



**Somerset
Council**

Constitution

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Somerset Council
Constitution 2023
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Somerset Council Constitution

Glossary

This glossary explains key terms used in the Council's Constitution but is not part of the Constitution.

Adjourned

To suspend (i.e. a meeting) with the intention to resume it later.

Annual Governance Statement

A public statement which reviews how well the Council has kept to its own governance rules.

Annual Statement of Accounts

See Statement of Accounts.

Anti-Fraud and Corruption Strategy

The Council's strategy for protecting its valuable resources which describes the expectations and practices to avoid their loss.

Asset Management Plan / Strategy

The Council's approach to getting the best possible value and revenue from things it owns (assets), such as buildings, land, roads and technology.

Approved Supplier List

A list of suppliers which have met specific criteria to enable them to provide particular goods or services to the Council.

Balance Sheet

A statement of the Council's assets, liabilities, and capital at a particular point in time which details the balance of the Council's income and expenditure over the preceding period.

Budget

Every year the Council puts a financial plan or budget in place. This shows how and where the Council will spend money to provide services and deliver the aims which it set out in its corporate plan / vision. It also sets the level of Council tax which it will

charge in the next financial year. All councils must set a balanced budget.

Cabinet

Also known as the Executive, the Cabinet is the Council's strategic decision-making body responsible for making the majority of decisions - "Executive Decisions"- for which the Council is responsible. The Cabinet is made up of the Leader and up to nine other elected councillors, including up to two Deputy Leaders, who are appointed and led by the Leader of the Council

Capital and Investment Strategy

The Council's medium to long term plan for investing in its asset base.

Capital Programme

Part of the Medium Term Financial Plan which sets out capital projects approved by full Council over a medium term, multi-year period.

Chair of the Council

The Chair of the Council is an elected member who chairs meetings of the Council and carries out a variety of civic and ceremonial duties. The Chair is elected to be the Chair by the other members of the Council, usually at the Council's Annual Meeting in May. The Chair cannot be a Cabinet Member and is assisted in their work by the Vice-Chair.

Chief Executive

The Council's most senior Officer who is responsible for the management and direction of the Council's Officers. The Chief Executive manages the Council's Senior Leadership Team and is accountable to the Leader of the Council, the Cabinet and the Council as a whole. The Chief Executive is designated as the Council's Head of Paid Service and is one of the Statutory Officers.

Chief Finance Officer

The Chief Finance Officer (CFO) is a Statutory Officer*. The CFO is responsible for managing the Council's finances and providing expert financial advice to the Council. The CFO must be a qualified accountant and balancing the Council's budget each year is one of their major responsibilities. This officer is referred to as the Section 151 Officer throughout this Constitution.

** Section 151 of the Local Government Act 1972 requires every Council to have a Chief Financial Officer.*

Clear Days

Does not include the starting or finishing day. Example: for 5 clear days notice: do not include the day when notice was given. If this was on a Tuesday, time starts to

run on Wednesday. Notice would not be completed until 12.01am the following Wednesday. If clear working days are used Saturday, Sunday or bank holidays would not be counted.

Code of Conduct (Councillor Code of Conduct / Officer Code of Conduct)

A set of rules which elected and co-opted councillors and officers must follow.

Commercial Agreement

A type of contract by way of which goods, services or other tasks are provided or undertaken for consideration (usually money).

Commissioning

Within the Council, the process of specifying, securing and monitoring service delivery by and from a provider- usually from outside the Council (i.e. a contractor).

Committee

A Committee is a formal group of elected councillors whose remit, terms of reference and operating rules are set out in the Council's Constitution. There are many different committees of the Council. Each one makes decisions about a specific area of responsibility – for example audit or planning.

Confidential Information

In relation to meetings and reports this is information which the Council has received from a Government department on terms but which it cannot disclose publicly.

It can also be information which (i) the Council cannot disclose due to a court order or legislation or (ii) is not in the public domain, is information which you would expect to be kept out of the public domain and was given to the Council in such a way that made it clear it was meant to be kept confidential.

Constitution

A governance document, or 'rule book', which sets out how the Council is run, how decisions are made and how it complies with the law.

Contingent Liability

A liability which may be incurred by the Council dependent upon a future uncertain event, eg a court case.

Contract

An agreement which: may be oral, written, partly oral and partly written or implied from conduct between the Council and another person; gives rise to obligations which are enforceable or recognised by law (i.e. legally binding); and commits the Council to paying or doing something.

A reference to a contract may also include a contract to which the Contract Procedure Rules apply and a "call off contract" means an order made or call off

contract entered into under a Framework Agreement.

Contractors

See suppliers.

Contract Management

The process of ensuring the contract results in the benefits and outcomes envisaged and that the advantages secured during the tendering phase are realised and improved through further proactive performance management during its term.

Contract Management System

The IT system and associated processes used to support supplier and contract management, providing visibility and a single view of all Council contracts. It includes the Council's contract register.

Contract Procedure Rules

The part of the Constitution that sets out the procedures to be followed when seeking to establish a contract with an external supplier.

Council

The term often used to refer to the whole organisation (i.e. members and officers); but see full Council below. The Council is led by councillors who are elected by the public. They set the priorities and the budget for the organisation. Staff working for the Council (officers) deliver the day to day operations. The word Council is used to refer both to the organisation as a whole and specifically to the decision-making body.

Council Body

May include any Committee, Board or Panel.

Council Tax

The income collected from residents based on banded property values and which funds a significant proportion of Council services.

Councillor

A councillor is elected and is a member of the Council. Councillors stand for election normally every four years and are accountable to the residents of a specific area (their electoral ward) but are responsible for making decisions for the entire Council area.

Councillors do not have to be a member of a political party, but most do; those who do not are known as 'un-grouped' or 'independent' councillors.

Councillor Call for Action

The Councillor Call for Action allows councillors to refer matters of concern within the community to the relevant Board or Committee. The aim of this opportunity is to provide councillors with additional powers that enable them to respond to local community concerns which have proved difficult to resolve.

Debt Management Strategy

The Council's strategy to manage and recover the sums of money it is owed.

Decisions

The choices and agreements made on a particular issue. The Council's Constitution sets out the rules on how formal decisions are to be taken in compliance with the

law. The Constitution also sets out that decisions are to be recorded and published. (see also Key Decisions)

Director

The Council's most senior officers report directly to the Chief Executive and are accountable to Members and the Cabinet. These posts include the statutory Director of Adult Social Services (DASS) and the Director of Childrens Services (DCS).

Disclosable Pecuniary Interest

Means a financial interest as defined in ['The Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#)

Division

A division is an electoral area. Somerset Council has 55 divisions.

Elected Member

See Councillor

Executive

See Cabinet

Exempt Information

In relation to meetings and reports this means information which can be withheld from the public. It must pass one of seven tests in order for it to be exempt and it must also be in the public interest to do so. If an item is deemed to be exempt during a public meeting, then members of the public and any press have to leave the meeting while exempt information is being discussed.

External Auditors

An independent auditor appointed to review the Council's financial and management arrangements.

Financial Year

The financial year for the Council is not the same as the calendar year. Our financial year starts on 1st April and ends on 31st March.

Financial Regulations

The rules which set out how the Council will manage its financial affairs

Forward Plan

A list of the 'key decisions' the Council will make over the next one to four months. The forward plan also includes a summary of any reports which will be presented to the Cabinet. You can see the forward plan for the Council on the website.

Framework

A term used in different ways which refers to the way that the Council operates, for example, policy framework, commissioning framework, governance framework.

Full Council

The full Council is all the 110 councillors who make up Somerset Council. Full Council meets throughout the year with the meeting being chaired by the Chair. Full Council takes specific decisions, including setting the budget. It also appoints committees to make decisions about specific issues such as planning and licensing.

Function

Within the Council, a function is a service which the Council provides or an activity which it undertakes, or which it is has a duty to deliver; for example housing and education.

Head of Paid Service

The Head of Paid Service is a 'statutory officer' with overall responsibility for the employment of Council Officers (currently the Chief Executive).

Independent Person

The Council has to have at least one designated independent person who is not a councillor or a member of staff. The independent person is consulted about complaints made against councillors and also about the dismissal of one of the council's statutory officers.

Key Decision

Key decisions are executive decisions (not those made by committee) and are defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) (Regulations) 2012 and are decisions which:-

- Result in the Council incurring expenditure which is, or making savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- Are deemed significant in terms of their effect on communities living or working within the area of the Council.

The Council has decided that other significant decisions will be treated as key decisions, described in the Constitution. Key decisions are taken by the Leader, the Cabinet, Cabinet Members or Officers under delegated authority.

Leader (of the Council)

Councillors elect a person who will be the leader of the council. Usually this is the leader of the largest political group on the whole council. The Leader of the Council is also the Leader of the Cabinet and will appoint up to nine other councillors to form the Cabinet to take Executive decisions on behalf of the Council. The Leader can

appoint up to two Deputy Leaders from the councillors appointed to the Cabinet.

Lead Member

An elected councillor appointed to the Executive by the Leader. Some Lead Members are assigned responsibility for a specific 'portfolio' and are sometimes referred to as 'Portfolio Holders'. Lead Members can also make key decisions which are included in the Forward Plan.

Legal Professional Privilege

Confidential communications between lawyers and their clients can be withheld from a court or from a third party using legal professional privilege.

Legislation

The Law which can be made by Parliament which takes the form of an Act of Parliament (a statute) or Statutory Regulations or By-laws which can be made by the Council.

Medium Term Financial Plan

Sets out the Council's budget (revenue and capital) over a period of more than one year; is linked to the Corporate Plan and Service Plans.

Member

See Councillor.

Minutes

The formal written record of a meeting. Minutes of Council meetings are available on the Council's website.

Monitoring Officer

The Monitoring Officer is a 'statutory officer' responsible for the lawful and good governance of the Council, in particular the Constitution, decision-making and the conduct of councillors and officers.

Motion

A proposal for a discussion or debate.

Municipal Year

The period between annual meetings of the Council. The municipal year is not the same as the council's financial year, which starts on 1 April. The municipal year usually starts in May but is not a fixed date and as such the number of days in a municipal year varies slightly.

Officer

Someone employed by the council.

Planning Applications

Means planning applications for consent as well as applications for reserved matters approvals.

Planning Officer

Means an employee of the Council tasked with processing and evaluating planning applications

Policy

A policy sets out a strategic objective for the Council and provides a framework of principles and guidelines which officers must follow to achieve those objectives.

Policy Framework

Refers to the Council's strategies and policies.

Point of Order

Where a councillor considers that a breach of the Procedure Rules or legislation has occurred within a debate

Portfolio

Within the Council, a portfolio is a specific area of responsibility, for example housing. You can see the portfolios and who is responsible for each area (the Portfolio Holders) on the website.

Procedure

The means by which a strategy or policy will be implemented or a process which must be followed.

Procurement

How the Council identifies, sources, selects and manages the resources which it needs to buy in to deliver services or meet its strategic objectives.

Proper Officer

A term used to refer to the Council's lead Officer for a particular function.

Quorum

The minimum number of attendees who have to be present at a meeting of the Council, a Committee or Sub-Committee etc to begin and / or conduct its business. If at any time a meeting is not quorate, its decisions at that time are not valid.

Representations

Members of the public can give their views on any Cabinet or Cabinet Member reports or on proposed decision by informing Democratic Services by the deadline outlined in the report

Reserves

Sums of money set aside on the Council's balance sheet. The Council has 'general reserves' and 'earmarked reserves' which are set aside for a specific purpose.

Scheme of Delegation

The Scheme of Delegation sets out how the Council and the Cabinet have delegated authority to a committee or another body or to an individual councillor or senior officer to exercise their powers or perform their functions. The officer Scheme of Delegation concerns those powers and functions delegated to officers. The Scheme of Delegation will also specify any limits on the delegated authority.

Section 151 Officer (S151 Officer)

See Chief Finance Officer.

Standards Complaint

Refers to a complaint made against an elected or co-opted member that the member concerned has failed to comply with the relevant Members' Code of Conduct.

Statement of Accounts

A document required by law which sets out the Council's financial position at 31st March each year and includes the Council's income and expenditure for a given financial year.

Statute

An Act of Parliament – the law.

Statutory

Required by law. Councils have statutory duties including preventing homelessness, managing community safety and determining planning applications.

Statutory Officers

The Council is required by law to appoint officers in certain key roles. The Statutory Officers are the Head of Paid Service; the Monitoring Officer and the Section 151 Officer. The Council must also appoint other officers including a Director for Children's Services and the Director for Adult Social Services, a Director of Public Health and a Scrutiny Officer. For full details see the website.

Sub-Committee

A group of elected councillors from the committee in question convened to undertake a particular task or perform a particular function. The sub-committee then reports back and is accountable to the committee.

Suppliers

Also known as 'contractors' suppliers are those parties which enter into a contract with the Council to provide goods or services.

Trading Account

Services which are funded by generating income from internal and external sources.

Treasury Management Strategy

The way in which the Council manages its cash, borrowing, lending and investments, and associated risks.

Virement

The movement of money from one budget heading to another.

Vires (intra vires / ultra vires)

A Latin word which means 'powers'. Within the Council vires concerns the power or lawful authority to make a decision, perform a function or undertake an action. A decision made, function performed or action undertaken will be 'intra vires' if the Council has the power and lawful authority to do it and 'ultra vires' if it does not.

Part A – Summary and Explanation

Section 1 Summary and Explanation

1. Summary and Explanation

The Council's Constitution

- 1.1 Somerset Council has a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions are efficient, transparent, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Council must operate in accordance with its Constitution and the rules set out in it which the Council has agreed.
- 1.2 The purpose of the Constitution is to ensure that the Council's decision-making and governance arrangements support its corporate aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.
- 1.3 The Council has chosen a Leader and Executive model of governance. This is explained below.

Corporate Objectives and Values

- 1.4 The Council's current corporate objectives, priorities and values are set out in its Council Plan.

Residents' Rights

- 1.5 The Council welcomes the participation of residents in its work.
- 1.6 Residents have several rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

- 1.7 Residents have the right to:
- 1.7.1 vote at local elections as long as they are registered and eligible to vote;
 - 1.7.2 contact their local Councillor about any matters of concern to them in their local division;
 - 1.7.3 contact the appropriate Lead Member about any matters of concern that relate to their portfolio;
 - 1.7.4 have access to the Council's Constitution;
 - 1.7.5 attend all meetings of the Council, Executive, Scrutiny Committees, and other Committees except where exempt or confidential matters are being discussed (these are explained in the Access to Information Procedure Rules set out in Part B);
 - 1.7.6 petition the Council on any matter relevant to the Council;
 - 1.7.7 find out what major decisions (referred to as Key Decisions) are to be discussed by the Executive, individual Lead Members and employees and what decisions are likely to be taken by Executive in private and when;
 - 1.7.9 see reports and background papers, and any record of decisions made by the Council, Executive, Scrutiny Committees and other Committees, also individual Lead Members and executive decisions made by Officers (except exempt and confidential information);
 - 1.7.10 complain to the Council through its complaints procedure about something they think the Council should have done that it has not done; something it should have done differently or something it has done that it should not have;

- 1.7.11 complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. This should only happen if they have pursued their complaint through the Council's own complaints process and remain dissatisfied with the outcome. ;
- 1.7.12 compliment the Council where the service they have received has been exceptionally good or speedy and which could help spread good practice across the Council;
- 1.7.13 complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor (including a Town or Parish Councillor) has not followed their relevant Councillor Code of Conduct set out at Part H.
- 1.7.14 complain to the Council about any Officers' actions or attitude; and
- 1.7.15 inspect the Council's accounts during the limited period of the audit each year and make their views known to the external auditor. The period when accounts are open to inspection is publicised in advance.

What's in the Constitution?

- 1.8 The Constitution is divided into [10] parts.
- 1.9 This part provides a summary and explanation of how the Council operates and sets out the basic principles about its procedures, about which there is more information throughout the Constitution. Part B explains resident's rights and how they can be involved with the Council. Parts C to G set out the functions of the Council, Executive and Committees and how they operate. Part H deals with Councillors including the Scheme of Members Allowances which explains how the councillors are reimbursed for their time and expenses. Part I deals with Officer matters.

- 1.10 Officers, Councillors and Committees must operate in accordance with the Council's Scheme of Delegation and the more detailed rules and procedures set out in the Constitution.

How the Council Operates

- 1.11 Until the next election in May 2027 the Council consists of 110 Councillors. Elections will normally be held on the first Thursday in May every four years beginning in May 2027. If a Council seat becomes vacant during a Councillor's term of office there may be a by-election. By-elections do not usually take place within 6 months prior to a normal election.
- 1.12 Councillors must be over 18 years old and must live or work in the Somerset Council administrative area. Councillors are democratically accountable to residents of their division. There are 2 councillors elected for each division. The overriding duty of Councillors is to the whole community of Somerset, but they have a special duty to everyone who lives in their division, including those who did not vote for them. Councillors set the policy of the Council and take many decisions. The Council's website contains details of how to get in touch with the Councillors and of any positions they hold in the Council.
- 1.13 Councillors must follow a Code of Conduct to ensure high standards in the way they undertake their duties. If they do not follow the Code, complaints can be made against them. The Code of Conduct and how to make complaints is set out in Part H.
- 1.14 All councillors meet together at least quarterly as the Council and this is called "full Council". At full Council, Councillors: make decisions that the law says are reserved to full Council (see Part C); decide on some of the Council's policies; set the Budget and Council tax each year. Members of the public are welcome to attend Council meetings. The agenda for the meeting including the location of the meeting and reports are published on the Council's website, usually the week before the meeting. The Council is committed to

transparency and will ensure it holds full Council meetings, wherever possible, in venues which have webcasting facilities, and which can accommodate members of the public who wish to attend.

Role of All Councillors

1.15 All Councillors will:

1.15.1 collectively be the ultimate policy-makers and carry out several strategic and corporate management functions;

1.15.2 act as a 'corporate parent' to Somerset's looked-after children and care leavers;

1.15.3 contribute to the good governance of the Council and actively encourage community participation and resident involvement in decision making;

1.15.4 effectively represent the interests of the communities and individual residents of the County in their own division;

1.15.5 respond to residents' enquiries and representations, fairly and impartially;

1.15.6 participate in the governance and management of the Council;

1.15.7 maintain the highest standards of conduct and ethics and observe the [Councillor Code of Conduct for Elected and Co-opted Councillors] (set out in Part X) and the other Codes and Protocols adopted by the Council;

1.15.8 be available to represent the Council on other bodies; and

1.15.9 attend meetings of bodies to which they are appointed or, if they are unable to attend, present their apologies.

1.16 Councillors are entitled to receive allowances to cover their time and expenses in accordance with the Members' Allowances Scheme set out in Part H of this Constitution.

The Chair of the Council

1.17 The Chair is elected by the full Council at its "Annual Meeting" each year, which is usually held in May. The Council also elects a Vice Chair, who acts as Chair when the Chair is not available.

1.18 The Chair (and the Vice Chair) undertake civil and ceremonial roles on behalf of the Council and represent the Council at events. The Chair promotes public involvement in the Council's activities. If you would like to ask the Chair to visit an event you can contact their office via the Council's website.

1.19 Although the Chair is an elected politician and has a vote, there is a duty on them to be impartial in carrying out the role of Chair.

1.20 The Chair presides over meetings of the full Council to ensure that business is carried out effectively and is responsible for upholding and interpreting this Constitution. The Chair's ruling about the Constitution or any proceedings of the Council cannot be challenged, although their interpretation must have regard to the purposes of this Constitution and must be reasonable and lawful.

1.21 Neither the Chair nor the Vice-Chair can be the Leader or a member of the Executive.

Council Business

1.22 At its annual meeting (usually in either April or May) the Council will approve its planned "Calendar of Business and Schedule of Meetings but nothing

prevents changes being made to the Calendar of Business and Schedule of Meetings during the following 12 months.

1.23 There are three types of full Council meeting which are conducted in accordance with the "Council Procedure Rules" which are set out in Part C:

1.23.1 the Annual Meeting;

1.23.2 ordinary meetings;

1.23.3 extraordinary meetings.

1.24. There are some decisions which can only be taken by the full Council. The Council sets the "Budget and Policy Framework" for the Council. All decisions must be taken in accordance with the Budget and Policy Framework which can only be changed by full Council. More information about the Budget and Policy Framework is included at Part C

1.25. The Council is responsible for electing (and can remove) the Leader of the Council who in turn will appoint a Deputy Leader and an Executive. The Council (mainly through the Scrutiny Committee process and the call-in of decisions) is ultimately responsible for holding the Executive to account. The role of the Council is set out in more detail in Part C and the role of the Executive is set out in more detail in Part E

How Decisions Are Made

1.26 Types of Decision:

1.26.1 Executive decisions:

- (a) Key Decisions which can be taken by Executive, or Lead Members; or in the absence of Lead Members, exercised by Officers with delegated powers,;
- (b) delegated non-Key Decisions. These are normally taken by Officers but can be referred back to Executive or Lead Members.

1.26.2 Non-Executive Decisions:

- (a) Council decisions – decisions reserved to Council by statute such as setting the precept;
- (b) Council reserved decisions – decisions which Council has reserved to itself;
- (c) delegated Council decisions – decisions delegated to Committees and Officers.

1.27 Key Decisions

1.27.1 Key decisions as defined by Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 are decisions which:

- (a) result in expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates;
- (b) are deemed to be significant in terms of their effects on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.

1.28 The Council has resolved that those decisions detailed below shall also be treated as Key Decisions. The Council may change those decisions it has decided to treat as Key Decisions as required in the light of experience of operating the Constitution. The Council has decided that the following are to be treated as Key Decisions. A decision which:

- 1.28.1 is not consistent with the Revenue Budget, Capital Programme or Borrowing Limits and Financial Procedure Rules approved by the Council;
 - 1.28.2 is in conflict with a policy, plan or strategy approved by the Council or a Committee of the Council;
 - 1.28.3 raises new issues of strategy or Policy;
 - 1.28.4 requires the acquisition or disposal of any land or interest in land in excess of a value of £500,000;
 - 1.28.5 comprises or includes the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown;
 - 1.28.6 requires the passage of local legislation;
 - 1.28.7 is of such significance to the locality, the Council or the services which it provides that the decision-taker is of the opinion that it should be treated as a Key Decision;
- 1.29 A decision taker may only make a Key Decision in accordance with the requirements of Parts B and E and, in particular (and to the extent applicable in any given case) with:
- 1.29.1 the Access to Information Procedure Rules;
 - 1.29.2 the Budget and Policy Framework provisions; and
 - 1.29.3 the Executive Procedure Rules.
- 1.30 A key decision may only be taken by the Executive or Lead Members (or where Lead Members are absent, an officer with delegated powers except in a case to which Executive Procedure Rules applies (i.e. Special Urgency or Major Emergency respectively)).

- 1.31 All decisions taken by the Council, unless they are delegated to a single Councillor or to an Officer, are taken by a simple majority vote of the Councillors who are at the meeting. Councillors cannot vote unless they are physically present at the time. If there is a tie in the voting, the Chairman of the meeting has a second vote. This is called a "Casting Vote. The Scheme of Delegation in Part I gives details of responsibility for decision making.
- 1.32 When the Council knows when Key Decisions are going to be discussed or made, details will be published on the "Forward Plan" which is published on the Council's website. If these decisions are to be discussed at an Executive meeting, this will generally be open for the public to attend.
- 1.33 The Constitution also provides for decision making which enables the Council to:
- 1.33.1 provide clear leadership to the community in partnership with local people, communities, businesses and other organisations;
 - 1.33.2 support the active involvement of local people and local communities in the process of decision making;
 - 1.33.3 help Councillors represent their constituents effectively;
 - 1.33.4 create a powerful and effective means of holding decision makers to public account;
 - 1.33.5 ensure that no one will review or scrutinise a decision in which they were directly involved;
 - 1.33.6 be clear about who is responsible for making specific decisions and that they explain the reasons for decisions; and
 - 1.33.7 provide a means of improving the delivery of services to the community.
- 1.34 The Council also requires that decisions:

- 1.34.1 *are proportionate, with clear aims and desired outcomes and reasons given;*
- show due regard to all relevant and material considerations and disregard irrelevant considerations;*
- 1.34.2 *are taken after due consultation and obtaining professional advice where appropriate;*
- 1.34.3 *show respect for human rights;*
- 1.34.4 *pay due regard to equality legislation and the need to prevent people being drawn into terrorism;*
- 1.34.5 *take account of the environmental and health impact;*
- 1.34.6 *are as open and transparent as possible.*

The Executive

- 1.35 The Council has decided to adopt a Leader and Executive (or an “Executive”) form of governance. The Executive is a group of Councillors who are responsible collectively for what the law calls the “executive functions” of the Council. The law sets out what functions are for the Executive and what are the functions of the Council. In all but a very few cases, if the law does not say that something is a function of the Council, it is for the Executive, as the Executive of the Council, to decide.
- 1.36 The Executive is made up of the Leader of the Council and up to 9 other Lead Members. These will include a Deputy Leader (noting that the Deputy Leaders and Lead Members must not together exceed 9 postholders) who are chosen and appointed by the Leader. The Leader may also appoint Associate Lead Members to assist Lead Members in their roles, but these deputies cannot substitute for Lead Members at Executive and can have no individual decision making allocated to them. The Leader may change Executive portfolios and delegations.

- 1.37 Individual members of the Executive have responsibility for specific functions delegated to them by the Leader. Details are set out in Part E. Most of the decisions taken by the Authority are executive decisions in accordance with the law. The Leader also delegates executive decisions to officers.
- 1.38 The Executive is responsible for developing the policies and strategies of the Council which are then approved by Council; and takes most of the decisions on service provision. These are “executive decisions”. Some decisions are taken by Executive as a whole; but many decisions are delegated to individual Lead Members or to Officers, as set out in the Scheme of Delegation at Part I
- 1.39 The Executive and Lead Members can only make decisions which are in line with the Council's overall Budget and Policy Framework set out in Part C. If the Executive wishes to make a decision outside the Budget and Policy Framework, that decision must be referred to the full Council to decide.

Overview and Scrutiny

- 1.40 Scrutiny Committees are established to support and challenge the work of the Executive and help hold it to account. A Scrutiny Committee can consider decisions of the Executive and delegated decisions if they feel the decision should be looked at before it is implemented. This is called a “call-in”. A Scrutiny Committee may recommend that the decision is reconsidered or ask Council to consider it before it is referred back to Executive and the Executive has to hear what they say and consider the matter again. Lead Members or their Deputies cannot sit on these Scrutiny Committees. More details about Scrutiny Committees is available at Part G.
- 1.41 A Scrutiny Committee may also be consulted by the Executive or the Council on forthcoming decisions and policy development.
- 1.42 A Scrutiny Committee can also sometimes hold inquiries into matters of local concern in which residents may take part. These inquiries may lead to reports

and recommendations which advise the Executive or the Council as a whole, and in some cases outside agencies, on policies, budget, and service delivery.

Regulatory and Other Council Committees

- 1.43 Some decisions cannot by law be decided by the Executive including planning and licensing determinations. These are delegated by the Council to Committees.
- 1.44 Council Committees, unlike the Executive and its Executive Committees, must be proportionate to the size of the political groups on the Council. Members of Council Committees are appointed by full Council.
- 1.45 The Council has established Committees to deal with regulatory functions such as licensing and planning matters.
- 1.46 In addition, Councillors take part when required in Appeals Committees and Appointment and Advisory Panels.
- 1.47 These Committees and the other Committees are explained in more detail in Part D.

The Council's Employees

- 1.49 The Council has people working for it (called Officers) to give advice, implement and make decisions in accordance with the Scheme of Delegation and carry out the day-to-day delivery of Council services. Officers are paid in accordance with the Council's pay policy statement which is reviewed each year.
- 1.50 The Council's management structure is set out on the Council's website.
- 1.51 The recruitment, selection and dismissal of Officers has to comply with the Council's Employment Procedure Rules which are set out in Part I.

- 1.52 Some of the Council's officers - the Monitoring Officer (Governance) and the Section 151 Officer (Finance) have a specific duty to ensure that the Council acts within the law and uses its resources wisely.
- 1.53 Officers must comply with the Employee Code of Conduct which is set out in Part I.

Local and Partnership Working

- 1.54 The Council works closely with other organisations and creates new partnerships to help the Council meet its corporate vision and objectives. In addition, the way in which the Council delivers some of its services and functions to residents and businesses will be reviewed to ensure the Council delivers value for money.
- 1.55 Local Community Networks aim to ensure strong connections between Somerset Council and local communities. The Local Community Networks are advisory and may make recommendations to decision-makers in accordance with their terms of reference. The Local Community Networks do not have any decision-making powers other than the allocation of the budget devolved to them. More information about the Local Community Networks is available on the Council's website.
- [1.56] The Council also supports a number of strategic partnerships such as the Heart of the South West Local Enterprise Partnership, Avon and Somerset Police and Crime Panel and the Somerset Rivers Authority.

Joint Arrangements

- 1.55 The Council and the Executive may exercise their functions in several ways, for example they can:

- 1.55.1 enter into arrangements or agreements with any person or body to deliver a service;
- 1.55.2 establish joint arrangements including a joint committee with one or more other local authorities to exercise functions;
- 1.55.3 co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- 1.55.4 exercise on behalf of that person or body any functions of that person or body; or
- 1.55.5 delegate functions to another local authority.

Contracts and Contracting Out

- 1.55 Every Contract made by the Council has to comply with the Contract Procedure Rules and Financial Procedure Rules set out at Part I
- 1.56 The Council (for non-executive functions) and the Executive (for executive functions) may contract out functions within the law, but the Council retains ultimate responsibility for those functions.

Documents

- 1.57 Where any document is necessary for any legal procedure or proceedings on behalf of the Council, it will be signed by the Service Director- Governance, Legal and Democratic Services, the Monitoring Officer or another person authorised by them unless any enactment requires otherwise, or the Council has authorised another person in this regard.

Common Seal of the Council

- 1.58 The Common Seal of the Council is the official stamp of the Council to be used on deeds or other documents and will be kept in a safe place under the custody of the Service Director- Governance, Legal and Democratic Services.

- 1.59 A decision of the Council or one of its Committees acting under delegated powers, or of the Executive, or of a Committee of the Executive, or the Leader or a Lead Member acting under delegated powers, or one made in accordance with the Scheme of Delegations to Officers set out in Part I of this Constitution, will be sufficient authority for sealing any document necessary to give effect to the decision.
- 1.60 The Common Seal will be affixed to those documents which in the opinion of the Service Director- Governance, Legal and Democratic Services should be sealed or are required to be sealed by the Contract Procedure Rules. The Common Seal will be attested by the Monitoring Officer, Service Director- Governance, Legal and Democratic Services or any other Officer authorised for the purpose by the Chief Executive, Monitoring Officer or Service Director- Governance, Legal and Democratic Services.

Changes to the Constitution

- 1.61 The Constitution has been formally adopted by the Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 1.62 The Monitoring Officer has authority to make minor amendments and corrections to the Constitution to reflect decisions made by Council and Executive and changes to the legislation.
- 1.63 Any substantive changes to the Council's decision-making arrangements and Committee structure will be considered by the Constitution and Governance Committee who will recommend changes to full Council who will have to approve them prior to implementation.

Publication

1.64. The Monitoring Officer will ensure that copies of this Constitution are available for inspection by members of the public on the Council's website and at the Council's main office. A paper copy of the Constitution can be purchased by the press and members of the public on payment of a reasonable fee.