democratic Services Manager to that effect prior to the date upon which the decision is to be effective. The written notice must state the reasons for the revised proposals and/or the disagreement. Where such notice is received the Democratic Services Manager shall convene a further meeting of the Council to reconsider its decision and the decision shall be effective pending that meeting.
  - 4.11. The Council meeting must take place within 10 working days of the receipt of the Leader's written notice unless the Chair of the Council and Leader agree that the matter can wait until the next programmed meeting of the Council. At that Council meeting the decision of the Council shall be reconsidered in the light of any revised proposals submitted and the reasons for those revisions and/or the Executive disagreement and reasons for that disagreement which shall be available in writing to the Council.
  - 4.12. The Council shall at that meeting make its final decision on the matter on the basis of a simple majority.

### **Decisions Outside the Budget or Policy Framework**

- 4.13. Subject to the provisions of the Financial Procedure Rules, the Executive, individual Members of the Executive, delegated officers, committees or joint arrangements discharging executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to the Budget approved by full Council, then that decision may only be taken by the Council, subject to Rule 4.15 below.
- 4.14. If the Executive, individual Members of the Executive, delegated officers, committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Budget and/or Policy Framework. If the advice of

either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to full Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 4.15 (urgent decisions outside the Budget and Policy Framework) below shall apply.

### **Urgent Decisions Outside the Budget or Policy Framework**

4.15. The Executive, an individual Executive member or officers, committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council only if the decision is a matter of urgency. However, the decision may only be taken:

- if it is not practical to convene a quorate meeting of the full Council; and
- if the Chair of a relevant Scrutiny Committee agrees that the decision is a matter of urgency.

4.16. The reasons why it is not practical to convene a quorate meeting of full Council in time and the consent of the Chair of the relevant Scrutiny Committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant Scrutiny Committee the consent of the Chair of the Council or, in his/her absence, the consent of the Vice-Chair of the Council will be sufficient.

4.17. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

### **Call-In of Decisions Outside the Budget or Policy Framework**

4.18. Where a Scrutiny Committee is of the opinion that a decision is, or if made would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, it shall seek advice from the Monitoring Officer and/or Section 151 Officer.

4.19. In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Section 151 Officer's report shall be made to the Executive with a copy to every councillor. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and/or the Section 151 Officer's report. It shall prepare a report to full Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure or prepare a report to the Scrutiny Committee

if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.

- 4.20. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the Scrutiny Committee may refer the matter to full Council. In such cases, no further action will be taken in respect of the decision or its implementation until full Council has met and considered the matter. The full Council shall meet within 21 working days of the request or referral by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer. The Council may either:
- endorse a decision or proposal as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members in the normal way; or
  - amend the Council's Budget or Policy concerned to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members in the normal way; or
  - where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and does not amend the existing Framework or Budget to accommodate it, require the Executive or the decision-taker to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Section 151 Officer.

## **5. Honorary Alderman / Alderwoman Scheme**

### **Background**

- 5.1 Section 249 of the Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' or 'Honorary Alderwoman' on persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council, but who are no longer members of the council. The Act does not specify how eminent services are defined, and this is left as a matter of local interpretation.
- 5.2 The Act also provides that in order to confer the title of Honorary Alderman or 'Honorary Alderwoman' on an ex-Councillor, a meeting of the whole Council needs to be convened specifically for this purpose and the resolution passed by not less than two thirds of the voting Members present at that meeting.
- 5.3 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 provide for the continuation of the conferment of Honorary Aldermen or Honorary Alderwoman status from legacy Councils to a new Authority. Section 32 of these Regulations specifically set out this provision. To this end, Honorary Aldermen from the 5 legacy Somerset Authorities became Aldermen for Somerset with effect from 1 April 2020.

### **Process For Nomination**

- 5.4 Nominations shall only be made in the year of the Council Elections.
- 5.5 Any nomination must be proposed and seconded by existing serving Members of the Council.
- 5.6 Nominations received will be submitted to the Monitoring Officer who will then liaise with Group Leaders and the Chair of the Council for consideration.
- 5.7 A report will then be presented to Full Council to consider conferring the Honorary Alderman or Honorary Alderwoman status.
- 5.8 Formal election to the Roll of Honorary Alderman shall be by resolution of the Council, passed by not less than two thirds of those Members present and voting thereon at a meeting of the Council specifically convened for that purpose.



## **Criteria**

- 5.9 A person shall be deemed eligible to be enrolled as an Honorary Alderman or Honorary Alderwoman provided that the person has served as a Member of the Council (and any of the 5 legacy Somerset Local Authorities prior to the establishment of the Council on 1 April 2020) for at least 10 years in total.
- 5.10 Honorary Alderman or Honorary Alderwoman is an apolitical role so individuals should not hold political office
- 5.11 For the purposes of this Scheme, the term "eminent service" is left undefined to allow flexibility when determining nominations

## **Term of Office**

- 5.12 All Honorary Aldermen and Honorary Alderwomen shall be lifetime appointments subject to the withdrawal of Title/Rights as set out below.

## **Rights & Priveleges**

- 5.13 An Honorary Alderman and Honorary Alderwoman is entitled to the following rights & privileges:
- To be presented with an Honorary Aldermen badge.
  - To receive the link to the electronic version of the Full Council summons & Agenda
  - Parking free at each Council Offices when undertaking duties.
  - To receive invitations to all civic/ceremonial, and social events to which Members of the Council are invited.

(Given the capacity issues with Full Council meetings, and the current number of Honorary Alderman and Honorary Alderwoman, no guarantee of attendance at Council meetings can be provided)

## **Withdrawal of Title/Right**

- 5.14 If an existing Honorary Alderman or Honorary Alderwoman stands for election and is not elected, he/she shall continue in the role. If he/she is elected to the Council as a Member, the title and rights shall be withdrawn from the individual for such time as he/she is a serving Member.
- 5.15 It shall be competent for the Council in any other particular case to withdraw the title of Honorary Alderman and the attached rights and privileges. Such

withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefor) and subsequent resolution of the Council passed by not less than two thirds of the Members present and voting thereon at the meeting of the Council. On the passing of such resolution, the Monitoring Officer shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

### **Application of This Scheme**

5.16 This Scheme shall apply to all Honorary Aldermen and Honorary Alderwomen of the Council – i.e. those Aldermen who have continued from the legacy Councils (paragraph 3 of this Scheme refers) and Aldermen or Alderwomen appointed by Somerset Council.

## **APPENDIX 2**

### **Part D – Committee Structure and Procedure Rules**

Some matters are dealt with by specific committees. These are specific groups of councillors who meet regularly to make decisions about defined parts of the Council's work such as planning and standards. The Council as a whole decides how these committees are made up and who will serve on each committee.

This section sets out the committees in Somerset Council, the scope of their delegated powers, their terms of reference as well as the rules about how committee meetings are run and decisions are made.

These rules are written in formal language. If you have specific questions our democratic services team will be happy to help you.

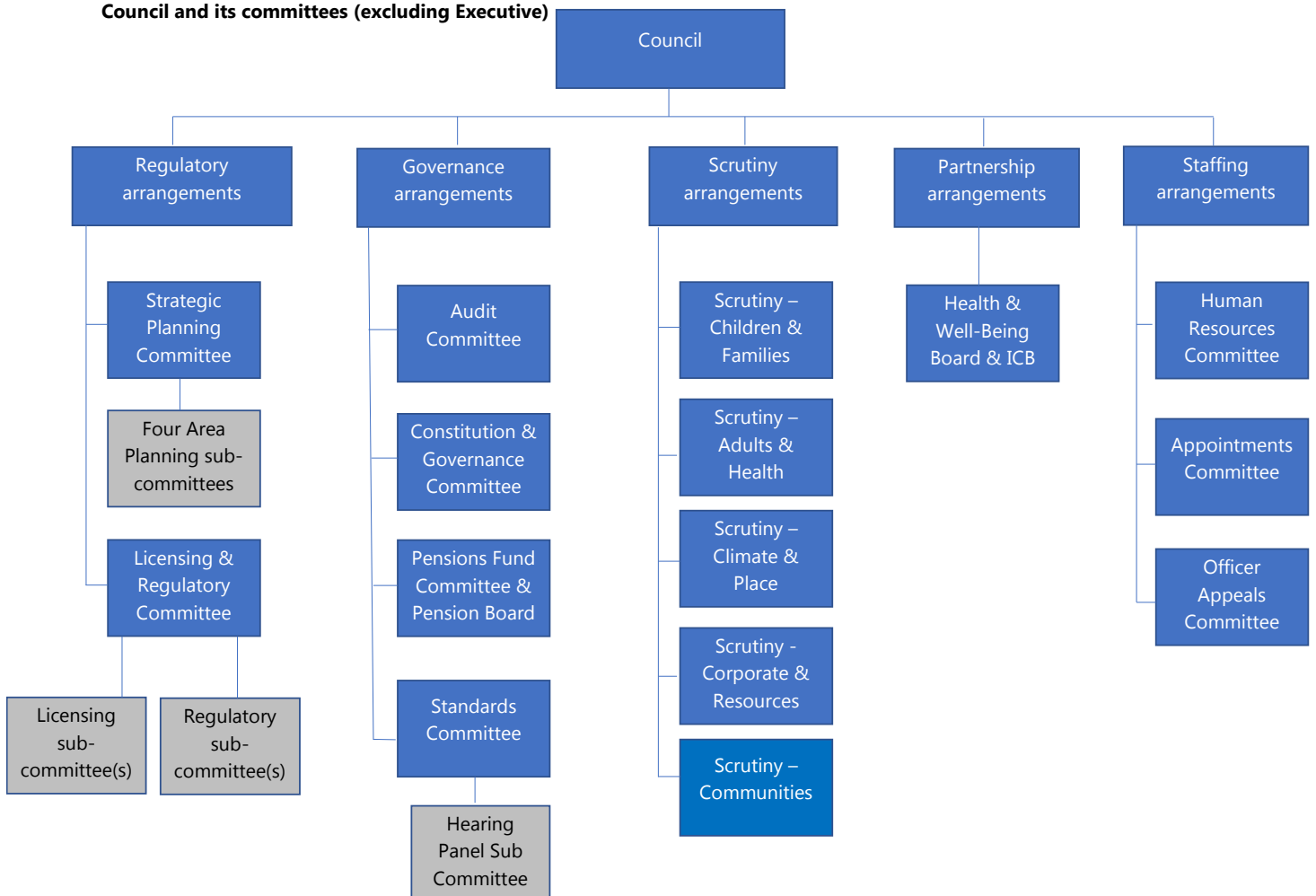
# 1. Committee Structure

1.1. The Council has decided that certain non-executive functions which are not reserved to the Council as a whole will be the responsibility of the Committees listed below and officers as further detailed in this Constitution by way of the Scheme of Delegation at Part I. Responsibility for some non-executive functions is also delegated to Corporate Directors and other senior Officers by way of the Scheme of Delegation in Part I Section 2. In addition to committees, some advisory and operational matters may also be carried out by panels, boards or forums.

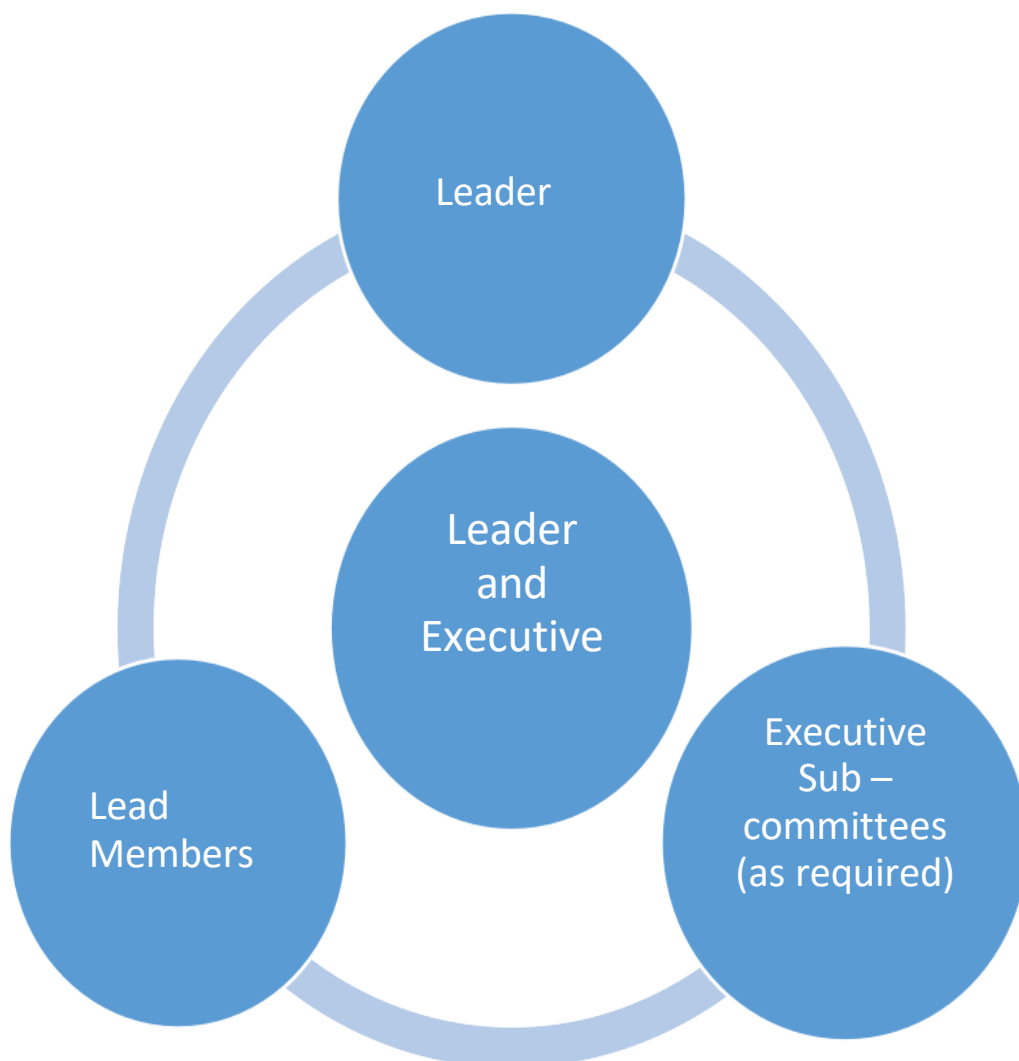
## Decision Making

| Executive Arrangements  | Non-Executive Arrangements   | Scrutiny Arrangements  | Joint Arrangements  |
|---|--|--|---|
| <ul style="list-style-type: none"> <li>• Leader</li> <li>• Executive</li> </ul> | <ul style="list-style-type: none"> <li>• Regulatory</li> <li>• Governance</li> <li>• People</li> <li>• Staffing</li> </ul> | <ul style="list-style-type: none"> <li>• 5? Scrutiny Committees</li> </ul> | <ul style="list-style-type: none"> <li>• Formal joint arrangements</li> </ul> |

Council and its committees (excluding Executive)



## Executive Arrangements



For text explanation of above diagrams please contact Democratic Services. Please see Part E for details of the Executive arrangements.

## 2. Committee Procedure Rules

### Scope

- 2.1. The Council will from time to time appoint such committees as it considers appropriate for the discharge of its functions, in accordance with this Constitution. A duly constituted committee acting in the exercise of its delegated powers and in accordance with its terms of reference shall be entitled to take all necessary action to fulfil its duties.
- 2.2. These Committee Procedure Rules apply to meetings of all Committees and Sub-Committees, with the exception of Licensing Committees and its Sub-Committees and also the Planning Committee and its Sub-Committees.
- 2.3. In the case of the Licensing Committee and its Sub-Committees these Rules are subject to and applied as stated in the Licensing Act 2003 (Hearings) Regulations 2005 and any other relevant legislation and as set out at the end of these Committee Procedure Rules.
- 2.4. Joint Committees and their Sub-Committees will follow these Procedure Rules unless other Rules have been agreed within their terms of reference.

### Summons and Agenda

- 2.5. At least **5 clear working days** before a meeting, the Monitoring Officer will send a summons signed by them to every Member of the Committee. The summons will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by such reports as are available.
- 2.6. Any additions or amendments to an agenda that has been sent to Councillors and/or any supplemental agenda must be approved by the Democratic Services Manager and the Chair of the Committee. Approval will only be given where there is a good reason for the addition or amendment and where the need for it could not reasonably have been foreseen at the time when the agenda was compiled.
- 2.7. The Monitoring Officer will give notice to the public of the time and place of any meeting as determined by them in accordance with the Access to Information Rules together with additions or amendments to the agenda that have been sent to Councillors.

### Chair

- 2.8. The Council shall appoint the Chairs and Vice-Chairs of Committees at its annual meeting, all of whom shall hold office until the next annual meeting or until their successors are elected or appointed.

- 2.9. If both Chair and Vice-Chair are absent from a meeting a Chair for the meeting will be elected. The person presiding at the meeting may exercise any power or duty of the Chair. (see Voting below for nomination rules)
- 2.10. No person shall hold the office of Chair or Vice-Chair unless they are a member of the committee in question and are also a councillor of the Council unless otherwise allowed under the terms of reference of that committee.
- 2.11. A councillor can be voted to be a Chair of a committee in their absence, provided they remain a member of that committee.

## **Meetings**

- 2.12. The quorum for a committee or sub-committee is one quarter of the total number of members of the committee or sub-committee unless otherwise detailed in the relevant terms of reference but shall not be less than three voting councillors.
- 2.13. If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, the business of the meeting will be adjourned to the next meeting.
- 2.14. All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance where appropriate.

## **Minutes**

- 2.15. The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.
- 2.16. Minutes will contain all motions and amendments in the form and order the Chair put them.

## **Questions**

- 2.17. A member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the Somerset Council administrative area and which falls within the terms of reference of that committee or sub-committee. A Chair may allow a councillor who is not a member of the relevant committee or sub-committee to speak on an item of business.

## **Content of Questions**

2.18. Questions must, in the opinion of the Chair:

- a. not be unreasonable;
- b. contain no expressions of opinion;
- c. relate to matters on which the Council has or may determine a policy;
- d. not relate to questions of fact;
- e. not require the disclosure of confidential or exempt information;
- f. not relate to a matter which is of purely personal concern to an individual/family member.

## **Time Allowed for Councillor Questions at Committee and Sub-Committee Meetings**

2.19. The number of questions and the total time allowed to ask and for consideration of such questions shall be determined by the Chair.

## **Order of Questions**

2.20. Questions will be asked in the order determined by the Chair of the Committee or Sub-Committee.

## **Written Responses**

2.21. Any question which cannot be dealt with during question time or to which a response cannot conveniently be given verbally to a question, will be dealt with by a written response provided within 5 clear working days of the meeting.



## **Motions**

### **Motions on Notice**

2.22. Any member of a committee or sub-committee may propose a motion by giving notice of it **not less than 7 clear working days before a meeting** to the Monitoring Officer. Motions must be framed in appropriate language and must, in the opinion of the Chair of the Committee or Sub-Committee in consultation with the Monitoring Officer be about matters for which the Committee or Sub-Committee has a direct responsibility or duty and motions which they deem to be illegal, improper, vexatious or out of order shall be rejected.

### **Motions Without Notice**

2.23. The following motions may be moved without notice:

- a. to appoint a Chair of the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;
- c. to approve the minutes as a correct record;
- d. to change the order of business in the agenda;
- e. to refer a sub-committee's report or any item in it, or any other item, back to a sub-committee;
- f. to appoint sub-committee members if this arises from an item in the agenda of the meeting;
- g. to adopt a report or recommendation of the Executive, another committee, a sub-committee or an officer;
- h. to take an action recommended in an Officer's report, or other report submitted to the Committee or Sub-Committee;
- i. to withdraw a motion or amendment;
- j. to proceed to the next business;
- k. that the question be now put;
- l. to adjourn a debate;
- m. to adjourn the meeting;
- n. to suspend a particular Committee Procedure Rule;
- o. to exclude the public and press in accordance with the Access to Information Rules;
- p. to not hear further a councillor or to exclude them from the meeting for disorderly conduct.

### **Motions Set Out in the Agenda**

2.24. Motions for which notice has been given will be listed on the agenda in the order in which they were received.

## **Order and Time Allowed for Motions**

2.25. Notwithstanding the order of Motions within the Agenda the Chair will decide the order that Motions will be considered and the time allowed for consideration of motions. At the conclusion of the speech being delivered or at the expiry of such time as decided by the Chair from the commencement of the consideration of the first such motion at the meeting, the Chair shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- a. if the speech to be concluded is a speech proposing a motion, the Chair shall allow the motion to be formally seconded (without comment);
- b. if the speech to be concluded is a speech moving an amendment, the Chair shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and
- c. otherwise, the Chair shall allow the mover of the motion to exercise their right of reply.

2.26. Any remaining motions shall be deferred to the next ordinary meeting of the Committee or Sub-Committee and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

## **Rules of Debate**

2.27. The following rules apply to a particular meeting to the extent that the Chair considers appropriate.

## **No Speeches Until Motion Seconded**

2.28. No speeches may be made after the mover has moved a motion and explained the purpose of it until the motion has been seconded.

## **Right to Require Motion in Writing**

2.29. Unless notice of the motion has already been given or the motion is one which can be given without notice, the Chair may require it to be written down in sufficient time to circulate to all members before it is discussed. The Chair will decide whether there is sufficient time to propose a motion without notice.

## **Secunder's Speech**

2.30. When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

## Content and Length of Speeches

- 2.31. Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- 2.32. A speech by the mover of a motion may not exceed **5 minutes without the consent of the Chair**.
- 2.33. Speeches by other Councillors, including those councillors seconding or speaking during their right to reply, may not exceed **3 minutes without the consent of the Chair**.

## When a Councillor May Speak Again

- 2.34. A councillor who has made a speech on a motion may not speak again whilst it is the subject of debate, except:
  - a. to speak once on an amendment moved by another councillor;
  - b. to move a further amendment if the motion has been amended since they last spoke;
  - c. if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
  - d. in exercise of a right of reply;
  - e. on a point of order; and
  - f. by way of personal explanation.

## Amendments to Motions

- 2.35. An amendment to a motion must be relevant to the motion and will either be:
  - a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - b. to leave out words;
  - c. to leave out words and insert or add others; or
  - d. to insert or add words.

As long as the effect of b. to d. is not to negate the motion or to introduce a new motion.

- 2.36. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 2.37. If an amendment is not carried, other amendments to the original motion may be moved.

- 2.38. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 2.39. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **Alteration of Motion**

- 2.40. A councillor may alter a motion of which they have given notice with the consent of the Committee. The Committee's consent will be signified without discussion.
- 2.41. A councillor may alter a motion which they have moved without notice with the consent of both the Committee and the seconder. The Committee's consent will be signified without discussion.
- 2.42. Only alterations which could be made as an amendment may be made.

### **Withdrawal of Motion**

- 2.43. A councillor may withdraw a motion which they have moved with the consent of both the Committee and the seconder. The Committee's consent will be signified without discussion.
- 2.44. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **Right of Reply**

- 2.45. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- 2.46. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- 2.47. The mover of the amendment has no right of reply to the debate on their amendment. If their amendment is carried, they can have the penultimate speech on the amended motion.

### **Motions Which May Be Moved During the Debate**

- 2.48. When a motion is under debate, no other motion may be moved except the following procedural motions:
- a. to withdraw a motion;
  - b. to amend a motion;
  - c. to proceed to the next business;
  - d. that the question be now put;
  - e. to adjourn a debate;

- f. to adjourn a meeting;
- g. to exclude the public and press in accordance with the Access to Information Rules; and
- h. to not hear further a councillor or to exclude them from the meeting for disorderly conduct.

## **Closure Motions**

2.49. A councillor may move, without comment, the following motions at the end of a speech of another councillor:

- a. to proceed to the next business;
- b. that the question be now put;
- c. to adjourn a debate; or
- d. to adjourn a meeting.

2.50. If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

2.51. If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting their motion to the vote.

2.52. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## **Point of Order**

2.53. A councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Procedure Rules or the law. The councillor must indicate the rule or law and the way in which they consider it has been breached. The ruling of the Chair on the matter will be final.

## **Personal Explanation**

2.54. A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

## **Voting**

- 2.55. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put unless the law provides otherwise.
- 2.56. If a councillor arrives before the casting of votes has been commenced they are entitled to vote, unless the Committee or Sub-Committee is sitting in a quasi-judicial capacity (eg Licensing and Regulatory Committee) when a Councillor may not vote unless they have been present to hear all the evidence presented on an agenda item.
- 2.57. If there are equal numbers of votes for and against, the Chair will have a second/casting vote. There will be no restriction on how the Chair chooses to exercise a second/casting vote.
- 2.58. The Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.
- 2.59. Where any councillor requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
- 2.60. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 2.61. Where a vote is taken for the election of the Chair of the Committee or Sub-Committee and the out-going Chair is present in the room and not seeking re-election, the out-going Chair will preside over the election of the new Chair.
- 2.62. The Chair of a Committee or Sub-Committee shall be deemed to have retired from that position immediately before the start of a meeting at which a Chair is to be elected.
- 2.63. Subject to Rule 2.63 members of the Committee or Sub-Committee shall appoint one of their number to preside over the election of Chair.
- 2.64. Officers shall not call for nominations for the election of the Chair.

## **Rights of Access/Inspection of Documents**

- 2.65. Rights of access to and inspection of documents will be as set out in the Access to Information Procedure Rules.

## **Councillors' Conduct**

### **Speaking at Meetings**

- 2.66. When a councillor speaks they must address the meeting through the Chair. If more than one councillor signifies their intention to speak, the Chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **Chair Speaking**

- 2.67. When the Chair speaks during a debate, any councillor speaking at the time must stop.

### **Councillor Not to be Heard Further**

- 2.68. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

### **Councillor to Leave the Meeting**

- 2.69. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **General Disturbance**

- 2.70. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they consider necessary.

### **Exclusion of the Public**

- 2.71. Members of the public and press may only be excluded either in accordance with the Access to Information Rules or in accordance with the following Rules.
- 2.72. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
- 2.73. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

## **Appointment of Substitute Members on Committees and Sub-Committees**

- 2.74. The substitution rules will not apply to meetings of the Executive, Executive Sub-Committees, the Pension Fund Committee, Pensions Board, Health and Well-Being Board or the Officer Appeals Committee.
- 2.75. Subject to any other restrictions elsewhere in the Constitution, any councillor will be permitted to act as a substitute on a Council Body provided that they have been so appointed by Council to so act. The Proper Officer may consider a request from a councillor of a Council Body or the Leader of the political group of which the councillor is a member to appoint a substitute councillor. The proposed substitute councillor must be from the same political group as the councillor for whom they are substituting.
- 2.76. In order to be eligible to sit as substitutes on regulatory or administrative committees or panels or staff appointments or disciplinary bodies established by the Council, councillors must have received formal training in relevant procedures and the law.
- 2.77. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 2.78. Substitute members may attend meetings in that capacity only:
- a. to take the place of the councillor for whom they are designated substitute; and
  - b. where the ordinary councillor will be absent for the whole of the meeting; and
  - c. where the ordinary councillor or their group leader has notified the Monitoring Officer or the Democratic Services Manager of the intended substitution by no later than 24 hours before the start of the relevant meeting, or in exceptional circumstances and with the consent of the Monitoring Officer, no later than one hour before the start of the relevant meeting.

## **Suspension of Committee Procedure Rules**

- 2.79. All of these Rules of Procedure except Rules 2.15 (signing minutes) and 2.61 (individual councillor vote to be recorded) may be suspended by the Chair or by motion on notice or without notice if at least one half of the whole number of members of the Committee or Sub-Committee, are present. Suspension can either be for an item or for the duration of the meeting.



Somerset County Council  
Constitution and Governance Committee  
30 January 2023

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## **LGR – Officer Scheme of Delegation**

Lead Officer(s): Scott Wooldridge, Monitoring Officer/ and Melanie Wellman, Assistant Director and Monitoring Officer, Sedgemoor District Council

Author: Melanie Wellman, Assistant Director and Monitoring Officer, Sedgemoor District Council

Contact Details: melanie.wellman@sedgemoor.gov.uk

### **1. Summary**

- 1.1.** The Officer Scheme of Delegation is a key document in the new Somerset Council Constitution which provides information on the arrangements for the delegation of authority to officers to carry out the Council's various functions on a day-to-day basis.
- 1.2.** The Constitution sets out which decisions must be taken by the Full Council, a Committee of the Council or by the Executive. The key principle is that Members determine the direction of the Council and decide strategies and policies, set the Annual Budget and Fees and Charges. All other functions of the Council are delegated to officers so that they can take day-to-day and service delivery decisions.
- 1.3.** It is important to note that the draft Officer Scheme of Delegation is an evolving document with officers continuing to comment on the content, particularly bearing in mind the very recent appointment of the Executive Directors. As the first Officer Scheme of Delegation for the new Council, it will be important for there to be a full review of its content after year one.

### **2. Issues for consideration / Recommendations**

- 2.1.** The proposals detailed in this report, offer an officer decision-making structure that will ensure that officers are able to run the Council on a day to day basis and within the parameters set by the new Council.

The Constitution and Governance Committee is asked to –

- (1) Recommend the draft Officer Scheme of Delegation at **Appendices 1 and 2** to this report to Council for approval.
- (2) Note that there will be a review of the Scheme after the first year of the new Council.
- (3) Due to the evolving nature, delegate authority to the Monitoring Officer to make changes to the draft Scheme prior to its consideration by Full Council.

### **3. Background**

- 3.1.** A brand-new Officer Scheme of Delegation has been drafted following a review of Peer Councils. The Buckinghamshire Scheme has been used as a starting point and amended to suit local circumstances and to provide some continuity. For example, the “Key Decision” threshold is the same as the current Somerset County Council threshold of £500K and the Scheme has been drafted so that officers are granted specific delegations ensuring absolute clarity as to what they are authorised to do.
- 3.2.** A review has been conducted of the current Schemes across the County and four Districts. County Council delegations have been included and updated and the District Council Schemes of Delegation have been reviewed and appropriate delegations included. Work carried out on the planning and licensing elements of the Constitution for the new Council have also been reflected in the document. Overall, there have been no significant departures from the current County and District arrangements.
- 3.3.** The Scheme ensures that there is appropriate Member consultation before certain decisions are taken. Consultation with Lead Members is required where a “Key Decision” is being taken, there is significant opposition from the public or significant media interest.
- 3.4.** There is also the ability for Lead Members and Chairs of Committees, following consultation with the Chief Executive and in relation to decisions that fall within their remit, to refer a matter that has been delegated to an officer to an appropriate Council body. The same applies to officers who, despite having delegated authority, may decide it more appropriate for the decision to be taken by the Executive or relevant Committee.
- 3.5.** The Scheme includes safeguards to ensure that when officers are not available, decisions can be taken by other officers. The Chief Executive, for example, can exercise any officer delegation and the Executive Directors can exercise the Chief Executive delegations if the Chief Executive is absent or unavailable.
- 3.6.** It is important to emphasise that officers can only take decisions that fall within the framework set by Members i.e. within the budgetary framework, the approved budget and the strategies and policies set by the Council.
- 3.7.** As well as setting out the powers and duties of officers, the Scheme sets out the Statutory and Proper Officer positions that the Council is required to have by law. This includes the appointment of officers with statutory responsibilities including the Head of Paid Service, S151 Officer, Monitoring Officer and Directors of Children Services, Adult Services and Public Health. It also includes the Proper Officers to be appointed to carry out certain statutory functions. This document is attached at **Appendix 2** to this report.
- 3.8.** As this is a brand-new Scheme, it is proposed that there is a review of the Scheme after the first year of the new Council to ensure that Members are

happy with the balance of delegated powers.

#### **4. Consultations undertaken**

- 4.1.** The Chief Executive and officers from all local Government reorganisation workstreams have been consulted on the content of the proposed Scheme together with the Executive Directors responsible for Public Health, Adults and Children's Services.

#### **5. Implications**

- 5.1.** Details of the functions that are delegated to officers will need to be in place at vesting day.
- 5.2.** Without a scheme of delegation, officers will not be able conduct the day to day running of the organisation and any decisions taken, will be unlawful and open to legal challenge.

#### **6. Background papers**

- 6.1.** None

#### **Appendices:**

**Appendix 1:** Proposed Officer Scheme of Delegation

**Appendix 2:** Statutory and Proper Officers

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### Scheme of Delegation to Officers

#### 1. Introduction

- 1.1 All functions of the Council, except those decisions that are specified as member decisions in the Terms of Reference of the Full Council, a Committee or the Executive, or which by law have to be made by members, are delegated to officers.
- 1.2 This Scheme therefore sets out the powers of officers of the Council to discharge the functions of the Council, including making those decisions. The basis for delegation is contained within Section 101 of the Local Government Act 1972, Section 9D and 9DA of the Local Government Act 2000, and the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended.
- 1.3 Officers acting under delegated powers can exercise the full range of powers necessary to discharge the Council's functions, including taking decisions, implementing decisions, managing the services, contracts and staff for which they are responsible.
- 1.4 In this Scheme, executive powers have been delegated to officers by the Leader of the Council under the Local Government Act 2000. Non-executive powers are delegated by the Council under section 101 of the Local Government Act 1972.
- 1.5 In addition to this Scheme, the Full Council, Committees and the Executive may delegate powers to officers, unless their Terms of Reference prohibit further delegation. Such delegations include the full range of powers to discharge the function, unless the decision of the member body limits these powers.

#### 2. Limitations

- 2.2 Any exercise of delegated powers is subject to the following overriding limitations.

##### 2.1 Member Consultation

- 2.1.1 Officers set out in the Scheme are expected to: -
- maintain a close liaison with the appropriate lead Executive member (“Lead Member”) or in their absence the Leader;
  - consult relevant Lead Members when exercising key decision delegations;
  - inform relevant Lead Members when exercising non key delegations;
  - ensure the divisional councillors are consulted or advised of the exercise of any delegated powers that particularly affect their area; and
  - ensure that the Chief Executive (Head of Paid Service), Executive

Director of Finance (Section 151 Officer) and the Service Director: Governance, Democratic & Legal Services (Monitoring Officer) are consulted and advised of any decisions as necessary.

- 2.1.2 Lead Members for the relevant area should be consulted on the exercise of a delegated power in all cases where:
- there is likely to be significant opposition from members of the public save that this does not relate to objections to planning applications, building control applications, decisions on planning enforcement, or licensing decisions;
  - there are significant political sensitivities;
  - there is likely to be significant media (including social media) interest; or
  - A key decision is being taken.

## **2.2 Using a Delegation**

- 2.2.1 Before exercising any delegated power, officers must consider in accordance with paragraph 2.1.2 whether or not they need to consult with the relevant Lead Member on the exercise of delegated powers or not to exercise delegated powers but to refer the matter to the relevant Lead Member or Council Body to decide.
- 2.2.2 The Leader Lead Member or Committee Chair (depending on where the decision sits) may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate Council Body for a decision. This does not limit the general requirements set out elsewhere in the constitution to consult with relevant divisional members, scrutiny chairs and interested groups in reaching decisions.
- 2.2.3 The Chief Executive can at any time exercise any power delegated to any officer whether specified in this Scheme or otherwise unless expressly prohibited by law. At any time that the Chief Executive is unavailable or absent, or the post is vacant, then any of the Executive Directors can exercise any such power.
- 2.2.4 The powers and responsibilities are delegated to the officers referred to by title within this Scheme of Delegation. This means that the delegations apply to whoever holds that post title at any time. The powers are automatically transferred to any successor officer to that post. Also, at various times, an officer post may be left vacant, posts may be combined and/or the title changed. For the purposes of this Scheme, reference to any post that is vacant, combined with any other and/or has its name changed shall be construed as referring to the officer post which for the time being takes on the relevant responsibilities of the original post.
- 2.2.5 Where a delegation to an officer overlaps with any other delegation, then the delegation can be exercised by the officer without reference to any other officer or members and free of any restriction and/or limitation.
- 2.2.6 These general provisions apply not only to named officers but also to anyone else

authorised or nominated by them to exercise delegated authority on their behalf. In authorising others to act on their behalf attention should be drawn to the requirements of these provisions.

2.2.7 Nothing in this Scheme shall prevent an officer from deciding not to exercise a power and to refer it to some other body /member who also has power to exercise it.

2.2.8 Where a proposed exercise of delegated authority is such that the Leader should be consulted and the Leader is absent or otherwise unavailable then the Deputy Leader can be consulted. Similarly, in the absence of the Chairman of a Committee the Vice-Chairman can be consulted. In the absence of a Lead Member the Leader could be consulted as an alternative.

## **2.3 Reservations**

2.3.1 The scheme does not delegate to officers:

- any matter reserved to Full Council;
- any matter which by law may not be delegated to an officer; or
- Any matter expressly withdrawn from delegation by the Council, Committees, the Leader or Executive.

## **2.4 Restrictions**

2.4.1 Any exercise of delegated powers is subject to:

- any statutory restrictions;
- the Budget and Policy Framework;
- any provision contained in this Constitution including the Procedure Rules;
- the Council's approved budget;
- any strategy or policy set by the Council or its committees, the Executive or the Chief Executive; and
- the Code of Conduct for Employees.

## **3. Delegations and Proper Officers**

3.1 Council decisions are made by elected members but for the Council to be able to function on a day-to-day basis, the law enables the various executive and non-executive functions to be delegated to officers. In addition, there are some functions which the law says must be exercised by specific officers.

3.2 The Council operates a cascade principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the

vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.

- 3.3 To ensure the smooth functioning of the Council and the efficient delivery of services, the Chief Officers and other named officers have been delegated various powers that they need to perform their roles. Reference to Chief Officers means the Chief Executive, Executive Directors and Service Directors.
- 3.4 Certain officers have specific duties and/ or formal functions to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers. A list of Statutory and Proper Officers and their authorised deputies appointed by the Council are attached at Appendix C, together with details of their functions.
- 3.5 This Scheme delegates to officers all the powers and duties relevant to their areas of responsibility detailed within:
- the areas of responsibility in Table A below;
  - the general delegations set out in clause 4;
  - as assigned in specific delegations set out in clause 5; or
  - which have been delegated or granted to the officer from time to time.



**Areas of Responsibility**

**Table A**

**A link to be provided to this rather than set out in the document**

| <b>Chief Officer</b>   | <b>Main Functions and Areas of Responsibility</b>   |
|--|---|
| <b>Chief Executive</b>   | <p>Strategic management of the Authority</p> <p>Head of Paid Service</p> <p>Electoral Registration Officer</p> <p>Returning Officer</p> <p>Development of the culture and standards of the Authority</p> <p>Leading and developing partnerships with the public, private and third sector.</p> <p>Advisor to all members (via the political groups)</p>   |
| <p><b>Executive Director<br/>: Community<br/>Services and<br/>relevant Service<br/>Director for area<br/>of responsibility</b></p> | <p><b>Housing</b></p> <ul style="list-style-type: none"> <li>• Strategy and Housing revenue Account Business Plan</li> <li>• Arms Length Management Organisation</li> <li>• Housing Options &amp; Allocations – Homefinder Somerset</li> <li>• Homelessness – Rough Sleepers pathway</li> <li>• Housing and Leaseholder Management</li> <li>• Housing Maintenance - Responsive and Planned (capital programme), compliance, void management</li> <li>• Housing Development &amp; Regeneration</li> <li>• Tenant Services –Worklessness &amp; Tenancy Management (new tenancies, income, debt and benefit support, rent setting, service charges, tenancy compliance)</li> <li>• Somerset Independence Plus and financial assistance – DGF, loans, advice</li> <li>• Housing Property Service</li> <li>• Registered Providers and Partnerships</li> <li>• Sheltered and Extra Care</li> <li>• Gypsy, Traveller and Van Dweller Services</li> <li>• People Displacement Schemes and Services</li> </ul> <p><b>Cultural Services</b></p> |

- Libraries and Local Offer
- Museums
- Theatres
- Leisure Centres, Facilities and Services (contract and direct)
- Sports Development Partnership
- Heritage Assets
- Arts Development-Centres, Facilities, Services and Developments
- Culture Facilities, Services and Developments
- Tourism Facilities, Services and Development
- Community Facilities
- Customer Services**
- Customer Service Strategy and Standards
- Corporate Customer Services
- Contact Centre
- Compliments & Complaints, Ombudsman cases
- Local Service Centres
- Digital Services (inc. GIS, online content)
- Customer Engagement and Access
- Regulatory and Operational Services**
- Environmental Health and Licensing
- Registrars
- Coroners
- Environmental Protection and Enviro-Crime
- Building Control
- Port and Harbour Authority
- CCTV and anti-social behaviour
- Safety Advisory Group
- Private Sector Housing
- Street Cleansing
- Grounds Maintenance
- Beach Management
- Unauthorised encampments
- Parks and Play Areas
- Public Toilets
- Dog Wardens
- Operational Service to Partners

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|  | <ul style="list-style-type: none"> <li>• Bereavement Services</li> <li>• Fairs and Markets</li> </ul>  |
| <p><b>Executive Director: Climate and Place and relevant Service Director for area of responsibility</b></p> | <p><b>Climate Environment and Sustainability</b></p> <ul style="list-style-type: none"> <li>• Strategy and Partnership development</li> <li>• Carbon Neutrality</li> <li>• Climate Resilience and adaptation</li> <li>• Renewable Energy</li> <li>• Country Parks, Local Nature Recovery Strategy, Local Nature Reserves, AONB Partnerships (Countryside Services)</li> <li>• Biodiversity (and net gain) and Ecology</li> <li>• Sustainability</li> <li>• Waste Service</li> <li>• Emergency Planning and Business Continuity</li> <li>• Water Management</li> <li>• Lead Local Flood Authority and Land Drainage</li> <li>• Flooding Response</li> <li>• Somerset Rivers Authority</li> <li>• Coastal Protection Authority</li> </ul> <p><b>Infrastructure &amp; Transport</b></p> <ul style="list-style-type: none"> <li>• Highways Authority</li> <li>• Public Rights of Way</li> <li>• Active Travel</li> <li>• Parking</li> <li>• Traffic Management</li> <li>• Transport</li> <li>• Public Transport and park and ride</li> <li>• Fleet Management and maintenance and driver training</li> </ul> |

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|   | <ul style="list-style-type: none"> <li>• Contracted Transport</li> <li>• Strategic and Regional Transport Planning</li> <li>• Highways Major/Capital Projects</li> <li>• Road Safety</li> <li>• Delivery Programme Management</li> <li>• Infrastructure Commissioning</li> </ul> <p><b>Economy, Employment &amp; Planning</b></p> <ul style="list-style-type: none"> <li>• Economic Development</li> <li>• Planning (conservation, enforcement, Development Management, Local Plan, waste and minerals, S106 allocations, community infrastructure levy, Phosphates)</li> <li>• Affordable Housing and Enabling</li> <li>• City/Town Centre Management</li> <li>• Trading Standards (Devon partnership)</li> <li>• Skills</li> <li>• Education Business Partnership</li> <li>• Economic Infrastructure, services and Innovation Centres</li> <li>• Regeneration (non-housing)</li> <li>• Major Projects</li> <li>• Nuclear Power</li> <li>• Scientific Services</li> </ul> |
| <p><b>Executive Director: Strategy, Performance &amp; Localities and relevant Service</b></p> | <p><b>Partnership, Localities and Communications</b></p> <ul style="list-style-type: none"> <li>• Local Community Networks (LCNs)</li> <li>• Strategic Partnerships</li> </ul>   |

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|---|---|
| <p><b>Director for area of responsibility</b></p> | <ul style="list-style-type: none"> <li>• City, Town and Parish Council Liaison</li> <li>• Local devolution - Community Asset Transfers, Service devolution</li> <li>• Community, Voluntary Faith, Social Enterprise Strategy and Engagement</li> <li>• Volunteering Services</li> <li>• Consultation and Engagement</li> <li>• Locality management, delivery, partnerships and projects</li> <li>• One Teams</li> <li>• Community Development</li> <li>• Special Projects</li> <li>• Grants &amp; Lotteries</li> </ul> <p><b>Strategy and Performance</b></p> <ul style="list-style-type: none"> <li>• Strategy and Policy</li> <li>• Transformation</li> <li>• Equality</li> <li>• Performance and Benchmarking</li> <li>• Communications</li> <li>• Programme Management</li> <li>• Project Management</li> <li>• Change and Improvement</li> <li>• Business Intelligence and Analysis</li> <li>• Legislation and Horizon Scanning</li> <li>• Statutory Returns</li> <li>• Data Visualisation &amp; Complex Analytics,</li> <li>• Data Management /warehousing</li> <li>• Digital – Development and Service</li> <li>• Commissioning Framework and Development</li> </ul> |
|---|---|

- Address Management (LLGP, LGS, Street Naming and Numbering)
- Land Charges
- GIS
- Corporate Equality and Armed Forces Covenant

**Governance, Democratic & Legal Services (Monitoring Officer)**

- Member Services and Casework
- Lieutenancy
- Democratic Services
- Legal Services
- Elections Operation and Elections Registration
- Information Governance and Records Management including GDPR, FOI, RIPA
- Corporate governance Framework
- Annual Governance Statement
- Whistleblowing
- Officer Code of Conduct
- School Admission, Exclusion and Transport Appeal Hearings
- Civic and Ceremonial Duties

**Workforce**

- Workforce Strategy and Planning
- Organisational Health and Wellbeing
- Operations
- Business Partnering
- Payroll & Pensions
- Organisation Learning and Development
- Corporate/Duty Holder Health and Safety

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|  | <ul style="list-style-type: none"> <li>• Staff Benefits</li> <li>• Policy &amp; Reward</li> <li>• Organisational Equality, Diversity and Inclusion</li> <li>• Change Management</li> </ul>   |
| <p><b>Executive Director: Resources &amp; Corporate Services (s151) and relevant Service Director for area of responsibility</b></p> | <ul style="list-style-type: none"> <li>•</li> </ul> <p><b>Finance &amp; Procurement</b></p> <ul style="list-style-type: none"> <li>• Finance Services (inc. Business Partners)</li> <li>• Pension Fund</li> <li>• Capital Management</li> <li>• Treasury &amp; Corporate Debt Management</li> <li>• Internal Audit</li> <li>• Procurement</li> <li>• External Audit</li> <li>• Financial Systems</li> <li>• Risk &amp; Insurance Management</li> <li>• Direct Payments</li> <li>• Financial Assessment and Deputyship</li> </ul> <p><b>Strategic Asset Management</b></p> <ul style="list-style-type: none"> <li>• Property and Assets</li> <li>• Compliance</li> <li>• Development &amp; Capital Programmes</li> <li>• Schools Programme</li> <li>• Facilities Management</li> <li>• Commercial Investment Portfolio</li> <li>• Commercial Property</li> <li>• Closed Graveyards</li> <li>• Site protection and management</li> </ul> <p><b>Information Communication Technology</b></p> <ul style="list-style-type: none"> <li>• Strategy and Architecture</li> <li>• Operations &amp; Security</li> <li>• Support</li> <li>• Infrastructure</li> <li>• Telephony</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• Technical Project Delivery</li> <li>• Application Development</li> <li>• Innovation, research and development</li> <li>• Project Pipeline</li> <li>• Supplier Management</li> <li>• Service Management</li> <li>• Future Technology</li> </ul>  |
| <p><b>Executive Director: Public Health and relevant Service Director for area of responsibility</b></p> | <ul style="list-style-type: none"> <li>• Public Health (Deputy Director Public Health)</li> <li>• Provision of Specialist Public Health advice to the system</li> <li>• Influencing policy, practice and commissioning to improve health &amp; wellbeing</li> <li>• Inequality, Inclusion and Diversity (Strategy and Engagement)</li> <li>• Somerset Health and Wellbeing Board (HWBB &amp; ICP)</li> <li>• Protection of the Public's Health</li> <li>• Health Improvement</li> <li>• Tackling Health Inequalities</li> <li>• Healthcare Public Health</li> <li>• Specialist public health advice and support to Primary Care Networks/LCNs</li> <li>• Public Health Commissioning</li> <li>• Public Health Nursing</li> <li>• Healthy Lifestyle Services</li> <li>• Provision of Public Health training/lecturing</li> <li>• Centre for Specialist Registrar Training</li> <li>• Behavioural Insights</li> <li>• Public Health Research and Evaluation &amp; links with academia</li> <li>• Health and Care Knowledge, Intelligence &amp; Clinical audit (preferably joint for ICS)</li> <li>• Population Health</li> <li>• Community Safety and Domestic Abuse Services</li> <li>• Domestic Abuse</li> <li>• VRU/VAWG</li> </ul> |



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| <p><b>Executive Director: Children's Services and relevant Service Director for area of responsibility</b></p> | <p><b>Children and Families</b></p> <ul style="list-style-type: none"> <li>• Children Looked After and Care Leavers</li> <li>• Children with Disabilities</li> <li>• Preventative Services</li> <li>• Quality Assurance</li> <li>• Principal Social Worker</li> </ul> <p><b>Commissioning and Performance</b></p> <ul style="list-style-type: none"> <li>• Commissioning</li> <li>• Business Support</li> <li>• Partners and Market Development</li> <li>• Safeguarding Partnership</li> </ul> <p><b>Inclusion</b></p> <ul style="list-style-type: none"> <li>• Special Educational Needs and Disability</li> <li>• Access &amp; Additional Learning Needs</li> <li>• Virtual School &amp; Learning Support Service</li> <li>• Special Educational Needs Advisory Services &amp; Educational Psychologist</li> <li>• Education, Partnerships and Skills</li> </ul> <p><b>Education, Partnerships and Skills</b></p> <ul style="list-style-type: none"> <li>• Support services for Education</li> <li>• Early Years</li> <li>• School Improvement</li> <li>• Sufficiency</li> <li>• Somerset Association of Primary Headteachers</li> </ul> |
| <p><b>Executive Director: Adult Services and relevant Service Director for area of responsibility</b></p>      | <p><b>Operations</b></p> <ul style="list-style-type: none"> <li>• Acutes</li> <li>• Safeguarding</li> <li>• Partnership</li> <li>• Neighbourhoods/Communities</li> <li>• Integration</li> <li>• Carers</li> </ul>  |

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|  | <ul style="list-style-type: none"><li>• Care/Alarm Lines and Rapid Responders</li></ul> <p><b>Commissioning</b></p> <ul style="list-style-type: none"><li>• Market development</li><li>• Joint commissioning</li><li>• Community and Innovation linked to Neighbourhoods</li><li>• Assurance/inspection</li><li>• Brokerage</li><li>• Quality &amp; Performance</li></ul> <p><b>Transformation</b></p> <ul style="list-style-type: none"><li>• Adults' transformation programme</li><li>• Delivery of legislative change</li><li>• Adults' strategy and alignment with ICS strategy</li><li>• Service governance and forward planning</li><li>• Communications</li></ul> |
|--|--|

## **4. General Delegations**

### **Delegations to all officers**

- 1 To act as a witness:
  - (a) on behalf of the Council in any proceedings in which the Council is directly involved; and/or
  - (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; and/or
  - (c) in any other circumstance with the prior written approval of the Monitoring Officer.
- 2 To undertake all action required by or identified in Financial Regulations and/or Contract Procedural Rules as applicable to that officer.
- 3 To undertake all action relevant to any matter to which an officer is given a role, power or activity pursuant to any provision set out in the Constitution where the officer is exercising a role as a Proper Officer as identified in Appendix C;

### **Delegations to Chief Officers**

- 4 These general delegations include all powers and duties under all legislation present and future relating to their area of responsibility and all powers and duties incidental to that legislation including but not limited to the following:

#### **General Delegation**

- 5 Authority to the Chief Executive and Executive Directors to discharge the functions and exercise the responsibilities, powers and duties relevant to their areas of responsibility, including the making of key decisions, allocated to them. This includes matters dealt with by them or their staff except for matters specifically reserved
  - To the Executive
  - Committee's or
  - Full Council

This reservation, or limitation, shall be subject to the urgency or emergency provisions set out at paragraphs 39.

- 6 To discharge the functions and exercise the responsibilities, powers and duties relevant to their areas of responsibility, including the making of key decisions, allocated to them. This includes matters dealt with by them or their staff except for matters specifically reserved
  - To the Executive

- Committee's or
- Full Council

This reservation, or limitation, shall be subject to the urgency provisions set out at paragraph 39.

- 7 Authority to the Chief Executive, Executive Directors and Service Directors to implement decisions of the Council, Executive, Committees and Subcommittees in the discharge of the Council's functions.
- 8 Authority to the Chief Executive, Executive Directors and Service Directors to take all managerial or professional decisions relevant to their areas of responsibility as detailed in Table A including but not limited to the following:
- Commencing proceedings
  - Seeking planning permission
  - Approving contracts
  - Making amendments to policies

### **Powers in relation to property**

- 9 Authority to enter, inspect and survey land, buildings or premises and issue as necessary any evidence or authority as may be required in order for them to execute their duties in accordance with the Council's statutory powers.
- 10 To undertake all action in connection with the issuing and serving of any notice for the purposes of securing information relating to any function of the Council, including any notice:
- under Local Government (Miscellaneous Provisions) Act 1976; and
  - relating to any town and country planning function of the Council.

### **Powers in relation to planning**

- 11 Agree operational requirements for Agreements made under S106 of the Town and Country Planning Act 1990 or other similar agreements with no financial limit, providing suitable on-going revenue support and exit strategies are in place.
- 12 Agree the completion of Section 106 Agreements on behalf of the Council or other similar agreements with no financial limit, providing suitable on-going revenue support and exit strategies are in place.
- 13 Approve responses to consultation papers.
- 14 Carry out any relevant consultation on behalf of the Council.

- 15 Make appropriate planning applications.
- 16 Approve promotional and marketing campaigns.
- 17 In consultation with the relevant Lead Member, respond to consultations and processes under the Planning Act 2008 concerning nationally significant infrastructure projects, including Community Consultations, draft Statements of Community Consultation, draft scoping reports, draft Development Consent Orders and draft s106 planning obligations, and all pre-examination and examination outputs including Adequacy of Consultation, Relevant Representations, Written Representations, Statement of Common Ground, Local Impact Report, and responses to Examining Authority questions.
- 18 Respond to proposed non-material and material changes to Development Consent Orders and Transport Works Act Orders.
- 19 The discharge of requirements and obligations on consented Development Consent Orders and Transport Works Act Orders as appropriate.
- 20 To discharge the interests of the Council at meetings connected with Nationally Significant Infrastructure Projects with a Development Consent Order.
- 21 Compulsory Purchase Orders

### **Powers in relation to Partnerships, External Bodies and Boards**

- 22 Approve operational frameworks for delivery level partnership / joint working arrangements with other public, private, voluntary and community sector organisations.
- 23 When representing the Council or the Executive on a partnership or outside body, take decisions on behalf of the Council subject to the limits of their delegated authority.
- 24 Approve officer appointments to partnership / working groups including with other public, private, voluntary and community sector organisations.

### **Financial Powers**

- 25 Following approval of service revenue and capital budgets, incur expenditure within those budgets.
- 26 Incur expenditure within the revenue and capital budgets in accordance with the virement procedures and delegated limits set out in Financial Regulations and Contract Procedure Rules.

- 27 Accept tenders for contracts in accordance with the Contract Standing Order Rules.
- 28 To approve payments to suppliers prior to the receipt of goods in accordance with the limits set out in Financial Regulations.
- 29 To prepare and submit any application for external grants/funding and/or determine whether to accept the award of any external grant/funding (including any related conditions and/or limitations) provided:
- i) that any costs (including any match funding) to the Council required as part of any grant/ funding being available from a budget within the control of the Chief Officer; and
  - ii) there is prior approval of the Section 151 Officer where s/he is required to sign off on any requirements relating to the grant/funding.
- 30 Direct the delivery of services in compliance with the:
- Constitution
  - Council policy and performance framework
  - Schemes of Delegation
  - Financial Regulations
  - Contract Standing Orders
  - Statutory requirements
  - Service budget allocations
- 31 Develop and propose policy changes for service delivery and ensure they identify and agree with the financial implications of all new proposals for new spending and that the relevant Executive Member and, where appropriate, Executive is advised of those implications.
- 32 Responsibility for:
- Ensuring that all staff in their areas of responsibility are aware of their responsibilities under Financial Regulations and other internal regulatory documents and that they comply with them.
  - The accountability and control of staff and the security, custody and control of all resources within their areas of responsibility.
  - Maintaining a record of financial responsibilities delegated to members of staff in their areas of responsibility.
- 33 Authority for all officer decision making is limited according to the financial thresholds below (unless otherwise stated in the specific delegations):
- i) **Decisions involving total expenditure or delivering savings over £250,000 of capital or revenue resources and up to £5 million \*** – Only the Chief Executive and/or Executive

Directors and/or Service Directors and for any expenditure over £500,000 in consultation with the relevant Lead Member

- ii) **Decisions involving total expenditure or delivering savings up to £250,000 of capital or revenue resources** \* – Executive Directors and/or Service Directors
- iii) **Decisions involving total expenditure or delivering savings up to £50,000 of capital or revenue resources** \* - All Managers and Officers at Tier 5 or above
- iv) **Decisions involving total expenditure or delivering savings up to £10,000 of capital or revenue resources** \* – All officers at Tier 7 or above
- v) **Up to £500 of capital or revenue resources** \* – All Council officers.

\* These financial threshold figures will relate to total expenditure or savings and not annual figures. All decisions should be taken in accordance with Contract Standing Orders, Financial Regulations and the Council Constitution.

### **Powers in relation to Contracts and procurement**

- 34 Commission, procure, award contracts, review and vary contracts, terminate contracts, acquire goods, works and services to meet the business needs of the Council in accordance with Contract Procedure Rules.
- 35 Give approval to proceed to tender on a contract.

### **People Management**

- 36 Take any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, dismissal, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment.
- 37 Engage temporary staff and consultants to meet business needs where within existing budget allocations.
- 38 Approve changes to the number and distribution of posts for which they are responsible subject to financial provision for the current and future years being available. Where changes are proposed to the Chief Officer structure a report to the Chief Executive will be required before any such changes are implemented. All other changes to structures remain delegated to Chief Officers.

### **Urgency**

- 39 Subject to reporting back to Full council or to the Executive as soon as practicable, a power to the Chief Executive and Executive Directors to act in matters of urgency and to take any decision which could be taken by the Council, the Executive or a Committee as

follows:

- At Executive level-in consultation with the relevant Lead Member, where practicable or in their absence the Leader
- At Committee level-in consultation with the relevant Chair where practicable
- To make proper officer appointments in cases of interim appointments or in cases of urgency, subject to report to full council where appropriate.
- Signing of key documents jointly with the Leader of the Council including the annual statement of internal control, annual governance statement and codes of corporate governance.

## **Emergencies and Major Incidents**

- 40 When acting in a decision-making capacity at the Local Resilience Forum's Strategic Co-ordinating Group (Gold), Tactical Co-ordinating Group (Silver), various Recovery Co-ordinating Groups (Gold and Silver) or when operating as the Council's Gold/Silver Chief Officers are authorised for the purposes of the declared emergency to commit the appropriate resources and to suspend aspects of business as usual to comply with the Council's duties in all relevant legislation. Records of emergency spending must be maintained and claims submitted promptly.

## **Complaints**

- 41 To undertake all action in connection with the preparation and issuing of any information and/or response to a complaint against the Council made pursuant to the Council's formal complaints procedure or Ombudsman complaint.
- 42 To resolve a complaint, including the approval of compensation in respect of:  
(a) any complaint made through the Council's complaint procedure; and/or  
(b) any finding of maladministration by the Local Government and Social Care Ombudsman, including the power to incur expenditure from balances and /or reserves subject to prior approval of the Section 151 Officer.
- 43 Subject to prior consultation with the Monitoring Officer to settle any claim or potential claim made by or against the council in a sum not exceeding £50,000 including power to authorise expenditure from balances and/or reserves subject to the prior approval of the S151 Officer.



## **5. Specific Delegations**

### **The Chief Executive**

#### **Areas of Responsibility**

- 44 To exercise all powers and duties of the Head of Paid Service under the Local Government and Housing Act 1989.
- 45 To carry out the powers and duties of any of the officers in their absence or in consultation with them.
- 46 To exercise or carry out any functions, powers or duties of the Council not specifically allocated under this Scheme to any other officer (whether in relation to legislation coming into force after the date of adoption of this Scheme or otherwise).
- 47 To incur expenditure in the event of a civil emergency.
- 48 In cases of urgency to take any decision which could be taken by the Council, the Executive or a Committee, in consultation with the Leader or relevant Chair.
- 49 In cases of emergency to take any decision which could be taken by the Council, the Executive or a Committee, in consultation with the Leader or relevant Chair, to include cases which fall short of a declared emergency but are nevertheless situations in which there will be a risk of significant detriment to the wellbeing of residents if action is not taken.
- 50 To appoint members to Boards, Committees and other Council bodies, to fill casual vacancies, in accordance with the wishes of the Leaders of the political groups which have nomination rights and in accordance with statutory rules on proportionality.
- 51 To agree changes to appointments to outside bodies arising from changes in the Executive, members or group nominations.
- 52 To alter the areas of responsibility of the Executive Directors set out in the Areas of Responsibility Table A section of this scheme.
- 53 To make arrangements for the appointment of Chief Officer roles.
- 54 Subject to no objection being raised by the Leader, Executive Member or Committee of the Council, to discharge any function of the Council, Leader, Executive and **Lead** Members not otherwise delegated to a Chief Officer, including elections, and civic and ceremonial functions of the Council.

- 55 To be the Council's Returning Officer and Electoral Registration Officer, and in particular to decide on the action to be taken in respect of the following in relation to district and parish elections:
- Any issue relating to nomination papers
  - Any alleged infringement of electoral law or practice
  - Matters relating to the administration of the election, counting of votes or anything done by any candidate or agent
  - Matters relating to Parish Polls
  - Matters relating to Neighbourhood Planning Referendums.
- 56 To make Proper Officer appointments in accordance with the Council's Constitution and legislation.
- 57 To ensure that each of the Council services adopt and manage robust service planning and performance management processes, customer and service reviews to ensure alignment with the priorities of the Council Plan and that services are managed in accordance with the Council's Operating Model.
- 58 To determine any change to the whole or any part of the employee establishment/structure of the Council including power to incur expenditure subject to prior consultation with the Section 151 Officer.
- 59 In consultation with Group Leaders to make temporary appointments to inquorate Parish, Town and City Councils along with the making of the necessary Order under section 91 of the Local Government Act 1972.
- 60 To carry out powers and duties as an employer under the Health and Safety at Work etc. Act 1974.
- 61 To exercise any power delegated to any officer whether specified in this officer scheme or otherwise unless solely limited to exercise by that officer by law.

## **Service Director: Governance, Democratic & Legal Services (Monitoring Officer)**

### **Areas of Responsibility**

- 62 Carry out all statutory functions of the Monitoring Officer and any functions allocated to the Monitoring Officer under the Council's Constitution or any of its procedural rules.
- 63 After consulting with the Head of Paid Service and S151 Officer, to report to the Council and to the Executive in any case where s/he is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989 (LGHA 89).

- 64 Investigate any matter which s/he has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89.
- 65 Appoint a statutory scrutiny officer.
- 66 Execute all documents and take all actions and decisions deemed necessary to enable his/her responsibilities as set out above to be effectively discharged.
- 67 Sign any notice, order, contract or other document on behalf of Somerset Council and to affix the Common Seal of the Council to any document.
- 68 Determine which documents, that are not otherwise determined by statute, should be sealed by the affixing of the Common Seal of the Council that are not otherwise determined by statute.
- 69 Obtain the opinion of counsel on any question of doubt or difficulty concerning the business of Somerset Council and to instruct counsel to represent the Council in any form of proceedings.
- 70 Instruct solicitors and/or experts to provide advice and/or to represent Somerset Council.
- 71 In consultation with those Officers and Members stipulated in the Petition Scheme to determine whether any petition received by the Council should be excluded from the Petition Scheme for any of the reasons referred to in the Petition Scheme.
- 72 To grant exemptions on the political restrictions of Officer posts under the Localism Act 2011
- 73 Grant dispensations to councillors in accordance with the Localism Act 2011 with the power to refer any request for a dispensation back to the Standards Committee.
- 74 Maintain the register of Members' and Officers' interests and register of Gifts and Hospitality;
- 75 Act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- 76 Undertake minor amendments to update the Council's Constitution and / or to take account of legislative changes provided that it does not involve material changes to principles previously approved by Council (or Leader of Council in respect of the

Council's executive arrangements and the part of the Council and Executive Scheme of Delegation that is the responsibility of the Leader) and subject to consultation with the Constitution Committee.

- 77 Interpret the Constitution where the meaning is uncertain or there is a dispute about its meaning.
- 78 Appoint members of School Admissions Appeal Panels in accordance with the Education (Admission Appeals Arrangements) (England) Regulations 2002 as amended.
- 79 Serve statutory notices to ascertain the legal interest in land of any person.
- 80 Institute any proceedings, defend, conduct, withdraw, settle or appeal any legal proceedings or process on behalf of the Council. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter notices, and notices to quit.
- 81 To authorise officers to amend, remove, seek not to contest reasons for refusal of planning applications at appeal.
- 82 Determine applications affecting the register of commons and village greens (under the Commons Act 2006 and any subsequent legislation). In the case of contested matters or matters which require oral representation or an inquiry, an independent inspector shall be appointed.
- 83 Authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 222 and 223 of the Local Government Act 1972.
- 84 Authorise officers to amend, remove, seek not to contest reasons for refusal at appeal.
- 85 Authorise the giving of any indemnity by the authority.
- 86 Authenticate documents and contracts on behalf of the authority.
- 87 Exercise the function of Senior Information Risk Owner
- 88 Exercise the function of RIPA SIRO and Authorising Officer under the Regulation of Investigatory Powers Act 2000, to appoint the RIPA Co-ordinator and to designate such other Authorising Officers as he/she considers to be necessary and competent for the purposes of the Act.
- 89 Act as Proper Officer for the Data Protection Act 2018 and the Freedom of Information

Act 2000

- 90 Maintain, manage, provide advice and guidance, put in place systems and resources to manage and implement the Council's responsibilities under Freedom of Information and Data Protection legislation
- 91 Act as Proper Officer for receipt and acknowledgement of complaints of failure to comply with the Members' Code of Conduct under the Council's adopted local arrangements.
- 92 Receive, and review and determine complaints received in respect of any alleged breach by a Member of the Code of Conduct for Members and act in accordance with the Council's adopted local arrangements.
- 93 Arrange for investigations to be conducted into alleged breaches of the Members' Code of Conduct and, as appropriate, submit such reports to the relevant Committee in accordance with the adopted local arrangements.
- 94 Undertake resolution of such complaints in accordance with the adopted local arrangements.
- 95 Recruit independent persons to the Standards Committee subject to the appointments being confirmed by Full Council
- 96 Form the Independent Panel on Members' Remuneration subject to the appointments being confirmed by Full Council.
- 97 To act as Company Secretary (or to authorise others to act) in relation to the Council's wholly owned companies.

### **Service Director Economy, Employment and Planning**

#### **Areas of Responsibility**

##### **Development Management**

- 98 To appoint the Chief Planning Officer.

##### **Planning Policy**

- 99 Preparation of Local Plan
- 100 Preparation of Planning Policy Guidance including strategic planning documents, masterplans

- 101 Community and neighbourhood planning, including as provided for under the Localism Act 2011.
- 102 Responding to planning applications and planning policy consultations from neighbouring authorities.

### **Economic Development**

- 103 Management, delivery and implementation of Economic Development functions and promotion of inward investment and enterprise including skills and employment and tourism activity
- 104 Liaising with and represent the Council in relevant Economic Development groups and wider structures
- 105 Administration of grant schemes
- 106 Inward investment
- 107 Delivering business support and promotion
- 108 Enterprise

### **Chief Planning Officer**

- 109 Determine planning applications submitted under the Town and Country Planning Act 1990, grant permission, refuse permission, publicise applications, comment or make representations on applications, notifications and consultations, to raise objections, to require documentation and information, to take appropriate action on enforcement, to defend planning appeals, to negotiate, authorise sealing, complete, vary, discharge or amend planning obligations and agreements. This authority shall not apply to the determination of applications where;
- a. The applicant is a Member of the Council or is directly related to a Member of the Council:
  - b. The applicant is one of the following Council officers:
    - i. members of the Council's Senior Leadership Team,
    - ii. where the applicant is a member of staff or is directly related to a member of staff in the Economy, Employment and Planning service,
    - iii. any employee who has direct involvement with the planning process in the course of their duties
  - c. The Service Director Economy, Employment and Planning considers

they should be determined by the Planning Committee due to their size, nature, or impact, or any other reason

- d. The Council's own development (excluding minor alterations to Council owned assets)
- e. Where the proposal is a departure from the development plan and the Officer recommendation is to approve (excluding S.73 applications)
- f. Applications referred by any Member or the Town or Parish Council for the relevant division or adjoining area Town/Parish Council area where their view is contrary to the officer's recommendation in accordance with the Planning Committee Procedure Rules and Planning Protocol.

- 110 Determine whether the use of delegated powers is appropriate in consultation with the Chair of the relevant Planning Committee (or in their absence the Vice Chair), to determine applications referred by any Member or the Town or Parish Council for the relevant division or the adjoining area Town/Parish Council area, where a clear view of objection or support has been received in writing from the Parish Council along with material planning reasons AND where their view is contrary to the Officer's.
- 111 Prepare all necessary and appropriate plans and strategies relating to planning and development.
- 112 To treat applications as finally disposed of if there has been no activity on the case and the timeframe for an appeal against non-determination has passed.
- 113 At the discretion of the Chief Planning Officer to refuse applications where the S106 legal agreement has not been completed within six months of resolution to grant planning permission by the Planning Committee.
- 114 The authority to decide, whether it is expedient to take enforcement action, and to prepare, issue, serve, amend or withdraw enforcement notices, stop notices, breach of condition notices under relevant legislation.
- 115 All powers necessary to progress and manage the Local Plan, Neighbourhood Plans, Supplementary Planning Documents and other planning policy documents and related evidence base.
- 116 Approve the terms of any proposed Planning Performance Agreement (including those for Nationally Significant Infrastructure projects) which include the provision of financial resources by the Developer to this Council.
- 117 Approve or refuse details submitted as part of compliance applications submitted in relation to the adopted Gravity, Nexus 25, Bath and West Showground Local Development Orders and to (1) Issue compliance certificates unconditionally or (2) issue compliance certificates with conditions or (3) refuse compliance applications and

withhold compliance certificates. All in consultation with the Enterprise Zone Board.

118 Approve or refuse details submitted as part of compliance applications submitted in relation to all adopted Local Development Orders.

119 Deal with all matters relating to the following functions of the Council not dealt with above including:

- Heritage and conservation including listed buildings, conservation areas and historic environment, protection and enhancement of listed buildings including Heritage at Risk (building preservation notices in case of emergencies), identification and modification of conservation areas
- Sustainable Urban Drainage Systems
- Community Infrastructure Levy and enforcements
- Advertisement Consent
- Prior Approvals, Prior Notification and permitted development
- Permission in Principle (PIP), Technical Details and Follow On Decisions
- Approval of details reserved by condition
- Pre-application advice and Planning
- Planning Performance Agreements and Extension of Time Agreements
- Certificates of lawfulness of development (CLOPUDS and CLEUDS)
- Control of demolition
- Non material amendments
- Planning Enforcement
- Any applications for works to trees, hedgerow removal or high hedges
- The making of Tree Preservation Orders except where objections are received where the matter must be referred to the Planning Sub-Committee
- Hazardous substance consents
- Environmental impact assessment, screening and scoping opinions
- S.106 agreements and Community Infrastructure Levy including discharge, modification and supplemental S106 Agreements
- Certificates of Lawfulness existing or proposed
- Local Development Orders and Transport Works Act Orders
- Landscape and Areas of Outstanding Natural Beauty
- Other functions under Town and Country Planning and Localism legislation and policy guidance except as delegated to any other officers
- Other forms of regulation under environmental and planning legislation
- Determining applications for S.106 agreement expenditure
- Development Consent Orders and National Infrastructure Projects
- To approve neighbourhood plan designations and make neighbourhood plans

#### **Service Director: Infrastructure and Transport**

#### **Areas of Responsibility**

120 Discharge the powers and duties of the Highway Authority and Local Transport



Authority including:

- a) Management of Highways and public rights of way.
- b) Management of Common land, and town and village greens.
- c) The making of agreements for the execution of highways works under the Highways Act 1980 including powers to negotiate, authorise sealing, complete, vary, discharge or amend highways agreements.
- d) Local Transport Plan Strategy and Implementation Plan Strategy and Implementation Plan and associated policies and plans.
- e) Fleet Management.
- f) Network Management.
- g) Highways Maintenance (including public rights of way).

121 To hold and exercise of the Council's statutory function of Traffic Manager in accordance with the Traffic Management Act 2004.

122 To determine applications for Traffic Regulation Orders in accordance with the criteria of the Department of Transport and Council Policy.

#### **Service Director : Housing**

##### **Areas of Responsibility**

123 Housing and homelessness strategy and all other related statutory and non-statutory strategies and policies.

124 Temporary accommodation, homelessness (all functions under Part V11 of Housing Act as amended), housing options, and homelessness prevention, rough sleeping, van dwellers.

125 Gypsy and traveller Services.

126 Empty homes

127 Housing Standards functions and Environmental Health functions relating to dwellings (including enforcement)

128 Disabled facilities

129 Housing improvement

130 All powers necessary to ensure the efficient day to day operation of the Council's Lettings/Homefinder functions including:

- a. Working with housing organisations to operate the Homefinder Somerset – Choice Based Lettings system;

- b. Attending and contributing to the success of the Homefinder Somerset Board
- c. Making decisions under Part 6 of the Housing Act 1996 (as amended);
- d. Considering and determining housing register applications for social housing under Part 6 of the Housing Act 1996;
- e. Considering and determining reviews of housing register application decisions under Part 6 of the Housing Act 1996;
- f. Advertising available social housing accommodation held by Somerset Council;
- g. Advertising available housing accommodation held by registered providers landlords.

- 131 All powers necessary to ensure the efficient day to day operation of the Council's Housing Landlord functions including:-
- i. Authority to co-operate with housing associations, wherever possible, in order to provide and maintain accommodation for those in housing need
  - ii. Performing several 'core' housing management functions including
    1. Allocating and letting properties to new tenants;
    2. Collecting rent and service charges and dealing with arrears;
    3. Managing estates and individual tenancies;
    4. Tackling anti-social behaviour;
    5. Involving tenants in designing, improving and scrutinising their services;
    6. Providing support services to people residing on our sheltered housing and extra care housing schemes;
    7. Providing money and debt advice;
    8. Helping people to work and training.
- 132 All powers under the Housing Act 1985 (as amended) including serving notices, executing works in default, recovering expenses, agreeing execution of works, making demolition or closing orders, granting refusing or revoking of licenses, making of schemes, revocation procedures.

### **Housing Capital Programme**

- 133 All powers necessary to ensure the efficient day to day operation of functions relating to the Council's Housing Capital Programme

### **Housing Property Compliance**

- 134 All powers necessary to ensure the efficient day to day operation of the Council's Housing Property Compliance Functions.

- 135 Dealing with all matters arising under the Building Safety Act 2022 including exercising the role of Accountable Person.

## **Housing Asset Management**

- 136 Managing all land and property assets relating to Housing Revenue Account (HRA) including strategic and estate management.
- 137 To oversee and manage the contract with Homes in Sedgemoor in accordance with their Management Agreement.
- 138 To exercise the obligations of Homes in Sedgemoor under their Management Agreement in the event of termination or suspension of the Management Agreement.
- 139 All powers necessary to ensure the efficient day to day operation of the Council's HRA Asset Management Functions Including:
- i. Review of fees for leases, licences, agreements, permissions;
  - ii. Approving and acting upon the Council's valuers' reports in respect of properties included in a compulsory purchase order;
  - iii. Serving the requisite written notice(s) to seek deemed permission on behalf of the Council for the development of HRA land;
  - iv. Determining any requests to use Council-owned land;
  - v. Determining applications relating to HRA land including wayleaves from public utility providers, applications for gate licences;
  - vi. Disposal of Council properties under the Right to Buy scheme including the issuing and signing of documents;
  - vii. Issuing Certificates of Compliance, Deeds of Covenant, Certificates of Pre-Emption, Deeds of Postponement in relation to former Right to Buy properties;
  - viii. Removal of Restrictions, Charges or Notices registered at HM Land Registry;
  - ix. Purchasing properties previously owned by the Council.
- 140 All other functions of the Council in relation to housing.

## **Service Director: Customer Services**

### **Areas of Responsibility**

- 141 Customer Insight and Intelligence.
- 142 Customer Experience, Consultation & Feedback.
- 143 Customer services and customer access – including Contact Centre.

## **Service Director: Regulatory and Operational Services**

### **Areas of Responsibility**

- 144 Registration Services.

## **Environmental Health**

- 145 Environmental Health functions including measures to protect public health.
- 146 Housing Standards functions and Environmental Health functions relating to dwellings (including enforcement of standards in housing stock, responding to housing condition complaints, issuing financial civil penalty notices), advice and improvements to customers regarding homes, HMO licensing and inspection of other high-risk HMO's, residential caravan mobile home and camping sites.
- 147 Dealing with applications and all functions in respect of HMO licensing including setting charges, standards and conditions and any necessary enforcement action.
- 148 Financial assistance and Somerset Independent Plus including Disabled Facilities grants and disabled adaptations for both children and adults, home improvement grants and loans, energy advice line services, fuel poverty and energy related housing assistance, hoarding services and home safety checks.
- 149 Housing improvement & enforcement of housing standards in privately owned socially rented stock including responding to housing conditions and breaches of housing related legislation.
- 150 Community safety including functions under the Crime and Disorder Act 2000 (as amended), the Council's Crime and Disorder Reduction Strategy and the Anti-social Behaviour, Crime and Policing Act 2014. Operational function of anti-social behaviour service, utilising tools and powers as prescribed in the Anti-Social Behaviour Act 2004 and Anti-Social Behaviour, Crime and Policing Act 2014.
- 151 CCTV operations in accordance with Code of Practice and Regulation of Investigatory Powers Act 2000 legislation.
- 152 To undertake inspections, investigate complaints, serve notices including fixed penalty notices, undertake enforcement action and take prosecutions in consultation with the Strategic Director Governance, Democratic and Legal Services.
- 153 Bathing water regulation.
- 154 Environmental protection including noise and other statutory nuisance, dark smoke, air pollution, drainage, land pollution, environmental permitting.
- 155 Pest control.
- 156 Air Quality and Control of Pollution.

- 157 Contaminated Land including inspections and ensuring appropriate remediation.
- 158 Private water supply safety.
- 159 Food safety and investigation of infectious diseases.
- 160 Health and Safety enforcement (other than in relation to the Council's duties as an employer).
- 161 Public safety.
- 162 Removal and disposal of abandoned vehicles.
- 163 Investigation and enforcement of environmental offences including fly-tipping, graffiti, fly-posting including the use of fixed penalty notices.
- 164 To seize and detain and transfer ownership of stray dogs and if required by veterinary advice, to authorise euthanasia of injured, ill or distressed dogs in accordance with relevant legislation.
- 165 Functions under the Licensing Act 2003, Gambling Act 2005 and all functions of the Council in relation to Licensing including but not limited to hackney carriage, private hire, animal licensing activities, dangerous wild animals, zoo licensing, sex establishments, hypnotism, film certification, street trading applications for licenses, certificates, permits, temporary event notices or registrations including effecting registration, granting, refusing or revoking. Licensing Act 2003 decisions to be taken in accordance with Appendix A. Gambling Act 2005 decisions to be taken in accordance with Appendix B.
- 166 In consultation with the Monitoring Officer to suspend or revoke a hackney or private hire driver's license in the following circumstances: (i) if the driver is charged with, cautioned for, or convicted of an offence under, or otherwise fails to comply with any of the provisions of, the Town Police Clauses Act, 1847 or Part II of the Local Government (Miscellaneous Provisions) Act, 1976; (ii) if the driver is charged with, cautioned for, or is convicted of an offence involving dishonesty, indecency or violence; or (iii) any other reasonable cause including if the driver is charged with or cautioned for an offence under the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, or for an offence involving dishonesty, indecency or violence;. until such time as the matter can be considered by the Licensing Sub-Committee.
- 167 To suspend a Hackney Carriage License or a Private Hire Vehicle License where the vehicle fails to meet the requirements of the conditions contained in the Council's policy until such time as the conditions are complied with or the matter is considered

by the [relevant](#) Licensing Sub-Committee.

168 Use powers under the Local Government (Miscellaneous Provisions) Act, 1976 to deal with dangerous trees.

169 Approve Public Spaces Protection Orders, unless they are likely to be considered to be sensitive or significant.

### **Building Control**

170 Deal with applications in respect of building regulations including setting charges, the relaxation of building regulations and any necessary enforcement action, to enter into LABC cross boundary agreements with other authorities as required to deliver building control projects. In accordance with the Building Act 1984 and Building Safety Act 2022 and any regulations made under those Acts.

171 Set charges and carry out any necessary enforcement action

- Determine all applications made to the Council
- Discharge the Council's functions, related to the acceptance or rejection of Initial Notices and / or Amendment Notices submitted by approved inspectors under Section 47 of the Building Act 1984
- Approve, reject or rescind plans of proposed work deposited with the Council
- Give notice and take such steps as are necessary to remove danger, in respect of dangerous buildings or structures under Section 77 and 78 of the Building Act 1984
- Consult and process Demolition Notices under Sections 80 and 81 of the Building Act 1984
- Authorise the issue and service of all notices and orders required under the Building Act 1984
- Authorise the issuing of all certificates required under the Building Act 1984
- Prepare, submit and present the Council's case at appeals instituted by or against the Council under the Building Act 1984

### **Coastal Port and Beaches**

172 To oversee the management the functions of pilotage and navigation for the Ports of Bridgwater, Minehead, Watchet and Bridgwater Docks.

173 To carry out the statutory responsibilities of the Lead Local Flood Authority or Coastal Protection Authority.

- 174 To manage the Council's beaches and to restrict access where deemed necessary to protect public safety.

### **Harbour Master**

- 175 To fulfill the role and duties of the Harbour Master and manage the functions of pilotage and navigation for the Ports of Bridgwater, Minehead, and Watchet and Bridgwater Docks on a day to day basis, within approved budgets, to serve any appropriate statutory notices, undertake investigations, inspections and issue relevant Notices, Orders and to undertake all appropriate action under appropriate statutory powers and to ensure compliance with the Port Marine Safety Code, the relevant Port Operations Plan and any local or national legislation or regulations pertaining to the Port(s).
- 176 To control all marine emergencies within the Ports and for the issue of specific directions to shipping as necessary.
- 177 To adjudicate when required on matters relating to navigational safety issues and pilotage when there is a disagreement between the duty pilot and the master of the vessel to be piloted.
- 178 To act as a panel member when required in relation to any examination, disciplinary investigation, or hearing involving a pilot or holder of a pilot exemption certificate, or an application for a pilot exemption certificate. Undertake expert witness, marine consultancy and survey work.

### **Executive Director: Climate and Place**

#### **Areas of Responsibility**

- 179 To produce the climate emergency strategy
- 180 Emergency planning, business continuity and civil contingencies. Including the appointment of emergency planning officers and other support officers as are required to undertake the various functions and duties to meet the needs of the Council
- 181 Civil Parking Enforcement
- 182 To deal with National Grid, Somerset Rivers Authority, Connecting Devon and Somerset, Heart of the Southwest Local Enterprise Partnership, Heart of the South West Joint Committee and Devolution work, Peninsula Transport Board and Superfast Broadband.

- 183 To undertake maintenance and repair of water courses, culverts and flood defence schemes where the Council has responsibility for them.
- 184 To deal with all waste and enviro-crime enforcement including but not limited to abandoned vehicles, fly-tipping and littering, fly posting, graffiti, dog fouling, dog bans, public spaces protection orders, dangerous dogs, waste receptacles, environmental protection, damage and clean air.

### **Service Director: Strategy and Performance**

#### **Areas of Responsibility**

- 185 Business Intelligence.
- 186 Development of the Council Plan.
- 187 Internal and External Communications.
- 188 Marketing, events and campaigns.
- 189 Service Planning.
- 190 Commissioning Framework.

### **Service Director: Human Resources**

#### **Areas of Responsibility**

- 191 Supporting Human Resources Committee.
- 192 Determine any compensation payable on early termination of a contract of employment by reason of redundancy, early retirement or in the interests of efficient exercise of the Council's functions and application for early payment of pension benefits to officers in consultation with the relevant Chief Officer.
- 193 Industrial relations and employment matters.

### **Executive Director: Resources & Corporate Services (s151)**

#### **Areas of Responsibility**



- 194 Responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and to exercise any statutory powers and duties and section 114 of the Local Government Finance Act 1988.
- 195 Responsibility for borrowing and lending within the limits approved by the Council.
- 196 Accept external funds and grants to the Council and authorise grants and funding from the Council.
- 197 Maintain, manage, provide advice and guidance, put in place systems and resources to deliver the Council's Governance Framework, including the Annual Governance Statement and Strategic Risk Management.
- 198 To deal with all insurances relating to the Council, any of its services and functions and its Members including the areas of cover, the extent of cover, the negotiation and acceptance of conditions of cover, and settlement of claims against the insurer or by a claimant (so far as permitted by the insurer).
- 199 Develop and oversee the implementation of the Council's Medium Term Financial Plan, Housing Revenue Account 30 year business plan and Annual Budget.
- 200 Take responsibility for the overall management of the internal audit function in accordance with the Accounts and Audit Regulations 2003 (or any amending or substituted legislation, or legislation with a similar purpose or made for similar purposes) and instructing investigations in accordance with the Council's corporate Fraud policy where appropriate.
- 201 Undertake all action for the collection of income, interest and costs due to the Council including the power to issue and recover any penalties relating to such matters and/or write off irrecoverable debts in accordance with the limits set out in the Council's Financial Procedure Rules.
- 202 Exercise any other powers conferred on him/her under the Council's Contract or Financial Procedure Rules from time to time.
- 203 Authorise the National Non-Domestic Rates 1 Returns (NDR1)
- 204 Make decisions on applications for the reduction or remittance of non-domestic rates and discretionary rate relief in accordance with the relevant policy(s) of the Council.
- 205 To pay salaries and allowances and implement salary awards to employees.
- 206 The discharge of mortgages

- 207 To be responsible for all Treasury Management matters including the borrowing of money, management of investment funds and to take all executive decisions on borrowing, investment or financing and to act in accordance with CIPFA's Code of Practice on Treasury Management in Local Authorities.
- 208 To administer the Council's functions in relation to the collection of non-domestic rates in accordance with the Local Government Act 1988 (as amended) and all relevant regulations made thereunder including the granting of relief under the Act.
- 209 To be responsible for the billing collection and enforcement of council Tax in accordance with Government Regulations and Council policy.
- 210 The Registration of charging orders against properties the subject of rate arrears.
- 211 The determination of benefit claims in accordance with the appropriate regulations.
- 212 To agree in conjunction with the Lead Member amendments to fees and charges unless a key income line identified as requiring Executive approval.
- 213 To exercise any powers and duties relating to the administration of the housing benefits and council tax benefits system within adopted Council policy(s).
- 214 To be responsible for decision making on matters of discretion associated with the benefits system under the adopted Council policy(s).

**Service Director: Strategic Asset Management**

**Areas of Responsibility**

- 215 Take all steps necessary for the effective management of the Council's General Fund land and property portfolio including:
- i. freehold acquisitions and disposals where either the capital payment does not exceed £500,000 or the annual rental does not exceed £100,000;
  - ii. authority to declare land and property surplus to the Council's requirements; and
  - iii. authority to enter into leases, grant or vary leases, licenses, dedications, wayleaves, easements of or over any land.
- 216 Authority to sell land or property at an undervalue not exceeding £100,000 (expressed

as a capitalised figure) or 20% of the unrestricted value, whichever is the lower.

- 217 To manage leases granted or entered into by the Council including lease renewals, rent reviews, applications for consents and schedules of dilapidations.

### **Service Director: Finance and Procurement**

#### **Areas of Responsibility**

- 218 Manage Financial Services.
- 219 Manage corporate loans, investments and cash.
- 220 Authorise (following consultation with the relevant Executive/Service Director and the Monitoring Officer) the making of any ex-gratia payment up to £1000 per event in circumstances where there is no legal liability.
- 221 Manage Microsoft Dynamics system and authorised officer lists.
- 222 Manage procurement strategies in consultation with Commissioning Officers.
- 223 Manages strategic and service-based procurement and purchasing activities.
- 224 Manage the Council's Contract Standing Orders and the register of authorised officers for commissioning, procurement and contract awards.
- 225 Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non-Domestic Rates

### **Executive Director and Service Director: Public Health**

#### **Areas of Responsibility**

This is a joint appointment with the Secretary of State to:

- 226 Act as an Independent advocate for the health and wellbeing of the local population and reduce the inequalities experienced.
- 227 Monitor and publish an independent Annual Report of the Director of Public Health
- 228 Provide system leadership and assurance that robust arrangements are in place to protect the health and wellbeing of the local population

- 229 In the case of an outbreak or emergency to ensure all necessary public health actions are in place to protect the health of the population.
- 230 Provide leadership across partners to influence and develop strategy and policy to improve population health and wellbeing.
- 231 Act as the principal advisor to the Health & Wellbeing Board and development of the Health and Wellbeing Strategy
- 232 Undertake the Joint Strategic Needs Assessment and Pharmaceutical Needs Assessment
- 233 Undertake the public health statutory duties on behalf of the Council
- 234 Commissioning of public health services including sexual health, substance misuse, lifestyle and public mental health services.
- 235 Leadership and management of the Somerset Public Health Nursing Service
- 236 Commissioning of Community Safety and Domestic Abuse Services
- 237 Provide specialist public health analytical support to ensure NHS commissioning of healthcare is in line with the needs of the local population.
- 238 Monitor strategy and outcomes in relation to the population's public health.
- 239 Equality and diversity activities.
- 240 Facilitate the function and manage statutory responsibilities of the Safer Somerset Partnership (Crime and Disorder Act 1998, Police and Justice Act 2006.
- 241 Manage the delivery of the Safer Somerset Partnership's responsibility to reduce reoffending (Police and Crime Act 2009).
- 242 Deliver Council's responsibilities under the Police, Courts, Sentencing Act 2022 serious violence duty.
- 243 Designated role for the Prevent Duty.

- 244 Manage the Council's response to Modern Slavery
- 245 Responsibility for delivering against the Duty in the Domestic Abuse Act 2021 including service commissioning, managing and leading the Domestic Abuse Partnership Board, publishing Strategy(s) and conducting needs assessments.
- 246 Managing and commissioning for the undertaking of Homicide Reviews on behalf of the Safer Somerset Partnership (Domestic Violence, Crime and Victims Act 2004).

### **Executive Director: Children's Services**

#### **Areas of Responsibility**

- 247 Exercise the statutory functions and social services functions (Director of Children's Services statutory role) of the authority under section 18 of the Children Act 2004 (where these are executive functions).
- 248 Provide strategic leadership in the delivery of services to individuals and families including safeguarding and harm reduction services for children, support to those with special educational needs, learning and physical disabilities, sensory impairment and mental health problems and the strategic leadership of schools and learning services.
- 249 Responsible for the strategic direction, operational commissioning, policy and practice of the Council in relation to the safety and protection of individual children and young people at risk of abuse; developing preventative and early intervention approaches working across agencies and professional groups while maintaining and developing robust joint agency partnership arrangements. Responsible also for regulated services provided by the Council for children and young people including placement services and fostering and adoption services to the Regional Adoption Agency (Adopt South West) ensuring that services provided are safe, efficient and effective to meet required regulatory standards and working with commissioners to prepare services for future delivery models
- 250 Exercise on behalf of the Council, the Leader of Council, the Executive and Executive Members the statutory functions and management of services in relation to:
- The authority's role in relation to Education (as the Local Education Authority).
  - Needs analysis.
  - Strategy and policy development.
  - Facilitate Commissioning Strategy implementation.
  - Supporting Families (formerly known as Troubled Families).

- Children & Young People's Plan.
- Academy conversions.
- School Admissions.
- School Place planning and sufficiency of school places.
- Children's safeguarding policy and statutory duties (as defined in statute or guidance in relation to the role of the Council / Director of Children's Services).
- Commission services to meet the needs of children and young people (0-19 year olds).
- Early Help services.
- Special Educational Needs services.
- School Transport services.
- School Improvement services.
- Monitor strategy and outcomes.

## **Service Director- Children and Families**

### **Areas of Responsibility**

- 251 To exercise the management of services on behalf of the Council, the Leader of Council, the Executive and Executive Members, and to direct and / or ensure the effective management of a range of services as specified by the Lead Commissioner Children & Learning and ensure that the services are delivered in accordance with the required quality and performances either in house or by contract with a third party.
- 252 Responsible for the strategic direction, operational commissioning, policy and practice of the Council in relation to the safety and protection of individual children and young people at risk of abuse; developing preventative and early intervention approaches working across agencies and professional groups while maintaining and developing robust joint agency partnership arrangements. Responsible also for regulated services provided by the Council for children and young people including placement services and fostering and adoption services ensuring that services provided are safe, efficient and effective to meet required regulatory standards and working with commissioners to prepare services for future delivery models.
- 253 To exercise statutory functions and responsibility for managing the following services:
- Social Work Assessment and child protection.
  - Emergency Duty Team.
  - Young Carers.
  - Fostering.
  - Adoption agency functions (ADM – Adoption Decision Maker) in relation to

Adopt South West.

- Children Looked After.
- Children with disabilities.
- Leaving Care Service.
- Family Intervention Service.
- Route one Advocacy Service.
- Youth Offending Team.
- Early Help Services as they relate to Social Care responsibilities.
- Council's Caldicott Guardian responsibilities (in respect of Children).
- Any other services commissioned by the Director of Children's Services.

### **Service Director: Commissioning and Performance**

#### **Areas of Responsibility**

- 254 To exercise the statutory functions and management of services on behalf of the Council, the Leader of Council, the Executive and Executive Members, and to direct and/ or ensure the effective management of a range of services as specified by the Executive Director of Children's Services and ensure that the services are delivered in accordance with the required quality and performance either in house or by contract with a third party. The services to include:
- 255 Commissioning Joint Strategic Needs Analysis as it relates to the Director of Children's Services responsibilities.
- 256 Strategy and policy development with responsibility for the Children's and Young People's Plan.
- 257 Commissioning of Early Help & Prevention Services
- 258 Commission services to meet the needs of children and young people (0-19- year olds), where required jointly with NHS bodies.
- 259 Commission education and care provision for vulnerable children
- 260 Commission housing provision for Care Leavers jointly with Housing Authorities
- 261 Commissioning of Drug, Mental Health and Domestic Abuse Services as they relate to the responsibilities of the Director of Children's Services. Facilitate Commissioning Strategy implementation.

262 Monitor strategy and outcomes.

263 Troubled Families. (Supporting Families from 2021)

### **Service Director: Inclusion**

#### **Areas of Responsibility**

264 To exercise the management of services on behalf of the Council, the Leader of Council, the Executive and Executive Members, and to direct and / or ensure the effective management of a range of services as specified by the Director of Children's Services and ensure that the services are delivered in accordance with the required quality and performances either in house or by contract with a third party.

265 Responsible for the Council's functions in relation to inclusive education, special educational needs and disabilities, alternative education provision, educational outcomes for children in care and under achieving groups ensuring the delivery of efficient, effective, and safe learning services that represent best value.

266 To exercise statutory functions and responsibility for managing the following services:

- School Admissions and School Admission Appeals.
- Commission services to meet the needs of children and young people (0-19-year olds).
- Special Educational Needs services
- Early Help Services as they relate to education responsibilities
- School Transport services and School Transport Appeals
- Electively Home Educated.
- Gypsy, Romany and Traveller education.
- Pupil Referral Units.
- SEN Services.
- Educational Psychology Services.
- Home to School Transport (SEN).
- Autism Services.
- Physical, Sensory and Occupational Therapy Services (SPOT).
- Education Attendance.

### **Service Director: Education, Partnership and Skills**

#### **Areas of Responsibility**



- 267 To exercise the management of services on behalf of the Council, the Leader of Council, the Executive and Executive Members, and to direct and / or ensure the effective management of a range of services as specified by the Director of children's Services and ensure that the services are delivered in accordance with the required quality and performances either in house or by contract with a third party.
- 268 Responsible for the Council's functions in relation to educational efficiency and effectiveness including performance management and oversight of Local Authority maintained schools, statutory responsibilities for early years funding and sufficiency, coordinated action to improve standards in partnership with educational stakeholders, commissioning and delivering interventions to improve leadership, governance, curriculum, pedagogy and assessment practices in educational settings, long-term place planning and capital investment in mainstream schools and education strategy development for education for pupils age 2 to 19. Oversight of traded services for education.
- 269 To exercise statutory functions and responsibility for managing the following services:
- The authority's role in the provision of Education.
  - Strategy and policy development for education 2-19 in relation to functions below.
  - Education partnership governance and communications.
  - System leadership development.
  - Education traded services.
  - School improvement function.
  - Early years improvement function.
  - Early years sufficiency.
  - Careers and programmes to support pupils 16-19.
  - School place planning and reorganisation.
  - Subject leadership for SACRE and RE syllabus and Music Hub.
  - Standards and moderation for evidence-based curriculum, pedagogy and assessment, including early reading.
  - Academy conversions.
  - Capital investment programme for mainstream schools including creation of free schools.

### **Executive Director: Adult Services**

#### **Areas of Responsibility**

- 270 Exercise the statutory functions and social services functions (Director of Adult Social

Services statutory role) of the authority (where these are executive functions), other than those for which the Lead Commissioner Children & Learning (Director of Children's Services statutory role) is responsible under section 18 of the Children Act 2004.

- 271 Management of services in relation to:
- Needs analysis.
  - Strategy and policy development.
  - Commissioning.
  - Facilitate Commissioning Strategy implementation.
  - Safeguarding adults.
  - Personalisation and direct payments.
  - Functions exercisable on behalf of an NHS body, so far as those functions relate to adults.
  - Arrangements to protect and promote the welfare of vulnerable adults, including vulnerable young people moving into adulthood.
  - Monitor strategy and outcomes.
  - Supporting People.
  - Voluntary Sector Support.
  - Learning & Disability services commissioning

#### **Service Director: Operations**

##### **Areas of Responsibility**

- 272 Adult Assessment and Care Management.
- 273 Occupational Therapy.
- 274 Active Living.
- 275 Council's Caldicott Guardian responsibilities (in respect of Adults)
- 276 Any other services commissioned by the Adults and Health Commissioner.

#### **Service Director: Commissioning**

##### **Areas of Responsibility**

- 277 Needs analysis.
- 278 Strategy and policy development.
- 279 Commissioning all adult services.
- 280 Integration and Better Care Fund.

- 281 Facilitate Commissioning Strategy implementation.
- 282 Monitor strategy and outcomes.
- 283 Learning & Disability services and Mental Health commissioning
- 284 Quality assurance of care

## **6. Officer Decision-Making**

### **Officer Delegation**

- 6.1 Any delegation to an Executive Director or Service Director or an officer includes authority for any further sub-delegation within the relevant area of responsibility (including cross-directorate delegation where appropriate). Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.
- 6.2 All Executive and Service Directors will establish a list of authorised officers for the functions / services / budgets that they manage on behalf of the Council.
- 6.3 Where any authorised officer is absent for any period, their immediate line manager or Senior Leadership Team officer with management responsibility for that officer may nominate in writing another officer to act in his or her place and shall make a record of all such nominations with the Council's Monitoring Officer. Alternatively, the line manager for an authorised officer who has overall responsibility for that function may take the decision.

### **Recording and Publishing Officer Decisions**

- 6.4 The following paragraphs establish a system to document certain decisions taken by officers under delegated authority.

### **Types of officer decisions**

- 6.5 An 'Executive decision' is one made in connection with the discharge of a function which is the responsibility of the Leader and Executive and which has been delegated to officers.
- 6.6 A 'Non-Executive decision' is one made in connection with the discharge of a function that is the responsibility of Full Council and its committees and which has been delegated to officers.

### **Key Decisions**

- 6.7 Key Decisions are Executive decisions that are likely to:
- 6.8 (a) result in expenditure or savings of £500k or more; or
- 6.9 (b) have a significant effect on communities living or working in an area comprising two or more wards.
- 6.10 As soon as reasonably practicable after a Key decision has been made, **officers** must produce a written statement, available for inspection at the Council's offices and published on the Council's website, that includes details of:
- the decision and the date it was made;
  - the reasons for it;
  - any alternative options considered and rejected;
  - any conflicts of interests declared by any Lead Member consulted by the officer and any dispensations granted by the Chief Executive in respect of any declared conflict;
  - the report considered by the decision-maker;
  - any background documents disclosing facts or matters on which the decision was based and which were relied on to a material extent in making the decision.

### **Records of officer decisions**

- 6.11 The significance of decisions taken under delegated powers will vary, and officers authorised to make delegated decisions need to exercise judgment in determining whether decisions are significant enough to require formal recording and publishing. Advice of the Monitoring Officer should be taken into account in reaching this conclusion.

### **Decisions over £500k AND / OR where they have a significant effect on communities living or working in two or more Councillor divisions**

- 6.12 These decisions qualify as key decisions and officers must liaise with the Democratic Services team at the earliest opportunity in order to comply with the necessary pre-publication and consultation requirements ahead of a key decision being taken by an officer, a Lead Member, by two Executive Members or **the** Executive.
- 6.13 Specific guidance notes and report templates are available for key decisions on the intranet and from Democratic Services. Democratic Services retain decision records and background papers for at least 6 years.

### **Decisions involving between £50k and £499k spend / savings, going out to tender (all**

## **contract values over £50k), declaring assets/property surplus to requirements (all assets over £50k in value) and consultation responses**

- 6.14 Where officer decisions result in total expenditure or savings of between £50k and £499k (Capital or Revenue) then officers are required to complete the necessary decision record for approval by an authorised officer. The authorised officer signs the record to give their approval. A copy of the completed and signed decision record must be given to the Democratic Services. In all other circumstances, the service will be required to retain a copy of the decision record / evidence of compliance with the Scheme of Delegation and the Council's decision-making requirements.
- 6.15 Specific guidance notes and the decision record template for these decisions are available on the intranet and from Democratic Services. Democratic Services will retain the decision records for at least 6 years, as should report authors.

### **Decisions involving less than £50k spend / savings**

- 6.16 Where officer decisions result in expenditure or savings of less than £50k (Capital or Revenue) then officers are required to produce and keep their own decision records, supporting information and background papers for at least 6 years. Report authors can choose to use the officer decision report template for decisions between £50k and £499k if they so wish, but a copy does not have to be sent to Democratic Services.
- 6.17 The only exceptions to the above arrangements are:
- Provision of SEN services to individuals
  - Provision of Safeguarding and Care services to individuals
  - Agreed inflationary increases on contracts within Safeguarding and Care
  - The purchase of service packs

**APPENDIX A**

**SPECIFIC DELEGATIONS FOR THE LICENSING FUNCTIONS**

| <b>MATTER TO BE DEALT WITH</b>                                  | <b>FULL COMMITTEE</b> | <b>SUB-COMMITTEE</b>                                   | <b>OFFICERS</b>               |
|---|-----------------------|--|-------------------------------|
| Application for personal licence                                |                       | If a police objection is made and not withdrawn        | If no objection               |
| Application for personal licence, with unspent convictions      |                       | All cases  |                               |
| Application for Premises Licences/Club Premises Certificate     |                       | If a relevant representation is made and not withdrawn | If no relevant representation |
| Application for provisional statement                           |                       | If a relevant representation is made and not withdrawn | If no relevant representation |
| Application to vary Premises Licences/Club Premises Certificate |                       | If a representation is made and not withdrawn          | If no representation          |
| Application to vary Designated Premises Supervisor              |                       | If a police objection is made and not withdrawn        | All other cases               |

| <b>MATTER TO BE DEALT WITH</b>   | <b>FULL COMMITTEE</b> | <b>SUB-COMMITTEE</b>                            | <b>OFFICERS</b> |
|--|-----------------------|---|-----------------|
| Application for transfer of Premises Licences  |                       | If a police objection is made and not withdrawn | All other cases |
| Application for an interim authority notice where the Licence holder dies, becomes mentally incapable, becomes insolvent or, is no longer entitled to work in the UK |                       | If a police objection is made and not withdrawn | All other cases |
| Application to review Premises Licences/club premises registration   |                       | All cases                                       |                 |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.  |                       |   | All cases       |
| Decision to object when local authority is a consultee and not the relevant authority considering the application  |                       | All cases                                       |                 |

|   |  |   |           |
|---|--|---|-----------|
| Determination of an objection to a temporary event notice |  | If a representation is made and not withdrawn |           |
| Application for a minor variation                         |  |   | All cases |

| <b>MATTER TO BE DEALT WITH</b>  | <b>FULL COMMITTEE</b> | <b>SUB-COMMITTEE</b>  | <b>OFFICERS</b> |
|---|-----------------------|---|-----------------|
| Application to remove the requirement for a Designated Premises Supervisor and personal licence at a community premises   |                       |   | All cases       |
| Decision to make, vary or revoke an Early Morning Restriction Order   | Yes                   |   |                 |
| Decision to publish a cumulative impact assessment  | Yes                   |   |                 |
| Hearing and determining applications for a Hackney Carriage and Private Hire Vehicle Driver's Licence or Private Hire Operator's Licence Including applications to renew any such licence |                       | Where Officers have material concerns as to whether the applicant is a "fit and proper" person to hold such licence | All other cases |
| To grant delegated authority to officers to suspend or revoke Hackney Carriage or Private Hire Driver's Licences when required to do so with immediate effect to ensure public safety     |                       |   | All cases       |

**APPENDIX B**

**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS- GAMBLING ACT 2005**

| MATTER TO BE DEALT WITH                                  | FULL COMMITTEE | SUB-COMMITTEE  | OFFICERS                      |
|--|----------------|--|-------------------------------|
| Three-year licensing policy                              | Yes            |  |                               |
| Policy not to permit casinos                             | Yes            |  |                               |
| Fee Setting - when appropriate                           | Yes            |  |                               |
| Application for premises licences                        |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Application for a variation to a licence                 |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Application for a transfer of a licence                  |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Application for a provisional statement                  |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Review of a premises licence                             |                | Yes  |                               |
| Application for club gaming /club machine permits        |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Cancellation of club gaming/ club machine permits        |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Applications for other permits                           |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Cancellation of licensed premises gaming machine permits |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Consideration of temporary use notice                    |                | If a relevant representation is made and not withdrawn | If no relevant representation |
| Decision to give a counter notice to a temporary use     |                | If a relevant representation is made and not withdrawn | If no relevant representation |



|  |  |  |           |
|--|--|--|-----------|
| notice   |  |  |           |
| Determination as to whether a person is an Interested Party                      |  |  | All case  |
| Determination as to whether representations are relevant                         |  |  | All cases |
| Determination as whether a representation is frivolous, vexatious, or repetitive |  |  | All cases |

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**APPENDIX C**

**List of Proper Officers (and Designated Posts)**

**The Statutory and Proper Officers – Designated Posts and authorised deputies**

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**The Statutory and Proper Officers – Designated Posts**

| Legislation  | Function                                    | Designated Officer<br><br>To be populated by Executive Directors once relevant officers in post | Deputy(s) in their absence |
|--|---|---|----------------------------|
| Section 4(1) Local Government and Housing Act 1989                           | Head of Paid Service                        | Chief Executive   |                            |
| Section 151 Local Government Act 1972  | Chief Finance Officer (Section 151 Officer) | S151 Officer  |                            |
| Section 5(1) Local Government and Housing Act 1989                           | Monitoring Officer                          | Monitoring Officer  |                            |
| Section 9FB of the Localism Act 2011 (Sch 2)                                 | Scrutiny Officer                            |   |                            |
| Section 28 and 35 Representation of the People Act 1983                      | Returning Officer                           |   |                            |
| Section 28(5) Representation of the People Act 1983                          | Deputy Returning Officer                    | As appointed from time to time by the Returning Officer   |                            |
| Section 8 Representation of the People Act 1983                              | Electoral Registration Officer              |   |                            |
| Section 6(1) Local Authority Social Services Act 1970                        | Director of Adult Social Services           |   |                            |
| Section 18 Children Act 2004   | Director of Children’s Services             |   |                            |
| Section 532 Education Act 1996   | Chief Education Officer                     |   |                            |
| National Health Service Act 2006 S73A(1) and Health and Social Care Act 2012 | Director of Public Health                   |   |                            |
| Data Protection Act 2018 General Data Protection Regulations                 | Data Protection Officer                     |   |                            |

## Proper Officer Functions – Schedule of Appointments

### Local Government Act 1972

| SECTION       | BRIEF DETAILS OF RESPONSIBILITY  | PROPER OFFICER  | DEPUTY(S) IN THEIR ABSENCE |
|---------------|--|-----------------|----------------------------|
| 13 (3)        | Parish Trustee where no Parish Council.  | Chief Executive |                            |
| 83 (1) to (4) | To witness and receive declarations of acceptance of office of Chairman, Vice- Chairman or councillor.   |                 |                            |
| 84            | To accept written notice of resignations from councillors.   |                 |                            |
| 88 (2)        | Convening meetings of the Council for the purpose of filling a casual vacancy in case of Chairman of the Council.  |                 |                            |
| 89 (1)(b)     | Receipt of notice from electors requiring election to fill casual vacancy occurring in the office of councillor.   |                 |                            |
| 99 and Sch 12 | To give notice and send summonses and receive formal notifications from councillors in respect of any Council meeting  |                 |                            |
| 100 (A)to (F) | The provision of information about the decisions made or to be made by councillors including access to agenda, reports, background papers, members additional document access rights, minutes and records of decisions |                 |                            |

|                |  |                        |  |
|----------------|--|------------------------|--|
| 100 (G)        | Register of Elected Members; List of Delegated powers of officers; Written summary of rights to attend meetings and to inspect and copy documents.   |                        |  |
| 115 (2)        | Person to whom all officers shall pay monies received by them and due to Council.  |                        |  |
| 137(a)         | Gives the proper officer power to require a voluntary organisation or similar body to supply information to them, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum | Section 151<br>Officer |  |
| 138            | Emergency disaster powers  | Chief Executive        |  |
| 146 (1)(a)     | Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area.   |                        |  |
| 151            | Officer having responsibility for the administration of the Council's financial matters.   |                        |  |
| 191            | Receipt of notices from Ordnance Survey in relation to ascertaining or locating Local Authority boundaries.  |                        |  |
| 210(6) and (7) | Appoints the proper officer to be vested with certain powers in respect of charities   |                        |  |

|                                 |   |  |  |
|---------------------------------|---|--|--|
| 223                             | Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984                       |  |  |
| 225 (1)                         | To receive and give receipt for any document required to be formally deposited.   |  |  |
| 229 (5)                         | Certification of photographic copies of documents for use in legal proceedings.   |  |  |
| 233                             | The officer to receive documents required to be served on the Council   |  |  |
| 234                             | The signing of any notice, order or other document which a local authority are authorised or required to give under any enactment on behalf of the authority. |  |  |
| 236 (9) and (10) and 238        | Send copy byelaws to Parish Councils and Certifying of printed copies of byelaws.   |  |  |
| 248                             | The Officer responsible for keeping the roll of freemen   |  |  |
| Para 4 of Part 1 of Schedule 12 | Officer who may sign a summons to council meetings and Officer who may receive notice from a member of address to which a summons to a meeting is to be sent  |  |  |
| Schedule 14, Para. 25(7)        | Certification of copy resolutions under the Public health Acts 1875-1925.   |  |  |
| Schedule 29 Para 41             | Proper Officer for Births, Marriages and Deaths.  |  |  |

### Local Government Act 1974

| SECTION | BRIEF DETAILS OF RESPONSIBILITY   | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|---------|---|----------------|----------------------------|
| 30      | Receipt of Local Ombudsman Reports and giving of public notice thereof. |                |                            |

### Local Elections (Principal Areas) (England and Wales) Rules 2006 and Local Elections (Parishes and Communities) Rules 2006

| Regulation | BRIEF DETAILS OF RESPONSIBILITY                                | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|------------|--|----------------|----------------------------|
|            | Retention and public inspection of documents after an election |                |                            |

### Local Government (Committees and Political Groups) Regulations 1990

| Regulation | BRIEF DETAILS OF RESPONSIBILITY   | PROPER OFFICER      | DEPUTY(S) IN THEIR ABSENCE |
|------------|---|---------------------|----------------------------|
|            | For the purposes of the composition of committees and nominations to political groups | Democratic Services |                            |

### Local Authorities Cemeteries Order 1977

| Regulation | BRIEF DETAILS OF RESPONSIBILITY | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|------------|---------------------------------|----------------|----------------------------|
|            |                                 |                |                            |

|    |                                    |  |  |
|----|------------------------------------|--|--|
| 10 | To sign exclusive rights of burial |  |  |
|----|------------------------------------|--|--|

### Public Health Act 1961

| Regulation | BRIEF DETAILS OF RESPONSIBILITY                  | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|------------|--|----------------|----------------------------|
| 37         | Disinfection or destruction of verminous article |                |                            |

### Representation of the People Act 1983

| Regulation | BRIEF DETAILS OF RESPONSIBILITY                            | PROPER OFFICER  | DEPUTY(S) IN THEIR ABSENCE |
|------------|--|-----------------|----------------------------|
|            | All proper officer functions identified in the legislation | Chief Executive |                            |

### Building Act 1984

| Regulation | BRIEF DETAILS OF RESPONSIBILITY   | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|------------|---|----------------|----------------------------|
| 78 and 93  | To take action in relation to dangerous buildings and structures and the giving of notices. |                |                            |

### Local Government Finance Act 1989



| <b>SECTION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>  | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|---|-----------------------|-----------------------------------|
| 114 and 115    | Responsibility for Chief Financial Officer Reports.   | S151 Officer          |                                   |
| 116            | Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting.        | S151 Officer          |                                   |
| 139A           | Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required. | S151 Officer          |                                   |

### **Local Government and Housing Act 1989**

| <b>SECTION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>   | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|--|-----------------------|-----------------------------------|
| 2(4)           | Officer with whom the list of politically restricted posts shall be deposited.                                 |                       |                                   |
| 3A             | Officer responsible for the grant and supervision of exemptions from political restriction                     |                       |                                   |
| 15 -17         | To undertake all matters relating to the formal establishment of political groups within the membership of the | Democratic Services   |                                   |

|  |          |  |  |
|--|----------|--|--|
|  | Council. |  |  |
|--|----------|--|--|

### Local Government Act 2000

| <b>REGULATION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>  | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|-------------------|---|-----------------------|-----------------------------------|
| 3                 | Producing a written statement of executive decisions made at meetings.  |                       |                                   |
| 5                 | Making a copy of written statements of executive decisions and associated reports available for inspection by the public. |                       |                                   |
| 6                 | Making available for inspection a list of background papers.  |                       |                                   |
| 11(2)             | Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public.             |                       |                                   |
| 11(7)(c)          | Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed.       |                       |                                   |
| 34                | Officer responsible for publication of number of local government electors required to support a petition                 |                       |                                   |

|    |   |                 |  |
|----|---|-----------------|--|
| 81 | Establish and maintain a Register of Interests.   |                 |  |
|    | All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation | Chief Executive |  |

**Local Government (Referendums) (Petitions) (England) Regulations  
2011**

| <b>REGULATION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>   | <b>PROPER OFFICER</b>          | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|-------------------|--|--------------------------------|-----------------------------------|
| 4                 | Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area | Electoral Registration Officer |                                   |

**Local Government (Miscellaneous Provisions) Act 1976**

| <b>SECTION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>        | <b>PROPER OFFICER</b>            | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|---|----------------------------------|-----------------------------------|
| 16             | Notices requiring details of interest in land | Any Chief Officer of the Council |                                   |

|       |  |  |  |
|-------|--|--|--|
| 41(1) | The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings |  |  |
|-------|--|--|--|

**The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012**

| <b>SECTION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>   | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|--|-----------------------|-----------------------------------|
| 9 (1)          | Officer responsible for publishing the information relating to key decisions.  |                       |                                   |
| 12(1)          | Officer responsible for producing a written statement of all executive decisions made at a public or private meeting of Cabinet, including the information.  |                       |                                   |
| 14             | Officer responsible for ensuring that a copy of the following documents is available for public inspection:<br>the written statement referred to in regulation 12 above part or all of any report considered by the decision maker and relevant to the decision made |                       |                                   |

|    |   |  |  |
|----|---|--|--|
| 15 | Officer responsible for compiling a list of background papers to the report referred to in regulation 14 above.   |  |  |
| 20 | Officer who may exclude whole or part of any report provided for public inspection, where the part excluded relates to a matter for which the proper officer considers a meeting is not likely to be open to the public and Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information or exempt information or the advice of a political advisor or assistant. |  |  |

### Health and Safety at Work etc Act 1974

| SECTION | BRIEF DETAILS OF RESPONSIBILITY                            | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|---------|--|----------------|----------------------------|
| 19      | Inspector for enforcement of relevant statutory provisions |                |                            |

### Local Land Charges Act 1975

| SECTION | BRIEF DETAILS OF RESPONSIBILITY | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|---------|---------------------------------|----------------|----------------------------|
|         |                                 |                |                            |

|          |  |  |  |
|----------|--|--|--|
| 3 and 19 | Maintenance of the Local Land Charges Register |  |  |
|----------|--|--|--|

**Public Health (Control of Diseases) Act 1984 as amended**

| <b>SECTION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>  | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|---|-----------------------|-----------------------------------|
| 48             | Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.  |                       |                                   |
| 61             | Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act.  |                       |                                   |
|                | Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases  | Public Health England |                                   |
|                | Proper Officer for the purposes of Consultant in Communicable Disease Control under this Act and the Health protection Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010 | Public Health England |                                   |

**Health Protection (Notification) Regulations 2010**

| <b>Regulation</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>   | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|-------------------|--|-----------------------|-----------------------------------|
| 2, 3 and 6        | Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons. | Public Health England |                                   |

### **The Civil Evidence Act 1995**

| <b>Section</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>  | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|---|-----------------------|-----------------------------------|
| 9              | To certify Council records for the purposes of admitting the document in evidence in civil proceedings. |                       |                                   |

### **Local Government (Contracts) Act 1997**

| <b>Section</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>                    | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|---|-----------------------|-----------------------------------|
| 1-4            | Certification of relevant powers to enter into contracts. |                       |                                   |

### **Food Safety Act 1990**

| <b>SECTION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>   | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|--|-----------------------|-----------------------------------|
| 49(3)          | Any document authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority by the proper officer of the authority as respects documents relating to matters within his province. |                       |                                   |

**Health Act 2006 and Smoke Free (Premises and Enforcement)  
Regulations 2006**

| <b>SECTION</b> | <b>BRIEF DETAILS OF RESPONSIBILITY</b>                                    | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|----------------|---|-----------------------|-----------------------------------|
| 10 (Reg 3)     | To carry out the functions of an enforcement authority under Regulation 3 |                       |                                   |

**Landlord and Tenants Acts**

| <b>SECTION</b>  | <b>BRIEF DETAILS OF RESPONSIBILITY</b>  | <b>PROPER OFFICER</b> | <b>DEPUTY(S) IN THEIR ABSENCE</b> |
|---|---|-----------------------|-----------------------------------|
| S23 of the Landlord and Tenant Act 1927 and S66 of the Landlord and Tenant Act 1954 | To be the proper officer to serve and receive notices on behalf of the Council. |                       |                                   |



### Building Safety Act 2022

| SECTION | BRIEF DETAILS OF RESPONSIBILITY               | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|---------|---|----------------|----------------------------|
| S72     | Accountable Person for higher-risk buildings. |                |                            |

### Weights and Measures Act 1985

| SECTION  | BRIEF DETAILS OF RESPONSIBILITY         | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|----------|---|----------------|----------------------------|
| 72(1)(a) | Chief Inspector of Weights and Measures |                |                            |

### The Freedom of Information Act 2000

| SECTION | BRIEF DETAILS OF RESPONSIBILITY                    | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|---------|--|----------------|----------------------------|
| 36      | Qualified person who determines exempt information |                |                            |

## Regulation of Investigatory Powers Act 2000

| SECTION   | BRIEF DETAILS OF RESPONSIBILITY           | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|---|---|----------------|----------------------------|
| 30  | Officers entitled to grant authorisations |                |                            |
| Covert Surveillance & Property Interference<br>Revised Code of Practice and Covert Human Intelligence Sources<br>Revised Code of Practice | Senior Responsible Officer                |                |                            |

## GDPR and Data Protection Act 2018

| SECTION | BRIEF DETAILS OF RESPONSIBILITY | PROPER OFFICER | DEPUTY(S) IN THEIR ABSENCE |
|---------|---------------------------------|----------------|----------------------------|
|         | Senior Information Risk Owner   |                |                            |

### Other Miscellaneous Proper or Statutory Officer Functions

| SECTION                             | BRIEF DETAILS OF RESPONSIBILITY  | PROPER OFFICER                   | DEPUTY(S) IN THEIR ABSENCE |
|-------------------------------------|--|----------------------------------|----------------------------|
|                                     | Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Council                 | Chief Executive or their nominee |                            |
|                                     | Gas Safe Duty Holder (Gas Engineers – Somerset West and Taunton Council)   |                                  |                            |
|                                     | Duty Holder Electric, NICEIC (Electrical Engineers Somerset West and Taunton Council)                                |                                  |                            |
|                                     | Asbestos Competent Person  |                                  |                            |
|                                     | Company Secretary and Directors at Homes in Sedgemoor (company wholly owned by SDC, staff and elected members named) |                                  |                            |
| Social Housing Regulation Bill 2022 | Responsible person Consumer Standards (Regulator for Social Housing  |                                  |                            |

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Somerset County Council  
Constitution and Governance Committee  
30 January 2023

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## **LGR - Constitution Documents for proposed new Planning function**

Lead Officer(s): Scott Wooldridge, Monitoring Officer/ Kevin Williams, Deputy Monitoring Officer, Somerset West and Taunton Council.

Author: Kevin Williams – Deputy Monitoring Officer - Somerset West and Taunton Council.

Contact Details: [k.williams@somersetwestandtaunton.gov.uk](mailto:k.williams@somersetwestandtaunton.gov.uk)

### **1. Summary**

**1.1.** The Somerset (Structural Changes) Order 2022 will establish a single tier of Local Government for Somerset with effect from 1 April 2023 and that unitary council will be known as Somerset Council. Somerset Council will have all of the functions relating to town and country planning legislation, development control, rights of way and village green matters that are currently undertaken by Somerset County Council and the four district councils of Mendip, Sedgemoor, Somerset West and Taunton and South Somerset.

**1.2.** Presently all four Districts and the County Council have Planning functions.

### **2. Issues for consideration / Recommendations**

**2.1.** The proposals detailed in this report, offer a structure that will bring the County and District planning functions together in a single Committee format.

The Constitution and Governance Committee is asked to –

(1) Approve the proposals set out in paragraphs 2.2 to 2.5 below, in relation to revision of the Council's Constitution.

**2.2.** It is proposed that a new Planning Committee be established to be known as the **Strategic Planning Committee** and four **area based Planning Sub-Committees** be established for the discharge of the Council's planning functions

**2.3.** A structure chart of the proposed new committees can be seen at **Appendix 1** to this report.

**2.4.** Proposed Terms of Reference for the new Committee and its four area based Planning Sub-Committees are set out at **Appendix 2** to this report.

**2.5.** An amended Planning Protocol is attached **Appendix 3**. This is based on the recently updated Mendip District Council Protocol.

### **3. Background**

- 3.1.** The Local Government Act 1972 and subsequent primary and secondary legislation sets out the statutory framework for the exercise of Planning functions. This framework designates which functions are exercisable by Shire Counties, non-Unitary District Councils and Unitary Councils.
- 3.2** The exercise undertaken has involved the joining together of the District Council and County Council Planning function where they are to be determined by a delegation from Full Council to Committees and from there to officers.
- 3.3** Certain functions remain Executive functions. This will be set out in the Article in the Constitution dealing with the Executive and the Executive Procedure Rules.
- 3.4** It is proposed that all the Committees operate with political balance unless such requirements are set aside at Full Council with no member voting against.

### **4. Consultations undertaken**

- 4.1.** Planning Professionals and relevant officers across all the Somerset Districts, the County Council and the LGR Governance Workstream.
- 4.2.** The constitution documents for the Planning function at Buckinghamshire and other Local Authorities have been taken into consideration in the creation of the proposed Constitution documents for the planning functions for the new Somerset Council.
- 4.3** Extensive consultation has taken place with Planning Chairs, Portfolio Holders and Members across all the Councils together with Lead Members at Somerset County Council.

### **5. Implications**

- 5.1.** Details of the scheme for planning functions for Somerset Council and how it will operate will need to be in place at vesting day. Members of the proposed Committee(s) will require training ahead of vesting day as without it, they will be unable to exercise planning functions on the new Committee(s).
- 5.2.** Without a scheme for planning functions, any decisions purporting to be taken, will be unlawful and open to legal challenge.

## **6. Background papers**

### **6.1.** None

**Note:** For sight of individual background papers please contact the report author

### **Appendices:**

Appendix 1 - Structure Chart – Proposed Committee Structure

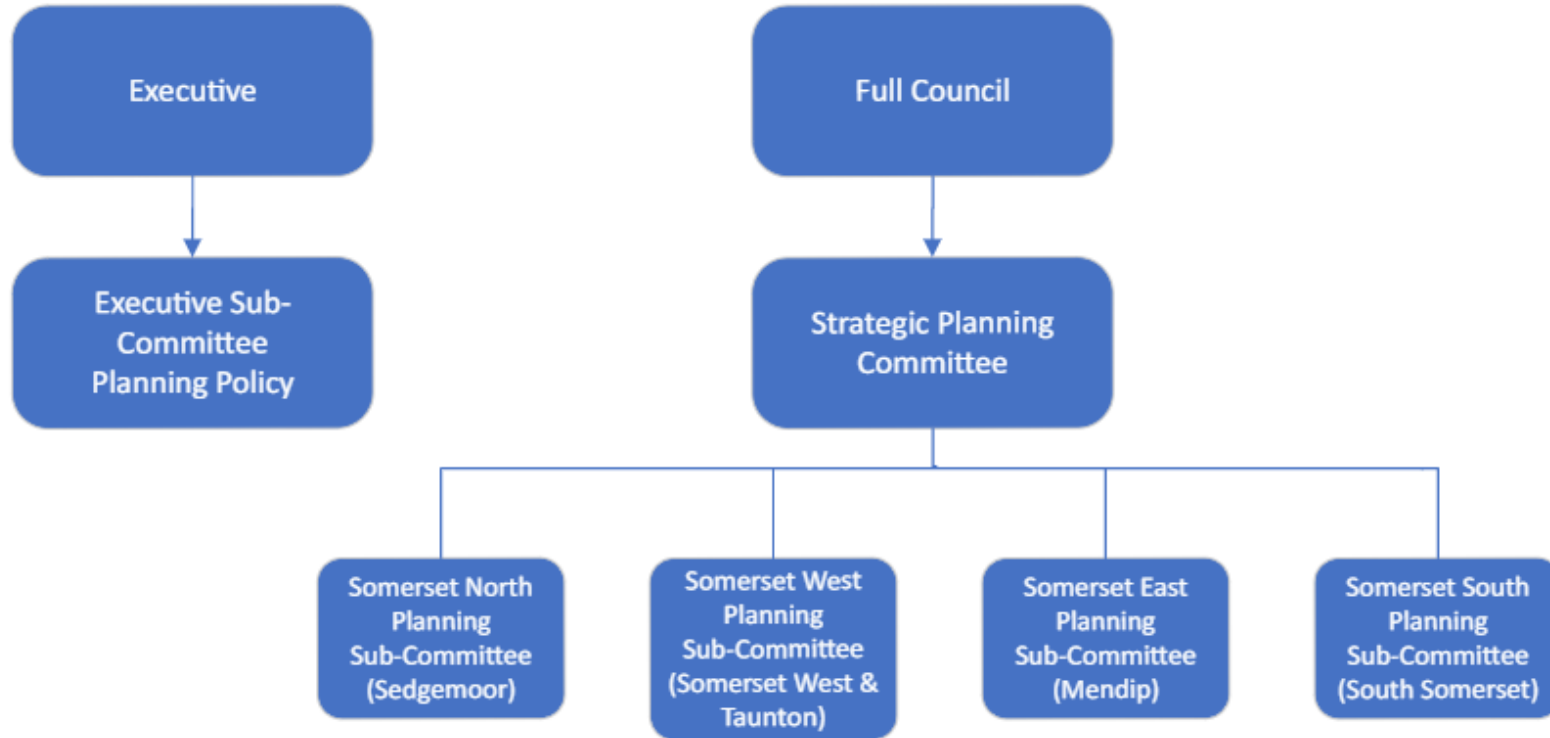
Appendix 2 - Proposed Terms of Reference (TOR) and procedures for the Committees

Appendix 3 - Planning Protocol

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# Appendix 1 – Proposed Committee Structure



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## **Planning Committee Procedure Rules**

### Terms of Reference of Planning Committees

#### **1. Strategic Planning Committee**

- 1.1 The Full Council will appoint one Strategic Planning Committee to exercise functions and responsibilities relating to:
- 1.2 Town and Country Development Management (excluding the preparation of plans and policies) as specified in Part A of Schedule 1 of the Local Authorities Functions and responsibilities (England) 2000 as amended by subsequent regulations including but not limited to:
  - a) Planning applications
  - b) Enforcement action
  - c) Planning agreements i.e. s106
  - d) Lawful use or development
  - e) Advertisement control
  - f) Listed buildings and Listed Building Consent
  - g) Footpaths and highways
  - h) Waste matters
  - i) Hazardous substances
  - j) Trees and hedgerows
  - k) Mineral applications

These functions will be exercised over the whole geographical area of the Somerset Council on the basis set out below.

#### **2. The remit of the Strategic Planning Committee**

- 2.1 The remit of the Strategic Planning Committee does not include:
  - matters reserved to full council
  - matters where functions are exercised under delegated powers in the officer scheme of delegation save where an officer declines the delegation and the matter would otherwise fall within the terms of reference of the Strategic Planning Committee.

#### **3. Delegation to the area based Planning Sub-committee(s)**

- 3.1 All of the functions of the strategic planning committee, set out in Para 1.2 above, will be delegated to the relevant area based Planning Sub-committee save for the following:
  - Planning and development management major applications<sup>1</sup>, including Waste and Minerals, referred from the Planning Sub-Committees where the

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<sup>1</sup> Major means in this context (definition to follow)

proposed decision is to overturn the Officer recommendation. Such applications will be automatically be referred up to the Strategic Planning Committee who will determine the matter at resolution stage in place of the area based Planning Sub-Committees.

- Major<sup>2</sup> applications that are a departure from the development plan and recommended for approval by officers (excluding S.73 applications).
- Applications and matters that relate to the application site boundary which are not contiguous with the boundaries of a single area-based sub-committee or the boundary of the authority.
- Public Rights of Way (PROW) and Village Green applications (which are referred by officers to the Strategic Planning Committee.)
- Phosphates:

**a.** To have oversight of the programme and delivery of projects to support a series of interim measures to offset additional phosphates resulting from affected new developments within the River catchment areas affecting the Somerset Levels and Moors Ramsar site (and specifically the measures as approved by SWT Full Council on 5 October 2021);

**b.** To have oversight of the monitoring of the performance of the above interim projects once delivered;

**c.** To agree the criteria to be used for the allocation of any phosphate credits generated from interim projects and the creation of a legally robust and transparent process for such allocation (including the terms of any S106 obligations with developers/landowners);

**d.** To review the terms of the draft Supplemental Planning Document (SPD) on the strategic solution to the nutrient enrichment issue (to be reported to Planning Policy Executive Sub-Committee/ Full Council for prior to consultation and for adoption).

Note: for the avoidance of doubt the role of the Strategic Planning Committee does not include the determination of any planning applications that include Phosphate mitigation measures, that would ordinarily fall to one of the area-based Planning Sub-Committees.

- Consideration of quarterly officer reports from area based sub-committees to monitor decision making and workload levels of the Committee.
- Functions under schedule 2 of the Local Authorities Functions and Responsibilities Regulations 2000\*

(\*These may move to a different Committee)

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<sup>2</sup> Major means in this context: (definition to follow)

#### **4. The Referral Process from the area based Planning Sub-Committee to the Strategic Planning Committee**

- 4.1 The consideration by the Strategic Planning Committee, of matters referred to it from the area based Sub-Committees (set out in Para X above), shall be conducted as a rehearing of the original application or matter.
- 4.2 The strategic planning committee shall affirm, vary or overturn the resolution recommended by the area based planning sub-committee.
- 4.3 The decision of the strategic planning committee will thereupon stand as the decision of the council as so affirmed or varied as the case may be.

#### **5. Area-Based Planning Sub-Committees**

- 5.1 The full council will appoint 4 area-based Planning Sub-Committees:
  - Somerset North (covering the former Sedgemoor District Council area)
  - Somerset East (covering the former Mendip District Council area),
  - Somerset South (covering the former South Somerset District Council area)
  - Somerset West (covering the former Somerset West & Taunton District Council area.)
- 5.2 The geographical responsibilities as set out in a geographical map of the four Planning Sub-Committees is available via the Council's website. The principles of geographical determination are set out below:

#### **6. Principles of geographical location**

- 6.1 The exercise of the functions and responsibilities by individual Area based Planning Sub-Committees are subject to the following geographical condition:
- 6.2 The applications or matters referred to the Sub-Committees for determination relates to application sites and functions that arise within the wards within the former District Council geographical areas.

## **Procedures**

The procedures at the Strategic Planning Committee meetings and Planning Sub-Committee meetings will be as follows.

### **7. Membership and Meeting arrangements**

- 7.1 The Strategic Planning Committee will be comprised of 13 members.
- 7.2 The Four Planning Sub Committees will be comprised of 13 members (or as otherwise detailed in the Planning Sub Committee Terms of Reference.
- 7.3 The membership of the Strategic Planning Committee shall be drawn from across the local government area and will be politically balanced. The membership for the Planning Sub-Committees will be drawn from the area which that Sub-Committee covers, where possible. All these committees shall be politically balanced in compliance with the statutory scheme in the Local Government and Housing Act 1989 and any subsequent legislation.
- 7.4 The relevant Planning Committees will meet at times and places appointed and published in accordance with the requirements of the Access to Information Rules.

### **Substitution and Membership**

- 7.5 Lead Executive Members are not barred from membership of the Planning Committees but membership should generally be avoided due to potential bias or predetermination issues.
- 7.6 Chair/Vice-Chair of the Strategic Planning Committee may not sit on any of the area-based Planning Sub-Committees. This restriction does not apply to ordinary members of either Committees.
- 7.7 Substitutes may attend meetings in that capacity only to take the place of the member for whom they are the designated substitute where the ordinary member will be absent for the whole of the meeting and where the member has notified the Democratic Services Manager or the Monitoring Officer of the intended substitution by no later than 24 hours before the start of the relevant meeting, or in exceptional circumstances and with the consent of the Chair, no later than one hour before the start of the relevant meeting.

### **Chair Responsibilities**

- 7.8 The Chair will preside over meetings of the Planning Committee and, where the Chair is absent for the whole or part of the meeting, the Vice-Chair will preside over the meeting or that part of it. In the absence of both the appointed Chair and Vice-Chair for either the whole of or part of a meeting,

the Planning Committee will appoint from those Councillors then present a person to act as Chair for the duration of that meeting or part of it. (All references to 'Chair' in these rules will be read as referring to the person acting as Chair at the relevant meeting or part of it).

7.9 The Chair of the Planning Committee meeting will be responsible for:

- a. calling items for consideration as they appear on the Agenda,
- b. calling and allowing persons to speak at the Planning Committee meeting,
- c. maintaining good order at the Planning Committee meeting. For this purpose, the Chair has the right to curtail any speaker (including a member of the Committee), or to suspend the Planning Committee meeting, in cases of disorder, until good order has been restored.

7.10 In all matters of procedure and interpretation of these rules, the Chair's decision will be final.

7.11 Decisions of the Planning Sub-Committees and Strategic Planning Committee are not subject to scrutiny arrangements/call in.

7.12 The order of business for each meeting of the Planning Committees:

- a. Opening matters;
- b. Apologies for absence;
- c. Substitutes
- d. Minutes of the previous meeting;
- e. Declarations of interest;
- f. Planning Applications
  - i) The Chair will announce the agenda item number.
  - ii) The Planning Officer will introduce the application with any relevant updates and provide a visual presentation to aid members' understanding of the context of the application.
  - iii) The Chair will call on public speakers to present in accordance with the Public Speaking Arrangements.
  - iv) The Chair will then ask members if they have any points of clarification on points raised by public speakers.
  - v) The Chair will then ask members if they have technical questions of officers.
  - vi) The entire committee will then discuss/debate the application.
  - vii) Members may seek further clarification of
    - A) particular points from officers, regarding the application, or
    - B) on points raised by speakers, in the main debate, through the Chair.Officers will respond to issues and questions raised by members.
  - viii) The Committee will then make a decision by vote.
- g. Other matters requiring consideration by the committee

7.13 Where there is no provision made in these Planning Committee Procedure Rules the requirements of the Committee Procedure Rules will be followed at the discretion of the Chair.

### **Minutes**

7.14 Minutes will contain all motions and amendments in the form and order they were put.

### **Approval of Minutes**

7.15 At every meeting of the Planning Committee the Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **Declarations of Interests**

7.16 Declarations will be made in accordance with the Code of Conduct. These declarations will be made at the outset of the meeting under the item listed as 'declarations of interests' on that Planning Committee's agenda or as soon as the interest comes to light.

### **Public Speaking Arrangements**

7.17 If matters are referred to Committee the following will be invited to speak in order at the Planning Committee meeting at which a matter is considered:

- a. Members of the public, or their representatives, who have previously made written representations objecting to or in support of the application;
- b. Town or Parish Councils who have previously made written representations objecting to or in support of the application;
- c. Members of the Council; and
- d. The applicant or agent.

7.18 Anyone wishing to speak at Planning Committee and who wishes to do so must register their request with XXX two working days in advance of the relevant Committee meeting. Requests will normally be dealt with on a first come first served basis. Details on how to register will be provided in the invitation to speak. The circulation of documentation including photographs or presentation materials will not be permitted at the Planning Committee meeting.



7.19 The order of speaking and time limits for Planning Committee meetings will be as follows:

| Councillor/Local Member(s) | Parish/Town Council(s) | Objector(s)      | Supporter(s)     | Agent/Applicant  |
|----------------------------|------------------------|------------------|------------------|------------------|
| 3 minutes each             | 3 minutes shared       | 3 minutes shared | 3 minutes shared | 3 minutes shared |

7.20 Where speaking times are shared, there is an overall time limit of three minutes in total, not three minutes each. Speakers in the above categories will be encouraged to coordinate with each other so that repetition can be avoided. At the Chair's discretion the time allowed may be increased. A speaker may nominate a single spokesperson to speak on their behalf.

### **Voting**

7.21 When a Planning Committee is considering any item, a member of the Committee must be present throughout the entire presentation and subsequent debate on the item, in order to vote on that item.

7.22 All members of the Committee will have one vote. The Chair will have a second or casting vote in the event of the votes cast being tied. Matters subject to a vote will be decided by a simple majority of the votes cast.

7.23 Voting will be either for the recommendation as it appears in the written report, including any update report, (or as amended by the Planning Officer verbally at the meeting) or subject to a. and b. below for the amendment to the recommendation (as proposed by a member of the Committee) or an alternative proposal. Where there is more than one amendment proposed, they will be voted on in the order in which they are proposed.

- a. Before voting on a resolution, the effect of which is to refuse permission contrary to the officer recommendation, the Committee must identify the planning reasons behind the decision before the vote is taken, which may need to be justified in the event of an appeal or other challenge.
- b. Before voting on a resolution, the effect of which is to grant planning permission contrary to the officer recommendation, the Committee must approve relevant conditions and reasons for the departure from the officer recommendation. The detailed compilation and attachment of relevant conditions and reasons can be delegated to Officers.
- c. Once the Committee has before it the full resolution and the reasons for such, the Chair can invite planning and legal officers to advise on the clarity and validity of the reasons, including any associated risks. If

there is any concern about the reasons, the Committee may consider deferring the item to another meeting for the reasons to be tested and discussed at the next convened meeting.

7.24 Any Councillor of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.

7.25 Where there is ambiguity in the way votes are cast, the Chair may request Committee members to confirm their votes before the Committee's decision is recorded.

### **Site Visits**

7.26 Officers may organise a pre-Committee site visit where they feel it would be a valuable part of the planning process. However, they can cause additional costs and should only be used where the expected benefit is substantial. A decision to carry out a pre-Committee site inspection should normally only take place:

- a) If the impact of the proposed development is particularly difficult to visualise from the plans and any supporting material; or
- b) There is considerable local concern about a proposal, allied to planning reasons for carrying out the visit (e.g. the physical relationship of the site to other sites in the neighbourhood).

7.27 When site inspections take place, careful arrangements must be made to ensure that all parties are treated fairly and equitably, and that the appropriate standards of propriety are seen to be upheld, particularly to avoid the visit being seen as part of a lobbying process. Accordingly, the following rules will apply:

- a) The visit will be led by a planning officer.
- b) Members should not seek to have discussions either with the applicant or with members of the public who may be present. The public should not be invited and have no right to enter a site without the consent of the occupier. However, attendance does occur from time to time and requires careful handling to ensure confidence in subsequent decision making.
- c) If discussions do take place, no view on the merits or otherwise of the proposal should be given, as to do so may lead to suspicion that the individual Member had already made up his or her mind. Members should keep together, avoiding side discussions.
- d) Members should not engage individually in discussions with the applicant, Agent, objectors, third parties or members of the public who may be present as again suspicion may arise that this is part of the lobbying process rather than the information-gathering process.
- e) No hospitality should be accepted at site visits,

- f) Members may, at the site visit, ask officers questions or seek clarification on matters relevant to the site inspection.
- g) A site visit is not a formal meeting of the Planning Committee and therefore a Member with a Disclosable Pecuniary Interest is not debarred from attending. However, such a member must take care to ensure that;
  - i) nothing he or she does at the site visit breaches the Members Code of Conduct and
  - ii) he or she does not imply that he or she will be part of the decision making process at the Planning Committee.

### **Site Inspections by Individual Members**

7.28 Members are able to look at an application site following the receipt of the agenda and prior to the date of the Planning Committee meeting. This will enable them to acquaint themselves with the nature of the proposal and will help avoid delay and unnecessary site visits. However, Members should only conduct such site inspections from a public vantage point and should not meet with or discuss the application with any applicant/agent or third party on site.

### **Other Matters**

7.29 The undertaking of such training as determined by the Service Director on planning and other functions falling within the remit of the Planning Sub-Committees and Strategic Planning Committee, probity in decision making, is a pre-requisite to membership of, and substitutes for this Committee.

7.30 From time to time the Planning Committee may consider reports on other items falling within the Committee's terms of reference, such as performance reports, appeals, or proposed changes to national or regional planning policy.

7.31 In those circumstances the procedure to be followed will be as described for public items above except that, there being no Planning Application for the Committee to determine, there will be no provision for public speaking before the Committee.

## **8. Delegation of functions**

8.1 The majority of the Committees functions will be performed by Officers as set out in Part X of the Constitution. These delegations are subject to:

- a) Any such delegation being consistent with the Development Plan, National Planning Policy Framework and any other applicable legislation and government guidance; and
- b) Statutory and customary consultation being carried out.

Where Planning functions are delegated to an officer of the Local Authority, the officer may decline such delegation and refer the application to Committee.

### **Exceptions to delegated powers**

- 8.2 The following decisions are not within the scope of the powers delegated by this Scheme and shall be taken by the relevant Planning Committee. Where:
- i. The applicant is a Member of the Council or a direct relative of a Member of the Council
  - ii. The applicant is one of the Council Officers listed below:
    - Senior Officers of the Council's **Senior Management Team**;
    - Where the applicant is, or is directly related to, a member of staff in the Planning Service;
    - Any other employee who has direct involvement with the planning process in the course of their duties.
  - iii Matters which the relevant Senior Officer considers to be controversial due to their size, nature or impact, or for any other reason.
  - iv. Council's own development (excluding minor alterations<sup>3</sup> to Council owned assets)
  - v. Where the proposal is a departure from the development plan and the Officer recommendation is to approve (excluding S.73 applications)

### **Applications delegated to Officers**

- 8.3 Subject to the exceptions to delegated powers above the following matters are delegated to Officers and exempt from the referral process:
- Certificates of Lawfulness Existing or Proposed
  - Prior Approval/Prior Notification – all types
  - Approval of details reserved by condition / discharge of Development Consent Order (DCO) requirements.
  - Hazardous substance consents
  - Any applications for works to trees, hedgerow removal or high hedges
  - Permission in Principle (PIP)

### **Referral Process to relevant Planning Committee**

- 8.4 The relevant Divisional Member(s) and Parish/Town Council will be notified of the following applications. They will be able to request that these applications are referred to the relevant Planning Committee:
- Planning permission (outline and full)
  - Advertisement consent
  - Listed building consent

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<sup>3</sup> Definition to follow

- Application for planning permission for relevant demolition in a conservation area
  - Reserved matters approval following outline permission
  - Variation/removal of conditions
- 8.5 Divisional Members will also be notified of applications for Permission in Principle but the decision would be delegated to Officers meaning they would not be referred to the relevant Planning Committee.

**8.6 Member referral (within 21 days of original notification or 14 days after notification of revisions):**

- a. Within 21 days of being notified of a Planning Application, a member can request referral of the application to the relevant Planning Committee by notifying the planning officer, in writing, stating whether they support or object, with material planning reasons;
- b. If the Officer recommendation is contrary to that of the Member view then the Senior Officer, in consultation with the Chair and Vice-Chair of the relevant planning committee, who in turn will (where possible) consult with the Divisional Members, will determine whether or not the matter should be referred to Planning Committee, or whether the exercise of delegated powers is appropriate, providing material planning reasons for this decision.
- c. On referral to Chair and Vice Chair, the Divisional Member will receive a copy of the report

**8.7 Member referral (post 21 days):**

- a. As a direct result of substantial changes and re-notification of an application to a Member, a Member will be given a further 14 days, from the date of re-notification, to request that the application is referred to the relevant Planning Committee by notifying the planning officer in writing stating whether they support or object, with material planning reasons.
- b. If the Officer recommendation is contrary to that of the Member then the Senior Officer, in consultation with the Chair and Vice-Chair of the relevant planning committee, who in turn (where possible) will consult the Ward Members will determine whether or not the matter called-in by a councillor should be considered by Planning Committee, or whether the exercise of delegated powers is appropriate, providing material planning reasons for this decision.
- c. On referral to Chair and Vice Chair, the Divisional Member will receive a copy of the report

**8.8 Referral by Town and Parish Councils**

- a. Within 21 days of being notified of a Planning Application, a Town or Parish Council must notify the planning officer in writing, that:
  - i They wish to refer the Planning Application to the relevant Planning Committee by either supporting or objecting to the application

- ii Provide material planning reasons for the referral
  - iii Provide an undertaking that a representative will attend and speak at committee if the request for referral to Committee is agreed;
- b. If the Officer recommendation is contrary to that of the Town or Parish Council view then the relevant Senior Officer, in consultation with the Chair and Vice-Chair of the relevant planning committee, who in turn (where possible) will consult the Divisional Members, will determine whether or not the matter referred by the Town or Parish Council should be considered by the relevant Planning Committee, or whether the exercise of delegated powers is appropriate, providing material planning reasons for this decision.
- c. On referral to Chair and Vice Chair, the Divisional Member will receive a copy of the report.

# Code of Good Practice for Planning

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## **1 Introduction**

- 1.1** This Code of Good Practice for Planning (the Planning Code) has been adopted by the Council to regulate the performance of its planning function.

The Planning Code has the following objectives:

- To guide members of the Council and officers in dealing with planning-related matters.
- To inform potential developers and members of the public generally of the standards and procedures adopted by the Council in the performance of its planning function.
- To preserve public confidence in the integrity of the planning system by ensuring that decision-making is open, transparent and fair to all parties and to ensure that there are no grounds for suggesting that a decision has been biased, partial or ill founded in any way.
- To minimise the prospect of legal or other challenge to planning decisions.

- 1.2** This Planning Code is not intended to form part of the Code of Conduct for Members (the Members' Code). It is a separate document and is intended to supplement the Members' Code by providing more detailed guidance on the standards applying to planning-related matters. The Members' Code must be applied before the Planning Code.

- 1.3** This Planning Code applies to the proceedings of the Council's Area Planning Committee meetings and the Strategic Planning Committee meetings (hereinafter referred to as Planning Committee) and to any other body of the Council making decisions on planning matters

- 1.4** Planning law requires Local Planning Authorities to determine all planning applications in accordance with the development plan unless material

considerations indicate otherwise. This responsibility must be performed without members being unduly influenced by any personal interest or other considerations irrelevant to planning.

- 1.5 Planning matters will be subject to close scrutiny both because large sums of money will be at stake for applicants for planning permission and because the quality of the built and natural environment in which local residents and the wider community live and work may be irrevocably affected.
- 1.6 It is essential that members of the Planning Committee do not give any commitment or impression of a commitment to any particular outcome for a planning matter prior to its consideration at Planning Committee. Planning decisions must be seen to be made impartially and without bias.
- 1.7 It is recognised that members will, from time to time, be approached by developers and objectors in relation to planning proposals. Part of this Planning Code is intended to assist members in dealing with such approaches and to ensure that the integrity of the decision-making process is preserved.
- 1.8 The Human Rights Act 1998 has implications for the planning system and has created enhanced requirements for procedural fairness, transparency and accountability in determining planning applications.

## **2. Probity in Planning**

- 2.1 Probity in planning is about ensuring that decisions on plan making and planning applications are undertaken, on behalf of communities, in a fair, impartial and transparent way.
- 2.2 In accordance with the Local Government Association guidance on Probity in Planning, Lead Members shall not also act as a Member of Planning Committee.
- 2.3 Serving Councillors and Officers (other than when they are acting for the Council) must not act as Agents for people pursuing planning matters within their authority, even if they are not involved in the decision making on them.

## **3. Declaring Interests**

- 3.1 Under the Members' Code, members must declare any personal interest in any matter being considered at a meeting, and must withdraw from the meeting if that personal interest is also prejudicial. The detailed rules on personal and prejudicial interests are set out in the Members Code, but the following paragraphs give a brief summary.
- 3.2 A personal interest is one that affects the well-being or financial position of a member more than the majority of other people in the relevant Council ward. Members will also have a personal interest in a matter if it affects their partner, relative, friend, close associate, or any organisation with which the member or any of these are connected, or relates to any interest which they must register under the Code of Conduct.
- 3.3 If a personal interest exists, then members must declare it and give brief details of its nature at the beginning of the meeting at which the issue is to be considered, or as soon as the interest becomes apparent.



- 3.4** Whether a personal interest is also a prejudicial interest is a matter of judgment for each member. The question they must ask themselves is: “Would a member of the public, aware of all the facts reasonably think that this interest was so important that my decision would be affected by it?” Members should remember that prejudicial interests can also arise when a matter affects their partners, relatives, friends or organisations with which the member or any of these are involved.
- 3.5** Members with a personal interest that is not prejudicial may remain in the meeting after declaring it, and take part in the debate and vote. If the personal interest is also prejudicial, members may **not** take part in the debate or vote. As permitted by the Members’ Code, they may make representations, give evidence or answer questions from the Planning Committee to the same extent as members of the public are permitted to do so (see Section 8 below), but must then leave the room before the debate begins. **Failure to do so could have serious consequences for the member and the Council: see Section 18 below**
- 3.6** The Localism Act 2011 places requirements on Members to notify the Monitoring Officer of or to disclose at the Planning Committee any Disclosable Pecuniary Interests (DPI) and prohibits participation in the business of the Council where a Member has such an interest. **The current list of DPIs is set out in the list attached to the Members Code.**
- 3.7** The requirement to notify the Monitoring officer of a DPI applies not only to a Member’s own interests but also to those of the member’s husband/wife or a person with whom the member is living as husband/wife or as if they were civil partners, if the member is aware that that person has an interest. In this Planning Code such a person is referred to as a ‘relevant person’.
- 3.8** Failure to so notify/disclose a DPI in the circumstances required by the Localism Act 2011 is a criminal offence. Therefore the requirements as to notification, disclosure and participation must be followed scrupulously and members should review their situation regularly. Whilst advice can be sought from the Monitoring Officer, ultimate responsibility for compliance rests with individual members.
- 3.9** A member may have a DPI in relation to a planning application in a number of circumstances affecting them or a relevant person. Examples include, but are not limited to;
- An application for development of a property owned or leased by the member or a relevant person
  - An application for development of land owned by the member’s employer or a relevant person’s employer
  - An application for development of a property which the member or a relevant person occupy by way of licence
- 3.10** Unless a member has received a dispensation he or she must not participate in a discussion or vote on any application in which he, she or a relevant person has a DPI.)
- 3.11** The Localism Act 2011 does not require the disclosure at a meeting of a DPI if the interest already appears on the Register. Members need to be cautious about pending notifications (where the Monitoring Officer has been notified but the register has not yet been updated). There is an ongoing legal obligation to disclose at meetings until the register has been updated and therefore, in cases of doubt the

member should disclose at the meeting. In any event members may voluntarily declare a DPI or other interest at a meeting, even when there is no obligation to do so.

- 3.12** Members must withdraw from the room at a meeting during a discussion or vote upon an issue in which they have a DPI. Failure to withdraw will not be a criminal offence but could potentially taint a planning decision and leave it susceptible to a challenge by way of judicial review.
- 3.13** Where a member of the Planning Committee has a DPI (either him/herself or through a relevant person) he or she may not participate in the debate or vote on the planning application. This applies where the member is wishing to speak as a member of the Planning Committee or ward member. However, as a private individual the member can speak and remain in the room but not take part in the debate.
- 3.14** Members with prejudicial interests and /or DPIs should not request that an application is referred to Committee.
- 3.15** Members may take part in decisions relating to land or premises in their wards, subject to complying with the rules in the Members' Code on personal and prejudicial interests. Members with DPIs must not take part in such decisions. If in doubt as to whether an interest should be declared in relation to any matter, members should take advice from the Council's Monitoring Officer or Head of Legal Services.

#### **4 The Integrity of the decision making process/Lobbying**

- 4.1** Lobbying is a normal and perfectly proper part of the planning process, and both applicants and objectors should have access to their representatives. However, to ensure that the integrity of the decision making process is not impaired, it is important that any representations made to members form part of the public information leading to any decision. If an approach is received by a member of the Planning Committee, from any interested party in relation to a current or proposed planning application, then the member shall:
- a) Inform that party that, in order to avoid accusations of partiality, he/she is only able to offer procedural advice and that they should either write to officers of the Council or write or speak to a member(s) who is not on the Planning Committee. However, members on the Planning Committee are quite free to listen to the views that the lobbyist wishes to express.
  - b) Where a member of the Planning Committee receives written representations directly in relation to a planning application, (or proposed planning application) the member should pass a copy of the correspondence to the application Case Officer and the email address in order that those representations can be included in the officer's report to the Planning Committee.
- 4.2** Lobbying is likely to involve ward members or other members of the Council who are perceived as being interested in or having an influence over the proposal, as well as members of the Planning Committee. Ward members (and other members) who are not members of the Planning Committee are in a different position to that of members of the Planning Committee. Ward Members have a very important function in representing the interests of their area or constituents who are affected by a planning proposal. If they are not on the Planning Committee, there is no reason why they should not have a view on planning proposals which are currently under consideration by the Council and make those views known, providing they do not

attempt to exert any improper influence over Planning Committee members or officers.

- 4.3** Ward members who are on the Planning Committee must remain impartial and keep an open mind about all applications coming before the Planning Committee until the meeting when the application is to be decided. Members of the Planning Committee have a legal duty in making planning decisions to take all the evidence and arguments into account, not to commit themselves to a fixed or final view before hearing these, and not to favour any particular person, group or locality (or appear to do so). The Local Government Association advises that “**councillors who do not feel that they can act in this way should consider whether they are best suited to serve on a planning committee**”. Failure to comply with this duty may result in planning decisions made by the Council being quashed by the courts on the grounds of predetermination or bias. It can also damage the public perception of the impartiality and integrity of the planning process.
- 4.4** Members of the Planning Committee who wish to take part in a planning decision should not therefore do anything that gives the impression that they have come to a final view before the Planning Committee meeting, such as making a firm view public, or organising support for or opposition to a planning application, or lobbying other members. It is perfectly proper for members to have a “predisposition” in favour of or against a particular proposal before it is discussed at Planning Committee. It would be unrealistic to expect them to be totally neutral in all cases, and the law does not require this. What is important is that members do not close their mind to further evidence or arguments which may be put forward. Members of the Planning Committee or ward members should also not put pressure on officers for a particular recommendation. This does not preclude members from seeking information or clarification from officers about a planning application.
- 4.5** Members of the Planning Committee who represent a ward affected by an application may be in a difficult position if it is a controversial matter attracting much lobbying, or on which they have strong personal views. In this situation, a member is perfectly free to choose to support one side or the other, to make their views known and to organise lobbying. **However, a member who makes this choice must not take part in the actual making of the decision.** When the matter comes before the Planning Committee, s/he will be entitled to make representations, but should not then take any part in the debate or vote
- 4.6** If a member leads, represents or is a member of a group whose primary purpose is to lobby to promote or oppose a particular development, he or she will be considered to have predetermined an application relating to that development. However the position is different for membership of general interest groups e. g. English Heritage, RSPB etc. In this case if that organisation has made representations on an application but the member has not been involved in preparing the representations he or she will not have predetermined merely due to that membership.
- 4.7** The Localism Act 2011 provided some further clarification in that a member will NOT be considered to be pre-determined;
- By just listening to viewpoints from residents or interested parties
  - By making comments which fall short of prejudging the issue
  - By seeking information through the appropriate channels

- By acting as a vehicle for the expression or views as a ward member providing he or she has not committed to vote in accordance with those views or that he or she is not acting as an advocate for a particular viewpoint.

**4.8** In the interests of public participation and involvement, it can be helpful if members involved in the determination of planning applications attend public meetings in relation to planning matters which are under consideration. It is, however, important to ensure that they make clear their position at the outset of the meeting so that there can be no question of misunderstanding or undue influence. Members should identify themselves as being members of the Planning Committee dealing with the application, and make it clear that they are happy to hear views expressed by the public, whether for or against the proposal, but are unable to reach or express any view on the merits or otherwise of the proposal at that stage. Members of the public attending meetings should be advised to contact the relevant officer with their views so that these can be included in the officer's report.

**4.9** As no decision on a planning application should be made before the Planning Committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the Planning Committee meeting should not be used to decide how members should vote, whether this is for or against an officer's recommendation. Members must be free to take decisions based on relevant planning considerations only, and any use of a political whip to influence voting may amount to maladministration.

## **5. Discussions with developers**

**5.1** Discussion between developers or an applicant for planning permission and the Council, either prior to the submission of an application or during the consideration process of the application, can be of considerable benefit to both parties and is generally encouraged as assisting the planning process. However, it would be easy for such discussions to become or be seen (especially by objectors) to become part of a lobbying process. Any involvement of members in discussions with developers or applicants should therefore only take place as part of structured arrangements agreed with officers, and the advice given in Sections 3 and 5 should always be borne in mind.

**5.2** The following guidance given by the Local Government Association and the Planning Officers' Society should be followed in relation to such discussions:

- Presentations by applicants should be limited to the development proposal and a question and answer session on factual matters. Where appropriate, they may take place on site or incorporate a site visit.
- To promote transparency of the planning process, the public will be invited to attend developer presentations wherever practicable.
- Members must maintain an impartial listening role and avoid expressing an opinion or giving advice beyond outlining local policies, although questions may be asked to clarify aspects of a proposal and policy concerns may be raised. The chair or officer should explain this role at the outset of the meeting.
- The discussions should not develop into negotiations and it must be made clear that they are not part of the determination process.
- Officers of appropriate seniority (where resources permit) should attend the meeting, and written notes should be kept.

- For major or contentious applications, the involvement of members should be authorised by the Planning Committee and recorded in any subsequent committee report.
- Members should not seek to influence officers or pressure them to support a particular course of action.
- The Council should set out in advance how it will deal with any commercially sensitive or confidential information, bearing in mind the requirements of the Freedom of Information Act and the need for transparency.

**5.3** To minimise the risks of predetermination in championing their communities, members are encouraged to promote any community aspirations involving sites, land or community benefits from development, or other planning issues through the Local Plan or Neighbourhood Plan preparation at the earliest opportunity.

## **6. Predetermination and Bias**

**6.1** Members must also be aware of and act within the rules on predetermination and bias. Avoidance of bias or predetermination is a principle of natural justice which has evolved through the courts, although section 25 of the Localism Act 2011 is also relevant. Even if a member does not have a DPI or is not acting in breach of the Members' Code he or she may cause a decision to be invalid if he or she participates while predetermined or biased. The rules regarding predetermination or bias are likely to be more strictly applied where the Council is making 'quasi-judicial' decisions, such as the determination of a planning application, than in other decisions to be made by the Council.

**6.2** The basic legal position is that a member should not take part in making a decision on a planning matter if he or she is biased or has predetermined the matter. Members should bring an unbiased, properly directed mind to the consideration of any matters before them at the Planning Committee. This does not mean that members are not entitled to have and to express opinions about general planning matters, or planning cases. However they must approach, and must be seen to approach, matters before them with an open mind.

**6.3** In this respect a distinction is to be drawn between those members who are making the decision (speaking and voting as part of the Planning Committee) and those members seeking merely to influence the decision (i.e. making representations as a ward member). The prohibition in respect of predetermination or bias only affects those actually making the decision. A member who has predetermined or who is biased may still speak as a ward member (provided he or she does not also have a DPI).

## **7. Predetermination and Predisposition**

- 7.1** The law also makes a distinction between predetermination, which rules out participation in decision making and predisposition, which does not.
- 7.2** A member is entitled to have and express views on local matters, both general planning matters and more specific applications. These views may indicate that a member has a predisposition towards a particular policy or viewpoint. This is perfectly acceptable and a member with a predisposition may take part in the decision-making.
- 7.3** A predisposition will move on to become predetermination if, in relation to any matter before the Planning Committee, a member has taken a stance which indicates that he or she has finally closed his or her mind on the matter and that nothing he or she hears at the Planning Committee will alter his or her position.
- 7.4**
- 7.5** There is an acceptance that a member may legitimately consider matters in certain capacities as different factors may apply to different decisions. Where premises require planning permission and a license, members may be asked to sit on both planning and licensing Planning Committees. While the statutory regimes in such cases are different, often the factors to be taken into account can be similar. In these circumstances members should carefully consider whether anything they have done or said in making the earlier decision would demonstrate a predetermination of the second decision. If that is the case the member should not take part in the decision making at the second Planning Committee.

## **8 Bias**

- 8.1** A member should not be party to decisions in which he is actually biased or gives the appearance of being biased to the reasonable observer. The test for the appearance of bias is whether a fair minded and informed observer, having considered the facts, would conclude there was a possibility that the decision maker was biased. The common ground for this test, in deciding whether the decision of the Planning Committee is vitiated was stated by Lord Hope in *Porter v Magill* (2001) UKHL 68.
- 8.2** There is an earlier line of authorities which identify situations in which a Judge or other decision maker whose activities are governed by Public Law is automatically disqualified on grounds of apparent bias. This is so where a decision maker is party to a decision, the paradigm instance of *nemo iudex in causa sua* principle.
- 8.2** Bias may arise by virtue of a member being closely connected with a person who has a vested interest either the applicant or an objector. This may result from a personal connection, such as the applicant being a relative or friend, or result from the member espousing a particular viewpoint (e.g. being part of a lobby group). The role of the Planning Committee is to consider applications in accordance with the legislation and to balance the interests of persons with competing views and this may not be possible where a member is closely connected with a particular party.
- 8.3** In addition, circumstances which raise the possibility of bias may also lead to an accusation of a breach of the Members' Code, as the Members' Code states that members should act solely in the public interest and not do so in order to gain

financial or other material benefits for themselves, their family or friends. Where this might occur, members should not take part in the decision making.

## **9. Section 25 of the Localism Act 2011**

Section 25(2) of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because –

- (a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter, and
- (b) the matter was relevant to the decision.

The section makes it clear that if a councillor has given a view on an issue, this, considered in isolation, does not show that the councillor has a closed mind on that issue. So, the mere fact that a councillor has campaigned on an issue or made public statements about their approach to an item of council business does not prevent that councillor from being able to participate in discussion of that issue and to vote on it.

Having said this, the use of the words 'just because' in section 25 suggest that other factors when combined with statements made etc. can still give rise to accusations of predetermination. This has also been the approach that the courts have taken to this issue. When considering whether predetermination has taken place they will consider all events leading to the decision, (and also, where appropriate, those following the decision) rather than looking at individual events in isolation.

The case law has also made it clear that the words used by particular members and the interpretation put on those words is of particular importance. So care still needs to be taken when making statements in advance of the determination of planning applications as there is a risk that they can be misinterpreted or taken out of context.

### **Guidance**

With this in mind;

- It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the officer's presentation and any representations made on behalf of the applicant and any objectors.
- With this in mind, if you do comment on a development proposal in advance the decision, consider using a form of words that makes it clear that you have yet to make up your mind and will only do so at the appropriate time and in the light of the advice and material put before you and having regard to the discussion and debate in the Panel meeting.
- Particular care should be taken where there are chance encounters with objectors to development proposals or in the context of meetings which are not formally minuted. These are situations where the risk of what you say being misrepresented or taken out of context is particularly high.

## **10. Dual-hatted Members**

- 10.1** Where a Member is a member of the Planning Committee and is also a parish or town councillor, caution needs to be exercised in considering matters at the

parish/town council stage. This is because of the member's additional responsibility as a member of the Planning Committee charged with making a decision on the planning application. It is important to bear in mind that parish/town councils are consultees in the planning process and may be asked for their comments on an application at a time when not all the relevant material planning considerations have become known and the full implications of an application investigated. Members should therefore:

- at the parish/town level, make it clear that they will reconsider the matter at the district level, taking into account all relevant evidence and representations at the district tier; strong opposition to or support of an application at the parish or town council meeting would indicate that a dual hatted member had predetermined and therefore debar the member from voting at the Planning Committee
- At the district level, declare a personal interest arising from their membership of the parish/town council, and make it clear that the council's view does not bind them and that they are considering the matter afresh.
- Be mindful that if a planning application significantly affects the parish or town council (e.g. the parish or town council is the applicant or the application affects land owned outright by the parish or town council) it is likely that a fair minded observer might consider the Councillor to be biased as a result of his/her membership of the parish or town council and therefore in those circumstances a dual hatted member should not take part or vote on such an application.

**10.2** The same procedures should be followed by members of the Planning Committee who sit on any other body, which is considering an issue which may subsequently come before the Planning Committee. Members may decide that in some circumstances it would be inappropriate for them to participate in the vote that decides the consultative body's comments and views on an application. A member's expertise as a member of the Planning Committee can sometimes be put to best use in advising and guiding other bodies on which they sit on the planning issues that arise from the application. When the application comes to be decided by the Planning Committee, the views of the parish/town council or other consultative body will be one of the material considerations to be considered and taken into account.

**10.3** Ward members who make representations on a planning application and who also sit on the Planning Committee should ensure that any comments which they make do not give the impression that they have formed a final view on the application by that stage. Members should keep an open mind until the matter comes before the Planning Committee, and take all relevant considerations into account before making their decision.

**10.4** Subject to the guidance listed in [para 2.2](#) above there may be circumstances where a member of the Planning Committee who is also a member of the Council's executive is so closely involved with a proposal coming before the Planning Committee that s/he may not be seen as impartial in relation to the planning decision. This may occur, for example, if the member concerned is committed to the development as a result of his/her responsibilities for furthering the development of the area, and is effectively acting as an advocate for that development. In these circumstances, the member concerned may argue for the development, but should not take part in the debate or vote at the relevant Planning Committee meeting. If in doubt, advice should be taken from the Council's Monitoring Officer.



## **11. Applications by Members, Officers and the Council, Delegation to Officers and Exceptions to Delegated Powers**

**11.1** In the event that an application is brought to Planning Committee for probity reasons, members of the Planning Committee will need to consider whether they should declare any personal or prejudicial interest in applications in which other members of the Council or officers are involved. This will normally only be necessary if the member or officer concerned is a "close associate", as that term is used in the Members' Code of Conduct. If in doubt, advice should be taken from the Monitoring Officer or Head of Legal Services.

**11.2** Proposals where the Council is the applicant (or a development involving the Council and another party) should be treated in the same way as those by private developers, in accordance with the relevant Town and Country Planning Regulations and government guidance.

**11.3** The same procedures also apply to private applications in respect of Council owned land (e.g. prior to a land sale being agreed or negotiated). Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council is seen to be treating such applications on an equal footing with all other applications, as well as actually doing so.

## **12 Members and decision making**

**12.1** Members are required to arrive at a decision on granting or refusing permission, and in determining planning applications, members are required to have regard to the development plan and to any other relevant material considerations. To this end, the reports of officers to members must be accurate and cover all relevant points. These reports:

- a) Should contain a section on the relevance of the development plan, a description of the site and any related planning history with all other relevant material considerations outlined.
- b) Should deal with the substance of any objections or support received and the views of people who have been consulted or notified.
- c) Should incorporate a recommendation for the consideration of members; oral reporting (except to introduce a report or update it) should be extremely rare and carefully minuted when it does occur.
- d) Should contain a technical planning appraisal which clearly justifies the stated recommendation.
- e) If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

**12.2** Members of Planning Committee must also;

- Come to meetings with an open mind and demonstrate they are open minded.
- Have a duty to take into account any representations made to the Council as a result of the publicity and consultation process for the application. In doing so, it is necessary to decide which representations are material to the decision to

be made, and if so, what weight to attach to them. This conclusion should not be reached until all the facts have been presented in the officer's report to the Planning Committee.

- Request further information if it is felt there is insufficient information before the Planning Committee to reach a decision,
- When making a decision contrary to the officer recommendation, identify the planning reasons behind the decision before the vote is taken, which may need to be justified in the event of an appeal or other challenge. In the event of a proposal to grant planning permission contrary to officer recommendation, Members must propose and the Committee must approve relevant conditions and reasons for conditions to be attached to the planning permission. The detailed compilation and attachment of relevant conditions and reasons can be delegated to officers in consultation with the Chair. If members are unable to do this immediately, they should request an adjournment or a deferral in order to seek advice and/or formulate the reasons/conditions.

### **13 Training**

**13.1** To ensure that correct procedures are followed and proper planning considerations are employed in decision making, members of the Planning Committee will receive training on planning functions as soon as possible after appointment to the Planning Committee. The Council's Executive Lead Member responsible for planning will also receive the same training as soon as possible after appointment.

**13.2** Under the Council's Constitution, Members may not take part in planning decisions unless they have first received appropriate training on planning functions. Additional training as considered necessary from time to time by the Service Director – Economy, Employment and Planning or Monitoring Officer, should also be attended by all members of the Planning Committee.

**13.3** Refresher training, updates, and more detailed training on specific issues will also be provided, and should be taken up by all Planning Committee members.

### **14 Complaints and Record Keeping**

**14.1** Whatever procedures the Council operates, it is likely that complaints will be made. In order that any complaints can be fully investigated, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations.

**14.2** The same principles of good record keeping will be observed in relation to all other planning matters. Monitoring of record keeping will be undertaken on a continuous basis by the Service Director Planning and Environment.

### **15 Role of Officers**

**15.1** An officer's function is to advise members on all matters of development management procedures and considerations, including planning policy, in their determination of planning and related applications by:

- a) Providing impartial and professional advice which is properly recorded.

- b) Making sure that all the necessary information is available for a decision to be made.
- c) Providing a clear and sufficient analysis of the issues including development plan policies and all other material considerations.
- d) Giving a clear recommendation.
- e) Carrying out the decisions made by members at meetings of the Planning Committee.

Officers who are members of the Royal Town Planning Institute are governed by the Royal Town Planning Institute Code of Professional Conduct which states that RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions. Officers who are not members of the RTPI should aim to adhere to the same principles of conduct.

**15.2** Officers shall also comply with the following:

- a) Informal pre-application advice will be given (where appropriate for a reasonable fee as set out in the published schedule of charges) to prospective applicants prior to submitting an application. Advice will reflect adopted policies within the Development Plan.
- b) Where considered necessary a site visit will be carried out.
- c) Officers will endeavour to deal with, and determine applications in accordance with published service standards.
- d) All applications will be considered by at least two officers, i.e. the case officer plus a senior officer who will authorise the final decision unless internal procedures state otherwise.
- e) In all dealings with applicants, agents, and the public officers should maintain a courteous and professional relationship adhering to the Council's policies and officer codes ensuring that all parties are treated fairly and respecting people's rights.
- f) When an application is submitted by an officer involved in the planning process the officer shall highlight this on the application forms and make the Case Officer aware at the earliest opportunity. Such applications shall be determined in accordance with **Appendix K of the Constitution**.
- g) Where an officer involved in the planning process has a close personal relationship with any applicant, agent or organisation that could lead to a third party suggestion of bias, the officer will inform the Service Director Planning and Environment and Monitoring Officer in writing and take no part in processing or determining the application.
- h) Officers should not, under any circumstances, accept gifts or hospitality beyond simple basic refreshment where necessary or unavoidable. If, however, a degree of hospitality is unavoidable, it should be ensured that this is of the minimum. All gifts and hospitality beyond simple basic refreshment should be declared to the Monitoring Officer for entry in the Council Register of Gifts and Hospitality.

## **16 Planning Decisions Contrary to Officer Recommendation and/or Development Plan**

**16.1** The law requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

**16.2** In discussing and then determining a planning application, members should confine themselves to the planning merits of the case and the reasons for making a final decision should be clear and convincing and supported by planning evidence. All decisions must be founded on material planning reasons and there must be planning evidence to substantiate them.

**16.3** There is no reason in law why a Planning Committee may not make a decision contrary to the officer's recommendation, whether it is for approval or refusal. Nevertheless, the law does require that in the case of refusals of planning permission, detailed reasons are given, and it is important that where members have made a decision contrary to an officer's recommendations, the reasons for the decision should be made clear. In such a situation, therefore, whether the decision by members is to approve or refuse permission, the planning reasons should be clearly minuted, together with the evidence to substantiate them.

## **17 Consequences of Failure to Comply with the Planning Code**

**17.1** This Planning Code, together with the provisions of the Members' Code sets out the standards that the Council will operate in dealing with planning applications. Members and officers should be aware that failure to comply with this Planning Code or the Members' may have legal consequences.

**17.2** These include:

- a) A complaint to the Monitoring officer, and a subsequent investigation if informal resolution is not possible, which may result in a member being censured.
- b) An investigation by the Ombudsman if complaints are received about the manner in which a planning application is dealt with. In determining whether or not there has been maladministration the test that is currently used is that members must "at all times avoid any occasion for suspicion and any appearance of improper conduct" and must not allow "the impression to be created that (the Member) is or may be using his position to promote a private or personal interest". Individuals involved may be named, and the Council may be found guilty of maladministration and recommended to compensate the claimant.
- c). Appeal to the Secretary of State. As well as granting planning permission s/he can award costs against the Council if it has acted unreasonably – for example, bias has been present or the decision has been taken for non-planning reasons.
- d). Court action (judicial review) to quash a planning decision, which may succeed if bias or apparent bias was present, or if it is demonstrated that a decision was taken for non-planning reasons or material considerations were ignored. Procedural errors may also have this result if any party was prejudiced. Costs will be awarded against the Council which will have to re-determine the application correctly.

- e) A Human Rights challenge where the potential level of damages awarded for a breach is unlimited.

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Somerset County Council  
Constitution and Governance Committee  
30 January 2023

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Governance Arrangements for Local Community Networks

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Executive Lead Member: Cllr Val Keitch - Lead Member for Local Government Reorganisation & Prosperity

Division and Local Member: N/A

## **1. Summary**

- 1.1.** This report asks the Committee to consider the proposed governance arrangements for Local Community Networks (LCNs) and the proposed initial Terms of Reference which form appendices 1 (full Terms of Reference – for inclusion in the Constitution) and 2 (simplified Terms of Reference – for the LCNs to use).

It asks the Committee to recommend the inclusion of the LCN governance arrangements within the Constitution of Somerset Council.

The draft Terms of Reference were presented to and supported by the Executive on 18 January 2023, recognising that they represent a starting point for LCN governance arrangements, that will be tested, reviewed and revised as appropriate over time.

- 1.2.** The establishment of Local Community Networks (LCNs) is a commitment in the 'One Somerset: Business case for a new single unitary council for Somerset' Version 1.3 December 2020, para 6.3 page 68.

LCNs will both influence and work within the corporate priorities and policy framework for the new Council.

## **2. Issues for consideration / Recommendations**

- 2.1.** That the Constitution and Governance Committee:

- Recommends to Full Council that the proposed LCN governance arrangements and Terms of Reference be included in the Constitution of the new Somerset Council.

And in doing so notes that:

- The terms of reference have been developed to reflect the proposed roles and responsibilities of LCNs in their initial stages, appropriate and proportionate to their function

- Each LCN will adopt the model terms of reference to enable a level of consistency, noting that there will be scope to consider local flexibility where appropriate.
- The terms of reference will be reviewed during year one of LCNs.

### **3. Background**

**3.1.** The Executive Committee, on 18 January 2023, agreed the following recommendations regarding LCNs, building on an initial paper to Executive on 16 November 2022:

1. The purpose and initial roles for LCNs, and that there are opportunities for future development, as set out in sections 13 and 14 of the report
2. The proposed eighteen LCN areas as a basis for moving forward for Vesting Day
3. That decisions on any changes to the LCN areas or names, resulting from discussions with stakeholders, be delegated to the Lead Member for Local Government Reorganisation & Prosperity, in consultation with the appropriate Divisional Members
4. The draft initial model Terms of Reference for LCNs
5. An earmarked reserve of £300k to establish LCNs and to support the completion of a community engagement and development spend review across the five councils, to identify existing funding to support LCNs on an ongoing basis.

### **3.2. Terms of Reference for LCNs**

The terms of reference at Appendix 1 and 2 have been drafted to take the purpose, role, function and form of LCNs, agreed at Executive, into account. Key points are summarised in the following sections.

### **3.3. Governance Structure for LCNs**

The Unitary Business Case envisaged that LCNs would be committees of the Cabinet. Feedback from the consultation raised concerns about the formality of committees limiting wider community engagement in LCNs, and that more of a partnership arrangement was preferred. However, other respondents supported LCNs being formal committees as they considered this would give them gravitas and ability to make decisions. Section 12 of the Terms of Reference set out how the LCNs will feed into the Somerset Council democratic process.

Balancing the differing perspectives, it is vital, if LCNs are going to have real influence, that they are firmly embedded in the governance 'fabric' of the Council and its constitution and are able to make decisions locally. A board structure does not hinder this and does enable LCNs to be consulted on strategic matters.

The development of LCNs is an evolutionary process and there has been a focus



on equal partnership, engagement and empowerment. The proposed core membership facilitates this. If LCNs were formal committees of the Council, only the elected Somerset Councillors would have voting rights.

A board structure at this early stage in LCN development offers greater flexibility, putting all core members on an equal footing in terms of influence and decision making, and helping create an agile and participative environment from day one to meet the proposed initial roles and functions of LCNs. Over time, as functions of LCNs evolve and become clearer, the Council can review the governance and structural arrangements and terms of reference to reflect any changes, and if appropriate evolve to committees.

Taking the above into account, along with learning from other Unitary Areas' locality arrangements, it is recommended that LCNs initially be established as boards, with scope for future review. Advice from Governance colleagues indicates there is scope within the Structural Change Order for the Council to agree this change.

### **3.4. Initial Roles for LCNs**

Drawing from the Unitary business case, and shaped by dialogue and input from a wide range of stakeholders, the following are proposed as the initial roles for LCNs in year one:

- Be a forum for community voice, engagement and influence
- Be a means for enhancing participation in democracy and local decision making
- Enhance collaboration by bringing together at a local level, representatives from partner organisations, town, City and parish councils, community groups and residents
- Identify evidence-based community priorities; across Economic, Social and Environmental issues
- Create plans to reflect how the priorities will be addressed
- Identify and secure resource opportunities for local projects

### **3.5. Membership of LCNs and Decision Making**

LCNs will be accessible and inclusive, and engagement with wider community groups and residents will be actively encouraged.

The terms of reference outline the proposed membership and representation of LCNs.

LCNs will aim to reach decisions by consensus, with the need for a formal vote being the exception rather than the norm. However, if a vote is required, it will be the core membership that is able to vote. Each Local Community Network

will comprise the following core membership:

- 1) The elected Somerset Council Councillors representing the electoral divisions covered by the Local Community Network;
- 2) An elected representative from each City, Town or Parish Council within the area covered by the Local Community Network;
- 3) Representatives from the following groups or organisations:
  - a) Local Neighbourhood policing team;
  - b) Somerset National Health Service
  - c) Devon and Somerset Fire and Rescue Service;
  - d) Education
  - e) Representatives from Voluntary, Community, Faith and Social Enterprise Organisations
  - f) Representatives from Businesses or Trade Groups

It is acknowledged that the selection of representatives of the above listed organisations requires further consideration, and the make-up may vary from one LCN to another. This will be discussed with partners and stakeholders in the coming weeks and months, including via the LGR Advisory Forum.

In addition to the core membership of each LCN, it is anticipated that each LCN will invite and actively encourage the participation of a wider range of stakeholders relevant to the priorities and issues they are discussing at any one time.

With regard to the election and role of the chair; a supplementary role description for the chair will be created, accompanied by a nomination and election process.

Where there are instances where the democratic mandate needs to be used, recommendations will be made by the appropriate LCN and referred to the Executive for consideration and approval.

Minutes and Agendas of each LCN meeting will be made publicly available on the Somerset Council website.

### **3.6. Meeting Arrangements**

The 18 LCNs will be supported to meet 6 to 8 times a year and will have the discretion to agree the setting of these and any working group meetings at a local level in consultation with the LCN Officer team. Meetings will be held in public, with public participation being a standard item on every agenda and actively encouraged.

### **3.7. Review**

These Terms of Reference are the starting point for the LCNs, to ensure a level of consistency, with flexibility to reflect local circumstances. They will be reviewed during the first year of operation to ascertain how effectively they are working,

before the Unitary Council Annual Meeting approves them again in May 2024.

#### **4. Consultations undertaken**

- 4.1.** An extensive engagement and consultation activity undertaken by the LGR Programme regarding LCN development has involved a wide range of internal and external stakeholders and elicited a diverse range of views and opinions, some of which potentially conflict or need detailed consideration to reconcile. The principles agreed by the Executive on 16 November and referred to in this report have helped to do this.
- 4.2.** This activity is considered as part of the ongoing dialogue and co-production of LCNs, rather than a one-off event.

#### **5. Implications**

- 5.1.** The governance arrangements for LCNs will need to be reflected in the constitution of Somerset Council.
- 5.2.** LCNs will need to be supported by a team of officers with a wide range of knowledge, skills and experience, spanning community development, stakeholder and partnership relationship building, the ability to think locally and strategically, manage projects and negotiate solutions and resources. They will also need the support of Governance Colleagues to administer and minute meetings.
- 5.3.** In liaison with the Director for Finance and Governance, and accepting this is a transition year, it is proposed to:
- set aside an earmarked reserve of £300k to enable LCNs to progress
  - understand the new officer structure of Somerset Council
  - explore the reassignment of existing resources and community engagement and development staff
  - identify funding to LCNs on an on-going basis.
- Governance support has been budgeted for within this context.

#### **6. Background papers**

- 6.1.** Appendix 1 – LCN Full Terms of Reference  
Appendix 2 – LCN Simplified Terms of Reference  
LCN Executive Paper November 2022  
LCN Executive Paper January 2023

**Note** For sight of individual background papers please contact the report author

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## **Local Community Networks**

### **Terms of Reference**

The Council will establish 18 Local Community Networks to promote the development of stronger and more resilient communities across Somerset.

For the purposes of the Constitution, the Local Community Networks will be classed as Area Boards.

#### 1.0 Purpose, Role and Function of the Local Community Networks

1.1 The purpose of the Local Community Networks is to be the focus for the new Council for community engagement and development, within an ethos of local partnership working, looking to improve outcomes for residents through establishing strong connections between Somerset Council, our communities and our partners.

1.2 The Local Community Networks will have the following roles and functions:

- Establishing effective local community engagement and influence;
- Promote enhanced participation in democracy, active community decision making and scrutiny;
- Enhance collaboration by bringing together at a local level representatives from partner organisations, town, City and parish councils, community groups and others
- Ensure local influence over the Council and wider public service activity;
- Share information, ideas and solutions to enable services to be delivered to help meet local need;
- To inspire more responsibility for local place shaping;
- To identify evidence-based community priorities; across Economic, Social and Environmental issues;
- To create plans to reflect how the priorities will be addressed; and
- To identify and secure resource opportunities for local projects

#### 2.0 Local Community Networks Approach

2.1 The Local Community Networks will:

- a) Agree priorities and areas of focus for the local area on an annual basis
- b) Agree a tailored communication and engagement plan for actively involving residents and other local stakeholders
- c) Allocate any funding obtained by the Local Community Network as appropriate, and in accordance with rules and guidance set out by the Council's Contract Procedure Rules and Standing Orders
- d) Provide opportunities to ensure that the local community is able to respond to consultations in a timely manner.
- e) Provide opportunities to ensure good communications and information from Somerset Council, and partners, on local issues.
- f) Make recommendations to Somerset Council and/or other partners on funding local projects.

- g) Make recommendations to Somerset Council, and partners, on key local issues.
- h) Produce an annual report with a self-assessment of success in relation to delivery against the agreed priorities and areas of focus for the local area for the past 12 months.
- i) Hold an annual meeting to enable residents and local stakeholders to input into setting area priorities for the next 12 months and highlight local issues.

### 3.0 Composition

- 3.1 The Local Community Networks will be constituted as Area Boards. The minutes of the meetings of all Local Community Networks, along with any recommendations, will be considered by the Executive.
- 3.2 In the event of a Somerset Council Councillor being elected following a by-election, the Monitoring Officer has delegated authority to appoint the Councillor to the relevant Local Community Network and Council will be asked to ratify the appointment at its next available ordinary meeting.
- 3.3 Local Community Networks are established for the areas shown on the map at Appendix A and initially named as set out in the schedule at Appendix B.

### 4.0 Policy and Constitution

- 4.1 Local Community Networks must operate within the Council's Budget and Policy Framework and in accordance with the requirements of the Constitution.
- 4.2 Each Local Community Network may receive funding as determined from time to time by the Council, partners or through successful funding bids. Local Community Networks will allocate any funds in accordance with the Council's Procedure Rules.
- 4.3 Each Local Community Network will have discretion to add or determine their own items of ordinary business.
- 4.4 Local Community Networks will be consulted on the development of strategic policies to make sure that local priorities and concerns are taken into account. The Local Community Networks will also be consulted where significant changes, reductions or closures of a service are planned in their local area.
- 4.5 Any key decision or policy proposal of the Council that has, or is likely to have, a significant impact in the local area will be discussed with the Local Community Network.
- 4.6 Where appropriate, Local Community Networks are able to set up Working Groups to cover particular topics. The results and outcomes from the Working Group will need to be fed back to the main meeting of the Local Community Network.

- 4.7 In the event of the topic spanning more than one Local Community Network area, the Working Group will be set up to include representatives from all appropriate Local Community Networks.
- 5.0 Membership & Representation
- 5.1 Each Local Community Network will comprise of the following core membership:
- 1) The elected Somerset Council Councillors representing the electoral divisions covered by the Local Community Network;
  - 2) An elected representative from each City, Town or Parish Council within the area covered by the Local Community Network;
  - 3) Representatives from the following groups or organisations:
    - a) Local Neighbourhood policing team;
    - b) Somerset National Health Service
    - c) Devon and Somerset Fire and Rescue Service;
    - d) Education
    - e) Representatives from Voluntary, Community, Faith and Social Enterprise Organisations
    - f) Representatives from Businesses or Trade Groups
- 5.2 The core membership list will be classed as the voting members of the Local Community Network.
- 5.3 Each Local Community Network will support and encourage wider participation and engagement from additional attendees. This could include, for example:
- Local Community and Voluntary Sector Organisations
  - Local Businesses or Trade Groups
  - Housing Associations or Housing Officers
  - Any other relevant local groups which could include youth groups, cultural organisations, environmental groups, older people's groups, disability groups, etc.
- 6.0 Other representation
- 6.1 Local Community Networks can invite any Executive Member to attend their meeting to discuss matters relating to their remit, if appropriate.
- 6.2 Invited Executive Members attending the Local Community Network as a guest will not have voting rights.
- 6.3 For the avoidance of doubt an Executive Member is entitled to vote as a standing Member of the Local Community Network in which their electoral division is located.
- 7.0 Officer Support

- 7.1 Each Local Community Network will be supported by a dedicated Officer from the Unitary Council and Democratic Services Officer(s).
- 7.2 Local Community Networks can ask other officers (including external partners officers) to attend their meetings to discuss items of business on their agenda.
- 7.3 Somerset Council Directors will provide an oversight role for the Local Community Networks, ensuring that officers in their directorates attend and engage with the LCNs as and when appropriate.
- 8.0 Order of business for the Annual Meeting of the Local Community Networks
- 8.1 The Annual Meeting of the Local Community Network will take place annually based on the commencement date of the Local Community Network.
- 8.2 Items of business for the Local Community Network Annual Meeting will be:
- a) To elect the Chair of the Local Community Network
  - b) To appoint the Vice-Chair of the Local Community Network
  - c) To receive any apologies for absence
  - d) Declarations of Interest
  - e) Public Question Time
  - f) Approve the minutes from the previous meeting
  - g) To consider the Annual Report on the Local Community Network's work in the last 12 months
  - h) To determine the priorities and areas of focus for the Local Community Network for the next 12 months
  - i) To consider any other business set out in the agenda (which is set by each individual LCN)
  - j) To agree the frequency of meetings
  - k) To agree the schedule of meetings for the next 12 months
- 9.0 Order of business for Ordinary meetings of the Local Community Networks
- 9.1 Items of business for the ordinary meetings of the Local Community Networks will be:
- a) To receive any apologies for absence
  - b) Declarations of Interest
  - c) Public Question Time
  - d) To approve the minutes from the previous meeting
  - e) To receive updates on any action points from previous meeting(s)
  - f) To consider any other business set out in the agenda (which is set by each individual LCN)
- 10.0 Process for electing the Chair of the Local Community Networks
- 10.1 Either the Chair / or Vice-Chair of the Local Community Network shall be a Somerset Council Councillor. The other position is to be filled by a suitably



trained and experienced chair nominated from the core membership (section 5.1).

- 10.2 Election will take place annually at the Annual Meeting of the Local Community Network.
- 10.3 The Democratic Services Officer will call for nominations for the position of Chair of the Local Community Network.
- 10.4 Only voting members can make nominations. The nomination must be seconded to be valid.
- 10.5 An individual shall not be nominated in his/her absence without their written consent.
- 10.6 In the event of only one valid nomination being received, the person presiding will declare the nominated member elected.
- 10.7 In the event of two valid nominations, the Democratic Services Officer will ask for a show of hands for those members in favour of each nominated candidate and declare the candidate receiving the majority of votes (of the core membership present and voting) to be the winner.
- 10.8 In the case of an equal number of votes for the two candidates, a random electronic generator will be used by the Democratic Services Officer to determine the winner of the election and then declare the result.
- 10.9 In the case of three or more valid nominations being made, the Democratic Services Officer will call for a show of hands for each of the candidates. The Democratic Services Officer will then announce the candidate with the least number of votes and that candidate will be eliminated (in the event of a tie for the least number of votes, the Democratic Services Officer will use a random electronic generator to determine which candidate will be eliminated). A further vote shall be taken for the remaining candidates and after each vote the candidate with the least number of votes shall be eliminated until only two candidates remain and a final vote can be taken (following section 10.7 and 10.8 above).
- 10.10 The Chair and Vice Chair will hold office until the next Annual Meeting unless they resign from the position. In the event of a resignation, an election for the Chair and/or Vice-Chair will take place at the next available meeting.
- 11.0 Chairing arrangements
- 11.1 The Vice-Chair will preside in the absence of the Chair and if neither is present, the Local Community Network will appoint a Chair from among its core membership (section 5.1) for that respective meeting.
- 11.2 The role of the Chair will include:

- a) Providing leadership to ensure that the objectives of the Local Community Networks are met.
- b) Ensuring that the voices of the local community are at the heart of the work of the Local Community Networks.
- c) Working with Officers to set the agendas and to ensure that any action points are picked up and dealt with
- d) Chair the meetings effectively to ensure that its business can be carried out efficiently and that all parties have an opportunity to input
- e) Ensure that the meeting is a forum for debate of matters of interest and/or concern to the local community
- f) Represent the Local Community Network at the quarterly meetings with the Executive Member and Scrutiny Chair(s)
- g) Produce an annual report on behalf of the Local Community Network which will be considered by the Executive

## 12.0 Local Community Network links to the democratic process

This section will set out how the Local Community Networks will link to the democratic process within Somerset Council.

### *Council*

- 12.1 Somerset Council will review the Terms of Reference for the Local Community Networks at its Annual Meeting each year.

### *Executive*

- 12.2 Local Community Networks can escalate issues of concern to the Executive and/or the relevant Executive Member.
- 12.3 There will be a standing item on Executive agendas to consider and note any minutes from Local Community Network meetings that have taken place. This will include any recommendations that the Local Community Network wish the Executive to consider.
- 12.4 The Executive will also consider the Local Community Network annual report.
- 12.5 The Executive Member with remit for Local Community Networks will meet on a quarterly basis with the Local Community Network Chairs so that common themes and issues can be discussed. The Scrutiny Committee(s) Chairs are also included in this meeting.

### *Scrutiny Committee(s)*

- 12.6 Wherever possible the Scrutiny Committee(s) will avoid duplicating the work of the Local Community Networks.
- 12.7 However, issues of local concern may be identified and added to the Scrutiny workplan via the quarterly meetings with the Executive Member and Local Community Network Chairs.

### *Planning*

- 12.8 Planning matters that fall under the remit of the Planning Committee or Planning Sub-Committees will be out of scope of the Local Community Networks to avoid duplication.

### *Licensing and Regulatory*

- 12.9 Licensing and Regulatory matters that fall under the remit of the Licensing and Regulatory Committee, Licensing Sub-Committee and Regulatory Sub-Committee will be out of scope of the Local Community Networks to avoid duplication.

### 13.0 Voting

- 13.1 Local Community Networks will seek to reach decisions by consensus where possible, involving the core membership (listed in section 5.1). Prior to such a vote, the Chair may upon his/her discretion take an indicative vote of the representatives set out in section 5.3.

- 13.2 However, on the occasions where a formal decision needs to be made this will be recommended to the Somerset Council Executive for consideration.

- 13.3 Where a vote is required then this will be by a show of hands of the voting membership present.

- 13.4 Where the vote is tied, the Chair of the Local Community Network shall have a second or casting vote.

### 14.0 Quorum

- 14.1 Quorum will be 40% of the core membership (section 5.1) in attendance at the Local Community Network.

### 15.0 Meeting frequency and location

- 15.1 Local Community Networks will meet 6-8 times a year, however this is at the discretion of each individual LCN.

- 15.2 Local Community Network meetings will be held in accessible venues and will be held in various locations within the local area (dependent on the numbers likely to attend the meeting).

### 16.0 Access to Information

- 16.1 Local Community Networks are subject to the Access to Information Rules set out in section X of this Constitution.

- 16.2 For example:

- a) Agendas will be published on the Council website 5 clear days before the meeting
- b) Meetings will be open to members of the public and press
- c) Draft minutes will be published on the Council website within 5 working days following the meeting

17.0 Standards of Behaviour and Conduct

17.1 Somerset Council Councillors are subject to the Members Code of Conduct set out in section Y of this Constitution.

17.2 City, Town and Parish Councillors are reminded that they have been elected to the Local Community Network as a representative of their Council, and therefore should follow their Code of Conduct.

17.3 Local Community Network meeting attendees will at all times follow the Protocol on meeting etiquette.

18.0 Review of the Terms of Reference

18.1 The Terms of Reference for the Local Community Networks will be reviewed on an annual basis and agreed at the Somerset Council Annual Meeting. This is to ensure that the Terms of Reference appropriately reflect the role of the Local Community Networks as they evolve over time.

## **Terms of Reference for Local Community Networks**

### **1.0 Membership**

1.1 Each Local Community Network will comprise of the following core membership:

- a) The elected Somerset Council Councillors representing the electoral divisions covered by the Local Community Network;
- b) An elected representative from each City, Town or Parish Council within the area covered by the Local Community Network;
- c) Representatives from the following groups or organisations:
  - a. Local Neighbourhood policing team;
  - b. Somerset National Health Service
  - c. Devon and Somerset Fire and Rescue Service;
  - d. Education
  - e. Representatives from Voluntary, Community, Faith and Social Enterprise Organisations
  - f. Representatives from Businesses or Trade Groups

1.2 The core membership list will be classed as the voting members of the Local Community Network.

1.3 Each Local Community Network will support and encourage wider participation and engagement from additional attendees. This could include, for example:

- Local Community and Voluntary Sector Organisations
- Local Businesses or Trade Groups
- Housing Associations or Housing Officers
- Any other relevant local groups which could include youth groups, cultural organisations, environmental groups, older people's groups, disability groups, etc.

### **2.0 Purpose, Role and Function**

2.1 The purpose of the Local Community Networks is to be the focus for the new Council for community engagement and development, within an ethos of local partnership working, looking to improve outcomes for residents through establishing strong connections between Somerset Council, our communities and our partners.

2.2 The Local Community Networks will have the following roles and functions:

- Establishing effective local community engagement and influence;
- Promote enhanced participation in democracy, active community decision making and scrutiny;
- Enhance collaboration by bringing together at a local level representatives from partner organisations, town, City and parish councils, community groups and others
- Ensure local influence over the Council and wider public service activity;

- Share information, ideas and solutions to enable services to be delivered to help meet local need;
- To inspire more responsibility for local place shaping;
- To identify evidence-based community priorities; across Economic, Social and Environmental issues;
- To create plans to reflect how the priorities will be addressed; and
- To identify and secure resource opportunities for local projects

### 3.0 What will the Local Community Network be responsible for?

#### 3.1 The Local Community Networks will:

- Agree priorities and areas of focus for the local area on an annual basis
- Agree a tailored communication and engagement plan for actively involving residents and other local stakeholders.
- Allocate any funding obtained by the Local Community Network as appropriate, and in accordance with rules and guidance set out by the Council's Contract Procedure Rules and Standing Orders.
- Provide opportunities to ensure that the local community is able to respond to consultations in a timely manner.
- Provide opportunities to ensure good communications and information from Somerset Council, and partners, on local issues.
- Make recommendations to Somerset Council and/or other partners on funding local projects.
- Make recommendations to Somerset Council, and partners, on key local issues.
- Produce an annual report with a self-assessment of success in relation to delivery against the agreed priorities and areas of focus for the local area for the past 12 months.
- Hold an annual meeting to enable residents and local stakeholders to input into setting area priorities for the next 12 months and highlight local issues.

### 4.0 Funding

4.1 Each Local Community Network may receive funding as determined from time to time by the Council or partners. The LCN is also able to submit funding bids to organisations.

4.2 Where appropriate, Somerset Council will act as the Accountable Body for any external funding.

4.3 The Local Community Networks will allocate any funds in accordance with Somerset Council's Procedure Rules including the Financial Procedure Rules and Contract Procedure Rules.

### 5.0 Officer Support

5.1 Each Local Community Network will be supported by a dedicated officer from the Unitary Council and a Democratic Services Officer(s).

5.2 Local Community Networks can ask other officers (including external partners officers) to attend their meetings to discuss items of business on their agenda.

## 6.0 Order of Business

6.1 The order of business for the Annual Meeting and ordinary meetings of the Local Community Networks can be found in Appendix A

## 7.0 Chair

7.1 The procedure for the nomination of the Chair and Vice-Chair can be found in Appendix B.

7.2 The Vice-Chair will preside in the absence of the Chair and if neither is present, the Local Community Network will appoint a Chair from among its voting membership for that respective meeting.

7.3 The role of the Chair will include:

- a) Providing leadership to ensure that the objectives of the Local Community Networks are met.
- b) Ensuring that the voices of the local community are at the heart of the work of the Local Community Networks.
- c) Working with Officers to set the agendas and to ensure that any action points are picked up and dealt with
- d) Chair the meetings effectively to ensure that its business can be carried out efficiently and that all parties have an opportunity to input
- e) Ensure that the meeting is a forum for debate of matters of interest and/or concern to the local community
- f) Represent the Local Community Network at the quarterly meetings with the Executive Member and Scrutiny Chair(s)
- g) Produce an annual report on behalf of the Local Community Network which will be considered by the Executive

## 8.0 Voting

8.1 Local Community Networks will seek to reach decisions by consensus where possible, involving the core membership (listed in section 1.1). Prior to such a vote, the Chair may upon his/her discretion take an indicative vote of the representatives set out in section 1.3.

8.2 Where a vote is required then this will be by a show of hands of the voting membership present.

8.3 Where the vote is tied, the Chair of the Local Community Network shall have a second or casting vote.

8.4 However, on the occasions where a formal decision needs to be made this will be recommended to the Somerset Council Executive for consideration.

9.0 Quorum

9.1 Quorum will be 40% of the core membership (section 5.1) in attendance at the Local Community Network.

10.0 Meeting frequency and location

10.1 Local Community Networks will meet 6-8 times a year, however this is at the discretion of each individual LCN.

11.0 Access to Information

11.1 Local Community Network meetings will be held in public.

11.2 Agendas will be published on the Somerset Council website 5 clear days before the meeting

11.3 Draft minutes will be published on the Council website within 5 working days following the meeting.



## **Appendix A**

### **The order of business for the Annual Meeting of the Local Community Network**

The Annual Meeting of the Local Community Network will take place annually based on the commencement date of the Local Community Network..

Items of business for the Local Community Network Annual Meeting will be:

- a) To elect the Chair of the Local Community Network
- b) To appoint the Vice-Chair of the Local Community Network
- c) To receive any apologies for absence
- d) Declarations of Interest
- e) Public Question Time
- f) Approve the minutes from the previous meeting
- g) To consider the Annual Report on the Local Community Network's work in the last 12 months
- h) To determine the priorities and areas of focus for the Local Community Network for the next 12 months
- i) To consider any other business set out in the agenda
- j) To agree the frequency of meetings
- k) To agree the schedule of meetings for the next 12 months

### **The order of business for ordinary meetings of the Local Community Network**

Items of business for the ordinary meetings of the Local Community Networks will be:

- a) To receive any apologies for absence
- b) Declarations of Interest
- c) Public Question Time
- d) To approve the minutes from the previous meeting
- e) To receive updates on any action points from previous meeting(s)
- f) To consider any other business set out in the agenda

## **Appendix B**

### **The procedure for the nomination of the Chair and Vice-Chair**

Either the Chair / or Vice-Chair of the Local Community Network shall be a Somerset Council Councillor. The other position to be filled by a suitably trained and experienced chair nominated from the above board participants.

Election will take place annually at the Annual Meeting of the Local Community Network.

The Democratic Services Officer will call for nominations for the position of Chair of the Local Community Network.

Only voting board participants are able to make nominations. A nomination must be seconded to be valid

A board participant shall not be nominated in his/her absence without their written consent.

In the event of only one valid nomination being received, the person presiding will declare the nominated board participant elected.

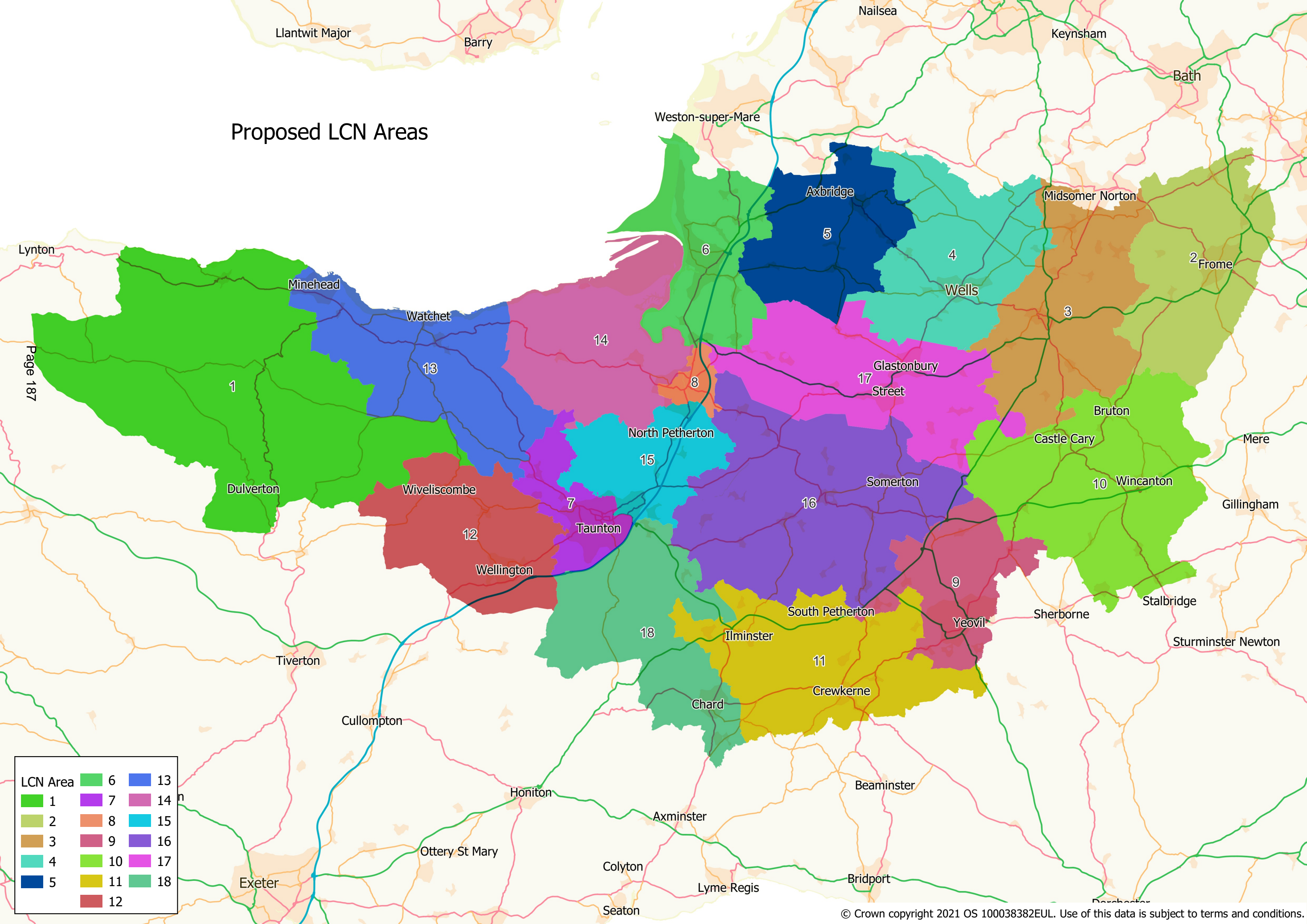
In the event of two valid nominations, the Democratic Services Officer will ask for a show of hands for those board participants in favour of each nominated candidate and declare the candidate receiving the majority of votes (of the board participants present and voting) to be the winner.

In the case of an equal number of votes for the two candidates, a random electronic generator will be used by the Democratic Services Officer to determine the winner of the election and then declare the result.

In the case of three or more valid nominations being made, the Democratic Services Officer will call for a show of hands for each of the candidates. The Democratic Services Officer will then announce the candidate with the least number of votes and that candidate will be eliminated (in the event of a tie for the least number of votes, the Democratic Services Officer will use a random electronic generator to determine which candidate will be eliminated). A further vote shall be taken for the remaining candidates and after each vote the candidate with the least number of votes shall be eliminated until only two candidates remain and a final vote can be taken (following section 9.5 and 9.6 above).

The Chair and Vice Chair will hold office until the next Annual Meeting unless they resign from the position. In the event of a resignation, an election for the Chair and/or Vice-Chair will take place at the next available meeting.

# Proposed LCN Areas



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|----------|----|----|
| 1        | 7  | 14 |
| 2        | 8  | 15 |
| 3        | 9  | 16 |
| 4        | 10 | 17 |
| 5        | 11 | 18 |
|          | 12 |    |

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**Appendix 2 Proposed LCN Areas (names are working titles)**

**LCN Area 1 - Exmoor**

| Parishes                | Electoral Divisions     |
|-------------------------|-------------------------|
| Brompton Ralph          | Dulverton and Exmoor ED |
| Brompton Regis          |                         |
| Brushford               |                         |
| Clatworthy              |                         |
| Cutcombe                |                         |
| Dulverton               |                         |
| Exford                  |                         |
| Exmoor                  |                         |
| Exton                   |                         |
| Huish Champflower       |                         |
| Luccombe                |                         |
| Luxborough              |                         |
| Minehead Without        |                         |
| Oare                    |                         |
| Porlock                 |                         |
| Selworthy               |                         |
| Skilgate                |                         |
| Timberscombe            |                         |
| Treborough              |                         |
| Upton                   |                         |
| Winsford                |                         |
| Withypool and Hawkridge |                         |
| Wootton Courtenay       |                         |

**LCN Area 2 - Frome**

| Parishes          | Electoral Divisions   |
|-------------------|---|
| Beckington        | Frome East ED<br>Frome North ED<br>Frome West ED<br>Mendip Central and East ED<br>Mendip South ED |
| Berkley           |   |
| Buckland Dinham   |   |
| Frome TC          |   |
| Great Elm CP      |   |
| Hemington         |   |
| Lullington        |   |
| Mells             |   |
| Norton St. Philip |   |
| Nunney            |   |
| Rode              |   |
| Selwood           |   |
| Tellisford        |   |
| Trudoxhill        |   |
| Upton Noble       |   |
| Wanstrow          |   |
| Whatley           |   |
| Witham Friary     |   |

**LCN Area 3 - Shepton**

| Parishes              | Electoral Divisions   |
|-----------------------|---|
| Ashwick               | Mendip Central and East ED<br>Mendip Hills ED<br>Mendip South ED<br>Shepton Mallet ED |
| Batcombe              |   |
| Chilcompton           |   |
| Coleford              |   |
| Cranmore              |   |
| Croscombe             |   |
| Ditcheat              |   |
| Doultling             |   |
| Downhead              |   |
| East Pennard          |   |
| Evercreech            |   |
| Holcombe              |   |
| Kilmersdon            |   |
| Leigh-on-Mendip       |   |
| Milton Clevedon       |   |
| Pilton                |   |
| Pylle                 |   |
| Shepton Mallet        |   |
| Stoke St Michael      |   |
| Ston Easton           |   |
| Stratton on the Fosse |   |

**LCN Area 4 – Wells and Rural**

| Parishes            | Electoral Divisions                           |
|---------------------|---|
| Binegar             | Mendip Hills ED<br>Mendip West ED<br>Wells ED |
| Chewton Mendip      |   |
| Emborough           |   |
| Godney              |   |
| Litton              |   |
| North Wootton       |   |
| Priddy              |   |
| St Cuthbert Out     |   |
| Wells               |   |
| Wookey              |   |
| Westbury sub Mendip |   |

**LCN Area 5 – Cheddar and Axbridge**

| Parishes        | Electoral Divisions  |
|-----------------|--|
| Axbridge        | Brent ED<br>Cheddar ED<br>King Alfred ED<br>Mendip West ED |
| Badgworth       |  |
| Chapel Allerton |  |
| Cheddar         |  |
| Compton Bishop  |  |
| Mark            |  |
| Rodney          |  |
| Shipham         |  |
| Weare           |  |
| Wedmore         |  |

**LCN Area 6 - Burnham**

| Parishes                      | Electoral Divisions             |
|-------------------------------|---------------------------------|
| Berrow                        | Brent ED                        |
| Brean                         | Burnham on Sea North ED         |
| Brent Knoll                   | Highbridge and Burnham South ED |
| Burnham Without               | Huntspill ED                    |
| Burnham-on-Sea and Highbridge |                                 |
| East Brent                    |                                 |
| East Huntspill                |                                 |
| Lympsham                      |                                 |
| Pawlett                       |                                 |
| Puriton                       |                                 |
| West Huntspill                |                                 |
| Woolavington                  |                                 |

**LCN Area 7- Taunton**

| Parishes          | Electoral Divisions               |
|-------------------|-----------------------------------|
| Bishops Hull      | Bishop's Hull and Taunton West ED |
| Comeytrove        | Comeytrove and Trull ED           |
| Staplegrove       | Lydeard ED                        |
| Bishops Lydeard   | Rowbarton and Staplegrove ED      |
| Cothelstone       | Taunton East ED                   |
| Cotford St Luke   | Taunton North ED                  |
| Norton Fitzwarren | Taunton South ED                  |
| TAUNTON TC        |                                   |
| Trull             |                                   |

**LCN Area 8 - Bridgwater**

| Parishes           | Electoral Divisions             |
|--------------------|---------------------------------|
| Bridgwater         | Bridgwater East and Bawdrip ED  |
| Bridgwater Without | Bridgwater North and Central ED |
|                    | Bridgwater West ED              |
|                    | Bridgwater South ED             |

**LCN Area 9 - Yeovil**

| Parishes            | Electoral Divisions |
|---------------------|---------------------|
| Barwick and Stoford | Brympton ED         |
| Brympton            | Castle Cary ED      |
| Chilthorne Domer    | Coker ED            |
| Chilton Cantelo     | Martock ED          |
| East Coker          | Yeovil Central ED   |
| Ilchester           | Yeovil East ED      |
| Limington           | Yeovil South ED     |
| Marston Magna       | Yeovil West ED      |
| Mudford             |                     |
| Rimpton             |                     |
| Stoke sub Hamdon    |                     |
| Tintinhull          |                     |
| West Camel          |                     |
| West Coker          |                     |
| Yeovil              |                     |
| Yeovil Without      |                     |
| Yeovilton           |                     |

**LCN Area 10 - Wincanton**

| Parishes                        | Electoral Divisions     |
|---------------------------------|-------------------------|
| Abbas and Templecombe           | Blackmoor Vale ED       |
| Alford                          | Castle Cary ED          |
| Ansford                         | Mendip South ED         |
| Babcary                         | Wincanton and Bruton ED |
| Bratton Seymour                 |                         |
| Brewham                         |                         |
| Bruton                          |                         |
| Castle Cary                     |                         |
| Charlton Horethorne             |                         |
| Charlton Musgrove               |                         |
| Compton Pauncefoot              |                         |
| Corton Denham                   |                         |
| Cucklington                     |                         |
| Henstridge                      |                         |
| Holton                          |                         |
| Horsington                      |                         |
| Lamyatt                         |                         |
| Lovington                       |                         |
| Lydford-on-Fosse                |                         |
| Maperton                        |                         |
| Milborne Port                   |                         |
| North Barrow                    |                         |
| North Cadbury                   |                         |
| North Cheriton                  |                         |
| Pen Selwood                     |                         |
| Pitcombe                        |                         |
| Queen Camel                     |                         |
| Shepton Montague                |                         |
| South Barrow                    |                         |
| South Cadbury and Sutton Montis |                         |
| Sparkford                       |                         |
| Stoke Trister                   |                         |
| Wincanton                       |                         |
| Yarlington                      |                         |

**LCN Area 11 – Crewkerne and Ilminster**

| Parishes                 | Electoral Divisions             |
|--------------------------|---------------------------------|
| Broadway                 | Coker ED                        |
| Chaffcombe               | Crewkerne ED                    |
| Chillington              | Ilminster ED                    |
| Chiselborough            | South Petherton and Islemoor ED |
| Closworth                |                                 |
| Crewkerne                |                                 |
| Cricket St. Thomas       |                                 |
| Cudworth                 |                                 |
| Dinnington               |                                 |
| Donyatt                  |                                 |
| Dowlish Wake             |                                 |
| East Chinnock            |                                 |
| Hardington Mandeville    |                                 |
| Haselbury Plucknett      |                                 |
| Hinton St. George        |                                 |
| Horton                   |                                 |
| Ilminster                |                                 |
| Ilton                    |                                 |
| Kingstone                |                                 |
| Knowle St. Giles         |                                 |
| Lopen                    |                                 |
| Merriott                 |                                 |
| Misterton                |                                 |
| Montacute                |                                 |
| North Perrott            |                                 |
| Norton sub Hamdon        |                                 |
| Odcombe                  |                                 |
| Seavington St. Mary      |                                 |
| Seavington St. Michael   |                                 |
| Shepton Beauchamp        |                                 |
| South Petherton          |                                 |
| Stocklinch               |                                 |
| Wayford                  |                                 |
| West and Middle Chinnock |                                 |
| West Crewkerne           |                                 |
| Winsham                  |                                 |
| Whitelackington          |                                 |

**LCN Area 12 - Wellington and Wiveliscombe**

| Parishes           | Electoral Divisions      |
|--------------------|--------------------------|
| Ashbrittle         | Blackdown and Neroche ED |
| Bathealton         | Upper Tone ED            |
| Bradford-on-Tone   | Wellington ED            |
| Chipstable         |                          |
| Fitzhead           |                          |
| Halse              |                          |
| Langford Budville  |                          |
| Milverton          |                          |
| Nynehead           |                          |
| Oake               |                          |
| Sampford Arundel   |                          |
| Stawley            |                          |
| Wellington         |                          |
| Wellington Without |                          |
| West Buckland      |                          |
| Wiveliscombe       |                          |

**LCN Area 13 - Minehead and Watchet**

| Parishes             | Electoral Divisions      |
|----------------------|--------------------------|
| Ash Priors           | Dunster ED               |
| Bicknoller           | Lydeard ED               |
| Carhampton           | Minehead ED              |
| Combe Florey         | Watchet and Stogursey ED |
| Crowcombe            |                          |
| Dunster              |                          |
| East Quantoxhead     |                          |
| Elworthy             |                          |
| Lydeard St. Lawrence |                          |
| Minehead             |                          |
| Monksilver           |                          |
| Nettlecombe          |                          |
| Old Cleeve           |                          |
| Sampford Brett       |                          |
| Stogumber            |                          |
| Tolland              |                          |
| Watchet              |                          |
| West Bagborough      |                          |
| West Quantoxhead     |                          |
| Williton             |                          |
| Withycombe           |                          |

**LCN Area 14 - Dowsborough**

| Parishes          | Electoral Divisions      |
|-------------------|--------------------------|
| Cannington        | Bridgwater West ED       |
| Chilton Trinity   | Cannington ED            |
| Durleigh          | Watchet and Stogursey ED |
| Enmore            |                          |
| Fiddington        |                          |
| Goathurst         |                          |
| Holford           |                          |
| Kilve             |                          |
| Nether Stowey     |                          |
| Otterhampton      |                          |
| Over Stowey       |                          |
| Spaxton           |                          |
| Stockland Bristol |                          |
| Stogursey         |                          |
| Stringston        |                          |
| Wembdon           |                          |

**LCN Area 15 - Hestercombe**

| Parishes           | Electoral Divisions          |
|--------------------|------------------------------|
| Broomfield         | Monkton and North Curry ED   |
| Cheddon Fitzpaine  | North Petherton ED           |
| Creech St. Michael | Rowbarton and Staplegrove ED |
| Durston            | Taunton North ED             |
| Kingston St Mary   |                              |
| North Petherton    |                              |
| Thurloxton         |                              |
| West Monkton       |                              |

**LCN Area 16 – Levels and Moors**

| Parishes               | Electoral Divisions             |
|------------------------|---------------------------------|
| Aller                  |                                 |
| Ash                    |                                 |
| Barrington             |                                 |
| Beercrocombe           | Bridgwater East and Bawdrip ED  |
| Burrowbridge           | Curry Rivel and Langport ED     |
| Chedzoy                | King Alfred ED                  |
| Compton Dundon         | Martock ED                      |
| Curry Mallet           | Monkton and North Curry ED      |
| Curry Rivel            | North Petherton ED              |
| Drayton                | Somerton ED                     |
| Fivehead               | South Petherton and Islemoor ED |
| Hambridge and Westport |                                 |
| High Ham               |                                 |
| Huish Episcopi         |                                 |
| Isle Abbotts           |                                 |
| Isle Brewers           |                                 |
| Kingsbury Episcopi     |                                 |
| Kingsdon               |                                 |
| Langport               |                                 |
| Long Load              |                                 |
| Long Sutton            |                                 |
| Lyng                   |                                 |
| Martock                |                                 |
| Middlezoy              |                                 |
| Muchelney              |                                 |
| North Curry            |                                 |
| Othery                 |                                 |
| Pitney                 |                                 |
| Puckington             |                                 |
| Somerton               |                                 |
| Stoke St. Gregory      |                                 |
| The Charltons          |                                 |
| Westonzoyland          |                                 |

**LCN Area 18 - Chard and Blackdowns**

| Parishes            | Electoral Divisions      |
|---------------------|--------------------------|
| Ashill              | Blackdown and Neroche ED |
| Bickenhall          | Chard North ED           |
| Buckland St. Mary   | Chard South ED           |
| Chard Town          | Ilminster ED             |
| Churchstanton       |                          |
| Combe St. Nicholas  |                          |
| Corfe               |                          |
| Curland             |                          |
| Hatch Beauchamp     |                          |
| Orchard Portman     |                          |
| Otterford           |                          |
| Pitminster          |                          |
| Ruishton            |                          |
| Staple Fitzpaine    |                          |
| Stoke St. Mary      |                          |
| Tatworth and Forton |                          |
| Thornfalcon         |                          |
| Wambrook            |                          |
| West Hatch          |                          |
| Whitestaunton       |                          |

**LCN Area 17 - Avalon and Poldens**

| Parishes           | Electoral Divisions            |
|--------------------|--------------------------------|
| Ashcott            | Bridgwater East and Bawdrip ED |
| Baltonsborough     | ED                             |
| Barton St. David   | Glastonbury ED                 |
| Bawdrip            | Huntspill ED                   |
| Burtle             | King Alfred ED                 |
| Butleigh           | Mendip South ED                |
| Catcott            | Mendip West ED                 |
| Chilton Polden     | Somerton ED                    |
| Cossington         | Street ED                      |
| Edington           |                                |
| Glastonbury        |                                |
| Greinton           |                                |
| Keinton Mandeville |                                |
| Kingweston         |                                |
| Meare & Westhay    |                                |
| Moorlinch          |                                |
| Shapwick           |                                |
| Sharpham           |                                |
| Stawell            |                                |
| Street             |                                |
| Walton             |                                |
| West Bradley       |                                |
| West Pennard       |                                |



**Constitution and Governance Committee Work Plan 22/23**

| <b>Meeting Date</b>   | <b>Proposed Agenda Items</b>   | <b>Officer</b>                           |
|---|--|--|
|   |  |  |
| <b>26 September 2022<br/>@ 10 am</b>                            | Informal meeting to discuss work to be carried out on the New Council Constitution and Work Programme for the Committee. | Scott Wooldridge                         |
|   |  |  |
| <b>12 September 2022<br/>@ 2pm</b>                              | <b>Agenda Items</b>  |  |
|   | Constitution Review - Standing Item  | Scott Wooldridge                         |
|   | DBS Check Policy   | Jamie Jackson                            |
|   |  |  |
|   |  |  |
| <b>20 October 2022 @<br/>2pm</b>                                | <b>Agenda Items</b>  |  |
|   | Work Programme   | Scott Wooldridge                         |
|   | Public Participation   | Scott Wooldridge                         |
|   | Full Council Meeting Procedures  | Scott Wooldridge                         |
|   |  |  |
| <b>21 November 2022<br/>@ 2pm</b>                               | <b>Agenda Items</b>  |  |
|   | Boundary Review - Final Proposals  | Scott Wooldridge                         |
|   | The Elections Act 2022   | Scott Wooldridge                         |
|   |  |  |
|   |  |  |
| <b>15 December 2022<br/>@ 2pm</b>                               | <b>Agenda Items</b>  |  |
|   | Licensing Functions and Arrangements   | Scott Wooldridge                         |
|   | Pensions Board and Pensions Committee - Terms of Reference   | Anton Sweet                              |
|   |  |  |
|   |  |  |
| <b>30 January 2023 -<br/>now all day<br/>meeting 10am start</b> | <b>Proposed Agenda Items</b>   |  |
|   | 1 The Scrutiny Arrangements for new Somerset Council   | Scott Wooldridge and Jamie Jackson       |
|   | 2. Decision Making, Scheme of Delegation and Proper Officer Arrangements for new Somerset Council                        | Scott Wooldridge and Melanie Wellman     |
|   | 3. Draft Full Council Procedures for new Somerset Council  | Scott Wooldridge and Honor Clarke        |
|   | 4. Planning Functions and Arrangements for new Somerset Council  | Julie Reader Sullivan and Kevin Williams |
|   | 5. LCNs Functions and Arrangements for new Somerset Council  | Sara Skirton and Amy Tregellas           |
|   |  |  |

|  |   |                                   |
|--|---|-----------------------------------|
| <b>14 February 2023 -<br/>now all day<br/>meeting 10am start</b> | <b>Proposed Agenda Items</b>  |                                   |
|  | Committee Structure and Arrangements for new Somerset Council                               | Scott Wooldridge                  |
|  | Financial Regulations and Contractual Standing Orders for new Somerset Council              | Donna Parham and Tom Woodhams     |
|  | The Executive Arrangements for new Somerset Council   | Scott Wooldridge and Honor Clarke |
|  | Overall Constitution for new Somerset Council to recommend to Full Council in February 2023 | Scott Wooldridge and Honor Clarke |
|  | Annual Report of Constitution & Governance Committee and future role for Somerset Council   | Scott Wooldridge                  |
|  |   |                                   |
| <b>20 March 2023 at 2 pm</b>                                     | <b>Proposed Agenda Items</b>  |                                   |
|  | Unitary Council transitional Governance Arrangements  | Scott Wooldridge and Alyn Jones   |
|  |   |                                   |
|  |   |                                   |
|  |   |                                   |
|  |   |                                   |