



# **CONSTITUTION AND GOVERNANCE COMMITTEE**

**Wednesday, 17 April 2024**

**2.00 pm**

**John Meikle Room, The Deane House, Belvedere  
Road, Taunton TA1 1HE**

## **SUPPLEMENT 1 TO THE AGENDA**

To: The members of the Constitution and Governance Committee

We are now able to enclose the following information which was unavailable when the agenda was published:

Agenda Item 8      Review of the Council Constitution Part I2 – Officer Scheme of Delegation (Pages 3 - 68)

To consider the review of Part I2 of the Constitution.

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Somerset Council

Constitution and Governance Committee

17 April 2024



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## **Review of Part I2 – Officer Scheme of Delegation**

Lead Officer: David Clark, Monitoring Officer, Service Director - Governance, Democratic and Legal Services

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Executive Lead Member: Councillor Bill Revans, Leader of the Council

Division / Local Member: All

### **1. Summary and background**

- 1.1.** Part I2 - Officer Scheme of Delegation is a key document in the Council's 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, decide strategies, agree policies or changes to existing policies and set the Annual Budget. All other functions of the Council are delegated to officers so that they can take day-to-day and service delivery decisions.
- 1.3.** The Officer Scheme of Delegation has been subject to an annual review by the Monitoring Officer in consultation with this Committee and senior managers on the effectiveness of its operation and to identify any potential changes or improvements.
- 1.4.** In parallel with the review work that has been undertaken, the Monitoring Officers is working with the Section 151 Officer on the review of the Contract Procedure Rules and Financial Regulations to ensure key elements of the Council's Governance Framework remain effective and fit for purpose.
- 1.5.** The review and any proposed changes to the Officer Scheme of Delegation will be considered by the Constitution and Governance Committee at its meeting

on 17 April, so that the Committee can consider these and make its recommendations to the Council's Annual General Meeting on 22 May 2024.

It is highlighted that further review of the Scheme of Delegation will be required during 2024/25 as a consequence of any changes to the Council's Target Operating Model and structures.

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

### **2.1. The Committee is asked to :**

- 1) Review the proposed changes to Part I2 – Officer Scheme of Delegation set out in Appendix 1 and provide any comments or suggested amendments for the Monitoring Officer to make following the meeting in consultation with the Chair of the Committee; and
- 2) Recommend the revised Part I2 – Officer Scheme of Delegation to the Council's Annual General Meeting in May.

## **3. Background**

- 3.1. A brand-new Officer Scheme of Delegation was drafted as part of the development of the Somerset Council's new Constitution following a review of Peer Councils. The Buckinghamshire Council Scheme was used as a starting point and amended by reference to the five legacy councils to suit local circumstances and to provide some continuity. For example, the "Key Decision" threshold was set at the same level as the former Somerset County Council threshold of £500K and the Scheme was drafted so that officers are granted specific delegations ensuring absolute clarity as to what they are authorised to do.
- 3.2. The review in 2022 and 2023 ensured that former county council delegations were included and updated with the former district council Schemes of Delegation e.g. development control and licensing matters. Overall, there were no significant departures from the former 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.** Throughout 2023/24, the Monitoring Officer and Head of Governance and Democratic Services have :

- Undertaken a members' survey and officers' survey to review the operation of decision making arrangements and processes;
- Compiled feedback on the Scheme of Delegation and areas for potential change;
- Issued revised guidance to officers to assist with awareness and understanding of the requirements for decision making and drafting reports;
- Supported Executive and Service Directors to put in place sub-delegation arrangements to Heads of Service and Service Managers;
- Reviewed committee and decision-making report templates and processes to make process efficiencies; and
- Review the Scheme of Delegation to take account of organisational changes and changes with other parts of the Constitution.

**3.8.** Key areas of feedback to guide the review of the current Scheme of Delegation included:

- Whether internal governance procedures for internal consultation and 'sign-off' could be further streamlined for committee and decision-making reports
- Unclear sub-delegations or lack of sub-delegation by Executive or Service Directors to managers within their services
- Too many decisions being escalated to the Executive or a committee
- The threshold of £500k or greater for a key decision still being about right for the Council
- The need for mandatory training on decision making
- Easier to access information on decision making for officers

- Contract Procedure Rules and Financial Regulations need to be reviewed to better align with MSDynamics and the Council's business procedures
- Report authors to consider all decisions that a programme or project may require to avoid multiple reports being prepared at different stages in the development and implementation
- Delays in receiving responses from members and senior managers when consulted on draft reports
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**3.9.** Better guidance and training has already been put in place for officers and members. This will continue to be kept under review and targeted at any specific areas where further understanding is needed or better compliance is needed.

**3.10.** Some process efficiencies have already been implemented with committee and decision-making reports and internal systems. Further work will continue with these areas throughout 2024.

**3.11.** Following review of feedback, the proposed changes to Part I2-Scheme of Delegation are set out in Appendix 1 for the committee to consider.

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

**4.1.** The review is being led by the Monitoring Officer with the support of officers from Democratic Services, Legal Services, Licensing and Planning Services, Corporate and Resources and other relevant services supporting specific committee.

#### **5. Implications**

**5.1.** Legal - 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.

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. In addition, without a Scheme of Delegation then all decisions would need to be considered by the Executive or relevant committee(s).

**5.2.** No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public

accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

## **6. Background papers**

- 6.1.** Somerset Council Constitution – February 2023 and May 2023  
Approach to Constitution Review - Report to Constitution and Governance  
Committee on 18 October 2023 and 31 January 2024

**Note** For sight of individual background papers please contact the report author or the Council's website

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## Part 12 - 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, proposals to modify the definitive map and statement and commons register 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

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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

Chief Officer	Main Functions and Areas of Responsibility
<p><b>Chief Executive</b></p>	<p>Strategic management of the Authority                      Head of Paid Service                      Electoral Registration Officer                      Returning Officer                      Development of the culture and standards of the Authority                      Leading and developing partnerships with the public, private and third sector.                      Advisor to all members (via the political groups)</p>
<p><b>Executive Director :                      Community Services and                      relevant Service Director                      for area 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 – Disabled Facility Grant, 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> <ul style="list-style-type: none"> <li>• Libraries and Local Offer</li> </ul>

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	<ul style="list-style-type: none"> <li>• Museums</li> <li>• Theatres</li> <li>• Leisure Centres, Facilities and Services (contract and direct)</li> <li>• Sports Development Partnership</li> <li>• Heritage Assets</li> <li>▲ Arts Centres, Facilities, Services and Developments</li> <li>• Culture Facilities, Services and Developments</li> <li>• Tourism Facilities, Services and Development including cafes</li> <li>• Community Facilities</li> <li><b>Customer Services</b></li> <li>• Customer Service Strategy and Standards</li> <li>• Corporate Customer Services</li> <li>• Contact Centre</li> <li>• Compliments &amp; Complaints, Ombudsman cases</li> <li>• Local Service Centres</li> <li>• Customer Engagement and Access</li> <li><b>Regulatory and Operational Services</b></li> <li>▲ Environmental Health and Licensing</li> <li>• Registrars</li> <li>• Coroners</li> <li>• Environmental Protection and Environmental Crime</li> <li>• Port and Harbour Authority</li> <li>• CCTV and anti-social behaviour</li> <li>• Safety Advisory Group</li> <li>▲ Private Sector Housing Standards Enforcement</li> <li>• Street Cleansing</li> <li>• Grounds Maintenance</li> <li>• Beach Management</li> <li>• Unauthorised encampments</li> <li>• Parks and Play Areas</li> <li>• Public Toilets</li> <li>• Dog Wardens</li> <li>• Operational Service to Partners</li> <li>• Bereavement Services</li> <li>• Fairs and Markets</li> </ul>
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**Executive Director: Climate and Place and relevant Service Director for area of responsibility**

**Climate Environment and Sustainability**

- Strategy and Partnership development
- Carbon Neutrality
- Climate Resilience and adaptation
- Renewable Energy
- Country Parks, Local Nature Recovery Strategy, Local Nature Reserves, AONB Partnerships (Countryside Services)
- Biodiversity (and net gain) and Ecology
- Sustainability
- Waste Service
- Emergency Planning and Business Continuity
- Water Management
- Lead Local Flood Authority and Land Drainage
- Flooding Response
- Somerset Rivers Authority
- Coastal Protection Authority

**Infrastructure & Transport**

- Highways Authority (including highway maintenance, asset management, bridges and structures, highway lighting and electrical assets and contract management)
- Public Rights of Way
- Active Travel
- Parking
- Traffic Management
- Transport
- Public Transport
- Fleet Management
- Contracted Transport
- Strategic Transport Planning
- Highways Major Projects
- Road Safety
- Delivery Programme Management
- Infrastructure Commissioning

**Economy, Employment & Planning**

- Economic Development
- Planning (conservation and heritage at

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	<p>risk, enforcement, Development Management, Local Plan, waste and minerals, S106 allocations, community infrastructure levy, Phosphates)</p> <ul style="list-style-type: none"> <li>• Affordable Housing and Enabling</li> <li>• City/Town Centre Management</li> <li>• Building Control</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>• <u>Scientific Services</u></li> <li>• <u>Land Charges</u></li> </ul>
<p><b>Executive Director: Strategy, Workforce &amp; Localities and relevant Service Director for area of responsibility</b></p>	<p><b>Partnership and Localities</b></p> <ul style="list-style-type: none"> <li>• Local Community Networks (LCNs)</li> <li>• <u>Armed Forces Covenant</u></li> <li>• Strategic Partnerships</li> <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>• Performance and Benchmarking</li> </ul>

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<p><b>Executive Director: Resources &amp; Corporate Services (s151) and relevant Service Director for area of responsibility</b></p>	<p><b>Finance &amp; Procurement</b></p> <ul style="list-style-type: none"> <li>• Finance Services (inc. Business Partners)</li> <li>• Revenues and Benefits</li> <li>• Pension Fund</li> <li>• Capital Management</li> <li>• Treasury &amp; Corporate Debt Management</li> <li>• Housing Revenue Account Financial Strategy</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>• Corporate Landlord function (land and property asset management)</li> <li>• Asset Management Strategy</li> <li>• Estates and Valuations</li> <li>• Rural estate management</li> <li>• Site acquisition, disposal and developm</li> <li>• Property records &amp; database</li> <li>• Commercial investment property</li> <li>• Facilities management, premises contr: property maintenance &amp; helpdesk</li> <li>• Premises compliance &amp; risk managemem site security and management</li> </ul>

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	<ul style="list-style-type: none"> <li>• Estate decarbonisation strategy and delivery</li> <li>• Schools &amp; general fund condition programme</li> <li>• Closed Churchyards</li> <li>• Construction project delivery – schools and major projects advice &amp; internal consultancy support</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> <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>	<p><b>Public Health (Deputy Director Public Health)</b></p> <ul style="list-style-type: none"> <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> </ul>

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	<ul style="list-style-type: none"> <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 Partnership</li> <li>• Domestic Abuse</li> <li>• VRU/VAWG</li> </ul>
<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>• Assessment and Safeguarding</li> <li>• Youth Justice</li> <li>• Children with Disabilities</li> <li>• Preventative Services</li> <li>• Quality Assurance</li> <li>• Principal Social Worker</li> <li>• Local Safeguarding Partnership</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> </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> </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>• School Place Planning</li> </ul> <ul style="list-style-type: none"> <li>• Somerset Association for- Headteachers</li> </ul>

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<p><b>Executive Director: Adult and Health 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> <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>
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#### 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 take decisions on behalf of the Council and undertake all actions required by or identified in Financial Regulations and /\_or Contract\_ Procedural Rules as applicable to that officer.
- 3 To take decisions on behalf of the Council and undertake all actions relevant to any matter to which an officer is given a role, responsibility, duties, power or activity pursuant to any provision set out in the Constitution, their job assignment or 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 and Service 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 Councils 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 Authority 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 to include all necessary input to Transport Works Act Orders processes including their agreement.
- 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 and Local Community Networks 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

16



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.~~

~~2928~~ 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.

~~3029~~ Direct the delivery of services in compliance with the:

- Constitution
- Council policy and planning and performance frameworks
- Schemes of Delegation
- Financial Regulations
- Contract Standing Orders
- Statutory requirements
- Service budget allocations

~~3130~~ 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.

~~3231~~ 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.

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~~3332~~ Authority for all officer decision making is limited according to the financial thresholds below (unless otherwise stated in the specific delegations or sub-delegated in accordance with paragraph 6.1:

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~~i) Decisions involving total expenditure or delivering savings over £1 million of capital or revenue resources and up to £5 million\* – Chief Executive or Executive Directors, in consultation with the relevant Lead Member.~~

ii) ~~Decisions involving total expenditure or delivering savings over £250,000 of capital or revenue resources and up to £15 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

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~~iii) 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.

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## Powers in relation to Contracts and procurement

~~3433~~ 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.

~~3534~~ Give approval to proceed to tender on a contract.

## People Management

~~3635~~ 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.

~~3736~~ Engage temporary staff and consultants to meet business needs where within existing budget allocations.

~~3837~~ 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

~~3938~~ 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

~~4039~~ 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.

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### Complaints

~~4140~~ 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.

~~4241~~ 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.

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~~4342~~ 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**

- 4443 To exercise all powers and duties of the Head of Paid Service under the Local Government and Housing Act 1989.
- 4544 To carry out the powers and duties of any of the officers in their absence or in consultation with them.
- 4645 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).
- 4746 To incur expenditure in the event of a civil emergency.
- 4847 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.
- 4948 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.
- 5049 To appoint members to Boards, Committees, Local Community Networks 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.
- 5150 To agree changes to appointments to outside bodies arising from changes in the Executive, members or group nominations.
- 5251 To alter the areas of responsibility of the Executive Directors set out in the Areas of Responsibility Table A section of this scheme.
- 5352 To make arrangements for the appointment of Chief Officer roles.

5453 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.

5554 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.

5655 To make Proper Officer appointments in accordance with the Council's Constitution and legislation.

5756 To ensure that each of the Council services adopt and manage robust Strategic Planning (Corporate, Business and 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.

5857 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.

5958 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.

6059 To carry out powers and duties as an employer under the Health and Safety at Work etc. Act 1974.

6160 To be the Council's Accountable Person under the Building Safety Act 2022 in relation to Westfield House, Bridgwater.

6261 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.

## **Executive Director: Strategy, Workforce and Performance**

### **Areas of Responsibility**

~~6362~~ To discharge the Council's functions and responsibilities relating to Assets of Community Value.

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

### **Areas of Responsibility**

~~6463~~ 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.

~~6564~~ 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).

~~6665~~ 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.

~~6766~~ Appoint a statutory scrutiny officer.

~~6867~~ Execute all documents and take all actions and decisions deemed necessary to enable his/her responsibilities as set out above to be effectively discharged.

~~6968~~ 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.

~~7069~~ 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.

~~7170~~ 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.

~~7271~~ Instruct solicitors and/or experts to provide advice and/or to represent Somerset Council.

~~7372~~ 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.

- ~~7473~~ To grant exemptions on the political restrictions of Officer posts under the Localism Act 2011
- ~~7574~~ 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.
- ~~7675~~ Maintain the register of Members' and Officers' interests and register of Gifts and Hospitality;
- ~~7776~~ 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;
- ~~7877~~ 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.
- ~~7978~~ Interpret the Constitution where the meaning is uncertain or there is a dispute about its meaning.
- ~~8079~~ Appoint members of School Admissions Appeal Panels in accordance with the Education (Admission Appeals Arrangements) (England) Regulations 2002 as amended.
- ~~8180~~ Serve statutory notices to ascertain the legal interest in land of any person.
- ~~8281~~ 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.
- ~~8382~~ To authorise officers to amend, remove, seek not to contest reasons for refusal of planning applications at appeal.
- ~~8483~~ In conjunction with the team dealing with Rights of Way to determine applications affecting the register of commons and village greens (under the Commons Act 2006 and any subsequent legislation).-In the case of contested applications affecting the register of commons and village greens ~~matters or matters~~ which require oral representation or an inquiry, an independent inspector shall be appointed.
- ~~8584~~ 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.

~~8685~~ Authorise officers to amend, remove, seek not to contest reasons for refusal at appeal.

~~8786~~ Authorise the giving of any indemnity by the authority.

~~8887~~ Authenticate documents and contracts on behalf of the authority.

~~8988~~ Exercise the function of Senior Information Risk Owner

~~9089~~ 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.

~~9190~~ Act as Proper Officer for the Data Protection Act 2018 and the Freedom of Information Act 2000

~~9291~~ 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

~~9392~~ 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.

~~9493~~ 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.

~~9594~~ 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.

~~9695~~ Undertake resolution of such complaints in accordance with the adopted local arrangements.

~~9796~~ Recruit independent persons to the Standards Committee subject to the appointments being confirmed by Full Council

~~9897~~ Form the Independent Panel on Members' Remuneration subject to the appointments being confirmed by Full Council.



9998 To act as Company Secretary (or to authorise others to act) in relation to the Council's wholly owned companies.

### Service Director: Strategy and Performance

#### Areas of Responsibility

99 Business Intelligence.

100 Development of the Council Plan.

101 Internal and External Communications.

102 Marketing, events and campaigns.

103 Strategic Planning (Corporate, Business and Service Planning).

### Service Director: Human Resources

#### Areas of Responsibility

104 Supporting Human Resources Committee.

105 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.

106 Industrial relations and employment matters.

### Service Director: Partnership and Localities

#### Areas of Responsibility

107 Local Community Networks (LCNs).

108 Armed Forces Covenant.

109 Strategic Partnerships.

110 City, Town and Parish Council Liaison.

111 Local devolution - Community Asset Transfers, Service devolution.

112 Community, Voluntary Faith, Social Enterprise Strategy and Engagement.

113 Volunteering Services.

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- 115 Locality management, delivery, partnerships and projects
- 116 One Teams
- 117 Community Development
- 118 Special Projects
- 119 Grants & Lotteries

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**Service Director Economy, Employment and Planning**

**Areas of Responsibility**

**Development Management and Planning Policy**

100 — To appoint the Chief Planning Officer.

**Economic Development**

101 — Management, delivery and implementation of Economic Development functions and promotion of inward investment and enterprise including skills and employment and tourism activity

102 — Liaising with and represent the Council in relevant Economic Development groups and wider structures

103 — Administration of grant schemes

104 — Delivering business support and promotion

**Building Control**

105 — In accordance with the Building Act 1984 and Building Safety Act 2022 and any regulations made under those Acts:-

- 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 serving of all notices and orders required.~~
- ~~Authorise the issuing of all certificates required.~~
- ~~Prepare, submit and present the Council's case at appeals instituted by or against the Council.~~

#### **Chief Planning Officer**

~~106~~ 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; and/or~~
- 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. ~~Waste and Mineral applications that are a departure from adopted Waste and minerals development plans and recommended for approval by officers (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, excluding applications for associated development or infrastructure in connection with or relation to the development of the Gravity Local Development Order.~~

~~107~~ 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.

~~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.~~

~~108 At the discretion of the Chief Planning Officer in consultation with the lead member for economic development planning and assets confirm CIL Relief and expenditure up to £500,000.~~

~~109 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 and proceed to prosecution when appropriate.~~

~~110 All powers necessary to progress and manage Development Plan Documents (including the Local Plan, Waste and Mineral Plans), Supplementary Planning Documents and other planning policy documents and related evidence base.~~

~~111 Provide advice and assistance to community and neighbourhood plans provided for under the Localism Act 2011.~~

~~Approve the terms and manage Planning Performance Agreements (including those for Nationally Significant Infrastructure projects) which include the provision of financial resources by the Developer to this Council.~~

~~112~~

~~113 Approve or refuse details submitted as part of compliance applications submitted in relation to adopted 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. For the Gravity LDO this will be in accordance with the agreed governance structure and in consultation with the Enterprise Zone/Local Authorities Board.~~

~~114 Make decisions on 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 expenditure in accordance with priorities set~~

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- by the Planning Policy Sub Committee 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
- Proposed and Existing 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
- Authority to issue, vary, modify or revoke tree preservation orders and authority to make decisions on the confirmation of tree preservation orders, with or without modifications, except where objections have been received and have not been withdrawn, which are reserved for decision to the planning committees
- Hazardous substance consents
- Environmental impact assessment, screening and scoping opinions
- Determinations under the Town and Country Planning Act 1990 Section 106A (3) and (6) relating to the modification of planning obligations and variations to planning obligations secured under Town and country Planning Act 1990. Section 106 save where the modification applied for or variation proposed would result in a significant departure from the terms of the Committee resolution under which the original obligation was secured.
- S39 agreements under the Wildlife and Countryside Act 1981 with respect to land management and S111 of the Local Government Act 1972 with respect to receipt payments
- Certificates of Lawfulness existing or proposed
- 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 in accordance with priorities determined by the Planning Policy Sub Committee
- The discharge of requirements relating to Development Consent Orders
- The discharge of requirements relating to Local Development Orders

The discharge of conditions in relation to the TWAQ. All powers necessary to ensure the efficient day to day operation of the Council's Land Charges functions

**Service Director: Infrastructure and Transport**

**Areas of Responsibility**

115 — Discharge the powers and duties of the Highway Authority and Local Transport

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Authority including:

- a) Management of Highways.
- b) Passenger Transport
- 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 and associated policies and plans.
- e) Fleet Management.
- f) Network Management.
- g) Highways Maintenance (including public rights of way).
- h) Infrastructure development and delivery.
- i) Parking

~~116 To hold and exercise of the Council's statutory function of Traffic Manager in accordance with the Traffic Management Act 2004 and in accordance with powers delegated by the Traffic Commissioner.~~

~~117 To determine applications for Traffic Regulation Orders in accordance with the criteria of the Department of Transport and Council Policy.~~

~~118 To carry out all functions of the Council relating to public rights of way, common land and town or village greens, with the exception of the following in consultation with the Service Director: Governance, Democratic & Legal Services (Monitoring Officer):~~

- ~~a) the decision as to whether or not to make a public path or evidential definitive map modification order, and~~
- ~~b) the decision as to whether or not to register a new town or village green,~~  
~~will be determined by the Strategic Planning Committee in exceptional circumstances. Whether or not exceptional circumstances exist in a) and b) will be determined by the Executive Director; Climate and Place, in consultation with the Chair of the Strategic Planning Committee, considering the magnitude, nature, and impact of the decision; and~~
- ~~c) requests from applicants for definitive map modification order applications to be taken out of turn from the adopted Statement of Priorities will be determined by the Strategic Planning Committee.~~

**Executive Director : Community Services**  
**Areas of Responsibility**

~~119~~120 Oversight of development and implementation of the Cultural Strategy

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120121 Oversight of development and implementation of the Customer Services Strategy

121122 Proper Officer for Registrars

122123 Proper Officer under the Building Safety Act 2022

123124 Oversight of 30 year Housing Revenue Account Business Plan

### **Service Director : Housing**

#### **Areas of Responsibility**

124125 Housing and homelessness strategy and all other related statutory and non-statutory strategies and policies.

125126 Temporary accommodation, homelessness (all functions under the Housing Act 1985 as amended), housing options, and homelessness prevention, rough sleeping, van dwellers.

126127 Gypsy and traveller Services.

127128 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.

128129 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.

#### **Housing Capital Programme**

~~129~~130 All powers necessary to ensure the efficient day to day operation of functions relating to the Council's Housing Capital Programme

#### **Housing Property Compliance**

~~130~~131 All powers necessary to ensure the efficient day to day operation of the Council's Housing Property Compliance Functions.

~~134~~132 Dealing with all matters arising under the Building Safety Act 2022.

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#### **Housing Asset Management**

~~132~~133 Managing all land and property assets relating to Housing Revenue Account (HRA) including strategic and estate management.

~~133~~134 To oversee and manage the contract with Homes in Sedgemoor in accordance with their Management Agreement.

~~134~~135 To exercise the obligations of Homes in Sedgemoor under their Management Agreement in the event of termination or suspension of the Management Agreement.

~~135~~136 All powers necessary to ensure the efficient day to day operation of the Council's HRA Asset Management Functions Including:

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- 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.

~~136~~137 All other functions of the Council in relation to housing excluding private sector housing standards enforcement.

#### **Service Director: Customer Services**

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

~~137~~138 Customer Insight and Intelligence.

~~138~~139 Customer Experience, Consultation & Feedback.

~~139~~140 Customer services and customer access – including Contact Centre.

~~140~~141 Complaints, compliments and ombudsman cases.

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

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

~~141~~142 Registration Services.

#### **Environmental Health and Licensing**

~~142~~143 Environmental Health functions including measures to protect public health.

~~143~~144 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.

~~144~~145 Dealing with applications and all functions in respect of HMO licensing including setting charges, standards and conditions and any necessary enforcement action.

~~145~~146 All powers under the Housing Act 1985, Housing Act 2004, Housing and Planning Act 2016 and associated Regulations. Including powers of entry, serving notices and orders, executing works in default, recovering expenses, agreeing execution of works, issuing financial penalty notices, granting refusing or revoking of licenses, making of schemes, revocation procedures.

~~146~~147 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.

~~147~~148 CCTV operations in accordance with Code of Practice and Regulation of Investigatory Powers Act 2000 legislation.

~~148~~149 To undertake inspections, investigate complaints, serve notices including fixed penalty notices, undertake enforcement action and take prosecutions.

~~149~~150 Bathing water regulation.

~~150~~151 Environmental protection including noise and other statutory nuisance, dark smoke, air pollution, drainage, land pollution, environmental permitting.

~~151~~152 Pest control.

~~152~~153 Air Quality and Control of Pollution.

~~153~~154 Contaminated Land including inspections and ensuring appropriate remediation.

~~154~~155 Private water supply safety.

~~155~~156 Food safety and investigation of infectious diseases.

~~156~~157 Health and Safety enforcement (other than in relation to the Council's duties as an employer).

~~157~~158 Public safety.

~~158~~159 Removal and disposal of abandoned vehicles.

~~159~~160 Investigation and enforcement of waste related offences and other enviro-crime including the use of fixed penalty notices.

~~160~~161 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.

~~161~~162 Functions under the Licensing Act 2003, Gambling Act 2005 and all other licensing and regulatory 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.

~~162 — 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.~~

163 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 Regulatory Licensing Sub-Committee.

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

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

166 Investigation and enforcement of unauthorised encampments on publicly owned/managed land.

167 Bereavement Services including the arranging of public health funerals where no suitable arrangements have been made or are being made pursuant to the Public Health (Control of Diseases) Act 1984 and the provision of burial and cremation services, both interment and exhumation.

168 Civil parking enforcement

#### **Coastal Port and Beaches**

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

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

#### **Harbour Master**

- 171 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).
- 172 To control all marine emergencies within the Ports and for the issue of specific directions to shipping as necessary.
- 173 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.
- 174 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**

- 175 To produce, maintain and deliver the climate emergency strategy
- 176 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
- 177 To deal lead liaison 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.
- 178 To undertake maintenance and repair of water courses, culverts and flood defence

schemes where the Council has responsibility for them.

Investigation and enforcement of waste related offences and other enviro-crime environmental offences including the use of fixed penalty notices.

- 179 To be accountable for the statutory responsibilities of the Lead Local Flood Authority or Coastal Protection Authority.
- 180 To implement decisions of the Climate and Environment Sub-Committee of the Executive

**Service Director: Climate, Environment and Sustainability**

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**Areas of Responsibility**

**Climate Emergency**

181 Provide clear leadership to deliver the Council’s strategic priorities and meet the Council’s financial targets, as a member of the Council’s Senior Leadership Team.

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182 Advise & guide Elected Members in respect of planning, operational and policy issues

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- 183 in relation to the Climate, Environment and Sustainability Services teams.
- 184 Engage in strategic partnerships and promote and communicate the Council's services in respect of the Climate and Ecological Emergency.
- 185 Function as an ambassador for the Council promoting, both internally and externally, the Council's vision, strategic aims, and values in respect of the Climate and Ecological Emergency.
- 186 Ensure compliance with all relevant legislation, organisational policy, and professional codes of conduct to uphold standards of best practice.

**Lead Local Flood Authority and Coastal Protection Authority**

- 187 Ensure compliance with all statutory duties pursuant of the Flood and Water Management Act (2010), namely:
- Preparation and maintenance of a Local Flood Risk Management Strategy
  - Carry out works to manage flood risk within Somerset
  - Maintain a register of assets that have a significant impact on flooding
  - Investigate and report on significant flooding incidents in Somerset
  - undertake a statutory consultee role providing technical advice on surface water drainage to local planning authorities- major developments (10 dwellings or more)
  - co-operate with other Risk Management Authorities
  - play a lead role in emergency planning and recovery after a flood event.
- Local authorities are 'category one responders' under the Civil Contingencies Act and must have plans to respond to emergencies, and control or reduce the impact of an emergency.
- 188 Undertake powers under the Land Drainage Act (1991) to regulate watercourses to maintain 'proper flow' by:
- issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses; and
  - enforcing obligations to maintain flow in a watercourse and repair watercourses, bridges and other structures in a watercourse
- 189 Ensure the lead on coastal erosion risk management activities in the area.
- 190 Accountable for developing Shoreline Management Plans (SMPs).

**Civil Contingencies**

- 191 Set strategy, and co-ordinate at the tactical level, activity when responding to internal and external emergencies/major incidents.
- 192 Coordinate training and exercises commensurate with Strategic Officer responsibilities

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including but not limited to Multi-agency Gold Incident Commander (MAGIC).

#### **Somerset Rivers Authority**

193 Ensure the effective management of the Somerset Rivers Authority and that its actions and operation are in accordance with its defined purpose and constitution.

#### **Biodiversity and Ecology**

194 Ensure duty to have regard to biodiversity when developing policy

195 Ensure adherence to Biodiversity Net Gain obligations pursuant of the Environment Act (2021)

196 Ensure regard to biodiversity and nature recovery within the planning system

#### **Local Nature Recovery Strategy**

197 Ensure the development and delivery of the Local Nature Recovery Strategy in accordance with the Environment Act (2021)

#### **Areas of Outstanding Natural Beauty**

198 In accordance with s89(2) of the Countryside and Rights of Way Act 2000 (the Act), be accountable for the preparation and publication of a plan which formulates its policy for the management of the AONB and for the carrying out of its functions in relation to it.

199 In accordance with s89(9) of the Act ensure the review of the AONB Management Plans every five years.

#### **Waste**

200 Ensure adherence of all statutory obligations with regard to the collection and disposal of household waste, including garden and food waste

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

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

##### **Development Management and Planning Policy**

191 To appoint the Head of Planning (postholder also the Chief Planning Officer).

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### **Economic Development**

192 Management, delivery and implementation of Economic Development functions and promotion of inward investment and enterprise including skills and employment and tourism activity

193 Liaising with and represent the Council in relevant Economic Development groups and wider structures

194 Administration of grant schemes

195 Delivering business support and promotion

### **Building Control**

196 In accordance with the Building Act 1984 and Building Safety Act 2022 and any regulations made under those Acts:

- 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 serving of all notices and orders required.
- Authorise the issuing of all certificates required.
- Prepare, submit and present the Council's case at appeals instituted by or against the Council.

### **Head of Planning (postholder is also the Chief Planning Officer)**

197 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: and/or
- 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 Head of Planning Officer 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. Waste and Mineral applications that are a departure from adopted Waste and minerals development plans and recommended for approval by officers (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 excluding applications for associated development or infrastructure in connection with or relation to the development of the Local Development Order.

198 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.

199 At the discretion of the Head of Planning 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.

200 At the discretion of the Head of Planning in consultation with the lead member for economic development planning and assets confirm CIL Relief and expenditure up to £500,000.

201 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 and proceed to prosecution when appropriate

202 All powers necessary to progress and manage Development Plan Documents (including the Local Plan, Waste and Mineral Plans), Supplementary Planning Documents and

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other planning policy documents and related evidence base.

203 Provide advice and assistance to community and neighbourhood plans provided for under the Localism Act 2011.

204 Approve the terms and manage Planning Performance Agreements (including those for Nationally Significant Infrastructure projects) which include the provision of financial resources by the Developer to this Council.

205 Approve or refuse details submitted as part of compliance applications submitted in relation to adopted 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..

206 Make decisions on 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 expenditure in accordance with priorities set by the Planning Policy Sub Committee 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
- Planning Performance Agreements
  - Extension of Time Agreements
- Proposed and Existing Certificates of lawfulness (CLOPUDS and CLEUDS)
- Control of demolition
- Non material amendments
- Planning Enforcement
- Any applications for works to trees, hedgerow removal or high hedges
- Authority to issue, vary, modify or revoke tree preservation orders and authority to make decisions on the confirmation of tree preservation orders, with or without modifications, except where objections have been received and have not been withdrawn, which are reserved for decision to the planning committees
- Hazardous substance consents
- Environmental impact assessment (or successor regime), screening and scoping opinions
- Determinations under the Town and Country Planning Act 1990 Section 106A

42

(3) and (6) relating to the modification of planning obligations and variations to planning obligations secured under Town and country Planning Act 1990 Section 106 save where the modification applied for or variation proposed would result in a significant departure from the terms of the Committee resolution under which the original obligation was secured.

- S39 agreements under the Wildlife and Countryside Act 1981 with respect to land management and S111 of the Local Government Act 1972 with respect to receipt payments
- 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 in accordance with priorities determined by the Planning and Transport Policy Sub-Committee
- The discharge of requirements relating to Development Consent Orders
  - ◆ The discharge of requirements relating to Local Development Orders
  - ◆ The discharge of conditions in relation to the Transport and Works Act Orders
- All powers necessary to ensure the efficient day to day operation of the Council's Land Charges functions

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

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

- 207 Discharge the powers and duties of the Highway Authority, Local Transport Authority, Commons Registration Authority, Access Authority, Surveying Authority and Local Planning Authority (in respect of highways matters and rights of way), including:
- a) Management of Highways.
  - b) .Passenger Transport
  - 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 and associated policies and plans.
  - e) Fleet Management.
  - f) Network Management.
  - g) Highways Maintenance (including public rights of way).
  - h) Infrastructure development and delivery.
  - i) Parking
    - j) The registration of commons and town/village greens.
    - k) Management of access land and national trails.

l) The continuous review of the Definitive Map and Statement of Public Rights of Way.

208 To hold and exercise of the Council's statutory function of Traffic Manager in accordance with the Traffic Management Act 2004 and in accordance with powers delegated by the Traffic Commissioner.

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

To carry out all functions of the Council relating to public rights of way, common land, town or village greens, access land, and National Trails with the exception of the following which will be referred for determination by the Strategic Planning Committee:

- a) the decision as to whether or not to make an order under section 53(3)(b) or (c) of the Wildlife & Countryside Act 1981, or register a town or village green, where the Executive Director (Climate and Place) considers, in consultation with the Chair of the Strategic Planning Committee and the Service Director: Governance, Democratic and Legal Services (Monitoring Officer) there are exceptional circumstances taking into consideration the magnitude, nature, and impact of the decision,
- b) requests from applicants for definitive map modification order applications to be taken out of turn from the adopted Statement of Priorities.

**Service Director: Strategy and Performance**

**Areas of Responsibility**

~~191 — Business Intelligence.~~

~~192 — Development of the Council Plan.~~

~~193 — Internal and External Communications.~~

~~194 — Marketing, events and campaigns.~~

~~195 — Strategic Planning (Corporate, Business and Service Planning).~~

~~196 — Commissioning Framework.~~

~~197 — All powers necessary to ensure the efficient day to day operation of the~~

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~~Council's Land Charges functions~~

~~Service Director: Human Resources~~

~~Areas of Responsibility~~

~~198 — Supporting Human Resources Committee.~~

~~199 — 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.~~

~~200 — Industrial relations and employment matters.~~

Executive Director: Resources & Corporate Services (Section 151 Officer)

Areas of Responsibility

201210 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.

202211 Borrowing and lending within the limits approved by the Council.

203212 Developing and overseeing the implementation of the Council's Medium Term Financial Plan, Housing Revenue Account 30 year business plan and Annual Budget.

204213 To set fees and charges.

205214 To agree the funding of the capital programme.

206215 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.

Service Director: Strategic Asset Management

Areas of Responsibility

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~~207~~216 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 current annual rental income from the proposed disposal 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.

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~~208~~217 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.

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

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219 The Service Director – Strategic Asset Management shall have authority to approve all of the following in consultation with the Executive Director – Resources and Corporate Services where the value of the consideration, rent, licence fees, easement or wayleave payment in each case does not exceed £499,000 per annum and over a time period not longer than ten years. Items in excess of this amount must be referred to the Property and Investment Sub-Committee for review and approval of:

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220 the agreement of all tenancies

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221 the agreement of all licences

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222 the conducting and agreement of all rent reviews including awarding rent free periods

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223 the agreement of all lease renewals or new leases where tenancy of existing freehold/leasehold owned property changes

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224 the agreement of lettings

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225 the agreement of all easements and wayleaves

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226 the agreement of all changes of use

227 the agreement of all compensation claims where there is budgetary provision

209228 the agreement of all releases/variations of covenants

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## Service Director: Finance and Procurement

### Areas of Responsibility

210229 Manage Financial Services.

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211230 Manage corporate loans, investments and cash.

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212231 Authorise (following consultation with the relevant Executive/Service Director and the Monitoring Officer) the making of any ex-gratia payment up to £10000 per event in circumstances where there is no legal liability.

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213232 Manage Microsoft Dynamics system and authorised officer lists.

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214233 Manage procurement strategies in consultation with Commissioning Officers.

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215234 Manages strategic and service-based procurement and purchasing activities.

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216235 Manage the Council's Contract Standing Orders and the register of authorised officers for commissioning, procurement and contract awards.

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217236 Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non-Domestic Rates

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218237 Accept external funds and grants to the Council and authorise grants and funding from the Council.

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219238 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.

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220239 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).

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221240 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.

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~~222~~241 Exercise any other powers conferred on him/her under the Council's Contract or Financial Procedure Rules from time to time.

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~~223~~242 Authorise the National Non-Domestic Rates 1 Returns (NNDR1)

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~~224~~243 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.

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~~225~~244 Pay salaries and allowances and implement salary awards to employees.

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~~226~~245 The discharge of mortgages

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~~227~~246 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.

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~~228~~247 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.

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~~229~~248 To be responsible for the billing collection and enforcement of council Tax in accordance with Government Regulations and Council policy.

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~~230~~249 The Registration of charging orders against properties the subject of rate arrears.

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~~231~~250 The determination of benefit claims in accordance with the appropriate regulations.

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~~232~~251 To agree in conjunction with the Lead Member amendments to fees and charges unless a key income line identified as requiring Executive approval.

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~~233~~252 To exercise any powers and duties relating to the administration of the housing benefits and council tax benefits system within adopted Council policy(s).

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~~234~~253 To be responsible for decision making on matters of discretion associated with the benefits system under the adopted Council policy(s).

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



## Areas of Responsibility

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

~~235~~254 Act as an Independent advocate for the health and wellbeing of the local population and reduce the inequalities experienced.

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~~236~~255 Monitor and publish an independent Annual Report of the Director of Public Health

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~~237~~256 Provide system leadership and assurance that robust arrangements are in place to protect the health and wellbeing of the local population

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~~238~~257 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.

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~~239~~258 Provide leadership across partners to influence and develop strategy and policy to improve population health and wellbeing.

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~~240~~259 Act as the principal advisor to the Health & Wellbeing Board and development of the Health and Wellbeing Strategy

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~~241~~260 Undertake the Joint Strategic Needs Assessment and Pharmaceutical Needs Assessment

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~~242~~261 Undertake the public health statutory duties on behalf of the Council

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~~243~~262 Commissioning of public health services including sexual health, substance misuse, lifestyle and public mental health services.

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~~244~~263 Leadership and management of the Somerset Public Health Nursing Service

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~~245~~264 Commissioning of Community Safety and Domestic Abuse Services

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~~246~~265 Provide specialist public health analytical support to ensure NHS commissioning of healthcare is in line with the needs of the local population.

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~~247~~266 Monitor strategy and outcomes in relation to the population's public health.

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~~248~~267 Equality and diversity activities.

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~~249~~268 Facilitate the function and manage statutory responsibilities of the Safer Somerset Partnership (Crime and Disorder Act 1998, Police and Justice Act 2006).

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~~250~~269 Manage the delivery of the Safer Somerset Partnership's responsibility to reduce reoffending (Police and Crime Act 2009).

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~~251~~270 Deliver Council's responsibilities under the Police, Courts, Sentencing Act 2022 serious violence duty.

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~~252~~271 Designated role for the Prevent Duty.

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~~253~~272 Manage the Council's response to Modern Slavery

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~~254~~273 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.

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~~255~~274 Managing and commissioning for the undertaking of Homicide Reviews on behalf of the Safer Somerset Partnership (Domestic Violence, Crime and Victims Act 2004).

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## Executive Director: Children's Services

### Areas of Responsibility

~~256~~275 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).

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~~257~~276 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.

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~~258~~277 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

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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

**259278** 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**

**260279** 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.

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**264280** 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.

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**264281** To exercise statutory functions and responsibility for managing the following services:

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- 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

**263282** 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:

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**264283** Commissioning Joint Strategic Needs Analysis as it relates to the Director of

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Children's Services responsibilities.

[265284](#) Strategy and policy development with responsibility for the Children's and Young People's Plan.

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[266285](#) Commissioning of Early Help & Prevention Services

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[267286](#) Commission services to meet the needs of children and young people (0-19-year olds), where required jointly with NHS bodies.

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[268287](#) Commission education and care provision for vulnerable children

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[269288](#) Commission housing provision for Care Leavers jointly with Housing Authorities

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[270289](#) 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.

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[271290](#) Monitor strategy and outcomes.

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[272291](#) Troubled Families. (Supporting Families from 2021)

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#### Service Director: Inclusion

#### Areas of Responsibility

[273292](#) 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.

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[274293](#) 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.

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**275294**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**

**276295**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.

**277296**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.

**278297**To exercise statutory functions and responsibility for managing the following services:

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- 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.
- Standard/s 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

298 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.

279299 Ensure the delivery of all statutory duties under the Care Act 2014 which are subject to external assessment by the independent regulator, the Care Quality Commission since April 2023.

280300 Management of services in relation to:

- Needs analysis and performance.
- Strategy, ~~and~~ policy development and monitoring.
- Commissioning and market shaping.
- ~~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.

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[314. Care Provider Quality Assurance](#)

[315. Somerset Safeguarding Adults Board](#)

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## **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, [jointly by officers](#), a Lead Member, [jointly](#) 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**

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- 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

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