

COUNCIL

Membership and Meetings

1. Membership: all elected Councillors
2. The Council will normally meet up to 5 times per year including the Annual Council meeting.

TERMS OF REFERENCE

Powers reserved to Full Council

3. The following functions must not be exercised by the Executive and, where not otherwise delegated, shall be reserved to the Full Council:
 - (a) adopting and changing the Constitution;
 - (b) approving or adopting the Policy Framework (as defined in Article 4), the Budget (as defined in Article 4) and any application to the Secretary of State in respect of any housing land transfer (as defined in Article 4);
 - (c) subject to the urgency procedure contained in the Access to Information Procedure Rules, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
 - (d) appointing the Leader of the Council;
 - (e) exercising powers to remove the Leader from office before completion of his/her term of office;
 - (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
 - (g) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;

- (h) adopting and varying a Councillors' Allowances Scheme;
- (i) changing the name of the area/council;
- (j) electing the Chair of the Council and appointment of the Vice-chair;
- (k) confirming the appointment and dismissal of the Head of Paid Service;
- (l) confirming the appointment of the S151 Officer and Monitoring Officer;
- (m) to designate an officer to be the Returning Officer and Electoral Registration Officer;
- (n) conferring the title of honorary alderman or honorary alderwoman, or awarding the Freedom of the Council Area under Sections 248 and 249 of the Local Government Act 1972;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (p) making a request under Section 14A(1) (requests for single-member electoral areas) of the Local Government Act 1992 for single-member electoral areas;
- (q) the passing resolutions to change a scheme for elections under the Local Government and Public Involvement in Health 2007 Act (Subsections 32(1), 37(1) or 39(1));
- (r) the making of orders giving effect to recommendations made in a community governance review under the Local Government and Public Involvement in Health 2007 Act (Section 86);
- (s) the duty to make a change in governance arrangements under the Local Government and Public Involvement in Health 2007 Act (Schedule 4 paragraphs 3 and 8);
- (t) a decision to accept an invitation to become an 'opted in' Authority, for the purposes of appointing external auditors under the provisions of the Local Audit (Appointing Person) Regulations 2015
- (u) making or revising Council Tax Reductions Scheme under Section 13(A)(2) of the Local Government Finance Act 1992 as amended by the Localism

Act 2011

- (v) approving supplementary budget allocations (whether revenue or capital budget) at above £250,000.
 - (w) consider recommendations from the Executive (which will come from Hinkley Point Planning Obligations Board) to allocate contributions for projects seeking funding of over £250,000.
 - (x) consider recommendations from the Executive (which have not come from Hinkley Point Planning Obligations Board) to allocate contributions for projects seeking funding of over £250,000.
 - (y) consider recommendations from the Executive (which have come from the internal Planning Obligations Group (to allocate contributions for projects seeking funding of over £250,000)
 - (z) appoint the Council's representatives to the Hinkley Point Planning Obligations Board
 - (aa) appoint the Council's representative on the Somerset Community Foundation Panel who will consider bids to the EDF Energy Community Fund
 - (bb) all other matters which, by law, must be reserved to Full Council.
4. The Council will also exercise the following additional functions which may be discharged by Full Council itself or be delegated by agreement to a committee or sub-committee of Councillors, an officer of the Council or another authority:
- (a) all responsibilities of the Council (as provided by the Local Government Act 2000 and guidance published by the Secretary of State) which must be undertaken by the Council rather than the Executive (see Responsibility for Functions, Table 1); and,
 - (b) all local choice functions (as provided by the Local Government Act 2000 and guidance published by the Secretary of State) which the Council decides should be undertaken by itself rather than the Executive (see Responsibility for Functions, Table 2).

Executive

1. Membership and Meetings

1.1 Leader of the Council, together with at least 2 but no more than 9 other Councillors, appointed by him/her.

1.2 There will be no substitute for Executive Members although other Members may be invited to attend meetings and, in any case, can attend as observers.

1.3 The Executive will normally meet on a monthly basis.

2. Scope

2.1 The Executive will carry out all of the Local Authority's functions which are not expressly reserved as the responsibility of any other part of the Local Authority, whether by law or under this Constitution.

2.2 The Executive will provide overall leadership and direction for the Council.

2.3 The Executive cannot amend Council Policy (as defined in Article 4 paragraph 4.2).

3. Terms of Reference

3.1 The Executive will be responsible for the following functions:

- a) to propose the annual budget to Council for approval;
- b) to ensure full consultation with the public and other members of the Council on policies and strategies;
- c) to implement, within approved budgets, agreed plans and policies of the Council;
- d) to oversee expenditure within budget heads and limits approved by Council;
- e) to provide political leadership to enable Somerset West and Taunton Council to promote the economic, social and environmental wellbeing of the area;
- f) to exercise collective responsibility for the Council and its performance;

- g) to set strategies for partnership with external stakeholders;
- h) to receive recommendations from the Scrutiny Committee;
- i) to determine grant allocation priorities for external organisations;
- j) any functions which are deemed to be local choice functions as set out in the responsibilities for functions;
- k) to exercise the Council's powers in relation to emergencies and disasters;
- l) to consider recommendations from the Hinkley Point Planning Obligations Board and Internal Planning Obligations Group to allocate contributions for projects seeking funding for above £150,000 and less than £250,000;
- m) to consider referral to Council recommendations from the Hinkley Point Planning Obligations Board and Internal Planning Obligations Group to allocate contributions for projects seeking funding of over £250,000;
- n) to consider quarterly performance reports relating to the Hinkley Point project which have been previously reviewed by the Scrutiny Committee;
- o) to consider recommendations from the Internal Planning Obligations Group to allocate contributions for projects seeking funding of above £150,000 and less than £250,000;
- p) to approve Supplementary Budget Allocations (whether Revenue or Capital) between £150,000 and £250,000 and Budget Virements (whether Revenue or Capital greater than £150,000);
- q) To make Key Decisions as defined in the Executive Procedure Rules;
- r) to approve individual projects and schemes under the Council approved Growth Programme and Community Infrastructure Levy Investment Programme;

Scrutiny Committees.

1. Membership and Meeting Arrangements

1.1 The Corporate Scrutiny Committee will comprise of 15 Councillors appointed by the Council and will normally meet on a monthly basis.

1.2 The Community Scrutiny Committee will comprise of 15 Councillors appointed by the Council and will normally meet on a monthly basis.

1.3 Members of the Executive will not be eligible to sit on the Scrutiny Committees.

1.4 The Committees may invite persons to be co-opted non-voting members.

2. Terms of Reference

2.1 The Council will appoint two Scrutiny Committees to discharge the functions conferred by Section 21 and 21A of the Local Government Act 2000 or regulations made under Section 32 of the Local Government Act 2000.

2.2 The split between the Corporate Scrutiny Committee and Community Scrutiny Committee is:

Corporate	Community
<p>Matters relating to the Internal Operations Directorate, including:</p> <ul style="list-style-type: none"> • Finance • Revenues and Benefits • Income Control • Procurement • Communications (Internal & External) • HR and People • Health & Safety • Payroll • Business Continuity • Internal Change • Information Technology • Governance • Business Intelligence 	<p>Matters relating to the External Operations & Climate Change Directorate, including:</p> <ul style="list-style-type: none"> • Climate Change • Emergency Planning • Coastal Protection • Asset Management • Parks & Open Spaces • Major contracts • Street Scene • Environmental Services • Regulatory Services • Commercial Services • Public Health & wellbeing
<p>Matters relating to the Development and Place Directorate, including:</p> <ul style="list-style-type: none"> • Regeneration capital projects 	<p>Matters relating to the Housing and Communities Directorate, including:</p> <ul style="list-style-type: none"> • Housing Revenue Account 30 year

<ul style="list-style-type: none"> • Taunton Garden Town • Commercial Investment Portfolio • Heritage • Hinkley • Strategic Place Planning • Development Management • Economic Recovery & Economic Growth 	<p>Business Plan</p> <ul style="list-style-type: none"> • Tenancy Management • Sheltered and Extra Care Housing Service • Housing Options, Homelessness and Homefinder • Rough Sleepers • Safeguarding • Community resilience and engagement • Community grants • Housing Property (including repairs and maintenance, voids, safety compliance) • Housing development and regeneration (affordable housing, projects such as North Taunton Woolaway Project and low carbon homes) •
<p>Performance Indicators relating to the areas under this Committee</p>	<p>Performance Indicators relating to the areas under this Committee</p>
<p>Budget Monitoring relating to the areas under this Committee</p>	<p>Budget Monitoring relating to the areas under this Committee</p>
	<p>Crime and Disorder Committee (as per S19 of the Police and Justice Act) with responsibility for scrutinising crime and disorder</p>

2.3 This Community Scrutiny Committee is also the Council’s designated Crime and Disorder Committee under Section 19 of the Police and Justice Act 2006.

2.3 The Council seeks to ensure a robust scrutiny process. The Scrutiny Committees are not a decision-making body, but should:

- a) be the ‘critical friend’ of the Executive but not subservient to the Executive;
- b) enable the voice and concerns of the public;
- c) be carried out by independently minded Councillors;
- d) drive improvement.

2.4 The general terms of reference of the Scrutiny Committees are set out below:

- a) to perform all Scrutiny functions on behalf of the Council;
- b) to appoint such informal task and finish groups as it considers appropriate to fulfil those Scrutiny functions;
- c) to approve the overview and work scrutiny programme so as to ensure that the Committee's time is effectively and efficiently used;
- d) to undertake investigations into such matters relating to the Council's functions and powers as:
 - i. may be referred by the Leader/Executive; or,
 - ii. the Committees may consider appropriate; or,
 - iii. have been referred to the Committee pursuant to the "call-in" procedure set out in the Scrutiny Procedure Rules;
- e) to review and advise on existing policies of the Council, including making recommendations for future options to the Leader/Executive;
- f) to review arrangements to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- g) to monitor and review the Council's performance against relevant national and local performance indicators and adopted plans and strategies;
- h) to consider any matter affecting the Council area or its inhabitants;
- i) to discuss initiatives put forward for consideration by individual members of the Committee;
- j) to review or scrutinise decisions made or other actions taken in connection with the discharge of the Council's crime and disorder functions and to make such reports or recommendations as deemed appropriate.

3. Specific Functions

A. Policy Development and Review

3.1 The Scrutiny Committees may:

- a) assist the Council and the Leader/Executive in the development of the budget and policy framework by in-depth analysis of policy issues, and the Scrutiny Committees may obtain evidence from members of the public or expert witnesses to inform its response;

- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) question the Leader of the Council, Members of the Executive and Chief Officers about their views on issues and proposals affecting the area;
- d) liaise with other external organisations operating in the area, whether national or local, to ensure that the interests of the inhabitants of the area are enhanced by collaborative working; and,
- e) consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

B. Scrutiny

3.2 The Scrutiny Committees may:

- a) review and scrutinise and ask questions of the Leader, lead Councillors, the Executive and Council officers in relation to particular decisions, initiatives or projects, whether generally or in comparison with service plans and targets over a period of time, or in relation to the portfolios of the Leader or of Lead Councillors. As part of this process, the Committees may facilitate the asking of questions submitted in advance by members of the public;
- b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- c) make recommendations as appropriate to the Leader/Executive and/or the Council arising from the outcome of the scrutiny process;
- d) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- e) question and gather evidence from any person (with their consent) and require information from partner organisations; and
- f) use innovative ways to scrutinise matters of concern such as select committees, public hearings, spotlight reviews, mystery shopping and workshops. The issue being investigated should be matched to the most appropriate process.

C. Finance

3.3 The Scrutiny Committees may:

- a) scrutinise the overall Council Budget as part of its preparation;

- b) exercise overall responsibility for the finances made available to them;
- c) request that a budget be made available to it for the purposes of research, the costs of expert witnesses, site visits, non-meeting based activities and matters similar thereto.

D. Annual Report

3.4 The Scrutiny Committees must report annually to the Full Council on its work undertaken during the year, its future work programme and amended working methods if appropriate.

AUDIT AND GOVERNANCE COMMITTEE

Membership and Meetings

The Audit and Governance Committee will be composed of 11 elected Councillors, except any councillor who is a member of the Executive;

The Quorum for the Audit and Governance Committee shall be 4 voting members of the Committee.

The Committee will normally meet on a quarterly basis.

Scope

The Audit and Governance Committee will have overall responsibility for governance and audit matters as set out in the terms of reference.

Terms of Reference

The Audit and Governance Committee will have the following roles and functions:

A. Corporate Governance

1. Oversee the Council's use of risk management.
2. Approving the Local Code of Corporate Governance.
3. Approving the Annual Governance Statement.
4. Considering and approving the Council's Risk Management Statement and Strategy.
5. Monitor and review the Council's internal and external audit functions.
6. Monitor and review the Council's systems of internal control
7. To make recommendations to the Council regarding any suggested major changes to the Constitution.
8. Monitoring and reviewing the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines.

9. Reviewing any corporate governance issue referred to the Committee by the Chief Executive, the Section 151 Officer or the Monitoring Officer, the Leader/Executive or any other committee of the Council.
10. Considering the Council's arrangements for corporate governance and necessary actions to ensure compliance with best practice, together with any relevant issues referred by the Leadership Team or Statutory Officers.
11. Considering the Council's compliance with its own and other published standards and controls.
12. Considering the annual report regarding complaints about the Council referred to the Local Government and Social Care Ombudsman.
13. Approving payments or other benefits of a value greater than £5,000 arising from complaints to the Local Government and Social Care Ombudsman.
14. Monitoring the effectiveness of the Council's policies and procedures that ensure sound governance arrangements, including:
 - a) whistle-blowing procedure;
 - b) anti-fraud and corruption policy;
 - c) anti-bribery policy and procedure;
 - d) complaints procedure;and making appropriate recommendations to the Executive.
15. Monitoring and auditing of the Council's equalities and diversity policies.

B. Audit and Accounts

1. Agreeing the internal and external audit plans and monitoring delivery of the plans.
2. Review and challenge any significant issues and the action plans arising in the annual audit report and management letter for the Council.
3. Monitoring the implementation of significant audit recommendations.
4. Raising the profile of internal control within the authority.
5. Reviewing and approving the annual Statement of Accounts and Narrative Statement.

6. To regularly review the effectiveness of overall governance arrangements for the Hinkley Point Project and receive both internal and external audit reports including those undertaken by EDF.
7. Considering reports dealing with the management and performance of the providers of the internal audit function.
8. Considering reports from internal audit on recommendations agreed with service leaders as a result of an internal audit review which have not been implemented within a reasonable timescale.
9. Considering specific reports submitted by the internal or external auditors.
10. Commenting on the scope and depth of external audit work and ensuring that it gives value for money.
11. Considering any other matter referred by the Section 151 Officer.

Annual Report

The Audit and Governance Committee must report annually to the Full Council on its work undertaken during the year, its future work programme and amended working methods if appropriate.

Planning Committee

1) Membership and Meetings

1.1 The Full Committee

1.2 Fifteen Members (politically balanced) to be appointed by Full Council. Meetings to normally be held at intervals of 4 weeks or as required Members of the Executive will not be eligible to sit on the Planning Committee.

1.3 The Quorum for the Planning Committee shall be 4 voting members of the Committee.

1.4 The Phosphates Sub-Committee

1.5 No more than 5 Councillors to be appointed from the Planning Committee.

2) Scope

2.1 Neither the Planning Committee nor the Assistant Director, Strategic Place and Planning or Service Manager – Development Management or Service Manager Planning Policy and Implementation has delegated power to:

- a) approve or adopt Development Plan Documents or the Plans and alterations that comprise the Development Plan; or,
- b) approve or adopt Local Development Orders;

as these are Full Council functions as set out in Article 4 of this Constitution.

2.2 The Council has delegated its responsibility for the following functions:

- a) all functions relating to town and country planning and development control as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and,
- b) functions relating to the stopping up or diversion of footpaths; the extinguishing of rights of way over land held for planning purposes; the preservation of trees; and complaints about high hedges as specified at items 31, 32, 47 and 47a of Section I Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;

to the Planning Committee, the Assistant Director Strategic Place and Planning and Service Manager – Development Management and other officers as set out below.

3) Terms of Reference – Planning Committee

3.1 Where a proposal meets any of the following criteria, it shall be reserved to the Planning Committee for determination:

Criterion 1: In the opinion of the Service Manager - Development Management or the Chair of the Planning Committee, the application is considered to be of a significant, controversial or sensitive nature.

Criterion 2: The application is made by or on behalf of an elected Councillor (or partner thereof) or member of Council staff (or partner thereof) and is recommended for approval.

Criterion 3: The application is accompanied by an Environmental Impact Statement (EIA).

Criterion 4: The application proposes a development which if permitted would represent a significant departure from the Council's statutory Development Plan and is recommended for approval.

Criterion 5: The application is the subject of representations contrary to the officer recommendation (with planning reasons) submitted to the Council by

- (a) not less than four individuals; and
- (b) at least one of the following:
 - i) a Town/Parish Council;
 - ii) a Parish Meeting;
 - iii) a Ward Member

3.2 Any application which is not referred to Committee by virtue of paragraph 3.1 above, but where representations which are contrary to the officer recommendation have been received (including from statutory consultees), is referred to the Chair or Vice Chair of the Planning Committee before a decision is made, following which the Chair or Vice Chair may decide to refer the application to the Planning Committee for determination.

3.3 The arrangements set out in paragraphs 3.1 and 3.2 above for the referral of applications to the Planning Committee for determination do not apply to

- a) applications which seek prior approval which will receive deemed consent after 28 or 56 days; and
- b) applications for certificates of lawful development made under Section 191 or 192

of the Town and Country Planning Act 1990 (as amended)
as the determination of such applications is based on the assessment and
evaluation of facts as opposed to planning policies and material planning
considerations.

3.4 In addition, the Planning Committee shall authorise all criminal proceedings in relation to alleged offences under planning legislation including but not limited to offences under the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Community Infrastructure Levy pursuant to the Community Infrastructure Levy Regulations 2010 and 2019 except in cases of expediency where authority is delegated to the Chair of Planning Committee, and either the Assistant Director Strategic Place and Planning or the Service Manager - Development Management.

3.5 In addition to the delegation arrangements referred to in paragraphs 2 and 3 above, the Assistant Director – Strategic Place and Planning and the Service Manager – Development Management or Service Manager Planning Policy and Implementation may authorise the Council's entry into agreements with

- Town/Parish Councils ,
- Parish Meetings or
- any other third party

where the effect of such an agreement is the allocation to such a party for the purposes of expenditure of financial contributions or other sums received by the Council as local planning authority pursuant to planning obligations under the Town and Country Planning Act 1990 Section 106, PROVIDED THAT:

3.6 (a) such agreement shall ensure that any funds so allocated are only to be expended in accordance with the purpose of such contributions or funds as identified in the relevant Section 106 Agreement/s ; and (b) the agreement shall include arrangements for the reimbursement to the Council of any funds which are unspent or uncommitted so that the Council may meet its own obligations for reimbursement of unspent or uncommitted contributions as contained in the relevant Section 106 Agreement/s.

3.7 AND PROVIDED FURTHER THAT notwithstanding any other arrangements set out in this Constitution for the signing of documents on behalf of the Council, such

agreements may be signed by the Director of Development and— Place.

4) Delegation to Officers

4.1 The Assistant Director Strategic Place and Planning is authorised to undertake all other decisions in relation to the above matters and functions that are not reserved to Full Council or Planning Committee. This includes matters relating to Local Development Orders.

4.2 The Assistant Director Strategic Place and Planning is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Assistant Director Strategic Place and Planning must keep a register of any such delegations.

- In consultation with the relevant portfolio holder to respond to consultations and processes under the Planning Act 2008 concerning nationally significant infrastructure projects, including draft statements of community consultation, draft scoping reports, draft development consent orders and draft s106 planning obligations received from developers and promoters, other local authorities and other statutory and public bodies.
- Respond to proposed non-material and material changes to Development Consent Orders including the discharge of requirements and obligations as appropriate
- To 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.

5) Delegation to Parish Council

5.1 Where the Council has delegated its powers to determine planning matters to a Town Council or Parish Council, those matters so delegated shall not be dealt with by the Planning Committee whilst such arrangements remain in place.

6) Terms of Reference – Phosphates Planning Sub-Committee

6.1 This will be a Phosphates Sub Committee which will be a sub-committee of the Planning Committee.

6.2 The Sub Committee will consist of no more than 5 councillors from the Planning Committee.

6.3 The subcommittee may, by majority vote, co-opt up to 2 further Councillors to be Members of the subcommittee provided that they are suitably qualified substitutes for the purpose of Planning Committee. Co-opted Members are not entitled to vote.

6.4 The Phosphates Planning Sub Committee will have the following responsibilities on behalf of the Local Planning Authority:

- 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 Tone catchment area affecting the Somerset Levels and Moors Ramsar site (as approved by 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 provide performance reports on (a) and (b) to Planning Committee on a quarterly basis;
- d. To agree the criteria to be used for the allocation of any phosphate credits generated from the above 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);
- e. To review the terms of the draft Supplemental Planning Document (SPD) on the strategic solution to the nutrient enrichment issue (to be reported to Full Council for prior to consultation and for adoption).

Note: for the avoidance of doubt the role of the Phosphates Planning Sub Committee does not include the determination of any planning applications.

6.5 These terms of reference fall within the Planning Committee's delegated powers i.e. functions relating to town and country planning and development control as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Licensing Committee

1. Membership and Meeting Arrangements

1.1 The Licensing Committee will comprise of 15 Councillors appointed by the Council and will normally meet on a quarterly basis. The Quorum for the Licensing Committee shall be 4 voting members of the Committee.

1.2 The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including those under the Licensing Act 2003 and the Gambling Act 2005

2. Scope

2.1 Neither the Licensing Committee nor the Director of External Operations and Climate Change has delegated power to approve or adopt the Council's Licensing or Gambling Policy. This is a Full Council function as set out in Article 4 of this Constitution.

2.2 The Committee will be responsible for the following functions:

- a) except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all functions of the licensing authority prescribed by those Acts;
- b) all functions relating to licensing and registration insofar as they are the responsibility of the Council as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- c) all functions relating to Health and Safety at Work as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- d) all functions relating to smoke-free premises as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- e) any other associated matters and similar licensing and regulation matters.

3. Terms of Reference Licensing Committee

3.1 Matters relating to the following statutory functions are reserved to the Licensing Committee to determine:

A. Licensing Act 2003 Functions (As Listed at Section 10(4) of the Act)

- a) Where representations or objections (within the meaning of the relevant section of the 2003 Act) have been made in respect of the following applications:
 - i) for premises licence (s18(3));
 - ii) for provisional statement (s31(3));
 - iii) for variation of premises licence (s35(3));
 - iv) to vary designated premises supervisor following police objection (s39(3));
 - v) to vary designated premises supervisor following police objection (s44(5));
 - vi) for club premises certificate (s72(3));
 - vii) to vary club premises certificate (s85(3));
 - viii) for grant of personal licence following objection (s120(7));
 - ix) for review of premises licence (s52(2) or (3));
 - x) review of club premises certificate (s88(7)).
- b) Where representations or objections (within the meaning of the relevant section of the 2003 Act) have been made in connection with the following:
 - i) review following review notice (s53C);
 - ii) review following closure order (s167(5)).
- c) Where the Licensing Committee is to determine the following matters:
 - i) consideration of objections made to interim authority notice (s48(3));
 - ii) determination of interim steps pending summary review (s53A(2)(a) or 53B);
 - iii) decision to give counter notice following police objection to temporary event notice (s105(2));
 - iv) revocation of licence where convictions come to light after grant etc(s124(4));
 - v) revocation or suspension of licence by local authority where it becomes aware of convictions or immigration penalties (s132A(8) and (12)).

B. Gambling Act 2005 Functions (As Listed in Section 154(4) of the Act)

- a) Where representations have been made (within the meaning of the section) and where relevant objections have not been withdrawn:
- i) determination of an application for a premises licence (s161);
 - ii) determination of an application for the variation of a premises licence (s161 and s187);
 - iii) determination of an application for transfer following representations by the Commission;
 - iv) determination of an application for a provisional statement (s204);
 - v) review of a premises licence (s201).

C. Licensing and Registration Functions as Specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

- a) Determination of matters relating to:
- i) the revocation or suspension of taxi licences;
 - ii) the revocation or suspension of scrap metal/motor salvage licences;
 - iii) applications in respect of casino licences;
 - iv) applications in respect of sex shop licences.
- b) In the case of emergency, the above matters at (a)(i) – (iv) may be dealt with by the Director of External Operations and Climate Change, Assistant Director - or Licensing Specialist.

5. Delegation to Officers

5.1 The Director of External Operations and Climate Change or his/her representative is authorised to undertake all other decisions in relation to the above matters and functions that are not reserved to the Full Council or Licensing Committee.

5.2 The Director of External Operations and Climate Change is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Director of External Operations and Climate Change must keep a register of any such delegations.

5.3 The Director of External Operations and Climate Change or his/her representative may refer a matter to be dealt with by the Licensing Committee where he/she deems appropriate.

STANDARDS COMMITTEE

Membership and Meetings

The Standards Committee will be composed of:

- 9 elected Councillors, except any councillor who is a member of the Executive;
- 2 Independent co-opted persons who are not Councillors or officers of the Council (independent members);
- 2 co-opted members of any town/parish councils in the Council's area (town/parish members).

The Chair and Vice-Chair of the Committee shall be Councillors. Where a lead Councillor is appointed as a member of the Committee, they shall not be elected Chair or Vice-Chair.

The co-opted independent members and town/parish members will not be entitled to vote at meetings of the Standards Committee or any of its Sub-Committees.

The Quorum for the Standards Committee shall be 3 voting members of the Committee.

The Committee will normally meet on a quarterly basis.

Scope

The Council shall establish a Standards Committee to carry out its functions relating to ethical matters under the Localism Act 2011. The Standards Committee will have overall responsibility for ensuring probity, propriety and ethics in the organisation.

Terms of Reference

The Standards Committee will have the following roles and functions:

1. Monitoring and reviewing the operation of the Council's Constitution and making recommendations to Full Council for any amendments that fall outside of the scope of the delegated authority to the Monitoring Officer. Any review of the Financial Procedure Rules and Contract Procedure Rules will be considered by the Audit and Governance Committee.
2. Promoting and maintaining high standards of conduct by Councillors and co-opted members.
3. Assisting Councillors and co-opted members to observe the Councillors' Code of Conduct.

4. Advising the Council on the adoption or revision of the Councillors' Code of Conduct.
5. Monitoring the operation of the Councillors' Code of Conduct.
6. Advising, training or arranging to train district, town and parish Councillors and any co-opted members on matters relating to the Councillors' Code of Conduct and wider propriety issues, including issuing guidance where appropriate.
7. Granting dispensations to Councillors and any co-opted members from requirements relating to interests set out in the Councillors' Code of Conduct or delegating such power to a sub-committee, who will be authorised to determine such dispensations based on principles agreed by the Committee.
8. Advise on the management of statutory and other registers of interest and gifts/hospitality received.
9. Advise the Council on possible changes to the Constitution in relation to the key documents and protocols dealing with members' conduct and ethical standards.
10. Determining, by delegating such power to a sub-committee or by way of a hearing, those allegations of misconduct by district, town or parish councillors within Somerset West and Taunton or co-opted members where a formal investigation has found evidence of failure to comply with the Code of Conduct and where a local resolution has not been agreed.
11. Determining, by delegating such power to a sub-committee or following a hearing, on action to be taken against any Councillor or co-opted member found to have failed to comply with the Code of Conduct.
12. Making recommendations, by delegating such power to a sub-committee or following a hearing, to any town or parish council in the Council's area on action to be taken against any Councillor or co-opted member of that town or parish council found to have failed to comply with that Council's Code of Conduct.
13. Implementing, monitoring and reviewing the operation of the Code of Conduct for staff.
14. Considering any other matter referred by the Monitoring Officer.

Hearings Sub-Committee

The Hearings Sub-Committee shall conduct local hearings on misconduct allegations against Councillors and co-opted members of the district council or town or parish councils within Somerset West and Taunton. These hearings shall be conducted in accordance with the Arrangements for Dealing with Standards Allegations.

The Hearings Sub-Committee shall be politically balanced and comprise of 3 voting members of the Standards Committee. The composition of the Sub-Committee shall be determined by the Monitoring Officer after consultation with the Chair of the Standards Committee. A Chair shall be elected from among the voting members.

The Independent Person must be present when misconduct complaints against councillors and co-opted members are being considered by the Hearings Sub-Committee.

At least one co-opted town/parish member of the Committee and one independent member, together with the Independent Person, must be present when misconduct complaints against members or co-opted members of Town/Parish councils are being considered by the Hearings Sub-Committee.

Following on from a Hearing, the Hearings Sub-Committee may make a decision including the use of the following actions/penalties:

- Reporting its findings to Council (or to the Town/Parish Council) for information;
- Recommending to the Councillor's Group Leader that a Councillor be removed from any or all Committees or Sub-Committees of the Council;
- Recommending to the Leader of the Council that a Councillor be removed from the Executive, or removed from particular Portfolio responsibilities should the complaint refer to a Portfolio holder;
- Instructing the Monitoring Officer to (or recommend that the Town/Parish Council) arrange training for a Councillor;
- Removing (or recommend to the Town/Parish Council that a Councillor be removed) a Councillor from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);
- Withdrawing (or recommend to the Town/Parish Council that it withdraws) facilities provided to a Councillor by the Council, such as a computer, website and/or email and Internet access;
- Restricting contact to named officers or requiring contact be through named officers;
- Excluding (or recommend that the Town/Parish Council exclude) a Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
- Publish its findings in respect of the Councillor's conduct

- Issue a formal letter of advice as to future conduct to the Councillor;
- Request that the Councillor tender an apology to such persons as were aggrieved by his or her actions; or,
- Where the Monitoring Officer and the Independent Person are not satisfied that the Councillor has tendered the apology described above or completed such training as arranged above, then the Monitoring Officer shall report the matter to the Chair of the Standards Committee who shall cause a meeting of the Hearings Sub-Committee to take place with the purpose of resolving to apply an alternative sanction.

Annual Report

The Standards Committee must report annually to the Full Council on its work undertaken during the year, its future work programme and amended working methods if appropriate.