



South Somerset
District Council

Constitution Of South Somerset District Council

Thursday 29th December 2022

Constitution

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Part 1

Summary and Explanation

August 2022

Summary and Explanation

The Council's Constitution

South Somerset District Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the council to choose.

The constitution is divided into 16 articles which set out the basic rules governing the council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the constitution commits the Council to work with local people and other partners to create a thriving community by providing effective leadership and quality services. Articles 2 – 16 explain the rights of citizens and how the key parts of the council operate. These are:

- Members of the council (Article 2).
- Citizens and the council (Article 3).
- The council meeting (Article 4).
- Chairing the council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The executive (Article 7)
- Regulatory and other committees (Article 8).
- The standards committee (Article 9).
- Area committees (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the constitution (Article 15).
- Suspension, interpretation and publication of the constitution (Article 16).

How the Council operates

The council is composed of 60 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are open to the public. Here councillors decide the Council's overall policies and set the budget each year. The council selects a leader and appoints all Panels and committees, including area committees. It approves the work plan of committees and includes a standing item early in the agenda for public questions. Most decisions in your area are delegated to your area committees.

How Decisions are Made

The District Executive (also known as the Executive) is the part of the Council which is responsible for strategic decisions. The Executive is made up of a leader elected by the Council and a cabinet of 9 councillors who are appointed by the Leader. When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

In order to give local citizens a greater say in Council affairs, 4 area committees have been created. These are responsible for planning, local regeneration schemes and community development in their area. They involve all the district councillors for the geographical area and their meetings are held in public.

Overview and Scrutiny

There is one main Scrutiny Committee with 14 members, appointed in political balance. The Scrutiny Committee has 1 Chair and 2 Vice Chairs, one from each political group. The Scrutiny Committee undertakes the statutory Scrutiny functions such as Policy Development and Review, monitoring the performance of the authority and holding the Executive to account. All non-executive members support the committee and are invited to undertake reviews on a 'Task and Finish Project' basis as directed by the main Scrutiny Committee. The main Scrutiny Committee also has responsibility for managing the Call-in function. The Scrutiny Committee can 'Call-in' a decision that has been made by the Executive but not yet implemented. This enables members to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Executive reconsider the decision or can, if it wishes, ask Council to debate the issue.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol (set out in Part 5) governs the relationships between officers and members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The Citizens' Advice Bureau can advise on individual legal rights.

Citizens have the right to:

- attend meetings of the Council and its committees such as area committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at area committees, District Executive, Council and other committee meetings;

- see reports and background papers, and any record of decisions made by the Council and Executive;
- contact their local councillor or area committee chairman about any matters of concern to them;
- participate in the Council's question time and contribute to policy reviews;
- make representations to the Regulation Committee when it makes decisions as final arbiter of planning applications;
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive, and when;
- complain to the Council about any Council procedure or service which has resulted in feelings of dissatisfaction or injustice;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor;
- vote at local elections if they are registered;
- obtain a copy of the Constitution;
- petition to request a referendum on a mayoral form of executive;
- submit a petition under the Council's Petition Scheme (see Part 8)
- exercise rights under the Data Protection Act and Freedom of Information Act. This includes being able to view copies of any document set out in the Council's Publication Scheme.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Jill Byron, District Solicitor & Monitoring Officer, Brympton Way, Yeovil, Somerset BA20 2HT – Tel: 01935 462235.

email: jill.byron@southsomerset.gov.uk

More information about the Council can also be viewed on www.southsomerset.gov.uk.

Part 2

Articles of the Constitution

Feb 2022

Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the South Somerset District Council.

1.03 Purpose of the Council and the Constitution

The Council has adopted a corporate plan which sets out the council's ambition and focuses through the period 2020 - 2024. The plan puts a sharp focus on priorities and what we want to deliver within our available resources.

The Council's vision for South Somerset is: "A naturally beautiful and sustainable environment, which also allows business to flourish and good homes to be delivered. A place where our communities are safe, vibrant and healthy and have access to exceptional cultural and leisure activities."

The five Council Plan themes and areas of focus are:

- Environment - To keep South Somerset clean, green and attractive and respond to the climate and ecological emergency.
- Healthy, self-reliant communities - To enable healthy communities which are cohesive, sustainable and enjoy a high quality of life.
- Economy - To assist businesses to recover from the Covid-19 pandemic whilst supporting growth within the South Somerset economy.
- Places where we live - To enable housing and communities to meet the existing and future needs of residents and employers.
- Local Government Reorganisation - To effect a safe and legal transition to the new Somerset Council on 1 April 2023.

The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with the public, businesses and other organisations;
- support the active involvement of the public in the process of local authority decision-making;
- help councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and to

- provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Members of The Council

2.01 Composition and eligibility

- (a) **Composition.** The Council comprises 60 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Boundary Commission for England and approved by the Secretary of State or consequent upon a Community Governance Review.
- (b) **Eligibility.** Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years. The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within their ward and represent their ward as a whole;
 - (v) be involved in decision-making;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) **Rights and duties**
 - (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
 - (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct, the Planning Code of Practice and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

3.01 Citizens' rights

The Council has adopted a Public Participation Protocol. Citizens' rights to information and to participate are explained in the Access to Information Rules in Part 4 of this Constitution. Broadly speaking, they are as follows:

- (a) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
 - (ii) attend meetings of the District Executive;
 - (iii) find out from the Executive Forward Plan what key decisions will be taken by the District Executive and when;
 - (iv) see reports and background papers, and any records of decisions made by the Council and the District Executive; and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- (b) **Participation.** Citizens have the right to participate in the question time of meetings of the Council, of District Executive and of area committees. They may contribute to policy reviews, as appropriate.
- (c) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme;
 - (iii) the Monitoring Officer about a breach of the Councillors' Code of Conduct (set out in Part 5).
- (d) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution. The Council has also adopted a Petition Scheme, which is set out in Part 8

Article 4 - The Full Council

4.01 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the budget and those plans and strategies reserved to the Full Council and set out in Part 3 Section 1 of this Constitution;
- (c) approving or adopting any application to the Secretary of State under sections 32 or 45 of the Housing Act 1985 for the disposal of land for residential purposes;
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (e) electing the leader and removing him/her from office;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them (except the Cabinet/District Executive);
- (g) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (h) adopting an allowances scheme under Article 2.05;
- (i) changing the name of the area;
- (j) confirming the appointment of the head of paid service;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the District Executive; and
- (m) all other matters which, by law, must be reserved to Council.

4.02 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.03 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the District Executive.

4.04 Meanings

'Budget': The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits, medium term financial planning and financial strategy.

Article 5 – Chairing The Council

5.01 Role and function of the Chairman of the Council

The Chairman will be elected by the Council annually. The Chairman, and in his or her absence, the Vice-Chairman will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the District Executive are able to hold the Executive to account;
- (d) to promote public involvement in the Council's activities;
- (e) to be the conscience of the Council; and
- (f) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Article 6 – The Scrutiny Function

6.01 Overview and Scrutiny

Effective Overview and Scrutiny is essential to enhance the accountability and transparency of the decision making process.

Area Committees provide a key mechanism for Councillors to represent the views of their constituents and for local organisations, such as Parish and Town Councils, to have their views taken into account in local decisions.

The Overview and Scrutiny function has an important role to play in ensuring that the voice and concerns of local people are represented in policy development and review discussions.

The Overview and Scrutiny function has a key role to play in holding the District Executive to account, as well as monitoring service standards and performance.

6.02 Scope of Scrutiny Committee

Within its terms of reference, Scrutiny Committee will discharge the overview and scrutiny functions conferred by section 21 of the Local Government Act 2000 and will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions other than development control and other quasi-judicial matters;
- ii) make reports and/or recommendations to the full Council and/or the District Executive and/or any joint committee or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the district or its inhabitants; and
- iv) exercise the right to call-in, for reconsideration, executive decisions made but not yet implemented by the District Executive, portfolio holders and/or any area committees.
- v) take an overview of policy development in line with the priorities of the Council.

6.03 Specific functions

(a) **Scrutiny.** Scrutiny Committee shall:

- i) review and scrutinise the decisions made by the District Executive and/or area committees and council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, and/or particular service areas;
- iii) question members of the District Executive and/or area committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the District Executive and/or area committees and/or Council arising from the outcome of the scrutiny process;

- v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- vi) question and gather evidence from any person (with their consent).
- vii) commission overview commissions to undertake reviews of policy and report back to the Scrutiny Committee.

(b) **Overview Commissions**

An Overview Commission that comprises all the non-executive members will support the Scrutiny Committee in undertaking reviews in line with the functions set out above.

6.04 Proceedings of overview and scrutiny committees

Scrutiny Committee and the Overview Commission will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 - The District Executive (Cabinet)

7.01 Role

The District Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The District Executive will consist of the Leader of the Council together with between two and nine councillors appointed to the District Executive by the Leader (one of whom will be appointed by the Leader to act as Deputy Leader) and the Leader will allocate areas of responsibility (Portfolios) to them.

The Leader may remove executive members from the District Executive at any time.

7.03 Leader of the Council

The Leader will be a councillor elected to the position of leader by the Council. The leader shall hold office for a period of four years starting on the day of his/her election and end on the day of the post 4 year Council election annual meeting:

The Leader will appoint a Deputy Leader and such other members of the District Executive as he/she thinks fit subject to paragraph 7.02 above.

The Leader shall continue to hold office unless:-

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by a resolution of the Council.

Deputy Leader of the Council

The Leader will appoint one of the members of the District Executive to be the Deputy Leader.

The Deputy Leader will hold office until the end of the term of office of the Leader unless:-

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is no longer a member of the District Executive
- (e) he/she is removed from office by the Leader

The Deputy Leader will carry out the functions of the Leader when he/she is absent.

7.04 Other District Executive members

The Leader will appoint between one and eight further District Executive members.

Other Executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office, either individually or collectively, by the Leader.

7.05 Proceedings of the District Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.06 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out which (if any) individual members of the District Executive, area committees, Executive committee, officers or joint arrangements are responsible for the exercise of particular executive functions.

The Leader will report to Council on all appointments and changes to the District Executive, Portfolio allocations and Scheme of Delegation.

Article 8 – Regulatory and other Committees

8.01 Regulatory committees

The Council will appoint the committees set out in the table “Responsibility for Council Functions” in Part 3 of this Constitution to discharge the functions set out in that table.

8.02 Composition of Regulation and Licensing Committees

The Regulation Committee will be composed of fourteen members appointed in political balance, and (as far as is practicable) drawn equally from the four areas.

The Licensing Committee will be composed of fifteen members, appointed in political balance.

8.03 Terms of Reference of Regulation and Licensing Committees

The Regulation Committee shall determine applications for planning permission referred from the area committees in accordance with the approved guidelines set out in part 3 of this document. The initial submission of any "Major Major" category application will be dealt with by the Regulation Committee. Thereafter, proposals for subsequent variations to the original permission, will be referred to the ward member(s) and Area Chairman to review whether or not the issues raised by the variation application, and the consultation responses to them, merit determination at committee. Where the proposed changes are concluded to be of a minor nature the determination of those applications will be delegated to the Lead Specialist - Built Environment.

The Licensing Committee shall be responsible for those licensing functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

8.04 Scope of Audit Committee

The Council shall appoint an Audit Committee which provides independent assurance of the adequacy of the risk management framework and the associated control environment (ranging from standing orders, financial procedures etc.), independent scrutiny of the authority’s financial and non-financial performance, to the extent that it affects the authority’s exposure to risk and weakens the control environment and it oversees the financial reporting process.

8.05 The Audit Committee shall:

1. approve the Strategic and Annual Internal Audit Plans;
2. receive summaries of Internal Audit reports and seek assurance from management that action has been taken.
3. consider the reports of external audit and inspection agencies and seek assurance from management that action has been taken.

4. consider the effectiveness of SSDC's risk management arrangements, the control environment and associated anti-fraud and corruption arrangements and seek assurance from management that action is being taken.
5. review the annual Statement of Internal Control and monitor associated action plans.
6. review the SSDC's Code of Corporate Governance and ensure it is kept up to date and reflects best practice. This will include regular reviews of the Council's Constitution and an overview of the risk management.
7. receive reports from management on the promotion of good corporate governance.
8. review and approve the annual Statement of Accounts, external auditor's opinion and reports to members and monitor management action in response to issues raised.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council meeting will establish a Standards Committee.

9.02 Composition

- (a) **Membership.** The Standards Committee will be composed of:
- Six district councillors (only one of whom may be a member of the District Executive), appointed proportionally;
- (b) **Independent persons.** Independent persons to be invited to Committee meetings but will not be entitled to vote;
- (c) **Parish members.** Three parish council representatives nominated by the parish councils to be co-opted as non-voting members of the Committee;
- (d) **Chairing the Committee.** The Committee shall be chaired by a District Councillor

9.03 Role and Function

The Standards Committee has the following terms of reference:

- promote and maintain high standards of conduct by Members and Co-opted Members;
- advise, train or arrange to train Members and Co-opted Members of the Council on matters relating to the Authority's Members' Code of Conduct and wider propriety issues, including issuing guidance where appropriate;
- recommend the adoption or revision of any Council Codes of Conduct for Members and Co-opted Members, and to monitor the operation of such code(s) of conduct;
- deal with the assessment and determination of complaints under the Members' Code of Conduct relating to Members and Co-opted Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.
- to take decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct, including –
 - Reporting its findings to Council [or to the Parish Council] for information;
 - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee);
 - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;

- Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
 - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
 - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - Restricting contact to named officers or requiring contact be through named officers; or
 - Excluding [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- advise on the management of statutory and other registers of interest and gifts / hospitality received;
 - advise the Council on possible changes to the Constitution (except the Council and Cabinet Schemes of Delegation) in relation the key documents and protocols dealing with members conduct and ethical standards;

Note: the powers of the Committee apply in respect of the district and parish councils, except where stated.

- To grant a dispensation to a Member of SSDC with a Disclosable Pecuniary Interest (DPI) or prejudicial interest to enable that Member to (i) participate (ii) vote or (iii) participate and vote in relation to the matter which gave rise to the DPI or prejudicial interest in relation to Nos. 2, 3 and 5 below and to determine any appeals against the Monitoring Officer's refusal to grant a dispensation in relation to Nos. 1 & 4
1. That so many members of the Committee have DPI or prejudicial interests in a matter that it would "impede the transaction of the business". This usually means that the decision-making body would be inquorate as a result;
 2. That, without the dispensation, the representation of different political groups on the Committee would be so upset as to alter the outcome of any vote on the matter;
 3. That the Standards Committee considers that the dispensation is in the interests of persons living in the authority's area;
 4. That, without a dispensation, no member of the District Executive Committee would be able to participate on this matter (i.e. because the Executive would be inquorate); or
 5. That the Standards Committee considers that it is otherwise appropriate to grant a dispensation.

Article 10 – Area Committees

10.01 Area Committees

The Council will appoint four area committees, each comprising all those district council members elected from that area

10.02 Form, composition and function

- (a) **Table of Area Committees.** The Council will appoint the area committees as set out in the first column of the table below, composed of those councillors representing the wards set out in the second column of that table.

Name of Committee	Wards – effective from May 2019
Area South Committee	Brympton Coker Yeovil College Yeovil Lyde Yeovil Summerlands Yeovil Westland Yeovil Without
Area East Committee	Blackmoor Vale Bruton Camelot Cary Ivelchester Milborne Port Northstone, Ivelchester & St. Michaels Tower Wincanton
Area West Committee	Blackdown & Tatworth Chard Avishayes Char Combe Char Crimchard Chard Holyrood Chard Jocelyn Crewkerne Eggwood Ilminster Neroche Parrett Windwhistle
Area North Committee	Burrow Hill Curry Rivel, Huish & Langport Hamdon Islemoor Martock South Petherton Turn Hill Wessex

This arrangement means that political balance on an area committee will not necessarily reflect the political balance of the Council overall. An area committee has some executive functions delegated to it by the District Executive such as local grant-giving and is responsible for the area budget. It also has functions, which are not the responsibility of the Executive, such as planning and community initiatives.

- (b) **Delegations.** The Council and the District Executive will include details of the delegations to area committees in Part 3 of this Constitution. It shows which delegated functions are the responsibility of the District Executive and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

10.03 Conflicts of interest – membership of Area Committees and Scrutiny Committee or Scrutiny Commission

Conflict of interest. If the Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the Scrutiny Committee meeting without the consent of the Chairman.

10.04 Area Committees – access to information

Area committees will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notices for area committee meetings which deal with both functions of the District Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

10.05 District Executive members on Area Committees

A member of the District Executive will serve on the Area Committee for which they are eligible as a councillor.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The District Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the District Executive may only appoint Executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The District Executive may appoint members to a joint committee from outside the Executive when the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting out

The Council – for functions which are not executive - or the District Executive - for executive functions - may where permitted by law contract out to another body or organisation functions which may be exercised by an officer where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 – Officers

12.0 Management structure

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers. These officers need not necessarily be employed by the Council:

Post	Functions and areas of responsibility
Chief Executive	Head of Paid Service with overall corporate management and operational responsibility (including overall management responsibility for all officers). Line management responsibility for Directors as determined and lead roles with partners as agreed.
Senior Management Posts	Chief Executive Directors (3)

- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Section 151 Officer	Chief Finance Officer (s151 Officer)
District Solicitor	Monitoring Officer

Such posts will have the functions described in Article 12.02–12.04 below. The Monitoring Officer and Chief Finance Officer shall be entitled to appoint at any time a deputy to carry out their respective duties during their absence or illness

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by investigating officers relating to Code of Conduct matters.
- (e) **Assessing complaints and conducting investigations.** The Monitoring Officer will assess complaints and conduct investigations into matters where appropriate in accordance with the Council's adopted Complaints Process/Guidance
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** After consultation with the Chief Finance Officer the Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Conduct

Officers will comply with the Code of Conduct for Officers and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Human Resources Management Rules set out in Part 4 of this Constitution.

Article 13 – Decision Making

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.
- (f) where appropriate, reasons should be given for decisions. Executive decisions should explain what options were considered and give the reasons for the decision in accordance with the requirements of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.
- (g) in accordance with the Code of Conduct, members must not act unreasonably and must have particular regard to any relevant advice from the Chief Financial Officer and Monitoring Officer.

13.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.01 will be made by the full Council and not delegated.
- (b) Key decisions.
 - (i) In accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 a "key decision" means an executive decision which, is likely –
 - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
 - (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Executive

Subject to Article 13.08, the District Executive, and any committees it appoints, will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Portfolio holders

Portfolio holders will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Members acting in this capacity will also have regard to advice on quasi judicial decision-making issued by the Council.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Custody of Seal

The Common Seal of the Council shall be kept in a safe place in the custody of the Specialist – Democratic Services.

14.04 Authentication of Documents for Legal Proceedings

Where the production of any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by a Proper Officer of the Council unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

Article 15 – Review and Revision of the Constitution

15.01 Duty to monitor and review the constitution

The Audit Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.02 Changes to the Constitution

- (a) **Approval.** Changes (other than changes to job designations or to reflect changes to the law which can be made by the Monitoring Officer etc) to the constitution will only be approved by the full Council;
- (b) **Change from a Leader and Cabinet form of executive to other arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** Subject to paragraph (b) above any of the Rules of Procedure set out in Part 4 with the exception of Rule 23 may be suspended in accordance with Article 16.01

16.02 Interpretation

The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a) The Monitoring Officer will ensure the Constitution is available to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Scrutiny Committee, Audit Committee) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Area Committees);
4. Article 11 (Joint arrangements);
5. Article 13 (Decision making) and the Access to Information Procedure Rules;
6. Part 3 (Responsibility for Functions).

Part 3

Responsibility for Functions

May 2022

Responsibility for Functions

This Part of the Constitution shows who in the Council has power to do what, how and by when and within which limits.

The Council is given the power by legislation to undertake a number of functions within the district of South Somerset. Councillors are elected to decide how these functions are exercised and they take decisions within a model of decision making set down in the Local Government and Public Involvement in Health Act 2007. The Act requires the Council to adopt executive arrangements of decision making and the Council has chosen an executive (in South Somerset this is known as “the District Executive”) and arrangements to scrutinise decisions taken by the executive. In Regulations made under the Act and the Local Government Act 2000 the rules of the decision making are set out and show:

- which functions of the Council are not to be responsibility of the executive and are to be the responsibility of the full Council itself (all 60 members meeting together)
- which functions may be, but need not be, the responsibility of the executive: and
- which functions are to some extent the responsibility of the executive.

The Regulations go on to state that all other functions (i.e. the vast majority of functions) not specified under any of the above categories are to be the responsibility of the executive.

This part of the Constitution is divided into the following sections:

Section 1	Functions Reserved for Full Council
Section 2	The allocation of those functions which may be (but need not be the responsibility of the executive (i.e. the “Local Choice” functions listed in Schedule 2 to the Regulations) including reference to any onward delegation of these functions.
Section 3	The allocation of non- executive functions – including any onward delegation e.g. to an officer.
Section 4	The allocation of executive functions including any onward delegation to members of the Executive, Executive committees, area committees, and officers.
Section 5	Allocation of Scrutiny and Overview Functions
Section 6	A detailed Schedule of those functions in Sections 1-4 that have been delegated to officers of the Council (the Officer Scheme of Delegation). Most operational decisions are taken by officers of the Council.
Section 7	Terms of Reference, and composition of Committees and Panels

Section 1 Decisions Reserved for the Full Council (all members of the Council)

	Function or Activity	Who Takes the Decision	Delegation
1.1.	Adopting and changing the Constitution.	The Council	No delegation permitted other than in year changes to the powers held by the Executive, committees, or officers.
1.2.	<p>Approving or adopting the Council's budget and the following plans and strategies (called "the budget and policy framework")</p> <ul style="list-style-type: none"> - Medium Term Financial Plan - Crime and Disorder Reduction Strategy - Local Plan for South Somerset and Local Development Framework Housing Strategy - Licensing Statement under the Licensing Act 2003 - Gambling Act Statement - Economic Development Strategy - Council Plan - Treasury Management Strategy - Capital Strategy - Prudential Indicators - Car Park Strategy - Senior Pay Policy Statement - Single Equality Scheme <p>And any other policy required by legislation to form part of the Council's policy framework. (The budget comprises approval of the annual revenue budget, the capital programme and the Council tax precept and bills.)</p>	The Council	No delegation
1.3.	Approving or adopting any application to the Secretary of State under sections 32 or 45 of the Housing Act 1985 for the disposal of housing land.	The Council	The Council will consider a recommendation from the Executive.
1.4.	Decisions which are the responsibility of the District Executive but where the District Executive or other Executive decision maker wishes to take a decision which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.	The Council	No delegation permitted.

	Function or Activity	Who Takes the Decision	Delegation
1.5.	Appointing the Leader of the Council and the members of the District Executive	The Council	No delegation permitted
1.6.	The Annual Council shall establish the Council committees and member level bodies for the municipal year, agree their terms of reference, decide on their membership giving effect to the wishes of the political parties, as appropriate, in making appointments to these bodies.	The Council	Where a vacancy occurs during the municipal year, appointments to committees and member level bodies are delegated to the Specialist - Democratic Services who will give effect to the wishes of the political group with nomination rights to the vacancy.
1.7.	Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council.	The Council	The District Executive (through the portfolio holders) and Area Committees make appointments to bodies within their remit.
1.8.	Adopting a Scheme for the payment of allowances to council members, subject to consideration of recommendations from the independent Allowances Panel.	The Council	No delegation permitted.
1.9.	Confirming the appointment of the Head of Paid Service (Council employee, currently the Chief Executive).	The Council	The Council will make the appointment after considering a recommendation from its Appointments Committee.
1.10.	Changing the name of the area, the Council, any parish council in the area and conferring the title of honorary alderman.	The Council	No delegation permitted.
1.11.	Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills (proposed legislation).	The Council	No delegation permitted.

	Function or Activity	Who Takes the Decision	Delegation
1.12.	All those functions known as “local choice” functions set out in section 2 of this Part of the Constitution which the Council decides should be undertaken by itself rather than the District Executive.	The Council	No delegation permitted other than if the Council decides to reallocate these functions at its discretion.
1.13.	All other matters which, by law, must be reserved to Council.	The Council	No delegation permitted.

Section 2 “Local Choice” Functions – those functions where the Council can decide which body shall be responsible for the function (memberships of the bodies listed as decision takers is shown in Section 7 of this part)- Reference in Delegation column is to Officer Scheme of Delegation in Section 6 of this part.

	Function or Activity	Who Takes the Decision	Delegation
2.1.	Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	District Executive	The relevant Director depending on the Act.
2.2.	Any function relating to contaminated land.	District Executive or area committees if specific to one area.	Lead Specialist - Environment
2.3.	The discharge of any function relating to the control of pollution or the management of air quality.	District Executive or area committees if specific to one area.	Lead Specialist - Environment
2.4.	The service of an abatement notice in respect of a statutory nuisance.	District Executive or area committees if specific to one area.	Lead Specialist - Environment
2.5.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority’s area.	District Executive or area committees if specific to one area.	Lead Specialist - Environment
2.6.	The inspection of the authority’s area to detect any statutory nuisance.	District Executive or area committees if specific to one area.	Lead Specialist - Environment
2.7.	The investigation of any complaint as to the existence of a statutory nuisance.	District Executive or area committees if specific to one area.	Lead Specialist - Environment
2.8.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land; and the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	District Executive (in respect of executive functions) or area committees (in respect of non-executive matters).	Director - Support, Strategy & Environmental Services and District Solicitor & Monitoring Officer

	Function or Activity	Who Takes the Decision	Delegation
2.9.	The appointment of any individual: (a) to any office other than an office in which he/she is employed by the Council; (b) to any body other than - (i) the Council; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Full Council Area committees will make appointments of members to outside bodies within their area. District Executive through portfolio holders will make appointments to outside bodies within their remit.	Not delegated
2.10.	The determination of an appeal against any decision made by or on behalf of the authority relating to business rates.	District Executive	Not delegated

Section 3 Functions which cannot be the responsibility of the District Executive - (memberships of the bodies listed as decision takers is shown in Section 6 of this part)

	Function	Decision Taker	Delegation
3.1.	Power to determine applications for planning permission or 'permission in principle' within the District Council's administrative area, including the imposition of any conditions or limitations on the grant of a planning permission	Area committees*	Director (Service Delivery)
3.2.	Power to determine applications to develop land without compliance with conditions previously attached.	Area committees*	Director (Service Delivery)
3.3.	Power to grant planning permission for development already carried out.	Area committees*	Director (Service Delivery)
3.4.	Power to decline to determine application for planning permission.	Area committees*	Director (Service Delivery)
3.5.	Duties relating to the making of determinations of planning applications.	Area committees*	Director (Service Delivery)
3.6.	Power to revoke planning permission	Area committees*	Director (Service Delivery)
3.7.	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Area committees*	Director (Service Delivery)
3.8.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Area committees*	Director (Service Delivery)
3.9.	Power to enter into agreement regulating development or use of land under s106 of the Town and Country Planning Act 1990.	Area committees*	Director (Service Delivery)
3.10.	Power to issue a certificate of existing or proposed lawful use or development.	Area committees*	Director (Service Delivery)
3.11.	Power to serve a completion notice.	Area committees*	Director (Service Delivery)
3.12.	Power to grant consent for the display of advertisements.	Area committees*	Director (Service Delivery)
3.13.	Power to authorise entry onto land.	Area committees*	Director (Service Delivery)
3.14.	Power to require the discontinuance of a use of land.	Area committees*	Director (Service Delivery)

	Function	Decision Taker	Delegation
3.15.	Power to serve a planning contravention notice, breach of condition notice or stop notice.	Area committees*	Director (Service Delivery)
3.16.	Power to issue an enforcement notice and/or a Temporary Stop Notice.	Area committees*	Director (Service Delivery)
3.17.	Power to apply for an injunction restraining a breach of planning control.	Area committees*	Director (Service Delivery)
3.18.	Power to determine applications for hazardous substances consent, and related powers.	Area committees*	Director (Service Delivery)
3.19.	Power to require proper maintenance of land.	Area committees*	Director (Service Delivery)
3.20.	Power to determine application for listed building consent, and related powers.	Area committees*	Director (Service Delivery)
3.21.	Duties relating to applications for listed building consent,	Area committees*	Director (Service Delivery)
3.22.	Power to serve a building preservation notice, and related powers.	Area committees*	Director (Service Delivery)
3.23.	Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Area committees*	Director (Service Delivery)
3.24.	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Area committees*	Director (Service Delivery)
3.25.	Power to apply for an injunction in relation to a listed building.	Area committees*	Director (Service Delivery)
3.26.	Power to execute urgent works.	Area committees*	Director (Service Delivery)
3.27.	Powers relating to the preservation of trees.	Area committees*	Director (Service Delivery)
3.28.	Powers relating to the protection of important hedgerows.	Area committees*	Director (Service Delivery)
3.29.	Powers relating to Building Regulations.	Area committees*	Director (Service Delivery)
3.30.	Power to issue licences authorising the use of land as a caravan site ("site licences").	Council	Lead Specialist - Environment

	Function	Decision Taker	Delegation
3.31.	Power to license the use of moveable dwellings and camping sites.	Council	Lead Specialist - Environment
3.32.	Power to license hackney carriages and private hire vehicles.	Licensing Committee	Specialist Team Manager – Service Delivery
3.33.	Power to license drivers of hackney carriages and private hire vehicles.	Licensing Committee	Lead Specialist – Environment
3.34.	Power to license operators of hackney carriages and private hire vehicles.	Licensing Committee	Lead Specialist – Environment
3.35.	Power to register societies wishing to promote lotteries.	Licensing Committee	Lead Specialist – Environment
3.36.	Power to license sex shops and sex cinemas and sex encounter venues	Licensing Committee	Lead Specialist – Environment
3.37.	Power to license performances of hypnotism.	Licensing Committee	Lead Specialist – Environment
3.38.	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Licensing Committee	Lead Specialist – Environment
3.39.	Power to license market and street trading.	Licensing Committee	Lead Specialist – Environment
3.40.	Power to license scrap metal dealers.	Licensing Committee	Lead Specialist – Environment
3.41.	Power to license premises for the breeding of dogs.	Licensing Committee	Lead Specialist – Environment
3.42.	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Licensing Committee	Lead Specialist – Environment
3.43.	Power to license zoos.	Licensing Committee	Lead Specialist – Environment
3.44.	Power to license persons to collect for charitable and other causes.	Licensing Committee	Lead Specialist – Environment
3.45.	Power to grant consent for the operation of a loudspeaker.	Council	Lead Specialist - Environment
3.46.	Power to approve premises for the production of food of animal origin	Council	Lead Specialist - Environment

	Function	Decision Taker	Delegation
3.47.	Power to authorise butcher's shops for the removal of specified risk material from bovine animals between the ages of 24-30 months.	Council	Lead Specialist - Environment
3.48.	Duty to keep register of food business premises.	Council	Lead Specialist - Environment
3.49.	Functions of a licensing authority under the Licensing Act 2003.	Licensing Committee	Lead Specialist – Environment
3.50.	Power to create footpaths and bridleways	Area Committees	Director (Service Delivery)
3.51.	Power to stop up footpaths and bridleways.	Area Committees	Director (Service Delivery)
3.52.	Power to divert footpaths and bridleways	Area Committees	Director (Service Delivery)
3.53.	Duty to assert and protect the rights of the public to use and enjoyment of highways	Area Committees	Director (Service Delivery)
3.54.	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Area Committees	Director (Service Delivery)
3.55.	Duty to appoint an electoral registration officer.	Council	Not delegated
3.56.	Power to assign officers in relation to requisitions of the electoral registration officer.	Council	District Solicitor & Monitoring Officer as Council's Electoral Registration Officer
3.57.	Functions in relation to parishes and parish councils.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.58.	Power to make requests to the Local Government Boundary Commission for single member electoral areas	Council	District Solicitor & Monitoring Officer as Council's Electoral Registration Officer
3.59.	Power to dissolve small parish councils.	Council	Not delegated

	Function	Decision Taker	Delegation
3.60.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Council	Not delegated
3.61.	Power to change the name of a parish.	Council	Not delegated
3.62.	Duty to appoint returning officer/s for local government elections.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.63.	Duty to provide assistance at European Parliamentary elections.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.64.	Duty to divide constituency into polling districts.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.65.	Power to divide electoral divisions into polling districts at local government elections.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.66.	Powers in respect of holding of elections.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.67.	Power to pay expenses properly incurred by electoral registration officers.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.68.	Power to fill parish council vacancies in the event of insufficient nominations.	Council	Not delegated
3.69.	Duty to declare vacancy in office in certain cases.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer

	Function	Decision Taker	Delegation
3.70.	Duty to give public notice of a casual vacancy.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.71.	Power to make temporary appointments to parish councils.	Council	Not delegated
3.72.	Power to determine fees and conditions (if any) for supply of copies of, or extracts from, elections documents.	Council	District Solicitor & Monitoring Officer as Council's Returning Officer
3.73.	Power to submit proposals to the Secretary of State for pilot schemes for local elections.	Council	Not delegated
3.74.	Power to resolve to change an electoral scheme	Council	Not delegated
3.75.	Powers in relation to Community Governance Reviews	Council	Not delegated
3.76.	Duty to approve authority's statement of accounts, income and Expenditure and balance sheet or record of receipts and payments (as the case may be), Statement of Internal Control and Code of Corporate Governance.	Audit Committee	Not delegated.
3.77.	Trustee Management of Dorcas House Trust	Area Committee (South)	Not delegated.
3.78.	Power to appoint staff, and to determine the terms and conditions on which they hold office - S112 of the Local Government Act 1972.	Council	Chief Executive and all Directors
3.79.	Functions relating to the name and status of local government areas and individuals including powers under section 74, 75, 249 and 245b of the Local Government Act 1972.	Council	Not delegated
3.80.	Power to make, amend, enforce, revoke or re-enact bye-laws or promote or oppose local or personal bills.	Council	Not delegated
3.81.	Functions relating to local government pensions etc. Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	Council	Not delegated
3.82.	Power to make payments or provide other benefits in cases of maladministration.	Council	Chief Executive and all Directors
3.83.	Power to appoint statutory and "proper officers" for particular purposes.	Council	Not delegated
3.84.	Power to make and amend Standing Orders including those for contracts	Council	Not delegated
3.85.	Functions relating to Health and Safety under "any relevant statutory provision" within the meaning of part 1 of the Health and Safety at Work Acts 1974, to the extent that those functions are discharged otherwise than in the council's capacity as employer	Council or Area Committees	Lead Specialist – Environment

	Function	Decision Taker	Delegation
3.86.	Recruitment of officers as required under the Officer Employment Procedure Rules set out in part 4 of the constitution.	Appointments Committee	No delegation of appointments required to be made by the Committee. All other appointments made by officers.
3.87.	Duty to appoint Chief Executive and designate officer as the Head of the Paid Service.	Council	Not delegated.
3.88.	Duty to designate officer as the S151 Officer.	Council	Not delegated.
3.89.	Duty to designate officer as the Monitoring Officer.	Council	Not delegated.
3.90.	Powers relating to the grant of voting rights to co-opted members of the Scrutiny Committee	Council	Not delegated
3.91.	Power to make closing orders with respect to take-away food shops	Licensing Committee	Director (Support Services)
3.92.	Powers relating to complaints about high hedges and Part 8 of the Anti-Social Behaviour Act 2003	Council	Director (Service Delivery)
3.93.	To advise the Council on the adoption or revision of its Code of Conduct. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law,	Standards Committee	Monitoring Officer
3.94.	To ensure that all Members of the Council have access to training in all aspects of the Members Code of Conduct, that this training is actually promoted, and that Members are aware of the standard expected from other Councils under the code.	Standards Committee	Monitoring Officer
3.95.	To support and encourage Parish and Town Councils and their Members in their adherence to the Code of Conduct.	Standards Committee	Monitoring Officer
3.96.	To monitor and review the operation of the constitution of the Council.	Standards Committee	Monitoring Officer
3.97.	Functions relating to standards of conduct of Members under any relevant provision of, or regulations made under, the Localism Act 2011	Standards Committee	Monitoring Officer

Section 4 Executive Functions

Most day to day operational decisions are delegated to Officers. The majority of decisions made at member level (i.e. decisions taken by councillors) relate to activities which are defined as “executive matters” and can only be dealt with by the Executive (known in South Somerset as the “District Executive”)

This means that:

- Members of the Council who are not on the District Executive cannot take these decisions
- Full Council itself cannot take executive decisions
- Non-executive or regulatory committees cannot take executive decisions
- The Executive can take decisions collectively or:
 - Individual members of the District Executive may take decisions where the District Executive or the Leader of the Council has approved such arrangements (to be shown in this section of the Constitution or by a subsequent written authorisation by the Leader or District Executive).
 - Area Committees may be given delegated authority to exercise both “executive” and “non-executive” functions. All executive delegations will be shown in this section.
 - The Executive may appoint, and delegate functions to Executive Committees as identified in this section.
 - Joint committees established by the Executive may exercise executive functions and where established by the Council may exercise a combination of executive and non-executive functions. All executive delegations will be shown in this section.
 - Officers may exercise executive functions. These will be identified in Section 6 of this part of the Constitution.

1. Decisions to be taken collectively by the District Executive

	Function	Decision Taker	Delegation
Policy and Budget Framework			
4.1.	To make recommendations to the Council on the Council's key priorities and in respect of the plans and strategies that form the Policy and Budget Framework.	District Executive	Not delegated
4.2.	To utilise Council balances (capital and revenue) in responding to matters of urgency or to deliver the agreed policy framework provided that all uses of balances are reported to full Council in the Budget and Medium Term Financial Plan report and Audit Committee in the Annual Outturn report subject to a limit of 5% of useable capital balances.	District Executive	Not delegated
4.3.	To approve policies and strategies with the exception of those (as listed in Section 1 no.2) which the Council has reserved to it, by legislation or through its own discretion.	District Executive	Portfolio Holders may approve minor amendments to existing policies and strategies other than those reserved to Council.
4.4.	To agree policies in respect of the Council's regulatory functions, other than where legislation prescribes that such policies must be determined by the full Council.	District Executive	Not delegated
4.5.	To co-ordinate the policy objectives of the Council, monitor progress towards the corporate objectives, and give Area Committees strategic direction.	District Executive	Not delegated
4.6.	To consider referrals from Area Committees on matters which have major policy or resource implications.	District Executive	Not delegated
4.7.	To agree the policy and guidelines for all grants made by the Council to include grants made by Area Committees.	District Executive	Not delegated
4.8.	To write off irrecoverable debts	District Executive	Portfolio Holder – Finance and Legal Services may write off debts over £20,000. Debts of £20,000 or less delegated to s151 Officer.
4.9.	To maintain an awareness of the ongoing financial position of the Council.	District Executive	Not delegated
4.10.	To approve loans in line with the Council's loans policy.	District Executive	Area Portfolio Holders may approve loans of less than £5000.
4.11.	To recommend to Council the Treasury Management Strategy and Prudential Indicators.	District Executive	Not delegated

4.12.	To take decisions on budgetary matters, including budget virements, within the budgetary framework agreed by the Council and in accordance with the Financial Procedure Rules.	District Executive	Portfolio Holders and Officers may make budgetary decisions in line with Financial Procedure Rules.
4.13.	To agree fees and charges for car parking as part of the budget and Medium Term Financial Plan	District Executive	No delegation
4.14.	To agree charges for personal licences and registrations	Licensing Committee	No delegation
4.15.	To agree other charges	District Executive	Relevant Director or Manager in consultation with Portfolio Holder and s151 Officer/Lead Specialist – Finance (to be reported to District Executive as part of the Budget and Medium Term Financial Plan report.)
Performance			
4.16.	To agree core minimum standards for service delivery. The Executive will receive reports from the Scrutiny Committee on performance matters	District Executive	Portfolio Holders are responsible for the performance of services within their remit. No delegation of corporate governance matters
4.17.	District Auditor's Management Letter - the Audit Committee will consider the response to the letter and make recommendations to District Executive on areas of improvement.	District Executive	No delegation
4.18.	To approve the Audit Plan	District Executive	All the executive functions in respect of the Council's internal audit function have been delegated to the South West Internal Audit Partnership
Other decisions that shall be taken by the Full Executive			
4.19.	To agree waivers of, or exemptions to, Contract Standing Orders (where not delegated to officers).	District Executive	Director (Support, Strategy & Environmental Services) in line with the Financial Procedure Rules.

4.20.	To approve strategic disposals and acquisitions including leases and sales of land valued in excess of £10,000.	District Executive	<p>Disposals and acquisitions above the threshold permitted as follows:</p> <ol style="list-style-type: none"> 1. Through the Investment Assessment Group process, acquisitions for investment purposes up to an individual limit of £10 million delegated to the Chief Executive in consultation with the Leader in accordance with the Commercial Land and Property Strategy; 2. Through the Disposal Assessment Group process, disposals of up to £250,000 for non-investment property and up to £10 million for investment purposes delegated to the Chief Executive in consultation with the Leader in accordance with the Asset Disposal & Community Asset Transfer Policy; and 3. Acquisitions and disposals for strategic development and regeneration purposes to the Lead Director in consultation with the Chair of the relevant Board and s151 Officer in accordance with the terms of reference of the Strategic Development Board and the Regeneration Programme Boards. <p>Disposals and acquisitions below defined thresholds may be approved by the Chief Executive, Directors, or Portfolio Holder in line with the Financial Procedure Rules.</p>
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4.21.	To establish limited companies and limited liability partnerships and decide all associated matters, including the appointment of individuals to hold offices in such company or partnership	District Executive	Chief Executive in consultation with the Leader where required to give effect to a decision of the Investment Assessment Group
4.22.	To approve Compulsory Purchase Orders.	District Executive	Not delegated
4.23.	To approve the Annual Members' Training and Development Policy and Programme, and other matters relating to members support.	District Executive	The Member Development Portfolio Holder may approve attendance by members at conferences and training events.
4.24.	To approve the Council's Emergency Planning arrangements.	District Executive	Chief Executive
4.25.	To agree submissions to the County Council in respect of the Annual Local Transport Plan.	District Executive	Not delegated
4.26.	To prepare, monitor and review the Human Resources Strategy, and the policies that comprise the strategy.	District Executive	Member Support Portfolio Holder
4.27.	The Executive may agree the establishment and deletion of posts other than those required to be established by the full Council in accordance with the Employment Procedure Rules. Financial Procedure Rules will make provision for new posts to be approved by officers, where there is existing budget provision and subject to the support of the Senior Leadership Team. This Team shall also decide if a post needs to be submitted to District Executive for approval. District Executive may not take decisions in respect of terms and conditions, the appointment or dismissal of staff. Changes to the organisational structure of the Council's management shall be recommended for approval to the full Council.	District Executive	Staffing Delegations shown separately
4.28.	To exercise all the duties of the Council as Housing Authority	District Executive	Levels of delegation to Portfolio Holder shown in 2a of this part.
4.29.	To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Executive or are specifically reserved to the Council.	District Executive	Not delegated

2	Delegation of Executive Functions
	<p>The Leader of the Council may agree to delegate Executive functions to:</p> <p>2(a) Individual members of the District Executive (Portfolio Holders) 2(b) Area Committees 2(c) Committees of the District Executive 2(d) Officers 2(e) Other Joint Committees</p> <p>and the functions delegated are shown in these sections below.</p>
2a	Portfolio Holders
	The Leader of the Council
	<p>The Leader of the Council shall:</p> <ul style="list-style-type: none"> - nominate the strategic portfolio holders of the District Executive to the Council and allocate the portfolios ensuring that any changes to portfolios are reported to the Proper Officer and Council for information. - determine the allocation and re-allocation of executive responsibility where there is doubt where this should lie or where the matter is not specifically allocated. - decide when executive matters may be delegated to a portfolio holder and decide which portfolio holder may take a decision. - approve all other delegations to be shown in this section. - be the lead portfolio for the following designated areas: performance matters, emergency planning, access to services, equality and diversity. - be able to take any decisions on behalf of a portfolio holder, if necessary, for any reason. Any such decision to be reported to the next District Executive <p>Any changes to Executive responsibilities shall be notified to the Specialist - Democratic Services and reported to Council for information.</p> <p>Any decisions taken by the Leader of the Council and all portfolio holders will be reported on the weekly Executive Bulletin.</p>

	Strategic Portfolio Holders
	<p>Each Strategic Portfolio Holder:</p> <ul style="list-style-type: none"> – shall hold a portfolio for part of the Council’s activities, such as one or more services or cross-cutting issues, and steer the preparation, development and implementation of policies and plans relevant to the portfolio. – shall develop an annual programme of work to deliver the relevant Council objectives, and liaise with relevant officers to bring forward items and monitor progress. – shall approve annual service plans, monitor the performance of the services within their portfolio and bring issues of under-performance to the attention of the Executive. – shall assist with ad-hoc reviews of policy as directed by the Scrutiny Committee within the remit set by that Committee. – shall represent the Council as required on issues relating to the portfolio, including briefing the media as appropriate, and be the spokesperson for the portfolio in consultation with the Leader – shall develop and maintain effective consultation with all members of the Council, partner bodies and outside organisations, and take account of their views when making decisions. – shall organise representation on relevant executive outside bodies as required. – may appoint other members of the Council to act as lead member for such purposes as the Leader and portfolio holder may agree but the lead member shall not be able to take decisions – make annual portfolio statements outlining their achievements for the previous year and objectives for the coming year based on the Council’s agreed priorities set out in the Council Plan and other appropriate matters. – Shall take decisions within the remit of their portfolio as allowed for in the Executive Scheme of Delegation.

Portfolio Holder Responsibilities 2022/23

Portfolio Holder	SLT Lead	General Responsibilities	Strategic Partnerships
Strategy Cllr Val Keitch (Leader)	Chief Executive Officer	Strategic direction of the Council Overall policy and strategy Local Government Reorganisation	LGR Joint Committee HotSW LEP Somerset Leaders and CXs District Council Network Town and Parish Councils liaison meetings
	Director (Support, Strategy & Environmental Services)	Human Resources Corporate Plan Corporate Performance Civil Contingencies Communications Strategic Planning	
	Director (Place & Recovery)	Equalities & Diversity Strategic Development	
	Director (Service Delivery)	Customer Services	
	District Solicitor & Monitoring Officer	Member Development	
Finance, Legal & Democratic Services Cllr Peter Seib (Deputy Leader)	Director (Support, Strategy & Environmental Services)	Procurement	South West Audit Partnership
	Director (Service Delivery)	Revenues	
	Chief Finance Officer (S151 Officer)	Finance Audit	
	District Solicitor & Monitoring Officer	Strategic Asset Management	

Portfolio Holder	SLT Lead	General Responsibilities	Strategic Partnerships
Protecting Core Services Cllr Tony Lock	Director (Support, Strategy & Environmental Services)	Digital Strategy Organisational Development People Strategy Spatial Planning	Safer Somerset Partnership
	Director (Service Delivery)	Community Safety Development Management Area Development	
Economic Development inc Commercial Strategy Cllr John Clark	Director (Place & Recovery)	Economy Economic Recovery	Somerset Growth Board
	District Solicitor & Monitoring Officer	Commercial Strategy	
Health & Well-Being Cllr Mike Best	Director (Place & Recovery)	Arts & Culture Octagon Theatre development	Somerset Health & Wellbeing Board Somerset Armed Forces Community Covenant Partnership (SAFCCP)
	Director (Service Delivery)	Sport Countryside Health & Well-being Benefits	
Housing Cllr Nicola Clark	Director (Service Delivery)	Housing	Homefinder Somerset

Portfolio Holder	SLT Lead	General Responsibilities	Strategic Partnerships
Area East & Environment Cllr Sarah Dyke	Director (Support, Strategy & Environmental Services)	Street scene Waste & Recycling	Somerset Waste Partnership Somerset Rivers Authority
	Director (Service Delivery)	Environment Climate Change	
	Director (Place & Recovery)	Area East Wincanton Regeneration	
Area North, Licensing & Environmental Health Cllr Adam Dance	Director (Support, Strategy & Environmental Services)	Area North	
	Director (Service Delivery)	Licensing Environmental Health	
Area South inc Yeovil Refresh Cllr Peter Gubbins	Director (Place & Recovery)	Area South Yeovil Refresh	
Area West Cllr Jason Baker	Director (Place & Recovery)	Area West Chard Regeneration	

Area Portfolio Holders

The area portfolio holder shall be an elected member of South Somerset District Council and the Chairman of the Area Committee.

Each Area Portfolio Holder shall:

1. represent the Council as required on issues relating to the area, including briefing the media as appropriate, and be the spokesperson for the Area, in consultation with the Leader.
2. chair Area Committee meetings, site visits and other meetings related to the Committee's work; attend briefings, pre-agenda meetings and planning briefings with officers, and to read relevant paperwork prior to any formal meeting.
3. ensure all members of the Area Committee are kept informed about local matters.
4. ensure the Executive is fully briefed on area matters; to be available to the Scrutiny Committee to deal with relevant issues.
5. organise representation on relevant outside bodies.
6. liaise regularly with the Area Development Team over issues within the area and ensure members of the Committee are regularly briefed.
7. develop and maintain effective consultation with parish councils, partners and other outside organisations in the Area.
8. attend relevant workshops and training activities, parish council and partnership meetings, official openings, familiarisation and fact-finding visits as required, including consulting with the business community and other interested parties in the Area.
9. deal with correspondence related to the Area Portfolio holder's activities.
10. meet regularly with the Leader and ensure the Leader is fully briefed on issues relating to the Area.
11. organise annual meetings of parish councils in the Area.

Decision-Making By Portfolio Holders

Decisions taken by portfolio holders shall be recorded and publicised in the Executive Bulletin prior to, and after, being taken unless the decision is agreed to be an urgent decision in line with the Access to Information Rules of this Constitution. Urgent decisions will be publicised once the decision has been taken. All decisions shall be taken in consultation with the relevant officers, and subsequently listed for information on the next agenda for District Executive and the full Council. All key decisions will be publicised in the Forward Plan.

All Portfolio Holders shall be able to take the following decisions:

1. To approve minor changes and revisions to policies and plans within approved budgets and policy framework (the Monitoring Officer to determine when a change is minor)
2. To authorise the award of a tender for a contract, which is not the lowest, subject to having received a report from the appropriate officer and being within approved budgets, and to agree contract extensions subject to also being within approved budgets.
3. To approve revenue budget virements within their areas of activity up to £25,000 or for Strategic portfolio holders across areas.
4. To respond to consultation documents issued by the Government or other bodies.
5. To make nominations to outside bodies within their remit.
6. To nominate members to attend training courses in accordance with the Members' Training and Development Programme subject to the approval of the Member Training Portfolio Holder (Area West Chairman).
7. To approve Service Plans for the services within their remit.

The Leader of the Council or the Executive (with the approval of the Leader) may also delegate any other executive decisions to a portfolio holder.

Additional Delegations to individual Portfolio Holders

Strategy Portfolio Holder and Finance, Legal & Democratic Services Portfolio Holder

- To enable the provision of new affordable housing, to approve (in consultation with the S151 Officer) the transfer of land to an appropriate RSL or other partner, for only nominal consideration where:
 - to do so would be in keeping with the Council's housing strategy
 - there are no strategic reasons for retaining such land
 - appropriate covenants have been agreed

Strategy Portfolio Holder

- To agree Local Lettings policies subject to:
 - No extensions to be granted for longer than three years without scrutiny of available data on the outcome;
 - If the percentage of the total social housing stock covered by local lettings policies exceeds 5% then the Portfolio Holder shall make a report to District Executive before any further policies are approved.
- To authorise attendance by Members on training courses and other development opportunities in line with the Members' Learning and Development Policy, Programme and budget allocation

Finance, Legal & Democratic Services Portfolio Holder

- To approve the write off of bad debts above the value of £20,000, subject to consultation with the relevant ward member(s) and in consultation with the S151 Officer.
- To consider and determine requests for discretionary business and rate relief that fall outside existing policies, subject to consultation with the relevant ward members.
- To consider any responses received to the statutory advertisement of variations to car park charges.

Area East & Environment Portfolio Holder

- To agree changes to the waste management ("Sort It") policy.

Health & Well-Being Portfolio Holder

- To allocate funding under the approved Healthy Living Pooled Fund

NOTE: In the event of any disagreement between officers and the Portfolio Holder in respect of a decision to be made the matter shall be referred to the Leader who, in consultation with the Chief Executive, will decide where the matter shall be determined.

2(b)	Area Committees
Each Area Committee may undertake all District Council executive functions within their area including:	
1.	Approve Area Action Plans
2.	Provide local community leadership.
3.	Oversee capital schemes to include budgetary control in cases where this has been delegated by the District Executive.
4.	Manage local regeneration projects within financial limits agreed by the District Executive.
5.	Make grants within the guidelines agreed by the District Executive.
6.	Approve appointments to outside bodies.
7.	Make recommendations on service improvements or innovative ways of working.
8.	Approve land sales up to the value of £10,000.
9.	Establishment of taxi stands, designation of areas where drinking alcohol not allowed in public and other similar executive decisions.
10.	Agree expenditure from within budgets delegated to the Area Committee.
The Leader of the Council has the right to decide that any executive matter to be determined by an Area Committee shall be referred for decision to the District Executive.	
Area Committees must refer the following matters to the District Executive: <ul style="list-style-type: none"> • matters of policy which have District wide significance, • matters that affect more than one Area, • expenditure not covered by an approved budget or within the capital programme • any proposals to incur revenue expenditure for more than one year. 	
2(c)	Officers
Executive delegations to officers are set out in the Officer Scheme of Delegation which appears elsewhere in part 3 of the Constitution.	
2(d)	Joint Committees
Yeovil Crematorium & Cemetery Joint Committee	
The Yeovil Crematorium & Cemetery Joint Committee is a long-standing partnership between South Somerset District Council, Yeovil Town Council, Yeovil Without Parish Council and Brympton Parish Council. The Partnership shall:	
Oversee the operation, management and development of Yeovil Crematorium and Yeovil Cemetery. In addition to cremation and burial facilities, the Committee provides a wide range of memorial facilities at both locations and maintains the grounds.	

2(e)	Other Significant Partnerships
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South Somerset Together (Local Strategic Partnership)
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The Local Strategic Partnership is a multi-agency partnership between South Somerset District Council, Somerset County Council, Somerset East Police, South Somerset Council for Voluntary Services, Connexions Somerset, South Somerset Homes, Augusta Westland, Yeovil Chamber of Trade & Commerce, South Somerset Primary Care Trust, East Somerset NHS Trust, Yeovil College and University Centre, South Somerset Citizens Advice Bureau, Environment Agency, Business Link. The Partnership exists to:
--

Lead and influence the delivery of services and objectives, as a conduit for change to improve the social, economic, environmental, education, health and safety needs of the communities within South Somerset.
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Safer Somerset Partnership (Community Safety Partnership)
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Agencies in Somerset are working together as a single Community Safety Partnership to tackle crime, disorder and antisocial behaviour, and to reduce re-offending.
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Section 5 Allocation of Overview and Scrutiny Functions

The Council is required by law to include provision for one or more overview and scrutiny committees with the following powers:

	Function	Decision Taker	Delegation
5.1	To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive, including the power to recommend that the decision be reconsidered by the person who made it.	Scrutiny Committee	This function may be passed to the Council in respect of an individual decision.
5.2	To make reports or recommendations to the Council or the Executive with respect to the discharge of any functions which are the responsibility of the Executive or on matters which affect the authority's area or its inhabitants.	Scrutiny Committee	None
5.3	To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive, including the power to recommend that the decision be reconsidered by the person who made it. This does not include decisions in respect of individual applications or permissions such as decisions made in respect of planning or licensing applications.	Scrutiny Committee	This function may be passed to the Council in respect of an individual decision.
5.4	To make reports or recommendations to the Council or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive.	Scrutiny Committee	None
5.5	To require Executive members or officers to appear before it	Scrutiny Committee	None

Section 6 - Schedule of Functions Delegated to Officers

- 1 Members have the right to ask for a matter to be considered by a Committee even though it may have been delegated to an officer subject to complying with any agreed procedures. Officers may also occasionally refer matters to a Committee where they consider the subject matter to be particularly sensitive and would better be decided by members.
- 2 Where an officer has been given delegated authority to undertake a function the officer shall have the authority to authorise another officer within their department or service to carry out that function on their behalf. In determining the suitability of an officer to be given this authority, regard must be had to the nature of the authority being given, the seniority of the post, the experience of the relevant officer and all other relevant circumstances so as to ensure that the authority and the relevant officer are appropriately matched. This authorisation must:
 - be in writing, dated and signed by the officer giving the authority.
 - specifically identify the post and person authorised to carry out the functions.
 - specifically identify the functions to which the authorisation relates (attach an extract from the scheme as the numbering may change over time).
 - identify any conditions (if any) to which the authorisation is subject.
- 3 A copy of all authorisations under this provision must be provided within seven days of being made to the Specialist - Democratic Services who will provide a copy to the Monitoring Officer.
- 4 The officer who has been given delegated authority under this schedule retains concurrent jurisdiction to act in those matters where that officer has given another officer authority to undertake any function.
- 5 The functions shown in this schedule are specific delegated powers. Officers shall also undertake all the operational duties within the remit of their team or service and all necessary powers to do this are therefore deemed to be delegated to the relevant director or officer who has responsibility for the discharge of the function. Officers shall exercise their delegated powers subject to statutory limitations, duties and responsibilities and in compliance with Council policies, approved budget limitations, the Constitution and Financial Procedure Rules.
- 6 The Chief Executive and Directors must ensure that functions in relation to the management of employees must be carried out in accordance with the Council's approved human resources policies.
- 7 Where legislation specifically referred to in this schedule, is amended or replaced or added to by new legislation and in the event that the powers contained in the new legislation are substantially the same as those which it replaces or relate to the same service areas, then it shall be deemed that the relevant authority delegated in this schedule applies as if the new legislation had been specifically referred to as regards that relevant authority.

No	Function	Delegated to	Delegated By
Chief Executive			
1	As Head of Paid Service to be responsible for the corporate and overall strategic management of the authority and other statutory functions as listed in the Council's Constitution.	Chief Executive	Council
2	To make any decision which has been delegated to any other officer.	Chief Executive	Council
3	To draw up the list of authorised officers in relation to Housing Corporation activity in consultation with the Leader of the Council and relevant Portfolio Holder.	Chief Executive	Executive
4	To take urgent decisions as follows: <ul style="list-style-type: none"> in relation to Executive matters in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder; in relation to non-Executive matters in consultation with the Chairman (or Vice-Chairman) of Council or Chairman (or Vice-Chairman) of the relevant committee. An urgent decision is one that is considered by the Chief Executive to be necessary to protect the interests of, or advancing the business of, the Council. All such action shall in all cases be reported to the next appropriate meeting of the Executive, Council or relevant Committee.	Chief Executive	Council / Executive
4a	On 22 July 2022 Council delegated power to the Chief Executive, in consultation with the Chair of Council, to make any or all meetings remote for a period of up to 4 weeks at any time when it appears reasonably prudent to do so on public health and safety grounds or in line with national or local safe practice under the Covid19 guidance and requirements issued by the Government from time to time. For these purposes a remote meeting is one that takes place in a virtual on-line space, is advisory or consultative only and any vote is to confirm the view of the meeting not to make the decision on the matter(s) being considered, as the decision is delegated to the Chief Executive having taken the views voted on at the remote meeting into account.		
Chief Executive and all Directors (as indicated)			
5	To authorise proceedings in any Court or Tribunal.	Chief Executive and Director (Strategy, Support & Environmental Services)	Council
6	To authorise officers to appear in any Court or Tribunal.	Chief Executive and Director (Strategy, Support & Environmental Services)	Council
7	In the absence of a prior decision of the Council, a Committee or Sub-Committee, to select the most appropriate method of tendering for any contract.	Chief Executive and Directors	Council

No	Function	Delegated to	Delegated By
8	To invite all or a selected number of persons or firms named in the Standing List to take part in a tendering exercise.	Chief Executive and Directors	Council
9	Acceptance of a tender for works except where a tender other than the lowest value tender is proposed to be accepted and there is sufficient budget provision.	Chief Executive and Directors	Council
10	Purchase at a price not exceeding the District Valuer's or other professionally qualified valuation of property required for schemes, which have been approved by the Council or a Committee, and for which capital finance from any source has been approved.	Chief Executive and Directors in line with the Financial Procedure Rules	Executive
11	(a) In conjunction with the Chief Executive to consider claims for compensation up to and including £5,000. (b) To consider claims for compensation up to and including £500.	Chief Executive and Directors	Executive
12	To appoint consultants, provided that the cost is covered by an approved capital or revenue budget.	Chief Executive and Directors	Executive
13	In consultation with the Lead Specialist – Legal:- a. to seek the opinion of Counsel; or b. to appoint outside Solicitors or Counsel provided that the cost can be met from an appropriate heading in a budget.	Chief Executive and Directors	Council
14	To decide staff and expert authorisations to exercise statutory powers in respect of those functional areas that fall within the Directors' respective areas of responsibility, and to make any decision which has been delegated to an officer within their Directorate.	Chief Executive and Directors	Council / Executive
15	All functions in relation to the management of employees. These must be carried out in accordance with the council's approved human resources policies.	Chief Executive and Directors	Executive
16	Disciplinary action subject to compliance with the Council's disciplinary procedures.	Chief Executive and Directors	Executive
17	Power to serve requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Chief Executive and Directors	Council
18	In consultation with the Director (Service Delivery) authorisation under the Regulation of Investigatory Powers Act to authorise enforcement Officers to carry out surveillance as part of an enforcement investigation.	Chief Executive; Director (Strategy, Support & Environmental Services); District Solicitor & Monitoring Officer	Executive
19	Attendance by themselves, and to approve the attendance of employees at meetings, courses and conferences in line with the corporate training programme and subject to budget approval.	Chief Executive and Directors	Executive

No	Function	Delegated to	Delegated By
20	The Portfolio Holders are authorised to respond to consultation documents. The relevant Director or someone authorised by them may respond to consultation documents, after consultation with the Portfolio Holder subject to the Council's consultation protocol set out in Part 5 of this Constitution.	Chief Executive and Directors	Executive
21	To manage budgets and financial transactions in accordance with Financial Procedure Rules.	Chief Executive and Directors	Council
22	To let contracts in accordance with Procurement Procedure Rules and the Council's Financial Procedure Rules and other polices which govern the letting of contracts.	Chief Executive and Directors	Council
23	To undertake all functions allocated to their post within Council Financial Procedure Rules and other Council Procedure Rules.	Chief Executive and Directors	Council
24	To authorise others to sign notices and take enforcement action on the Council's behalf subject to approval of a Council officer with suitable qualifications and experience.	Chief Executive and Directors	Council
25	To set fees for chargeable services and revise existing fees on a regular (normally annual) basis.	Chief Executive and Directors	Council
26	To execute all deeds and documents on behalf of the Council (including affixing the Council's Seal thereto) as they consider necessary to implement any decision of the Council or any Committee or any officer of the Council acting under delegated authority. Any documents required to be sealed shall have the seal affixed to them in the presence of any <u>one</u> of the officers referred to in this section. Every such document shall be attested by the signature of the person in whose presence the seal was affixed. <i>Note: When executing documents the person shall include their name or office alongside the unique sealing reference.</i>	Chief Executive; Director (Strategy, Support & Environmental Services) Director (Service Delivery); District Solicitor & Monitoring Officer	Council
27	To act as a Category One responder, and to take other appropriate action under the Civil Contingencies Act.	Director (Strategy, Support & Environmental Services)	Council
S151 Officer			
28	As the Council's Chief Financial Officer, to be responsible for the proper administration of the Council's financial affairs and other statutory functions as listed in the Council's Constitution.	Designated S151 Officer	Council
29	Setting the Council Tax Base under the Local Authorities (Calculation of Tax Base) Regulations 1992.	Designated S151 Officer	Council
30	Write off bad debts of £20,000 or less.	Designated S151 Officer	Executive
31	In consultation with the Director concerned, to recover all liquidated and ascertained damages arising from contracts let by any Committee.	Designated S151 Officer	Executive

No	Function	Delegated to	Delegated By
32	Decisions on applications for the reduction or remittance of non-domestic rates and <i>discretionary rate relief</i> up to £5,000 subject to the conditions and limitations set out in Minute 199 of the District Executive meeting held on 2 nd March 2000.	Designated S151 Officer	Executive
33	Repayment of mortgages on the rates on the death of the mortgagee, and otherwise to prematurely repay mortgages if the mortgagee is prepared to pay the appropriate premium.	Designated S151 Officer	Executive
34	Payment of small claims up to the value of £2000, which have not been accepted by the Insurance Company - grievances to be referred to the District Executive.	Designated S151 Officer	Executive
35	Waiving of premiums for premature repayment of loans in appropriate cases where the premium does not exceed £200.	Designated S151 Officer	Executive
36	Implementation of salary and wage awards to employees.	Designated S151 Officer	Executive
37	Day-to-day administration of the Collection Fund including estimating the surplus or deficit as required by the Local Authorities (Funds) (England) Regulations 1992.	Designated S151 Officer	Executive
38	Reimbursement of reasonable Cashier operating shortages.	Designated S151 Officer	Executive
39	To be responsible for all Treasury Management matters including the borrowing of money, management of investment funds and to take all executive decisions on borrowing, investment or financing and to act in accordance with CIPFA's Code of Practice on Treasury Management in Local Authorities.	Designated S151 Officer in consultation with Director (Strategy, Support & Environmental Services)	Executive
40	Authorisation of the National Non-Domestic Rates 1 Returns (NNDR1).	Designated S151 Officer in consultation with Portfolio Holder for Finance, Legal & Democratic Services	Council
Lead Specialist – Legal/Monitoring Officer			
41	To authorise proceedings in any Court or Tribunal.	District Solicitor & Monitoring Officer	Council
42	To authorise officers to appear in any Court or Tribunal.	District Solicitor & Monitoring Officer	Council
43	Request to Court for warrant for possession in cases where Court Order has not been complied with, subject to right of a member to request referral to a Committee.	District Solicitor & Monitoring Officer	Council
44	Authority to make application for costs in connection with court and tribunal proceedings and planning and enforcement appeals in all cases where he/she considers it appropriate.	District Solicitor & Monitoring Officer	Council

No	Function	Delegated to	Delegated By
45	To defend any legal proceedings brought against the Council in any court or tribunal.	District Solicitor & Monitoring Officer	Council
46	To seek the opinion of Counsel or to appoint outside Solicitors or Counsel provided that the cost can be met from an appropriate heading in a budget.	District Solicitor & Monitoring Officer	Council
47	Power to serve requisitions for information under Section 330 of the Town and Country Planning Act 1990.	District Solicitor & Monitoring Officer	Council
48	Power to serve requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	District Solicitor & Monitoring Officer	Council
Revenues and Benefits			
49	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 charitable rate relief under the Act.	Specialist Team Manager	Executive
50	Registration of charging orders against properties the subject of rate arrears.	Specialist Team Manager	Executive
51	Determination of benefit claims in accordance with the appropriate regulations.	Lead Specialist – Vulnerable People	Executive
Environmental Services			
52	Provision of Floral Displays on payment of charges.	Environmental Services Manager	Executive
53	In respect of Parks, open spaces and other recreational facilities or establishments for which the Director has managerial responsibility:- (i) the variation, for special events, of the charges and opening hours and (ii) approve the occasional use of the same by outside organisations/bodies	Environmental Services Manager	
54	Powers under the Cleaner Neighbourhoods and Environment Act 2005	Environmental Services Manager	Executive
55	Exercise of the Council's powers under Sections 151-154, 163, 164, 167 of the Highways Act 1980.	Environmental Services Manager	Executive
Land and Property			
56	Use of car parks for purposes other than car parking within the agreed Council policy.	Commercial Property, Land & Development Manager	Executive
57	To review and revise rents in leases and to agree the renewal of leases and lettings in respect of properties owned by the Council in accordance with the Financial Procedure Rules.	Commercial Property, Land & Development Manager	Executive

No	Function	Delegated to	Delegated By
Food Safety			
58	Further to the Food Safety and Hygiene (England) Regulations 2013, the appointment of authorised officers under the Food Safety Act 1990 (as amended), and a) any Orders or Regulations made thereunder or relating to the foregoing or having effect by virtue of the European Communities Act 1972 (see note) and b) any modifications or re-enactment to the foregoing. Note: Providing an officer is suitably appointed to so act, the fact that the enforcement powers are contained in a Regulation or Order, whether made under the European Communities Act 1972 or any other stated Act, is irrelevant for the purpose of acting lawfully.	Lead Specialist – Environment	Council & Area Committees
59	Investigation Powers under The Public Health (Control of Diseases) Act 1984, as amended by the health and Social care Act 2008 and Regulations made thereunder, including The Public Health (Infectious Diseases) Regulations 1988.	Lead Specialist – Environment	Council & Area Committees
60	Powers under the Local Government (Miscellaneous Provisions) Act 1982 and similar Acts containing other powers related to the food safety function in relation to sanitary conveniences in places of entertainment etc. and the protection of buildings.	Lead Specialist – Environment	Council & Area Committees
61	To carry out responsibilities vested to the authority contained within the Food and Environment Protection Act 1985 including any regulations and orders made thereunder.	Lead Specialist – Environment	Council & Area Committees
Health and Safety			
62	Powers under the Health and Safety at Work etc. Act 1974 and Regulations made thereunder (including the investigation of accidents and other relevant statutory provisions).	Lead Specialist – Environment	Council & Area Committees
63	To appoint inspectors under the Health and Safety at Work etc. Act 1974.	Lead Specialist – Environment	Council & Area Committees
64	Powers under the Food and Environment Protection Act 1985, with specific regard to the Control Of Pesticides Regulations	Lead Specialist – Environment	Council & Area Committees
65	To authorise proceedings in any court or tribunal under the Health & Safety at Work Act 1974	Lead Specialist – Environment	Council & Area Committees
66	Powers under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995	Lead Specialist – Environment	Council & Area Committees

No	Function	Delegated to	Delegated By
67	To implement the smoke free provisions of the Health Act 2006 relating to smoking in public places and workplaces.	Lead Specialist – Environment	Council & Area Committees
Licensing			
68	To carry out all the functions of the Licensing Act 2003 and Gambling Act 2005 and associated legislation not required to be determined by the Council’s Licensing Committee including (but not by way of limitation) determining whether any variation is a minor or major and its subsequent handling.	Lead Specialist – Environment	Licensing Committee
69	<p>To determine applications for the grant or renewal of licences and permits for, or registration of:</p> <p>Hackney Carriage Vehicles and Drivers; Private Hire Vehicles, Operators and Drivers; Charitable Collections; Acupuncturists, Electrolysis, Tattooists, Ear Piercers, Body Piercers and semi-permanent skin colouring and enforcement of byelaws for such; Scrap Metal Dealers; Sex Establishments; Street Trading.</p> <p>To carry out the enforcement and reporting of licensed and unlicensed door supervisors and their employers.</p>	Lead Specialist – Environment	Licensing Committee
70	In consultation with the relevant Portfolio holder, to review hackney carriage fares - following representations by taxi operators - and, subject to the necessary consultations, to agree any increases within the cumulative inflation rate which has prevailed since the previous increase.	Lead Specialist – Environment	Executive
71	To approve applications for Road Closures for Special Events under the 1847 Police Clauses Act (power to prevent obstructions)	Lead Specialist – Environment	Executive
72	<p>To carry out the inspection, registration or licensing (including the application of conditions) or other approval of:</p> <p>Pet Animal Shops, Animal Boarding and Breeding Establishments, Riding Establishments, Dangerous Wild Animals, Zoos (renewals and transfers only), and commercial premises for health and safety purposes in accordance with the following Acts, Regulations and associated legislation:</p> <p>The Animal Boarding Establishments Act 1963; The Riding Establishments Acts 1964/1970; The Pet Animals Acts 1951/1983; The Breeding of Dogs Acts 1973/1991; Breeding and Sale of Dogs (Welfare) Act 1999; The Breeding of Dogs (Licensing Records) Regulations 1999; The Dangerous Wild Animals Acts 1976/1984; The Zoo Licensing Act 1981; Animals (Scientific Procedures) Act 1986</p>	Lead Specialist – Environment	Licensing Committee

No	Function	Delegated to	Delegated By
73	To allow for changes in best practice, and to recognise the diversity of existing construction and operational techniques, to approve variations to conditions for pet shops, dog and cat boarding establishments, dog breeding establishments.	Lead Specialist – Environment	Licensing Committee
74	Powers under the Sunday Trading Act 1994 in respect of controls over trading on Sundays at large shops.	Lead Specialist – Environment	Licensing Committee
75	Powers under the Police, Factories etc. (Miscellaneous Provisions) Act 1916, Local Government (Miscellaneous Provisions) Act 1982 and the Highways Act 1980 in respect to Street Trading and charitable collections.	Lead Specialist – Environment	Licensing Committee
76	To licence charity collections under the House to House Collections Act 1939	Lead Specialist – Environment	Licensing Committee
77	Powers under the Road Safety Act 2006 in respect of Hackney Carriages and Private Hire Vehicles	Lead Specialist – Environment	Licensing Committee
78	Powers under the Violent Crime Reduction Act 2006	Lead Specialist – Environment	Licensing Committee
79	Enforcement powers under the Animal Welfare Acts	Lead Specialist – Environment	Licensing Committee
80	The preparation of and changes to policy and procedure documents used in Licensing where not already provided for in legislation.	Lead Specialist – Environment	Licensing Committee
Environmental Protection			
81	The authority to enter premises or go onto land to inspect and/or take action to remedy nuisances, to deal with unsatisfactory housing conditions or to deal with other pollution related matters for which the Council has responsibility.	Lead Specialist – Environment	Executive
82	To serve notices and the taking of prosecutions under Parts III of the Environmental Protection Act 1990 concerning Statutory Nuisances. To take similar action for noise nuisance under The Noise Act 1996 and other appropriate legislation including the seizure of noisy equipment.	Lead Specialist – Environment	Executive
83	To take action in relation to a light noise offence under the Noise Act 1996 including the issuing of fixed penalty notices.	Lead Specialist – Environment	Executive
84	To serve notices and the taking of appropriate action under Public Health Acts 1936/1961, Housing Acts 1985/1988/1996/ 2004, the Building Act 1984, the Prevention of Damage by Pests Act 1949, the Clean Air Act 1993, the Control of Pollution Act 1974, the Noise and Statutory Nuisances Act 1993, the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005, Environment Act 1995, Pollution, Prevention and Control Act 1999, The Water Industry Act 1991 and the Anti-Social Behaviour Act 2003 and associated legislation to control pollution, prevent nuisance and maintain public health across the District.	Lead Specialist – Environment	Executive

No	Function	Delegated to	Delegated By
85	To prosecute and undertake work in default in relation to notices served concerning housing and environmental matters delegated to the Lead Specialist - Environmental Health in this document.	Lead Specialist – Environment	Executive
86	To let contracts for rodent control.	Lead Specialist – Environment	Executive
87	To take action under Public Health and Building Act powers to deal with defective drainage of land and buildings.	Lead Specialist – Environment	Executive
88	To carry out of all duties contained within the Public Health (Control of Disease Act) 1984 to control the spread of disease, including the cleansing and disinfection of premises and articles.	Lead Specialist – Environment	Executive
89	To take action under Sections 83, 84 and 85 of the Public Health Act 1936/1961 (Cleansing of verminous articles, persons and clothing).	Lead Specialist – Environment	Executive
90	To take action under the National Assistance Acts 1948 and 1951 to remove people in need of care and attention and to act under other legislation (The Public Health (Control of Diseases) Act 1984) to dispose of dead bodies for which the Council has responsibility.	Lead Specialist – Environment	Executive
91	To enforce legislation related to straw and stubble burning and other smoke nuisance in accordance with The Crop Residues (Burning) Regulations 1993.	Lead Specialist – Environment	Executive
92	To take action under the Water Industry Act 1991 and associated legislation (including the inspection, monitoring and improvement of private water supplies) to ensure the adequacy and wholesomeness of water supplies throughout the district.	Lead Specialist – Environment	Executive
93	<p>The power to grant consents for the operation of loudspeakers contained in Schedule 2 of the Noise and Statutory Nuisance Act 1993 in consultation with the relevant ward member(s), who shall have regard to the following principles: -</p> <p>(a) Consents will not normally be granted other than with respect to traditional carnivals, village fetes, street fairs and charitable fundraising by reputable organisations;</p> <p>(b) Consent is unlikely where the Environmental Health Manager is of the opinion that noise nuisance is likely to arise;</p> <p>(c) Without prejudice to the Environmental Health Manager’s discretion to grant consent subject to conditions, restrictions as to the start and finish times of the consent are likely to be imposed where considered appropriate by that Manager.</p> <p>(Applicants for consent are required to pay such reasonable fees as may be determined by the Environmental Health Manager, such fees to include the cost of a suitable advertisement of the application.)</p>	Lead Specialist – Environment	Executive

No	Function	Delegated to	Delegated By
94	To carry out the granting, variation, transfer or revocation of permits for the control of industrial emissions. The service of notices, prosecution and other enforcement for offences under The Pollution, Prevention and Control Act 1999 and the Environmental Permitting (England and Wales) Regulations 2007.	Lead Specialist – Environment	Executive
95	To take action under the Clean Air Act 1993, the Environmental Protection Act 1990 and other associated legislation (including the approval of chimney heights) to avoid atmospheric pollution.	Lead Specialist – Environment	Executive
96	To carry out the inspection of land and the use of enforcement powers for the remediation of contaminated land under The Contaminated Land (England) Regulations 2000 and Part IIA of the Environmental Protection Act 1990. This concerns the Local Authority's duty to deal with contaminated land.	Lead Specialist – Environment	Executive
97	The review and assessment of air quality (and the production of reports, declaration of air quality management areas and production of action plans thereafter as necessary) under the Environment Act 2005 and associated regulations.	Lead Specialist – Environment	Executive
98	To take action under the Environmental Damage (Prevention and Remediation) Regulations 2009 to deal with incidents causing environmental damage.	Lead Specialist – Environment	Executive
99	Powers Under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to Community protection and under section 77 of that Act in relation to the duration of Closure Orders.	Lead Specialist – Environment	Executive
100	Powers Under Part 7 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to dangerous dogs.	Lead Specialist – Environment	Executive
101	Removal and disposal of abandoned vehicles.	Lead Specialist - Environment	Council
102	Enforcement of Dogs (Fouling of Land) Act 1996, the Dangerous Dogs Act 1991, the Dogs Act 1906 (as amended), Environmental Protection (Stray Dogs) Regulations 1992, The Control of Dogs Order 1992, Road Traffic Act 1988 (Dogs on Roads) and The Control of Dogs on Roads Order (England and Wales) Regulations 1995 and other associated legislation.	Lead Specialist – Environment	Council
103	Discharge of functions under Sections 149 and 151 of the Environmental Protection Act 1990 relating to the control of dogs.	Lead Specialist – Environment	Council
104	Powers under section 80 of the Environmental Protection Act 1990 to enable dog wardens to investigate barking dog issues.	Lead Specialist – Environment	Executive
105	Powers under the Environmental Protection Act 1990 Part II in respect of waste on land and the duty of care.	Lead Specialist – Environment	Executive
106	Powers under the Refuse Disposal Amenity Act 1978 in respect of abandoned vehicles.	Lead Specialist – Environment	Executive

No	Function	Delegated to	Delegated By
107	Service of notice and prosecution for offences under Part IV (litter) and Part VIII (miscellaneous) of the Environmental Protection Act 1990	Lead Specialist – Environment	Executive
108	Powers under the Controlled Waste Regulations 1992	Lead Specialist – Environment	Council
109	Powers under the Street Litter Control Notices Order 1991 (as amended)	Lead Specialist – Environment	Council
110	Powers under The Crime and Disorder Act 1998 in relation to Anti-Social Behaviour	Lead Specialist – Environment	Council
111	To authorise Environmental Enforcement Officers to take action to deal with anti-social behaviour under the Anti-Social Behaviour legislation.	Lead Specialist – Environment	Council
112	To maintain a public register under The Notification of Cooling Towers and Evaporative Condensers Regulations 1992	Lead Specialist – Environment	Executive
Housing			
113	To serve notices and take appropriate enforcement action in relation to the repair and safety of defective, unfit, sub-standard and non-decent housing under Housing and Public Health Act legislation. This includes carrying out work in default. The principal legislation includes the Housing Act 1996/1988, Housing Act 1985, Local Government & Housing Act 1989 and Housing Act 2004.	Lead Specialist – Environment	Executive
114	To carry out the licensing of Houses in Multiple Occupation and the determination and levying of appropriate fees.	Lead Specialist – Environment	Executive
115	To make Management Orders, Control Orders and Direction Orders and the service of other notices to control standards and overcrowding in Houses in multiple occupation under the Housing Act 1985, the Local Government and Housing Act 1989 and associated legislation.	Lead Specialist – Environment	Executive
116	To carry out the approval and payment of Renovation (Empty Property), Disabled Facilities, Common Parts, Houses in Multiple Occupation and Home Repairs Assistance grants. Such grants are made under the Local Government and Housing Act 1989, The Housing Grants Construction and Regeneration Act 1996, and the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 and associated legislation. The refusal of applications that fail to satisfy the adopted policies of the Council.	Lead Specialist – Environment	Executive
117	To inspect and licence camping, caravan and mobile homes sites under Caravan Sites and Control of Development Act 1960 as amended by the Local Government (Miscellaneous Provisions) Acts 1972/1975/1976/ 1982 and associated legislation.	Lead Specialist – Environment	Executive

No	Function	Delegated to	Delegated By
118	To make payment of compensation under the Land Compensation Act 1961 and associated legislation in relation to unfit properties (including the payment of disturbance and home loss payments).	Lead Specialist – Environment	Executive
119	To make and remove Demolition Orders and Closing Orders and the protection of buildings under the Housing, Building Acts and Local Government (Miscellaneous Provisions) legislation. Also the taking of action in relation to ruinous, dilapidated or dangerous buildings.	Lead Specialist – Environment	Executive
120	To agree loans and the payment of fees for loan payments as part of the Home Loan scheme operated by the Wessex Reinvestment Trust. The provision of other financial assistance as allowed under the Regulatory Reform (Housing Assistance)(England and Wales) order 2002	Lead Specialist – Environment	Executive
121	To take action under the Housing Act 2004 in relation to the Health and Safety Rating System.	Lead Specialist – Environment	Executive
Environmental Health and Community Protection			
122	Powers under the Criminal Justice and Public Order Act 1994 in relation to travellers and unauthorised campers	Lead Specialist – Vulnerable People	Council & Area Committees
123	Powers under The Crime and Disorder Act 1998 in relation to Anti-Social Behaviour	Specialist Team Manager	Council & Area Committees
124	Powers of inspection under Section 19(2) of the Private Security Industry Act 2001 by Officers authorised by the Security Industry Authority.	Lead Specialist – Environment	Council & Area Committees
125	To authorise Environmental Health Officers to take action to deal with anti-social behaviour under the Anti-Social Behaviour legislation.	Lead Specialist – Environment	Council & Area Committees
126	The preparation of and changes to policy and procedure documents used in Environmental Health	Lead Specialist – Environment	Council
Strategic Planning			
127	To assess housing need for the district in accordance with approved policies.	Lead Specialist – Strategic Planning	Executive
128	Management of Goldenstones Pool, Wincanton Sports Centre and Westlands Sports & Fitness Centre (currently contracted to LED)	Lead Specialist – Strategic Planning	Executive

No	Function	Delegated to	Delegated By
129	In consultation with the relevant Portfolio Holder to assess need and set appropriate local standards for open space, sport and recreation facilities for the district in accordance with approved policies.	Lead Specialist – Strategic Planning	Executive
Housing & Welfare			
130	To authorise expenditure within delegated cash limits on the repair, maintenance and improvement of those properties leased or managed on behalf of the Council	Commercial Property, Land and Development Manager	Executive
131	In consultation with the relevant Portfolio Holder agree minor changes to the Allocations Scheme and other agreements in place with partner landlords participating in the South Somerset Housing Register (or any replacement therefore) where these changes are required as a result of changes to statutory obligations or requirements.	Specialist Team Manager	Executive
132	To determine applications for capital subsidy towards social housing (RSL etc.) provision in accordance with approved policies and authorise approved expenditure; agree requisite nomination rights where appropriate.	Specialist Team Manager	Executive
133	To authorise the allocation of additional capital subsidy towards social housing (RSL etc.) provision of up to 10% of the original approved allocation.	Specialist Team Manager	Executive
134	In consultation with the relevant Portfolio Holder agree terms (and any Service Level Agreements) with anybody to use the Housing Advice Centre where their presence or work contributes towards the prevention or resolution of homelessness and other personal crises or is otherwise in accordance with any relevant strategy or policy then in place.	Lead Specialist – Vulnerable Customers	Executive
135	To consider and determine upon homelessness and housing register appeals if applicant remains dissatisfied after review - Housing Act 1996, Part VI & VII (as amended by Homelessness Act 2002)	Lead Specialist – Vulnerable Customers	Executive
136	To recover bed & breakfast, removal and storage costs.	Lead Specialist – Vulnerable Customers	Executive
137	To set fees for Careline services.	Lead Specialist – Vulnerable Customers	Executive
138	To enter into agreements with suppliers in relation to services for upgrading and maintaining Careline equipment subject to strict compliance with the Council's Standing Orders	Lead Specialist – Vulnerable Customers	Executive
139	To recover debts from clients of Careline	Lead Specialist – Vulnerable Customers	Executive
140	To manage, repair, maintain and improve within delegated cash limits all equipment relating to the operation of the Control centre and Careline	Lead Specialist – Vulnerable Customers	Executive

No	Function	Delegated to	Delegated By
141	To approve revenue subsidy to various partner agencies where their work is directly contributing towards the prevention or resolution of homelessness and other personal housing crises and/or towards any relevant strategy or policy then in place, within overall budget limits	Lead Specialist – Vulnerable Customers	Executive
142	To set pitch fees and other related charges for Gypsy and Traveller sites.	Commercial Property, Land and Development Manager	Executive
Sport, Arts, Leisure and Countryside			
143	Management of Octagon Theatre and Westlands Entertainment Venue	Arts & Entertainment Venues Manager	Executive
144	Management of Yeovil Recreation Centre and Country Parks	Leisure & Recreation Manager	Executive
145	In respect of swimming pools, public halls, parks, open spaces and other recreational facilities or establishments for which the Director (Commercial Services & Income Generation) has managerial responsibility:- (i) the variation, for special events, of the charges and opening hours and (ii) approve the occasional use of the same by outside organisations/bodies	Leisure & Recreation Manager; Environmental Services Manager	Executive
146	The loan of museum exhibits.	Leisure & Recreation Manager	Executive
147	Erection of stiles, gates and other structures on Council owned land.	Leisure & Recreation Manager	Executive
148	The award of tourism grants up to £500.	Director (Commercial Services & Income Generation)	Executive
Locality			
149	The award of grants to area based organisations up to £1,000 in accordance with the Council's policy on grants.	Locality Team Manager	Executive
150	Management of Equipped Play Area and Youth Facilities	Locality Team Manager	Executive
Highways and Streets			
151	Applications for diverting, stopping up and extinguishment of public rights of way and confirmation of consequent orders, subject to consultation with Ward Members.	Case Team Manager	Council
152	Making of orders temporarily closing bridleways and footpaths subject to closure not exceeding three months, including the giving of notice to Ward Member(s) and Parish Council	Case Team Manager	Council

No	Function	Delegated to	Delegated By
153	Temporary closures of highways by reason of works.	Case Team Manager	Executive
154	Numbering of properties in street not involving changes in existing numbers.	Case Team Manager	Council
155	Street naming and numbering where the developer, the Parish Council and the Area Chairman are in agreement.	Case Team Manager	Executive

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No	Function	Delegated to	Delegated By
Development Management (Planning)			
156	<p>The determination of all applications made to the District Council for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, is delegated to the Lead Specialist (Built Environment) except in the following cases, which, apart from points (f) to (i), do not apply to householder planning applications and applications for Listed Building Consent: -</p> <p>(a) A Ward Member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice Chairman in consultation with the Director (Service Delivery). (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chair and Vice Chairman there should be nominated substitutes to ensure that 2 other members would be available to make decisions. All assessments and decisions to be in writing.</p> <p>(b) Director (Service Delivery) in consultation with the relevant Area Chairman considers that, due to the nature of the application, the Committee should consider it.</p> <p>(c) The application is recommended for approval and would represent a significant departure from the policies of the development plan or from the views of a technical statutory consultee (e.g. the County Highway Authority, the Environment Agency, Natural England). (Refusals for proposals directly in conflict with local plan policy to be delegated)</p> <p>(d) The application is recommended for approval and falls into the category of a 'major major' application</p> <p>(e) The proposal involves either Council as applicant or landowner, except in the case of small-scale proposals and where no objections have been received when the Director (Service Delivery) will take the decision in consultation with the Chairman of the Regulation Committee and the relevant Ward and Divisional Member(s), and subject to the decision being signed off by the Monitoring Officer of the District Council</p> <p>(f) The applicant is a councillor of Council.</p> <p>(g) The applicant is a member of either Council's management team, a service manager, or is a member of either Council's staff who, in the course of their duties, has an input in to the planning application process.</p> <p>(h) Any other application from employees of either Council may be delegated, subject to prior notification to the Monitoring Officer of the District Council.</p> <p>(i) Any application where an employee of either Council is involved in any capacity as either agent or consultant.</p> <p>See the General Principles of operation of this part of the Scheme as set out after No. 190 below.</p>	Director (Service Delivery); Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee

No	Function	Delegated to	Delegated By
Tree Preservation Matters			
157	The making of Tree Preservation Orders under Section 198 and provisional Tree Preservation Orders under Section 201 of the Town and Country Planning Act 1990 subject to where objections to the Order are received from the Town/Parish Council or any other interested persons, the Director (Service Delivery) must refer the matter to the Area Committee, prior to the Order being confirmed, unless after consultation with the Area Chairman and relevant Ward Members, it is considered not to be necessary.	Director (Service Delivery); Lead Specialist - Built Environment (Planning)	Area Committees & Regulation Committee
158	The approval of the lopping, topping and felling of trees not subject to such Orders in conservation areas, after consultation with the Ward Member(s).	Lead Specialist – Built Environment (Planning); Environment Services Manager (<i>where tree is on public open space</i>)	Area Committees & Regulation Committee
159	To act as a Proper Officer for the issue of Tree Preservation Orders.	Lead Specialist - Built Environment (Planning)	Area Committees & Regulation Committee
Other Matters Relating to Development Management			
160	The determination of all notifications, including applications for Permission in Principle and for Technical Details consent.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
161	The approval of minor amendments to approved plans (within the agreed protocol)	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
162	The making of observations on minor development proposals by local authorities or statutory undertakers.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
163	The making of observations on minor applications upon which the Council is consulted by a neighbouring planning authority.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee

No	Function	Delegated to	Delegated By
164	The approval of minor overhead lines where they are not contentious.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
165	The making of representations to the Licensing Authority on applications for goods vehicle operators' licences, in consultation with the Ward Member(s).	Specialist Team Manager	Area Committees and Regulation Committee
166	Acceptance of non-contentious proposals for development submitted for consultation by Government Departments and agencies entitled to Crown exemption.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
167	The determination of Certificates of Lawfulness of existing and proposed uses or development.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
168	The approval or refusal of items reserved for further approval by a condition attached to a planning permission or approval, or an advertisement or listed building consent (for example, details of landscaping or materials).	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
169	Issue of Building Preservation Notices and the issue of Urgent Works Notices under s.54 Planning (Listed Buildings and Conservation Areas) Act 1990 (after consultation with Area Chairman and/or Ward Member(s)).	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
170	All forms of planning enforcement action and Stop Notice action.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
171	The making and amendment/variation of Section 106 Agreements, agreeing consents to the release of land from such agreements and the making of Revocation and Discontinuance Orders (subject to there being no compensation payable in respect of such Orders).	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee

No	Function	Delegated to	Delegated By
172	Grants and loans under the Planning (Listed Buildings and Conservation Areas) Act 1990, in consultation with Ward Members if necessary, subject to report on decisions being submitted to the Area Committee.	Director (Service Delivery)	Area Committees and Regulation Committee
173	The making of Article 4 Directions (after consultation with Area Chairman and/or Ward Member(s)).	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
174	Power to serve requisition for information under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and the service of contravention notices under Section 1 of the Planning and Compensation Act 1991.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
175	Passing of second resolutions for deemed planning permission in respect of applications not regarded as significant - in consultation with the Chairman of the Regulation Committee, the chairman of the relevant Area Committee and the relevant Ward Member(s).	Lead Specialist - Built Environment (Planning)	Regulation Committee and Area Committees
176	To authorise officers to carry out the functions set out in Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Lead Specialist - Built Environment (Planning)	Executive
177	Decisions under the Planning (Hazardous Substances) Act 1990.	Lead Specialist – Environment	Area Committees and Regulation Committee
178	The serving of Hedgerow Retention Notices in accordance with the criteria and requirements of the Hedgerow Regulations 1997, after consultation with the relevant Ward Member(s) where practicable.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
179	To provide scoping and screening opinions under the provisions of the Town and Country Planning Act (Environmental Impact) Regulations 1999.	Lead Specialist - Built Environment (Planning)	Area Committees and Regulation Committee
180	Power under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 to deal with dangerous trees.	Lead Specialist - Built Environment (Planning)	Council
181	All powers under Part 8 of the Anti-Social Behaviour Act 2003 relating to complaints about high hedges	Lead Specialist - Built Environment (Planning)	Council

No	Function	Delegated to	Delegated By
182	The determination of householder applications	Lead Specialist - Built Environment (Planning)	Council
183	The determination of applications for Listed Building Consent.	Lead Specialist - Built Environment (Planning)	Council
Building Control			
184	Notices requiring works to be carried out in connection with demolition of buildings pursuant to Sections 81 & 82 of the Building Act 1984.	Specialist - Building Control	Executive
185	The approval and rejection of plans under Section 16 of the Building Act 1984.	Specialist - Building Control	Council
186	The approval and refusal of an extension of time during which temporary buildings can be retained under Section 19 of the Building Act 1984.	Specialist - Building Control	Council
187	The approval and rejection of means of escape in case of fire under Section 72 of the Building Act 1984.	Specialist - Building Control	Council
188	The service of notices requiring the exposure or demolition of works where contravention is suspected under Section 36 of the Building Act 1984.	Specialist - Building Control	Council
189	Dispensation and relaxation of requirements under Regulation 11 of the Building Regulations 2000 (as amended).	Specialist - Building Control	Council
190	The issue of Completion Certificates or certificates of final inspection under Regulation 17 of the Building Regulations 2000 (as amended)	Specialist - Building Control	Council
191	Authority under Section 78 of the Building Act 1984 in respect of emergency powers to deal with dangerous structures.	Specialist - Building Control	Council
192	Service of Notice to uncover work requiring inspection under Regulation 15(6) of the Building Regulations 2000 (as amended).	Specialist - Building Control	Council
193	To act as the 'Appointing Officer' as required under S.10 (8) of the Party Wall Etc. Act 1996.	Specialist - Building Control	Council

Applications, Approvals and Consent – General Principles of Operation within Delegated Scheme

1. All Members are notified of applications within their wards. Members can subscribe to a weekly list of applications through the District Council's web site.
2. Members are encouraged to view the plans either in the offices, with their parish councils or via the internet. Members are also encouraged to contact the case officer if there are any queries or if they want to discuss issues of principle or detail.
3. Officers are encouraged to contact Members where they feel that the matter may be contentious and this should be done as soon in the process as possible.
4. If any conflicting view is expressed on an application (i.e. if there is a letter of support on an application which officers recommend for refusal or an objection letter where the officer wishes to approve) the officer will email the Ward member a copy of their report.
5. A 7-day turnaround for responses will be strictly applied.
6. If any of the Ward Members consulted disagree with the Officer's recommendation on a Level 1 application, they should advise the case officer in writing on the relevant proforma, with clearly stated planning issues that give them concern. This should be done as soon in the process as possible.
7. The Case Officer will then send the report to the relevant Area Chair with a risk assessment if necessary. Should the Area Chair agree with the Ward Member rather than the Case Officer, then he/she should discuss with the Director (Service Delivery) whether a decision can be issued in accordance with the Ward Member's views under delegated powers.
8. In the case of Level 2 applications, if a Member wishes any application to be considered by the Area Committee, they should advise the Case Officer in writing on the relevant proforma, with clearly stated planning issues that give them concern. This should be done as soon in the process as possible.
9. Where the request by a Ward Member for an application to be considered by the Area Committee is agreed by the Area Chairman, or in their absence, the Vice Chairman, the reason given by the Ward Member should be included in the report.
10. If a scheme is capable of minor revision to overcome the Members' concerns (such as the addition of a condition) the Case Officer will seek to achieve such revisions with the applicant, provided it can be achieved within the deadline for decision.

11. Where Members have spoken to the officers they must exercise care not to go on public record with their views of a planning application, as this could mean that they may be excluded from the process later on (predetermination).
12. Members should not enter into any negotiations or discussions relating to planning applications with applicants or agents, as this will mean that they may be excluded from the process later on.
13. Householder/Other applications will not normally be presented to a committee as they raise issues of only local impact. It is expected that Members will work through any issues arising from the proposal with the Case Officer managing that process and with the involvement of applicants/agents as appropriate.
14. Where a decision is made that is contrary to the view of the Parish Council the Case Officer will write to the Parish Council and explain their reasons for taking a contrary view. A copy of the Case Officer's report may be sufficient in these circumstances.

Statutory and Proper Officers Appointed by Council

Section A

Proper Officers for the purposes of signing any Notice, Order or other document (apart from those under seal) which a local authority is authorised or required to serve under any enactment.

Chief Executive
Director (Strategy, Support & Environmental Services)
Director (Service Delivery)
District Solicitor & Monitoring Officer

The signing of documents under seal.

Chief Executive
Director (Strategy, Support & Environmental Services)
Director (Service Delivery)
District Solicitor & Monitoring Officer

Section B

Schedule of Consultants

Any person for the time being employed as a Consultant in Health Protection in the South West region of the UK Health Security Agency (UKHSA).

Are appointed as “Proper Officers” of South Somerset District Council for the purposes of the following Legislation:

Legislation	Part, Section or Regulations	Effect
The Health Protection (Notification) Regulations 2010	Regulations 2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.

The Director (Service Delivery) shall authorise staffing changes in relation to Proper Officers in Section B above.

Section 7. The Membership and Terms of Reference of Committees and Panels

Council Body	Membership
Council	All Councillors
District Executive	Ten Councillors, including the Leader and Deputy Leader as further described in Article 7
Scrutiny Committee	Fourteen Members politically balanced
Regulation Committee	Fourteen Members, politically balanced and, as far as practicable, drawn equally from each of the four area committees
Audit Committee	Ten Members - politically balanced
Licensing Committee	Fifteen Members
Area Committees	Each of the four area committees comprise all those District Council members elected from that area as further described in Article 10
Standards Committee	Six District Councillors and three parish representatives co-opted as non-voting members. Composition is further described in Article 9
Appointments Committee	Seven Members - politically balanced
Appeals Panel	Pool of Eight Members - politically balanced

Terms of Reference of Committees and Panels

1. District Executive

1.1 General

The District Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. It is responsible for all executive functions and those local choice functions specified as being the responsibility of the District Executive.

1.2 Specifically

The District Executive shall:

- Co-ordinate the policy objectives of the Council, monitor progress towards the corporate objectives, and give the Area Committees strategic direction.
- Consider recommendations from Area Committees, Scrutiny Committee, Audit Committee and Portfolio holders on policy development and change.
- Recommend key priorities for the Council and the overall policy framework.
- Agree core minimum standards for service delivery.
- Consider Referrals from Area Committees on matters which have major policy or resource implications.
- Keep under review the Council's financial affairs and receive reports from the relevant Director and Section 151 officer on matters for which he/she is responsible.
- Recommend the Capital Programme, revenue budgets and the level of Council Tax.
- Agree resource allocation procedures and processes, including service planning and performance review arrangements.
- Receive reports on matters relating to the overall staff establishment, discipline, training and welfare, redundancies and early retirements, conditions of employment and performance monitoring.
- Approve strategic disposals and acquisition including:
 - leases
 - sales of land valued in excess of £10,000

2. Area Committees

2.1 General

Each Area Committee shall monitor service delivery in its area, provide leadership for its communities, and take decisions on regulatory matters such as planning applications and statutory orders. They shall also take executive decisions as specifically delegated by the Executive.

2.2 Specifically

The Area Committees shall:

- Within their area, take decisions in respect of non-executive functions as listed in section 3 of this Constitution; and
- take executive decisions as set out section 4 of Part 3 of this Constitution.
- They may also take all other non-executive (regulatory) decisions required to be made by the Council and affecting their area only, and which are not reserved to be taken by any other committee, or the Council itself.

- Determine planning applications within its area subject to guidelines in respect of referrals to the Regulation Committee.
- Discuss any matter of interest to the area.
- Oversee and monitor the operation of services in their area.
- Oversee capital schemes to include budgetary control in cases where this has been delegated by the District Executive.
- Manage local regeneration projects within financial limits agreed by District Executive.
- Prepare Area Action Plans.
- Make nominations to serve on outside bodies.
- Form working groups and panels subject to budgetary constraints and notification to the District Executive.
- Approve sales of land up to the value of £10,000.
- Play an enabling role by taking opportunities to provide services and benefits for the people of the area in collaboration with external agencies.
- Foster a close working relationship with Town and Parish Councils in the area.
- Consult and consider the views of the public on area priorities and provide opportunities for public participation, working in collaboration with external agencies.
- Submit to the District Executive ideas for improvements to services or innovative ways of working which may be of interest or benefit to other Areas.
- Contribute towards the formulation of district-wide policies.
- Be responsible for the local area aspects of the Community Plan.

2.3 Decisions to be the District Executive

The following decisions need to be referred to the District Executive:

- Matters of policy which have district wide significance
- Matters that might have an impact on more than one area (planning matters will be referred to the Regulation Committee in accordance with agreed guidelines)
- Expenditure not covered by an approved budget or within the approved capital programme
- Sales of land over £10,000.

3. Scrutiny Committee

The Scrutiny Committee shall monitor and scrutinise the performance of the Council and its services and make recommendations on any issue for which the Council is responsible or which affects the local community including those services provided by outside agencies. The Committee will undertake or commission reviews of policy, including value for money checks and keep an overview of the Council's political management arrangements.

The Scrutiny Committee is not able to take decisions but makes recommendations to either the District Executive or the full Council.

There are three main elements to the work of the Committee:

- To "call in" decisions taken by the Executive or Area Committees but not implemented. It can ask the District Executive or Area Committee to re-consider its decision.
- To review the implementation of decisions and ask the District Executive or full Council to look at a particular area of policy in respect of which the decision was made.

- c. To undertake detailed reviews of issues either within or outside the council

4. Audit Committee

4.1 Our Audit Committee is a key component of South Somerset District Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our audit committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of South Somerset District Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

4.2 Governance, risk and control

- (i) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- (ii) To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- (iii) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (iv) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- (v) To monitor the effective development and operation of risk management in the council.
- (vi) To monitor progress in addressing risk-related issues reported to the committee.
- (vii) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- (viii) To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- (ix) To monitor the counter-fraud strategy, actions and resources.
- (x) To review the governance and assurance arrangements for significant partnerships or collaborations.

4.3 Internal audit

- (i) To approve the internal audit charter.
- (ii) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- (iii) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- (iv) To approve significant interim changes to the risk-based internal audit plan and resource requirements.

- (v) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- (vi) To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- (vii) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
 - b) regular reports on the results of the QAIP
 - c) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- (viii) To consider the head of internal audit's annual report:
 - a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- (ix) To consider summaries of specific internal audit reports as requested.
- (x) To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- (xi) To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- (xii) To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.
- (xiii) To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

4.4 External audit

- (i) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- (ii) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- (iii) To consider specific reports as agreed with the external auditor.
- (iv) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (v) To commission work from internal and external audit.

- (vi) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

4.5 Financial reporting

- (i) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- (ii) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- (iii) To review and recommend to Council changes to Financial Procedure Rules and Procurement Procedure Rules.

4.6 Treasury Management

- (i) To provide a scrutiny role in Treasury Management matters including regular monitoring of treasury activity and practices.
- (ii) The committee will also review and recommend the Annual Treasury Management Strategy Statement and Investment Strategy, MRP Strategy, and Prudential Indicators to Council.

4.7 Accountability arrangements

- (i) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- (ii) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- (iii) To publish an annual report on the work of the committee.

5. Standards Committee

- The Standards Committee promotes and maintains high standards of conduct by Members and Co-opted Members;
- Advises, trains or arranges to train Members and Co-opted Members of the Council on matters relating to the Authority's Members' Code of Conduct and wider propriety issues, including issuing guidance where appropriate;
- Recommends the adoption or revision of any Council Codes of Conduct for Members and Co-opted Members, and monitors the operation of such code(s) of conduct;
- Deals with the assessment and determination of complaints under the Members' Code of Conduct relating to Members and Co-opted Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where an investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.

- Takes decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct, including –
 - Reporting its findings to Council [or to the Parish Council] for information;
 - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee);
 - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
 - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
 - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
 - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - Restricting contact to named officers or requiring contact be through named officers; or
 - The exclusion of [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- Advises on the management of statutory and other registers of interest and gifts / hospitality received;
- Advises the Council on possible changes to the Constitution (except the Council and Cabinet Schemes of Delegation) in relation to the key documents and protocols dealing with members conduct and ethical standards;

6. Regulation Committee

The Committee shall:

- Determine applications for planning permission referred from the Area Committees in accordance with the approved guidelines set out in this document and the Planning Reimagined Reports to Council in February 2021.
- Pass Resolutions in respect of significant Council applications for planning permission.

7. Licensing Committee

The Committee shall be responsible for those licensing functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by

members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

8. Appointment Committee

The Committee shall make appointments to director level posts in accordance with the Human Resources Management Rules (see Part 4)

9. Appeals Panel

The Panel will be constituted in line with the Council's Disciplinary Procedures.

Scheme of Delegation Reference of Planning Applications to the Regulation Committee for Determination

The referral of planning applications to the Regulation Committee is only necessary in the following cases:

- (A) All Major Major applications (without consultation with the relevant Area Committee).
- (B) Major Applications submitted by SSDC shall be determined by the Regulation Committee following consultation with the relevant Area Committee.
- (C) Applications which an Area Committee wishes to refuse, where, in the opinion of the Director (Service Delivery), the proposed grounds for refusal would be difficult to substantiate - ***unless the Area Committee is prepared to meet any costs arising from such a refusal from their Area Budget.***
- (D) Applications which have significance, or interest, throughout the District, or a substantial part of it, or which affect more than one Area Committee.
- (E) Applications which the Area Committee wishes to approve which would constitute a significant departure from Structure or Local Plans or other approved planning policies: These will usually fall within the following categories.

i. Outside Defined Limits of Development

- New industrial, commercial or general purpose residential development in open countryside without a planning justification
- Agricultural dwellings, including mobile homes, and other dwellings for which special need is unsubstantiated.
- New dwellings within small settlements without development limits other than infilling by single dwellings which would not cause demonstrable harm without a planning justification.

ii. Inside Defined Limits of Development

Applications involving substantial change in the use of land or buildings where planning policies do not provide for such change e.g. shopping, industrial or commercial proposals or the loss of employment land or open space.

iii. Anywhere

- Significant proposals which would, in the opinion of the Director (Service Delivery), be substantially damaging to the character of a listed building or a conservation area.
- Significant proposals which would conflict with a relevant previous decision, unless there has been a change in planning policy or other significant material consideration since the earlier decision.
- Any other proposal where planning permission would set a precedent which would significantly undermine the Council's planning policy on a district wide basis.

Note: *Where the Director (Service Delivery) requires clarification of the 'significance' of a proposal, in policy terms, guidance will be sought from the Chairman or Vice-Chairman of the appropriate Area Committee. The inclusion of asterisks ** as part of the Director's (Service Delivery) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept the officer recommendation. As the reason for refusal in this situation may put the Council at risk in costs, the Lead Planning Officer at the Committee in consultation with the Chair and the District Solicitor can recommend that an application should be referred to Regulation Committee even if it has not been **.*

Part 4

Rules of Procedure (Standing Orders)

July 2022

Council Procedure Rules

1. Annual Meeting of the Council

1.1 Timing And Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
 - (ii) elect the Chairman of Council;
 - (iii) elect the Vice-Chairman of Council;
 - (iv) approve the minutes of the last meeting;
 - (v) receive any announcements from the Chairman.
 - (vi) elect the Leader;
 - (vii) agree the number of Members to be appointed to the District Executive and appoint those members of the Executive;
 - (viii) appoint a Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate - to deal with matters which are neither reserved to the Council nor are District Executive functions (as set out in Part 3 of this Constitution);
 - (ix) agree the scheme of delegation (as set out in Part 3 of this constitution);
 - (x) approve a programme of ordinary meetings of the Council for the year;
- and
- (xi) consider any business set out in the notice convening the meeting.

1.2 Selection Of Councillors On Committees And Outside Bodies

At the annual meeting, the council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the District Executive.

2. Ordinary Meetings

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Chairman, Leader, or Portfolio holders.
- (v) deal with any business remaining from the last Council meeting;
- (vi) receive reports from the District Executive and the Council's Committees including the Area Committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of proposals from the District Executive in relation to the Council's budget and policy framework and reports of the Portfolio holders, Policy Commissions and the Scrutiny Committee for debate.

2.2 Items for Early Debate

Party Group Leaders may request an item, including motions be brought forward in the agenda. Requests to be received by the Specialist - Democratic Services by no later than 12 noon on the day of the Council meeting. In the event of competing requests the decision on varying the order of agenda items shall be taken by the Chairman.

3. Extraordinary Meetings

3.1 Calling Extraordinary Meetings.

Those listed below may request the Specialist - Democratic Services to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. Time and Place of Meetings

The time and place of meetings will be determined by the Specialist - Democratic Services Specialist and notified in the summons.

5. Notice of and Summons to Meetings

The Specialist - Democratic Services Specialist will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Specialist - Democratic Services Specialist will send a summons signed by the Director (Support Services) by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

7. Quorum

The quorum of a meeting will be one quarter of the whole number of members except where authorised by the Council. In no case shall the quorum of a Committee be less than three members. The Council has decided that the quorum of the Regulation Committee shall be seven members (half the membership). During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Duration of Meeting

Unless the majority of members present vote for the meeting to continue, any meeting of the Full Council that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Public Participation

9.1 Public Question Time

Questions, statements or comments from members of the public will be allowed at the beginning of each scheduled meeting of the Council and Committees. Questions should be directed to Executive Portfolio holders who may where appropriate ask an officer to reply.

9.2 Time for Public Questions

The period allowed for participation shall not exceed 15 minutes except with the consent of the Council or Committee. Each individual speaker shall be restricted to a total of three minutes.

9.3 Notice

Questions need not be submitted in advance, in writing, but questions presented in that form are likely to receive a more detailed reply.

9.4 Asking The Question At The Meeting

Speakers will be asked to stand when they address the meeting and, where a question is asked, the answer may take the form of:-

- (a) a direct oral response; or
- (b) where the desired information is contained in a publication of the Council, reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer will be provided.

Every question shall be put and answered without discussion although the questioner may be permitted to ask supplementary questions relating to the question.

9.5 Scope Of Questions

The Chairman may disallow any question, statement or comment if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

9.6 Number Of Questions

At any one meeting no person may submit more than 2 questions and no more than 2 such questions may be asked on behalf of one organisation.

9.7 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

9.8 Reference Of Question To The District Executive Or A Committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the District Executive or the appropriate Committee or Panel. Once seconded, such a motion will be voted on without discussion.

9.9 Comments on Agenda Items

Members of the public who wish to speak on specific agenda items, such as planning applications, will be allowed to do so at the discretion of the Chairman of the meeting. The detailed rules in relation to public participation at committees are included in Part 5 of this Constitution.

9.10 Petitions

Petitions may be received at any meeting of the Council or appropriate Committee (and which shall include any Area Committee) in accordance with the Council's Petition Scheme set out in Part 8 of the Constitution.

10. Questions by Members

10.1 On Reports of the District Executive Or Committees

A member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the District Executive or a Committee when that item is being received or under consideration by the Council.

10.2 Questions on Notice At Full Council

Subject to Rule 10.3, a member of the Council may ask:

- the Chairman;
- the Executive Portfolio Holder;
- the Chairman of any Committee or Sub-Committee;

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

10.3 Notice of Questions

A member may only ask a question under Rule 10.2 if either:

- (a) they have given at least 3 working days notice in writing of the question to the Specialist - Democratic Services Specialist; or
- (b) the question relates to urgent matters, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the Specialist - Democratic Services Specialist by 12 noon on the day of the meeting.

10.4 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

10.5 Supplementary Question

A member asking a question under Rule 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

11. Motions on Notice

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by the Member or Members giving notice, must be delivered to the Specialist - Democratic Services Specialist not later than seven days before the date of the meeting. These will be entered in a book open to public inspection.

11.2 Motion Set Out In Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the district.

11.4 Motions for which notice has been duly given, the subject matter of which comes within the province of any Committee, Committees or Portfolio Holder, shall, upon being moved and seconded stand referred without discussion to such Committee or Committees or Portfolio Holder, or to such other Committee, Committees Portfolio holder as the Council may determine, for consideration and report. Provided that the Chairman may, if he/she considers it convenient and conducive to the dispatch of business, allow such motions to be dealt with at the meeting at which they are brought forward.

12. Motions Without Notice

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 3 hours in duration.
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13. Rules of Debate

13.1 No Speeches Until Motion Seconded

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

13.2 Right To Require Motion In Writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

13.3 Secunder's Speech

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

13.4 Content And Length Of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman.

13.5 When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

13.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of Motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of Motion

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

13.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 Motions Which May Be Moved During Debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 3 hours in duration.
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of Order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

13.13 Personal Explanation

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

14. State of the District Debate

14.1 Calling of Debate

The Leader may call a state of district debate annually on a date and in a form to be agreed with the Chairman.

14.2 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of district debate.

14.3 Chairing of Debate

The debate will be chaired by the Chairman.

14.4 Results of Debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the District Executive in proposing the budget and policy framework to the Council for the coming year.

15. Previous Decisions and Motions

15.1 Motion To Rescind A Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.

15.2 Motion Similar To One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Council Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. Voting

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members who are entitled to vote, voting and present in the room at the time the question was put. Other than as provided for in Procedure Rule 16.2 members shall only be entitled (if they are firstly entitled to vote) to a maximum of one vote in relation to any business.

16.2 Chairman's Casting Vote

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

16.3 Show Of Hands

Unless a recorded vote is demanded or required under Rule 16.4 or 16.4A, the Chairman will take a vote by show of hands, with the numbers for and against the motion or amendment or abstaining from voting being recorded in the minutes. However, should it appear to the Chairman that there is general agreement he/she may call only for those dissenting and those abstaining. Those numbers to be recorded in the Minutes.

16.4 Recorded Vote

If ten members (or one half of a committee membership) present at a meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing by roll-call and entered into the minutes.

16.4A At a Budget Decision Meeting of the Council:-

- a) Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the Members who cast a vote for or against the decision or who abstained from voting.
- b) Reference to a "budget decision meeting" for the purposes of Rule 16.4A means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meetings.
- c) Reference to a "vote" for the purposes of Rule 16.4A are references to a vote on any decision related to the meeting or calculation as the case may be.

16.5 Right to Require Individual Vote to be Recorded

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

16.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

17. Minutes

17.1 Signing The Minutes

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

17.2 No Requirement To Sign Minutes Of Previous Meeting At Extraordinary Meeting

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

18. Record of Attendance

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

19. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. Members' Conduct

20.1 Standing To Speak

When a Member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 Chairman Standing

When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member Not To Be Heard Further

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move

that the member be not heard further. If seconded, the motion will be voted on without discussion.

20.4 Member To Leave The Meeting

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

20.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

20.6 Disclosable Pecuniary Interests

20.6.1 A Member with a Disclosable Pecuniary Interest in a matter to be considered, or being considered at a meeting must:

- (a) disclose the interest; and
- (b) explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to Rule 20.6.2 below);

and unless he/she has been granted a dispensation:

- (c) not participate in any discussion of, or vote taken on, the matter at the meeting; and
- (d) withdraw from the meeting room completely whenever it becomes apparent that the business is being considered; and
- (e) not seek improperly to influence a decision about that business.

20.6.2 Where a Disclosable Pecuniary Interest, has been agreed by the Monitoring Officer as being a Sensitive Interest, the Member need only disclose the existence of the interest but not its nature.

21. Disturbance by Public

21.1 Removal Of Member Of The Public

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

21.2 Clearance Of Part Of Meeting Room

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

22. Suspension and Amendment of Council Procedure Rules

22.1 Suspension

All of these Council Rules of Procedure except Rule 16.6 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

22.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, unless the motion is moved in pursuance of a recommendation of a committee.

23. Application to Committees and Sub-Committees

23.1 All of the Council Rules of Procedure apply to meetings of full Council. All the Rules of Procedure shall also apply to meetings of committees including the Area Committees and Sub-Committees with the exception of Rules 8 and 20.1 and rules relating to public speaking. See public participation protocol at Part 5 of this Constitution.

General Standing Orders

24. Reference Up of Decisions

- 24.1 Where a Committee acting under delegated powers considers a particular question at a meeting and, immediately after the question has been put to the vote, not less than 5 members of the Committee, or a third of the membership of the Committee - whichever is the lesser - wish to invoke the provisions of this Standing Order, the Committee shall submit a report on the use of the delegated powers to the Council at its next meeting and, subject to the provisions of paragraph 24.4, the decision shall be treated as a recommendation.
- 24.2 A similar provision shall apply where not less than 15 members from the whole Council wish to question the use of delegated powers by a Committee in which case the Committee shall submit a report on the decision questioned to the next meeting of the Council. If the Committee has not acted upon the decision it shall be held in abeyance until the Council meeting.
- 24.3 Notice under paragraph 24.2 questioning the use of the delegated powers shall be signed by 15 members and delivered to the Democratic Services Specialist by not later than 9.00 a.m. (or by first post if that is later) on the seventh day before the Council meeting at which it is to be considered.
- 24.4 Paragraphs 24.1 and 24.2 shall not apply to any question which arises from an item of business:-
- (a) where a Committee has to make a decision before the next meeting of the Council because the Council has an obligation arising from the nature of the business to be transacted or, in the opinion of the Monitoring Officer, delay would prejudice the Council's position.
 - (b) which concerns the appointment, discipline or dismissal of a member of staff.
 - (c) which is a planning application

25. Record of Attendances

- 25.1 Every member of the Council attending a meeting of the Council, or of any of its Committees of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.

26. Interest of Members in Contracts and Other Matters

- 26.1 Members of the Council will have regard to the Code of Conduct adopted by the Council and set out in Part 5 of the Constitution.

27. Interest of Officers in Contracts

- 27.1 The Executive Assistant to the Chief Executive shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the Council.

28. Custody of Seal

- 28.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Democratic Services Specialist.

29. Authentication of Documents for Legal Proceedings

- 29.1 Where the production of any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by a Proper Officer of the Council unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

30. Inspection of Documents

- 30.1 Any member of the Council may inspect and make a copy of any document in the possession or under the control of the Council and which the member may require in the course of his/her duties as a member of the Council.
- 30.2 A member may not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any pecuniary interest within the meaning of Sections 94 and 95 of the Local Government Act 1972.
- 30.3 The Proper Officer may decline to allow inspection of any document which in his/her opinion discloses exempt information of a description for the time being falling within paragraphs 1 to 7, Part I of Schedule 12A to the Local Government Act 1972 (as amended).
- 30.4 Any document provided for a member and marked "Not for Publication" shall be exclusively for the use of that member and shall not be disclosed to any other person.
- 30.5 All members of the public over the age of 18 have the right to see, to correct factual errors in and to add comments to, all personal records and files held on them by the Council with the exception of legally privileged information.
- 30.6 The right to inspect and request correction of any data covered by the Data Protection Act 2018 shall be subject to the provisions of that Act and of the Council's Data Protection Policy.
- 30.7 All members and employees of the Council who are concerned with the control and/or use of personal data as defined by the Data Protection Act 2018 shall be subject to the provisions of the Act and of the Council's Data Protection Policy.

31. Information

- 31.1 Officials of the Council shall not be required to compile statistical information for members of the Council unless the request for such information has first received the approval of the Council or appropriate Committee or Strategy Group.

32. Inspection of Lands, Premises etc

- 32.1 Unless specifically authorised to do so by the Council or a Committee, a member of the Council shall not issue any order in respect of any works which are being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

33. Appointment of Committees

- 33.1 The Council shall at the annual meeting appoint such Statutory and Standing Committees, and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:-
- (a) shall not appoint any member of a Committee so as to hold office later than the next annual meeting of the Council;

- (b) may at any time dissolve or alter the membership of a Committee;
- (c) the District Executive and any other Standing Committee(s) will, so far as practicable, reflect the political composition of the Council so that all political groupings shall be represented thereon in proportion to their elected members on the Council, except in so far as individual parties or Councillors might waive their rights.

34. Emergency Procedure

- 34.1 Unless otherwise provided the Chief Executive or in their absence the appropriate Director shall, from time to time, (after consulting the Chairman of the Committee concerned, or, in his/her absence, the Chairman of the Council or the Vice-Chairman of the Committee concerned), take all necessary steps for protecting the interests of or advancing the business of the Council, providing that action taken shall in all cases be reported to the next appropriate meeting of such Committee.

35. Constitution of Committees

- 35.1 The Chairman of the Council, and the Leader and Deputy Leader of the District Executive may attend and speak (but may not vote) at any meeting of a Committee including Area Committees or Sub-Committee of which they have not been appointed as voting members.

36. Persons Presiding in Committees

- 36.1 The Council may appoint Chairmen to preside at meetings of Committees and may also appoint persons to preside in the absence of those Chairmen.
- 36.2 A Committee may appoint a Chairman to preside at meetings of any Sub-Committee appointed by them or a person to preside in the absence of the Chairman.
- 36.3 If any appointments possible under the previous two paragraphs are not made, the Committee shall, at their first meeting after the Annual Meeting of the Council, appoint a Chairman to preside at their meetings and may, in the same way, appoint a person to preside in the absence of the Chairman.
- 36.4 If the persons appointed under the previous paragraphs of this Standing Order are absent, a meeting of a Committee or Sub-Committee/or Strategy Group or Sub-Group shall appoint, from among the voting members present, a person to preside at that meeting.

37. Special Meetings of Committees

- 37.1 The Chairman of a Committee or the Chairman of the Council may call a special meeting of the Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee, delivered in writing to the Democratic Services Specialist but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

38. Sub-Committees

- 38.1 Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.
- 38.2 The Chairman and the Vice-Chairman of the Committee may attend and speak at a meeting of any Sub-Committee appointed by that Committee but may not vote unless appointed as a voting member.

39. Quorum of Committees and Sub-Committees

- 39.1 Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present. Provided that in no case shall the quorum of a Committee be less than three members.
- 39.2 Except as aforesaid or otherwise ordered by the Committee which has appointed it, business shall not be transacted at a meeting of a Sub-Committee unless at least one quarter of the whole number of the Sub-Committee is present. Provided that in no case shall the quorum of a Sub-Committee be less than three members.

40. Attendance at Committee

- 40.1 Any member of the Council may be invited by the Chairman/Portfolio holder or relevant Director to attend a meeting of any Committee or Sub-Committee of which he/she is not a member.
- 40.2 Where a member is not appointed to serve on a particular Standing Committee or Sub-Committee he/she shall nevertheless have the right to attend meetings and, with the agreement of the Chairman, to speak on matters on the agenda.
- 40.3 Provided that a member who has moved a motion which has been referred to any Committee under the Council Rules of Procedure shall be given an opportunity of explaining the motion at the meeting at which it is considered.

- Note**
- (a) In addition to the specific rights mentioned in this Standing Order, members can attend any meeting and can observe the entire proceedings. Such attendance will not rank as approved duty except in the case of attendance at a meeting of the District Executive. Members will not have to leave the meeting if a resolution excluding the press and public is passed. They will, however, have to leave the room if an item is discussed in which they have an interest.
 - (b) Notwithstanding the provisions mentioned in 40 (2) above, members have the right to attend and speak at meetings of Area Committees on which they do not serve when planning applications affecting Wards adjoining the Ward which they represent are being considered.

40.(A) Somerset Waste Partnership Board – Substitute Members

- 40.(A) 1 Subject to the following rules, any member of the Council may act as a substitute for another member appointed by the Council at any meeting of the Somerset Waste Partnership Board provided that the rules of that body so permit. The substitute member shall be as agreed by the Leader of the Council and need not be a member of the same political group as the member being replaced.
- 40.(A) 2 The Leader of the Council may only appoint a substitute member when the appointed member of the Somerset Waste Partnership Board is not able to attend and the substitute appointment shall last only for that meeting. In relation to the Somerset Waste Board if both appointed members are unable to attend a meeting of the Board then at least one of the substitute members must be a member of the District Executive Committee.
- 40.(A) 3 Where the Leader has exercised the power to appoint a substitute member he shall advise the Chief Executive and the Democratic Services Specialist in writing of the substitution as soon as possible and in any event before the meeting is due to take place. In relation to the Somerset Waste Board the Strategic Director shall ensure that any procedural requirements of the Board are complied with and that the substitute member is aware of the Somerset Waste Partnership Board's

requirements.

- 40.(A) 4 A substitute member shall have the same rights of speaking and voting at meetings of the Committee and Board as the appointed member for whom he or she is the substitute.

As soon as the substitute member has been appointed by the Leader of the Council the other appointed member shall not be entitled to attend the meeting of the Committee or Board to which the substitution applies without the Leader of the Council having first revoked in writing the appointment of the substitute member and notified the officers referred to in paragraph 40(A).3 above of such revocation.

40.(B) Appointment of substitute Members at Meetings of Committees

- 40.(B) 1 This procedure rule shall be subject to review at each Annual Meeting of the Council and shall cease to apply unless the Council resolves it shall continue.
- 40.(B) 2 Other than is provided for in Procedure Rules 40(A) and 40(B) no other substitute arrangements are allowed. No substitution is allowed in relation to the Area Committees, Licensing Committee or the District Executive Committee.
- 40.(B) 3 If a member of a Committee is unable to attend a meeting or meetings of that Committee then they should provide their Group Leader (i.e. the relevant Leader of their political group or the Leader of the independent Members as applicable) with the identity of another member who is prepared to act as their substitute. The Group Leaders are entitled to appoint any member to act as a substitute and are not under any obligation to accept the recommendation of the member who is seeking a substitute. The Group Leaders will endeavor to discuss and agree any proposed substitutions with the Chairman or Vice Chairman of the relevant Committee before the meeting but the Chairman or Vice Chairman's consent to any substitution is not required. Due to the restrictions referred to in paragraph 40(B)4 below, members need to ensure that the appropriate training or instruction has been or will be undertaken by the proposed substitute member before the meeting.
- 40.(B) 4 Before the substitute can attend a meeting of the relevant committee as a substitute member they must have received the appropriate training or instruction from officers and the Chairman of the relevant committee (as appropriate) sufficient to enable them to be familiar with the working arrangements, any legal requirements, the procedures of the committee and the work for which the committee is responsible. The training or instruction required for each committee (if any) is set out in paragraph 40(B)(10)
- 40.(B) 5 A substitute may only be appointed to attend a meeting when an appointed member of the relevant committee is not able to attend and the substitute appointment shall last only for that meeting unless otherwise agreed by the Group Leader.
- 40.(B) 6 Before the start of any meeting where a substitute is to be used, the Leader of the political group concerned or the Leader of the independent members (or their Deputies) shall notify the Democratic Services Specialist of the substitution and which member is to attend the meeting as a substitute member. It is recommended that this notification be in writing rather than verbal and be given as soon as reasonably practicable.
- 40.(B) 7 At the start of any meeting for which a substitution has been arranged, the Democratic Services Officer, shall announce that the absent member or each of them (if more than one) apologises for their absence and that the named member

has been appointed to serve as their substitute.

- 40.(B) 8 If the absent member is subsequently able to attend a meeting for which a substitute has been appointed and they are present for the start of the meeting (and before the announcement in paragraph 40(B)7 has been made) then, with the agreement of the nominated substitute, they can be re-instated and take part in the meeting.
- 40.(B) 9 If the absent member is subsequently able to attend a meeting for which a substitute has been appointed, but arrives after the meeting has opened and the announcement has been made in paragraph 40(B)7 above, they shall be entitled to attend the meeting and speak in accordance with Procedure Rule 40, but not vote.
- 40.(B)10 The minimum training and instruction requirements referred to in paragraph 40(B)(4) are as follows:-

Audit Committee

- Role of the Audit Committee - this would include an understanding of its responsibilities in sound corporate governance and the different roles of those that report to Audit Committee including Internal and External Audit.
- Risk Management - an understanding of the Audit Committee role.
- Treasury Management - providing a scrutiny role requires an understanding of the Treasury Management Strategy including an understanding of risk and reward in placing investments. A general understanding of financial instruments and their liquidity and risk profile.
- Statement of Accounts - a basic understanding of the key financial accounting statements to be able to challenge and approve the annual Statement of Accounts.

The training required could be tailored to the items on the particular agenda. The most technical areas are those required for the Statement of Accounts and Treasury Management. Members of the Finance Team can deliver all the necessary instruction and guidance, in usually one hour or up to two hours for the more technical areas to give a basic overall understanding.

Scrutiny Committee

- To meet with the Scrutiny Specialist together with the Chairman of the Committee and go through the scrutiny handbook which outlines the principles and practices relating to the scrutiny function.
- To meet with the Scrutiny Specialist (if practicable, failing which a telephone discussion will be acceptable) to go through the agenda so they are aware of the context of the reports that are to be considered at the next meeting.
- Where convenient attend any Scrutiny training arranged for members of the Scrutiny Committee.

Regulation Committee

- As the only other committee at which planning applications are discussed is the Regulation committee and as all members will have had instruction in relation to the determination of planning matters, there are no additional training requirements although it is advisable that more experienced members are chosen where appropriate.

41. Financial Administration

- 41.1 Every Member-level body and Officer of the Council shall conform with the financial arrangements made by the Council under the provisions of Section 151 of the Local Government Act 1972 as outlined in the Financial Procedure Rules and Contract Procedural Rules contained within this Constitution.

CONTRACT PROCEDURE RULES

(Contract Standing Orders)

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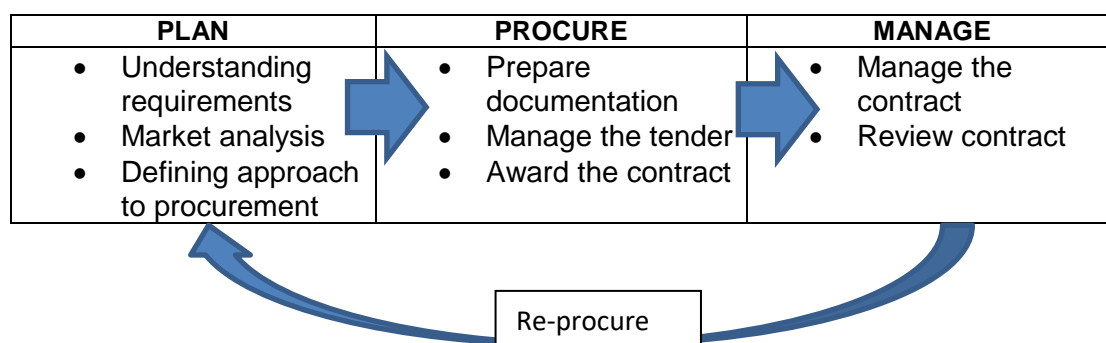
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1. Introduction and key principles

1.1 Introduction

1.1.1 These Contract Procedure Rules provide South Somerset District Council (SSDC) Officers and Councillors with the parameters and essential guidance to be followed throughout the Procurement lifecycle shown in Figure 1 below:

Figure 1 Stages of the Procurement Lifecycle



1.1.2 Key reference documents

Key reference documents to the Contract Procedure Rules are:

- SSDC Procurement Strategy 2020
- SSDC Social Value Policy
- SSDC Contract Management Framework.

1.2 Background

1.1.1 SSDC is obligated by S135 of the Local Government Act 1972 to make procedure rules to ensure competition and regulate the procurement process. This document sets out the Contract Procedure Rules (the “Rules”) that Officers at South Somerset District Council (SSDC) and consultants engaged in any capacity to manage or supervise the procurement of any goods, works or services for SSDC must follow when spending money to deliver our services to the people of South Somerset.

1.1.2 Observance of the Rules is mandatory and non-compliance with these Rules may constitute grounds for disciplinary action. The Procurement Specialist is responsible for monitoring and reporting on non-compliance and agreeing proportionate action with Officers (**Refer to Appendix 3 Monitoring Compliance with Contract Procedure Rules**).

1.1.3 The Rules have the following purpose:

- a) To ensure compliance with all legal requirements and to assist officers in achieving best practice;
- b) To ensure transparency, openness, non-discrimination and fair competition;
- c) Demonstrate probity, consistency, accountability and integrity;
- d) To achieve value for money;
- e) To protect the Council, Councillors and Officers from the risk of challenge, undue criticism or allegations of wrongdoing; and
- f) To support delivery of the SSDC's Procurement Strategy.

1.1.4 Where other general guidance provided to Officers appears to conflict with the Rules then the Rules have precedence. In any cases of doubt, advice must be sought in the first instance from the Procurement Specialist. The administration, monitoring and governance of the application of these Rules is the responsibility of the Section 151 Officer.

1.1.5 If there is any relevant change to English or International Law which affects these Rules, then that change must be observed until these Rules can be revised. Where there is a difference between these Rules and the current legislation, the legislation will prevail.

1.2 Compliance

1.2.1 Every contract entered into on behalf of SSDC must comply with:

- a) These Contract Procedure Rules;
- b) The Council's Financial Procedure Rules;
- c) All relevant English legislation;
- d) The Public Contract Regulations 2015 (PCR2015). These continue to apply until repealed and replaced following exit from the EU on 31 December 2020. The PCR2015 can be viewed at:

<https://www.legislation.gov.uk/uksi/2015/102/contents/made>

- e) The Concessions Contracts Regulations 2016 (CCR). The CCR2015 can be viewed at:

<https://www.legislation.gov.uk/uksi/2016/273/contents/made>

1.2.2 If there is any doubt about the application of the Rules, the issues should be referred in the first instance to the Procurement Specialist.

1.3 Application of the Rules

1.3.1 These Rules apply to:

- a) All contracts for the supply of goods, works or services to SSDC;
- b) Partnership and collaborative arrangements with other Local Authorities where the Council is not the Lead Authority. Assurance is to be sought that the Lead Authority is acting in compliance with its own Contract Procedure Rules; and
- c) Concession Contracts where the Council grants rights, land or property in return for services or for a particular use.

1.3.2 These Rules do not apply to:

- a) Contracts solely for the acquisition, disposal or transfer of any interest in land; or
- b) Contracts of employment that make an individual a direct employee of the Council.

1.4. Exemptions and waivers to these Rules (Refer to Paragraph 4.2 for process)

1.4.1 Under the Local Government Act 1972, Contract Procedure Rules made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.

1.4.2 The expectation is that the Procurement Procedure Rules will be followed. However, an automatic exemption may apply or a waiver to the requirements of the Contract Procedure Rules may be requested when PCR2015 rules for above threshold procurements do not apply. For Goods and Services, the PCR2015 threshold is £213,477 and it is £5,336,937 for Works contracts.

For further information on thresholds, please refer to Procurement Policy Note 10/21 – Thresholds and Inclusion of VAT at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041964/Procurement_Policy_Note_10_21_-_New_Thresholds_Values_and_Inclusion_of_VAT_in_Contract_Estimates.pdf

1.4.2 Automatic exemption applies when:

- a) Goods, works or services procured in a genuinely unforeseeable emergency (e.g. natural disasters such as flooding or fires, immediate changes to legislation) because of a need to respond to events that were beyond the genuine control of the Council.

Any such contract entered into by the Council must not be for a term of more than 6 months. It must be noted that not allowing sufficient time to tender will not be considered an emergency;

- b) Life or death – where there is a significant chance that the life or health of Officers, Councillors or the public will be put at real risk;

1.4.3 A waiver to the Rules may be requested where one or more of the following circumstances apply:

- a) Legal services falling within Regulation 10(1)(d) of the Public Contracts Regulations 2015;
- b) Dealings in the money market or obtaining finance within Regulation 10(1)(e) and 10(1)(f);
- c) Purchases at auction or at public fairs or markets;
- d) Contracts falling within the Light Touch Regime for services listed in Schedule 3 of the PCR2015;
- e) Goods or materials are proprietary items or are sold only at a fixed price and no satisfactory alternative is available;
- f) Contracts for the execution of mandatory works by statutory undertakers, such as utilities providers;
- g) Goods or Services where the Council's needs are only capable of being met by one supplier and where the contract assists the Council in meeting its statutory duties;
- h) Where a contract for the execution of works or the undertaking of services or the supply of goods involves highly specialised technical, scientific or artistic knowledge such that it is not possible to achieve competitive tenders;
- i) Where the work to be executed or the goods or materials to be supplied consists of repairs to or the supply of parts for existing machinery or plant or are additions to an existing style or design which would involve the council in greater cost and additional work in trying to harmonise two differing systems, designs or solutions;
- j) Where waiving the application of the Rules would be in the interests of the efficient management of SSDC services (i.e. where the Council would incur avoidable cost or reduced income by not waiving the application of the Rules);
- k) Limited markets – supply of the product or service is demonstrably restricted to a single source of supply;
- l) Where under specific one-off project conditions it is demonstrated that Value for Money is to be achieved by approaching one supplier to deliver goods, works or services within well-defined parameters; or,

- m) Other unforeseen circumstances or specific project conditions that would result in unacceptable commercial and/or reputational impact.

1.4.4 Above PCR2015 threshold exemptions

a) Teckal exemption

Some contracts above the PCR2015 threshold may be subject to a Teckal exemption. This applies in circumstances where SSDC awards contracts for providing services or works to an organisation considered to be equivalent to an 'in-house' provider. The Teckal exemption is subject to strict legal tests regarding whether a proposed supplier is to be regarded as an 'in-house' provider.

b) Inter-Authority co-operation

Where Local Authorities and Public Bodies work together to jointly discharge their shared responsibilities to deliver public services, as opposed to one public body acting as the other's service provider.

c) Trading companies

Where a Local Authority sets up a trading company, the specific structure of that trading company will determine whether the PCR2015 apply or not. In the first instance advice should be sought from the Procurement Specialist.

2.0 Procurement framework

2.1 The Procurement Cycle

The Contract Procedure Rules and all associated guidance is organised to support Officers in managing the three stage of the procurement cycle as shown in [Figure 1](#): Plan, Procure and Manage.

2.2 Procurement Framework

SSDC has created a Procurement Framework based on four contract bands according to the value of the goods, works or services being procured. These are shown in Table 1 below:

Table 1: SSSC Procurement Framework

Contract band description	Goods and Services estimated value limit	Works estimated value limit	Summary requirement	Authority to recommend procurement
Very low value	£0 - £5,000	£0 - £10,000	<p>At least one written quotation</p> <p>Anyone with procurement responsibility must operate in accordance with Financial Procedure Rules.</p> <p>Any purchase in excess in excess of £500 must have a Purchase Order raised.</p>	<p>Procuring Officer: Anyone with the required procurement responsibility and competency.</p> <p>Approval by an authorised signatory.</p>
Low value	£5,001 - £25,000	£10,001 - £25,000	<p>A minimum of three written quotations</p> <p>Application of waiver may be applied through appropriate approval route. Anyone with procurement responsibility must operate in accordance with Financial Procedure Rules.</p> <p>Any purchase in excess in excess of £500 must have a Purchase Order raised.</p>	<p>Anyone with the required procurement responsibility and competency</p> <p>Approval by an authorised signatory under Financial Procedure Rules.</p>

Medium value	£25,001 – PCR2015 threshold (£213,447)	£25,001 – PCR2015 threshold (£5,336,937)	Default position is Request for Quotations or ITT using standard documentation via e-tendering system to select list or on an open basis subject to supply market conditions. Application of waiver may be applied through appropriate approval route.	Anyone with the required procurement responsibility and competency. Approval by an authorised signatory under Financial Procedure Rules.
High value	>PCR2015 threshold (£213,447)	>PCR2015 threshold (£5,336,937)	ITT using e-tendering system following PCR2015 rules and regulations	Anyone with the required procurement responsibility and competency. Approval by an authorised signatory under Financial Procedure Rules.

2.2 Identifying the right procurement procedure

2.2.1 The following process steps should be followed:

1. You have a requirement
2. Can it be met from an existing resource or contract?
3. What are the key outcomes sought?
4. What is the estimated value of the contract (annual price x duration)?
5. Is it for goods, services or works?

6. Identify the right procedure to follow, depending on the value, complexity and risk.

2.2.2 Appendices 1a and 1b provide a summary of procedure selection.

3. Officer Responsibilities

Table 2 Officer Responsibility matrix

Officer	Plan Stage	Procure Stage	Manage Stage
Procuring Officer (including Lead Specialist and Director of Service Area)	Approve procurement commencement and confirm budget Understand what is required Explore supplier market Consider best approach to market, consulting with Procurement Specialist as necessary Consider contract management requirements at planning stage	Write the specification With support of procurement, develop the tender documentation Evaluate and identify preferred supplier in accordance with the Procurement Procedure Arrange for contract signing Prepare mobilisation plan	Implement Contract Management approach as defined at Planning Stage and in accordance with the Contract Management Framework
Procurement Specialist and/or Procurement Business Partners	Support Procuring Officer in defining the most appropriate approach to the market	Support Procuring Officer to produce tender documentation	Support contract mobilisation as required

		Oversee the tender process	Monitor compliance with the Rules
Monitoring Officer	Support any contract planning	Provide advice on contract clarifications	Agree contractual terms in more complex cases
Section 151	Have oversight of budget requirements for high value procurements	Provide Finance support on evaluation (as required)	Approve budget commitment for high value procurements

3.1. Conflicts of Interest

3.1.1 Members of staff must avoid any conflict between their own interests and the interests of the Council. This is a requirement of the Council's Code of Conduct for Officers and includes:

- a) Not accepting gifts or hospitality from organisations or suppliers that the Council has dealings with;
- b) Not working for organisations or suppliers that the Council has dealings with;
- c) Notifying the Procurement Specialist in writing if an Officer has links with an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council (for example, where a family member or close friend works for the organisation).

3.1.2 All consultants engaged to act on behalf of the Council must declare that they will avoid any conflict between their own interests or those of any of their other clients and the interests of the Council.

3.1.3 If a Councillor or a member of staff has an interest (direct or indirect), financial, otherwise, in a contract or proposed contract, he/she must declare it in writing to the Monitoring Officer as soon as he/she becomes aware of the interest. A Councillor or member of staff who has an interest in a contract must not take part in the procurement or management of that contract.

3.1.4 The Monitoring Officer must maintain a record of all declarations of interest notified by Councillors and Officers.

3.2 Prevention of Bribery and Corruption

3.2.1 A contract may be terminated immediately and any losses to SSDC arising from the termination recovered from the supplier, if the supplier, or anyone acting on his behalf (with or without the supplier's knowledge), offers or promises or gives a financial or other advantage to a Councillor, any member of staff, or any consultant in connection with the contract.

3.2.2 Any Councillor, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed fraud, bribery or corruption, must report it to the Monitoring Officer.

3.3 Relevant Legislation

3.3.1 For the purposes of these Contract Procedure Rules, Relevant Legislation is defined as the following legislation:

- a) Public Contracts Regulations 2015 (PCR 2015);
- b) Concession Contracts Regulations 2016 (CCR 2016);
- c) Localism Act 2011;
- d) Public Services (Social Value) Act 2012;
- e) Freedom of Information Act 2000;
- f) General Data Protection Regulation (GDPR) and the Data Protection Act 2018;
- g) Equality Act 2010;
- h) Modern Slavery Act 2015;
- i) Transfer of Undertakings (Protection of Employment) Regulations 2006;
- j) Any industry or sector-specific legislation pertaining to the subject matter of the Contract.
- k) The following SSDC policy areas:

Whistleblowing policy (SSDC)

Conflict of Interest Declaration (SSDC)
Communications Policy (including restrictions and joint Communications) - SSDC
Anti-Bribery Policy (SSDC)
Data Retention Policy (SSDC)
Safeguarding Policy (SSDC)
Complaints Policy (SSDC)
Environmental Policy (SSDC)
Business Continuity Planning (Policy / Framework) (SSDC)
Prompt Payment Scheme (Public Sector)
Data Security Policy (SSDC)
Data Protection Policy (SSDC)
Public Sector Equalities Duty (Legal Requirement)
Equalities Policy (SSDC)
Health & Safety Policy (SSDC)
Employment Law
Compliance Statement on Living / Minimum Wage (SSDC)

3.3.2 The Procuring Officer should be aware that the Relevant Legislation may operate to dictate the method of procurement and the content of any related contract.

3.3.3 When planning and preparing all procurement and contracting activities the Procuring Officer shall have regard to the Relevant Legislation and seek advice from the Procurement Specialist where necessary to ensure that any applicable Relevant Legislation has been complied with.

3.3.4 Procurement activity in SSDC is devolved to individual Service Directors, who are supported in their purchasing activities by the Procurement Specialist, Case Officers, other SSDC Specialists as relevant and the Monitoring Officer.

3.3.5 Each Director must ensure that Officers within their service area having responsibility for procuring contracts (the Responsible Officer(s)) have received adequate training on the role and are aware of and follow the Rules and guidance when letting contracts.

4 Plan stage - defining the procurement

4.1 Authority to proceed

4.1.1 Before commencing any procurement, the Procuring Officer must ensure that the appropriate authority to proceed is in place in accordance with the [Procurement](#)

[Framework](#) for the contract given its value, strategic importance and potential risks to SSDC. Appropriate business approval is to be sought by the Procuring Officer and the required budget confirmed in advance of any procurement exercise.

4.2 Automatic exemptions or Waivers

- 4.2.1 Automatic exemptions or waivers may be applied in accordance with paragraph 1.4 of the Contract Procedure Rules.
- 4.2.2 The Procurement Specialist is responsible for maintaining a register of procurement waivers and ensuring all waivers awarded are reported to the Monitoring Officer on a quarterly basis.
- 4.2.3 For contracts less than £25,000, the Procuring Officer must complete the relevant Waiver Request Form (See Appendix 2 for content) and seek the approval of the Procurement Specialist and the relevant Lead Specialist.
- 4.2.4 For contracts at and above £25,000 and below PCR2015 Threshold, the Procuring Officer must complete the relevant waiver request form and seek the approval of the Procurement Specialist and the relevant Service Director.
- 4.2.5 The Procuring Officer is responsible for ensuring that the waiver request forms are duly completed and signed prior to the award of a contract.
- 4.2.6 No waiver will be granted for contracts over The PCR2015 Threshold unless expressly permitted by the Director of Strategy and Commissioning and the Monitoring Officer and in accordance with 'above threshold' exemptions.
- 4.2.7 Regardless of whether a waiver has been sought, the necessary authorisations to procure, award, amend or sign a contract must also be obtained.

4.3 Early Market Engagement

- 4.3.1 Officers may, prior to commencing the procurement process and on the advice of the Procurement Specialist, consult potential suppliers in general terms about the nature, level and standard of the supply and seek market views and intelligence that can be used in the planning and conduct of the procurement process.

4.4 Estimating the Contract Value

- 4.4.1 The value of a contract is the total amount that the Council expects to pay for the contract over its expected lifetime, including any additional options, lots, renewals and/or extensions. The value used should be exclusive of VAT.
- 4.4.2 Where the contract period is indefinite or uncertain, the value must be calculated on the basis that the contract will be for a period of 48 months.
- 4.4.3 Contracts must not be packaged or divided into smaller units for the purpose of creating lower value contracts to avoid any provision of these Rules or the PCR2015 (disaggregation). When tendering, consideration must be given to the extent to which

it is appropriate to divide the contract into lots to facilitate opportunities for local suppliers, small and medium sized enterprises and voluntary organisations.

- 4.4.4 The repeat direct award of contracts or purchase orders for the same or similar services, whatever the value of the individual contracts/purchase orders, to the same supplier will, for the purposes of determining the aggregated contract value and the application of these Rules, be regarded as extensions to a single contract. Rolling contracts are subject to evidence of benchmarking requirements to ensure continued value for money and form part of spot checks by Procurement Specialist.

4.5 Use of Framework Agreements

- 4.5.1 The Procurement Specialist is responsible for maintaining a register of Framework Agreements that SSDC has access to.
- 4.5.2 The use of framework agreements is permitted for any value of contract. The Procurement Specialist must be consulted, and confirmation given that the Council may lawfully access the framework before a purchase. The relevant Director must be informed of SSDC access to a Framework Agreement.
- 4.5.2 In order to select a supplier for a call-off contract under a multi-supplier Framework Agreement, or to conduct a mini competition, the Procuring Officer must follow the procedure set out in that Framework Agreement.
- 4.5.3 The Procuring Officer may make a direct award under a Framework Agreement when its call-off procedures allow and the call-off must be in accordance with the Framework procedures for award.

4.6 Insurances

- 4.6.1 It is the responsibility of the Procuring Officer, in consultation with the Procurement Specialist to set, where appropriate, adequate levels of insurance for every procurement.
- 4.6.2 The Procuring Officer must ensure that any insurance required by the Council is held by the provider with a reputable insurance company and that the policy/s are renewed as necessary during the contract period.

4.7 TUPE

- 4.7.1 Where relevant, the Procuring Officer must consider the implications of the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended and consult with the Procurement Specialist as to their application to the specific procurement.

4.8 Performance Bond

- 4.8.1 The Procuring Officer must consult the Procurement Specialist and Section 151 Officer concerning whether a performance bond or a deposited sum is needed where:
- a) The contract is for construction and the value of the contract is in excess of £500,000; or

- b) The contract value is above £1,000,000; or
- c) Where it is proposed to make stage or other payments in advance of receiving the whole of the contract and there is a concern about the stability of the candidate.
- d) For any value contract where the risk presented to SSDC is significant e.g. reputational.

4.9 Parent Company Guarantee (PCG)

4.9.1 The Procuring Officer must consult the Procurement Specialist and Section 151 Officer concerning whether a parent company guarantee is needed where:

- a) The Total Contract Value exceeds the PCR2015 Threshold; or
- b) The award of the contract is based on the evaluation of the parent company or there is some concern about the stability of the supplier.

4.10 Collateral Warranty

4.10.1 The Procuring Officer must consult the Procurement Specialist and Monitoring Officer concerning whether under specific contract conditions a collateral warranty is needed whereby an agreement needs to be put in place with a third party outside of the primary contract.

4.11 Environmental sustainability

4.11.1 In accordance with the SSDC Procurement Strategy and the SSDC Social Value Policy, the Procuring Officer must consider how to incorporate the principles of sustainability into each procurement. The Procurement Specialist can provide support in this subject area.

4.12 Social Value

4.12.1 In accordance with the Social Value Act 2012, SSDC Procurement Strategy and the **SSDC Social Value Policy** the Procuring Officer must consider how the procurement might improve the economic, social and environmental well-being of the area. The Procurement Specialist can provide support in this subject area.

4.13 Equality and diversity

4.13.1 In accordance with the **SSDC Procurement Strategy** and the Equality Act 2010, the Procuring Officer must have due regard to the public sector equality duty. All suppliers will be expected to comply with Equality legislation to deliver contracts fairly and without unlawful discrimination.

4.14 Value for money

4.14.1 The Procuring Officer must consider the criteria required to determine what represents value for money for the given contract. This must be defined before commencing a procurement. The Procurement Specialist can provide support in this subject area.

4.15 Form of Contract

4.15.1 All contracts, regardless of value, will be accompanied either by the Council's:

- a) Relevant Standard Terms and Conditions of contract; or,
- b) A standard form of contract; or,
- c) Bespoke terms.

4.15.2 Further guidance regarding the contract terms to be included in SSDC contracts can be sought from the Monitoring Officer.

4.15.3 All Contracts are to be executed in accordance with these Contract Procedure Rules.

5. Procure stage – managing the procurement

Before commencing any procurement, the Procuring Officer must complete all the planning identified in Section 4 of these Contract Procedure Rules as required relative to the value, strategic importance and risk to SSDC presented by the requirement.

5.1 Procurements below the PCR2015 threshold value (£213,447 for Goods and Services and £5,336,937 for Works

(The threshold calculation should be done inclusive of VAT from 1 January 2022)

5.1.1 For procurements with a Total Contract Value below the PCR2015 Threshold, the Procuring Officer must act in accordance with SSDC procedural guidance.

5.2 Procurements above the PCR2015 threshold value

5.2.1 For procurements with a Total Contract Value in excess of the PCR2015 Threshold, the Procuring Officer must consult with the Procurement Specialist to develop the procurement sourcing strategy.

5.3 Specification of SSDC requirements

5.3.1 Each procurement must be appropriately specified, using early market engagement as required.

5.3.2 The specification must be a clear and comprehensive description of SSDC's requirements and should incorporate measurable and, so far as is possible, objective quality and performance criteria to enable a proper assessment to be made of the supplier's ability to meet SSDC's requirements. The Specification standard template provides guidance on this.

5.3.3 Selection and Award criteria, aligned to the specification of requirements, must be agreed in advance of inviting expressions of interest to ensure SSDC obtains value for money and the procurement process is transparent.

5.4 Standard Procurement Documents

5.4.1 The Procuring Officer must use standard SSDC Procurement Documents obtained from the Procurement Specialist, where the value of the contract is above £25,000 and an SSDC tender procedure is used.

5.4.2 If a Framework Agreement or a Dynamic Purchasing System (DPS) is used, the Procuring Officer must use the relevant Framework Agreement or Dynamic Purchasing System documents if required.

5.4.3 Where it is necessary to vary the documents at 5.4.1 or 5.4.2, the Procuring Officer must consult with the Procurement Specialist or the external Framework Manager as appropriate.

5.5 Overview of the Procurement Procedure Framework for SSDC and PCR2015 financial thresholds

5.5.1 The procedure to be adopted is determined by the lifetime value of the specific contract.

5.5.2 The procedure must be robust, yet proportionate to the value of the contract.

5.5.3 The relevant financial thresholds and the applicable procedures are set out in Appendix 1 to these Contract Procedure Rules.

5.5.4 Use of SSDC's Electronic Tendering System

Where a contract value estimate is in excess of £25,000, the following requirements apply:

- a) SSDC's Electronic Tendering System must be used where an SSDC procedure is run. This can be for selected suppliers or via an open tender competition, depending on the specific supply market. Officers should refer to the Procurement Specialist for further information on this.
- b) A Contracts Finder Notice must be published if an open tender competition is used.

5.6. The Procurement Procedures relative to financial thresholds

5.6.1 The following is applicable to each procedure:

- a) Where there is a suitable Framework Agreement, Dynamic Purchasing System or Corporate Contractual Arrangement approved by the Procurement Specialist, that Framework Agreement, Dynamic Purchasing System or Corporate Contractual Arrangement will be used, provided that such a course of action achieves the principles of Value for Money;

- b) Where acceptance of a quote or tender is made by the issuing of a Purchasing Order, the Purchase Order must refer to the Council's Standard Terms and Conditions of Contract, except for where the complexity of the contract requires more bespoke terms, in which case the Purchase Order will make separate reference to these;
- c) Unless otherwise specified in these Rules, unsuccessful suppliers will be notified and, at their request, will be given the reason why they were unsuccessful without breaching the commercial confidentiality of other candidates.

5.7 Process for Low Value Purchases

5.7.1 For contracts up to and including the Total Contract Value of £5,000 (goods and services), or £10,000 (works), the Procuring Officer is required to achieve a minimum of one written quotation to demonstrate compliance. Where compliance with the principle of Value for Money cannot be demonstrated by seeking one written quotation, the Procuring Officer will seek more than one quote.

5.7.2 Compliance with the principle of Value for Money will be demonstrated by evidence of value for money considerations in the decision and a demonstrable conclusion that a better value outcome is unlikely to be achieved without a disproportionate application of further resource in the process.

5.7.3 The Procuring Officer may choose to either:

- a) Place an order with the selected supplier on the basis of a pre-quoted price (such as in a supplier's catalogue), having satisfied themselves that the price to be paid represents Value for Money; or
- b) Select a minimum of one potential supplier to be invited to submit a quotation.

5.7.5 Where the Procuring Officer is unable to select a potential supplier and/or demonstrate Value for Money, the procedure set out at paragraph 5.8 (Quotations) must be followed.

5.7.6 Acceptance will be notified to the successful supplier by issue of a Purchase Order.

5.7.7 The Procuring Officer must document their decision-making process to demonstrate compliance with this section.

5.8 Process Requiring Quotations

5.8.1 For contracts with a Total Contract Value of more than £5,000 (£10,000 for works) but less than £25,000, the Procuring Officer is required to achieve a minimum of 3 quotations.

5.8.2 Compliance with the principle of Value for Money will be demonstrated by evidence of value for money considerations in the decision and a demonstrable conclusion that a better value outcome is unlikely to be achieved without a disproportionate application of further resource in the process.

5.8.3 Where compliance with the principle of Value for Money cannot be demonstrated by seeking 3 written quotations, the Procuring Officer shall seek more than 3 quotations and, if considered necessary, run an open tender competition.

5.8.4 A Purchase Order must be raised.

5.8.5 A Contract Award Record must be made on SSDC's Contracts Register where the contract value is over £5,000.

5.9. Procurement Procedures (value above £25k) Requiring Publication on ProContract

5.9.1 Procedures with a Total Contract Value above £25,000 and below the PCR2015 Thresholds must be published via ProContract when openly advertised. SSDC Standard Tender Documents must be used and the Procuring Officer must seek the advice of the Procurement Specialist.

5.9.2 The Procuring Officer is required to invite tenders from any and all qualified candidates by advertising the opportunity via the Council's Electronic Tendering System and in Contracts Finder. Where an Approved Selection List or a selected list of contractors is used because of the nature of the supply market, the Procuring Officer must seek at least 3 confirmed expressions of interest.

5.9.3 An Invitation to Tender will be sent to all parties who have expressed an interest.

5.9.4 The successful supplier and unsuccessful suppliers will be notified of the outcome by issue of a letter sent electronically via the Council's Electronic Tendering System.

5.9.5 A Purchase Order must be raised.

5.9.6 A Contract Award Record must be made on the Council's Contracts Register, and in Contracts Finder when openly advertised.

5.10 Procurement Processes for Contracts of a Value Over the PCR2105 Threshold

5.10.1 The Lead Specialist must obtain approval from the Procurement Specialist before beginning a procurement exercise in respect of any contract at and above the relevant PCR2015 Threshold.

5.10.2 For contracts at and above the relevant PCR2015 Threshold, the Procuring Officer is required to invite tenders from any and all qualified suppliers by advertising the opportunity via SSDC's Electronic Tendering System, in Contracts Finder and in the Find a Tender Service.

5.10.3 A statutory minimum period of advertising will apply which will vary depending on the procedure used (**refer to Regulation 47 of PCR2015**).

5.10.4 In most cases, the Open Procedure, Restricted Procedure or Competitive Procedure with Negotiation will be used, however, the advice on the appropriate route to procurement must be sought from the Procurement Specialist.

5.10.5 The successful supplier and unsuccessful suppliers will be notified in accordance with the Relevant Legislation and a Standstill Period of a minimum of 10 calendar days will be observed.

5.10.6 A Purchase Order must be raised.

5.10.7 A Contract Award Record must be made on SSDC's Contracts Register, in Contracts Finder and in Find a Tender (or elsewhere in accordance with International Legislation).

5.11 Confidentiality of Tenders and Quotations

5.11.1 All matters concerned with quotations and tenders must be treated as confidential, and any information, discussion or correspondence entered into should be confined to those officers of, or consultants to the Council who are directly concerned.

5.11.2 The amount or value of any tender or quotation which is to be considered by the Council or Executive must not be made public before the meeting and must be omitted from any written report on the subject which may be circulated before the meeting unless the report is marked as confidential.

5.12 Submission, Receipt and Opening of Tenders

5.12.1 For Quotation procedures relating to low value contracts below £25,000 (where use of the Electronic Tendering System is discretionary), the Procuring Officer must record the names of suppliers who submitted a quotation within the deadline provided and the value of the quotation. A record of how value for money has been achieved through the Quotation procedure must be kept. These records must be made available to the Procurement Specialist on request.

5.12.2 Contracts above £25,000

- a) All openly advertised Contracts at and above the Total Contract Value of £25,000 will be submitted electronically through SSDC's Electronic Tendering System (refer to paragraph 5.9);
- b) Submissions will be verified and opened on SSDC's Electronic Tendering System.
- c) Tenders received after the stated date and time must not be accepted, unless there are extenuating circumstances that can be confirmed via the ProContract portal provider and that there is a high level of confidence that it is not a fraudulent act. The Procurement team must agree with any decision to accept a tender and approval of the Monitoring Officer should be sought. For the purposes of these Rules the time will be deemed to be at the first stroke, e.g. noon will be 12:00:00;

5.13 Contract Selection and Award Criteria

- 5.13.1 The Selection Questionnaire shall be used to assess a supplier's ability to meet SSDC's requirements or minimum standards of suitability, capability, legal status or financial standing.
- 5.13.2 For all Contracts over the Total Value of £25,000 the Officer will include the Selection Questionnaire within the Procurement Documents. For works contracts the Procuring Officer should seek guidance from the Procurement Specialist in respect of the correct use of Selection Questionnaires.
- 5.13.3 The Award Criteria will be used to assess a supplier's ability to deliver SSDC's requirements under the Contract, achieving Value for Money through the agreed balance of Price and Quality criteria (Note: referred to as Most Economically Advantageous Tender or MEAT in PCR2015. The Government Green Paper: Transforming public procurement proposes changing the basis of contract awards from MEAT to MAT, Most Advantageous Tender. In practice there is already good opportunity to take non-financial considerations into account in procurement).
- 5.13.4 The Contract will be awarded to the supplier whose tender best meets the Award Criteria (as set out in the Procurement Documents).
- 5.13.5 The Procuring Officer will consult with the Procurement Specialist for guidance on the Selection and Award criteria prior to issuing the Procurement Documents.

5.14 Intention to Award a Contract

- 5.14.1 For contracts with a Total Contract Value below the PCR2015 Threshold, the Procuring Officer should allow candidates a discretionary minimum Standstill Period of 10 calendar days before entering into a contractually binding agreement with the successful supplier(s). It is most important that any communication with the preferred candidate(s) does not constitute a Contract award, conditional or otherwise.
- 5.14.2 For contracts with a Total Contract Value over the PCR2015 Threshold, the Procuring Officer must allow candidates a mandatory minimum Standstill Period of 10 calendar days before entering into a contractually binding agreement with the successful supplier(s). It is most important that any communication with the preferred candidate(s) does not constitute a Contract award, conditional or otherwise.
- 5.14.3 Following any Standstill Period and the signing of a contract, an Award Notice must be placed as delegated by the Procurement Specialist.
- 5.14.4 All suppliers must be simultaneously notified in writing of the award and all letters informing them of the outcome of the Tender must comply with the Relevant Legislation.
- 5.14.5 Should any further communication with the suppliers be requested/required, advice should be sought by the Procurement Specialist prior to any such communication.

5.14.6 Any complaints, correspondence threatening challenge or formal court proceedings challenging the decision must be immediately submitted to the Procurement Specialist and the Monitoring Officer.

6. Authorisations

6.1 Authority to Procure a Contract

6.1.1 Lead Specialists or a Director may authorise a procurement exercise in respect of contracts of any value so long as:

- a) The decision to procure a contract is not a Key Decision;
- b) The procurement relates to their service area and in accordance with relevant authority;
- c) In doing so they are acting in accordance with the Financial Procedure Rules; and,
- d) Where the contract value is above the relevant PCR2015 Threshold, the approval of the Procurement Specialist has been obtained.

6.2 Authority to Award or Amend a Contract

6.2.1 Approval to award or amend a contract, Framework Agreement or Dynamic Purchasing System can only be given as set out in Financial Procedure Rules.

6.2.2 In respect of contract amendments, the Total Contract Value is the total value of the contract plus the value of any proposed amendment.

6.3 Authority to Sign a Contract

6.3.1 The Chief Executive, Section151 Officer and Monitoring Officer may sign any contract.

6.3.2 Lead Specialists or a Director may sign contracts in respect of procurement within their service area.

6.3.3 Lead Specialists or a Director may delegate their Authority to sign to an Officer, however this must be in accordance with the requirement in the Finance Procedure Rules.

6.3.4 As well as signing, contracts may also require sealing under Contract Procedure Rules. Procuring Officer must agree and liaise with the Monitoring Officer where a seal is required.

6.4 Further Authorisation for Advance Payments

6.4.1 Contracts requiring payment in advance must be authorised in accordance with the Financial Procedure Rules. In particular:

- a) Payments in advance in excess of £5,000 must be authorised by a Finance Specialist; and,

- b) Payments in advance in excess of £50,000 must be authorised by the Section 151 Officer.

6.5 Deeds, Sealing and Signing of Contracts

6.5.1 A Contract must be sealed with the common seal of SSDC where:

- a) SSDC may wish to enforce the contract more than 6 years after its end (e.g. construction works); or,
- b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods, services or works; or,
- c) The risk presented by the contract requires it, as agreed by the Monitoring Officer and the Procurement Specialist.

6.5.2 Before a contract can be sealed by SSDC, the Procuring Officer must provide the relevant Authority to award in writing from the appropriate decision maker.

7. Contract Management – the Manage phase

7.1 Contracts Register

7.1.1 All contracts having a value or estimated value of £5,000 (five thousand pounds) or more must be entered in SSDC's Contracts Register, which will be monitored by the Procurement Specialist and published under Transparency Regulations requirements.

7.1.2 The Procuring Officer will ensure that signed copies of the contract are stored in and copied to the Procurement Specialist.

7.1.3 The Procuring Officer must keep and maintain records in respect of each Tender and Contract (such records should include the materials relating to all of the stages of the procurement cycle).

7.1.4 The Procurement Specialist will carry out quarterly spot checks to check compliance with these rules.

7.2 Contract Documents and Letters of Intent

7.2.1 Wherever practicable, work under a contract must not start until the contract documents and all other procedures have been completed to the satisfaction of a Lead Specialist (who is not responsible for the contract) or, in the case of a procurement presenting a significant risk in accordance with the Contract Management Framework, a Lead Specialist (who is not responsible for the contract) and the Procurement Specialist. A letter of intent must not be issued unless approved by the Monitoring Officer.

7.3. Variations and Extensions

7.3.1 Variations must not exceed the scope, financial value or duration of the advertised contract.

7.3.2 Where the relevant Officer considers that a proposed variation may materially change or exceed the specification, price or duration of a contract, advice must be obtained from the Procurement Specialist.

7.3.3 Variations to contracts must be approved and signed by the relevant officers in accordance with Financial Procedure Rules.

7.3.4 Extensions of contracts may only be made where:

- a) There is an existing budgetary provision; or,
- b) There is a budgetary provision agreed by the S151 Officer, and
- c) Value for Money can be clearly demonstrated, and that the extension will not contravene any legal requirement.

7.3.5 For Contracts below the PCR2015 Threshold:

- a) There is a provision stipulated in the original contract for an extension; or,
- b) The extension does not exceed 50% of the original contract value; and
- c) The extension does not cause the Total Contract Value to exceed the relevant PCR2015 Threshold.

7.3.6 For contracts at or over the PCR2015 Threshold, the original Contract Notice advertised, and the contract permits the extension.

7.3.7 Where the Officer responsible considers that a proposed extension may materially change or exceed the specification, price or duration of a contract, Authority for the extension must be obtained from the Lead Specialist or a Director for the service area to which the procurement relates and the Procurement Specialist.

7.3.8 Extensions to contracts must be approved and signed by the relevant officers in accordance with the approval levels set out in Financial Procedure Rules.

7.3.9 For contracts with a Total Contract Value exceeding the PCR2015 Threshold, any variation or extension to a Contract which in aggregate results in additional costs exceeding 10% of the original contract value will be subject to the prior approval of the Lead Specialist or the Director for the service area to which the procurement relates and the Monitoring Officer.

7.3.10 For contracts with a Total Contract Value exceeding the PCR2015 Threshold, any variation or extension to a contract which in aggregate results in:

- a) additional costs exceeding 10% of the original contract value;
- b) A significant delay in the time for completion; or,

- c) Significant risks not initially identified,

will be reported at the earliest opportunity to the Section 151 Officer and will be subject to their approval in conjunction with an appropriately empowered Officer.

7.3.11 The Officer responsible for the amendment to the contract must ensure that all variations and/or extensions, are stored with the original signed and dated contract.

7.4. Contract Management and Contract Expiry

7.4.1 For all new Gold contracts (as defined in the Contract Management Framework), a contract manager must be appointed and named in the Procurement Documents and contract.

7.4.2 All contracts with a Total Contract Value over the relevant PCR2015 Threshold or where supplier failure would have an adverse impact on SSDC's service delivery must have in place:

- a) A contract management plan;
- b) A risk register, and risk mitigation strategy;
- c) A contingency plan;
- d) An exit management plan, together with appropriate contract clauses, to minimise the potential impact on SSDC's service delivery, as a result of the expiry, or early termination, of the contract.

8. Further Advice

8.1 Miscellaneous procurement issues

8.1.1 Should the procurement or management of a contract involve the following, or should the Procuring Officer have any queries regarding the following, the Officer should seek the advice of the Procurement Specialist or the Monitoring Officer as appropriate:

- a) Confidentiality of sensitive commercial information;
- b) The organisation of Presentations, Demonstrations, Site visits and interviews;
- c) Abnormally low bids;
- d) Contracts exceeding the written estimate;
- e) Clarification of tenders from candidates;
- f) Post tender negotiation and best and final offers;
- g) Electronic auctions;
- h) Early termination of a contract;
- i) Assignment or novation of a contract;

- j) State aid;
- k) Development agreements.

8.2 Amendments to These Contract Procedure Rules

- 8.2.1 The Monitoring Officer will be empowered to review in consultation with the Procurement Specialist the Contract Procedure Rules from time to time and as often as may be necessary in consultation with the S151 Officer and Lead Councillor and, following formal approval by Full Council, will publish details of any amendments.
- 8.2.2 For minor amendments the Monitoring Officer in consultation with the Portfolio Holder has delegated authority to makes changes to the Contract Procedure Rules and report on these at the next Council meeting for transparency. (Minor amendments would include for example changes to Officer roles in procedures).

Appendix 1 Procurement Procedure Framework

Table 1A Goods and Services

This table provides a summary framework for SSDC contract procedures required per life time contract value for **Goods and Services**

Contract Value		Process	Award Procedure	Contract Opportunity Publication	Documentation	Contract award notice	Application of exemptions/waivers
From	To						
£0	£5,000	Quotation	Demonstrate Value for Money	Low Value Purchase Not applicable	Quotation may be delivered by e-mail. Purchasing Officer to maintain records demonstrating Value for Money.	Not required	Not applicable
£5,000	£25,000	RFQ (Request for quotation)	Minimum of three written quotations based on a Request for Quotation (RFQ) document with Standard T&Cs	Discretionary requirement 1. RFQ from selected suppliers via email or 2. Selected Suppliers via Supplying the Southwest portal or 3. All Suppliers via Supplying the Southwest portal and Contracts Finder (See Note 1)	Must be based on a written specification provided to the supplier by SSDC. Quotation should be returned by email, post or via the e-tendering system. Lead Officer to maintain records demonstrating Value for money.	Mandatory requirement Publish on SSDC Contracts Register (See Note 3)	Waiver Request Form required
£ 25,000	PCR2015 Threshold	Formal tender	RFQ or tender process with appropriate T&Cs	Mandatory requirement 1. Supplyingthesouthwest portal	ITT documentation as relevant. Bids must be returned via e-tendering system.	Mandatory requirement 1. Publish on Contracts	

Contract Value		Process	Award Procedure	Contract Opportunity Publication	Documentation	Contract award notice	Application of exemptions/waivers
				2. Contracts Finder	Lead Officer to maintain records demonstrating vfm.	Finder if openly advertised 2. Publish on SSDC Contracts Register	Waiver Request Form required
Over PCR2015 Threshold		Formal tender	Full tender process with appropriate T&Cs	Mandatory requirement 1. Supplyingthesouthwest 2. Find a Tender 3. Contracts Finder	ITT documentation as relevant. Bids must be returned via e-tendering system.	Mandatory requirement 1. Find a Tender award notice 2. Publish on Contracts Finder 3. Council Contract Register	A VEAT Notice is required A Waiver Request Form is required for exemptions above PCR2015 thresholds for the specific circumstances detailed in paragraph 1.4.4

Note 1 The obligation to advertise prospective contracts on Contracts Finder is set out in Regulation 110 of the Public Contracts Regulations 2015.

This obligation applies only, “where a contracting authority advertises a contract award opportunity”.

It does not apply where there is no “public advertisement” of the contract opportunity, such as where a contracting authority approaches a single contractor (for example, the incumbent to extend an existing contract for a short period to cover a delayed procurement), or a “closed list” of contractors invited to tender by the contracting authority.

This is made clear in Regulation 110(5)(b) which states clearly that a contracting authority

“does not advertise an opportunity where it makes the opportunity available only to a number of particular contractors selected for that purpose”.

There are only two circumstances in which a contracting authority is required to advertise a contract valued below the PCR2015 tendering threshold publicly:

- where the contract may be of “cross border” interest to contractors based in other EU member states (which is often relevant for supplies contracts or for contracting authorities based in Northern Ireland, but not usually for contracting authorities seeking contractors or service providers within mainland Britain); or
- where the project is being funded by grant (particularly European Structural Investment Funding such as ERDF or ESF) and the grant conditions require public advertising.

Outside of these two circumstances, there is nothing in the Regulations that requires contracting authorities to advertise “below PCR2015 Threshold” tender opportunities publicly.

Note 2 It is compulsory to post award notice on contracts finder for contract value >£25k (does not apply for call-offs under a framework agreement)

Note 3 Local authorities must also publish details of any contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000. (Contract Register)

For each contract, the following details must be published: reference number title of agreement local authority department responsible description of the goods and/or services being provided supplier name and details sum to be paid over the length of the contract or the estimated annual spending or budget for the contract Value Added Tax that cannot be recovered start, end and review dates whether or not the contract was the result of an invitation to quote or a published invitation to tender, and whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number.

Table 1B Works

This table provides a summary framework for SSDC contract procedures required per life time contract value for **Works**

Contract Value		Process	Award Procedure	Contract Opportunity Publication	Documentation	Contract award notice	Application of exemptions/waivers
From	To						
£0	£10,000	Quotation	Demonstrate Value for Money	Low Value Purchase Not applicable	Quotation may be delivered by e-mail. Purchasing Officer to maintain records demonstrating Value for Money for money.	Not required	Not applicable
£10,000	£25,000	Quotation	Demonstrate Value for Money	Discretionary requirement 1. RFQ from selected suppliers via email or 2. Supplying the Southwest portal 3. Contracts Finder	Quotation may be delivered by e-mail. Purchasing Office to record details demonstrating Value for Money for money.	Mandatory requirement 1. SSDC Contracts Register (>£5k)	Not applicable
£ 25,000	PCR2015 Threshold	RFQ or Formal tender as appropriate	RFQ or Full tender process with appropriate T&Cs	Mandatory requirement 1. Supplyingthesouthwest 2. Contracts Finder	ITT documentation as relevant. Bids must be returned via e-tendering system.	Mandatory requirement 1. Publish on Contracts Finder if openly advertised 2. Publish on SSDC	Waiver Request Form required

Contract Value		Process	Award Procedure	Contract Opportunity Publication	Documentation	Contract award notice	Application of exemptions/waivers
						Contracts Register	
Over PCR2015 Threshold		Formal tender	Full tender process with appropriate T&Cs	Mandatory requirement <ol style="list-style-type: none"> 1. Supplyingthesouthwest 2. Contracts Finder 3. Find a Tender 	ITT documentation as relevant. Bids must be returned via e-tendering system.	<ol style="list-style-type: none"> 1. Find a Tender award notice 2. Publish on Contracts Finder 3. SSDC Contracts Register 	A VEAT Notice is required A Waiver Request Form is required for exemptions above PCR2015 thresholds for the specific circumstances detailed in paragraph 1.4.4

Appendix 2 Waiver Request Form content

The following information will be required as a minimum:

1. Details of goods, services or works
2. Total value of waiver request and period of appointment
3. What is the background to the waiver request?
4. What are the circumstances [paragraph 1.4.3](#) of the Contract Procedure Rules that apply?
5. How does the waiver deliver Value for Money?
6. What are the risks associated with this waiver?
7. What action can be taken to remove the need for a waiver in the future?

Appendix 3 Monitoring compliance with Contract Procedure Rules

Sampling and monitoring process for compliance with Contract Procedure Rules

The following sampling approach is to be implemented from end of Quarter 3 2021/22. The Procurement Specialist will complete this on a quarterly basis (10 days after quarter end):

Contract band description	Goods and Services estimated value limit	Works estimated value limit	Sampling approach
Very low value	£0 - £5,000	£0 - £10,000	Sample 2 transactions from Contract Register data for good and services for compliance with PO procedure and vfm evidence <£10k, Procurement Specialist will sample 2 transactions from Contracts Register for Works
Low value	£5,001 - £25,000	£10,001 - £25,000	Procurement Specialist will sample 2 goods & services and 2 works transactions for compliance with quotation procedure
Medium value	£25,001 – PCR2015 threshold (£213,447)	£25,001 – PCR2015 threshold (£5,336,937)	Procurement Specialist will sample 2 goods & services and 2 works transactions for compliance with Procontract procedure
High value	>PCR2015 threshold (£213,447)	>PCR2015 threshold (£5,336,937)	Any transaction >PCR2015 threshold will be tested for compliance

Reviewing and agreeing appropriate action on breaches to Contract Procedure Rules

- Below threshold 1 (£5k or £10k) – Procurement Specialist, Lead Specialist and Officer concerned to review
- Below threshold 2 (£25K) – Procurement Specialist, Lead Specialist and Officer concerned to review
- Below threshold 3 (PCR2015) – Procurement Specialist, Director/Lead Specialist and Officer concerned to review
- Above threshold 3 (PCR2015) – Procurement Specialist, Director/Monitoring Officer

Reporting

- The Procurement Specialist will report to Monitoring Officer on all breaches quarterly.
- This report will also include a list of all waivers agreed in the same quarter.

Appendix 4 Glossary of Terms

Term	Description
Contracts Finder	Contract Finder is the portal that allows suppliers to search for Public Sector contract opportunities by setting up email updates for different categories of procurement. When SSDC issues a contract notice on Contracts finder all relevant suppliers will be notified of the opportunity.
Collateral Warranty	A Collateral Warranty is a supporting document to a primary contract where an agreement needs to be put in place with a third party outside of the primary contract. It can provide the third-party contractual rights enabling it to claim for losses which would not otherwise be recoverable. On a construction or engineering project, a collateral warranty is a contract under which a professional consultant (e.g. architect), contractor or sub-contractor warrants to a third party that it has complied with its appointment.
MEAT	Most Economically Advantageous Tender is a method of assessment used for evaluating and awarding a contract. It allows SSDC to award the contract on quality criteria other than just Price.
MAT	Most Advantageous Tender is the proposal within the Government's Green Paper: Transforming public procurement to change the basis of contract awards from Most Economically Advantageous Tender (MEAT) to Most Advantageous Tender (MAT). The objective of this proposed change is to remove the perceived restrictions that prevent Authority's having regard to broader non-financial considerations.
Parent Company Guarantee	A Parent Company Guarantee is a guarantee given by one contracting party's ultimate or intermediate holding company in favour of the other contracting party (SSDC) to secure the performance of that party's obligations under a contract.
Performance Bond	A Performance Bond is common in construction and is a financial instrument issued by a bank or insurance company to ensure the successful completion of a large project. It protects SSDC against a contractor failing to deliver the work e.g. through bankruptcy.
ProContract	SSDC's Electronic Tendering System
Selection and Award Criteria	Selection criteria are the minimum requirements or standards that bidders must meet to progress in a procurement. For bidders having met the selection criteria, award criteria are used to determine which bidder is best placed to be awarded the contract.
Selection Questionnaire	A Selection Questionnaire enables suppliers to make a self-declaration on grounds for exclusion from a procurement process – the standard form is set out in Procurement Policy Note 8/16.
Value for Money	Value for Money is the most advantageous combination of cost, quality and social value to meet SSDC requirements. Please see MEAT and MAT.

Access to Information Procedure Rules

1. Scope

Option 1: Executive Arrangements

These rules apply to all meetings of the Council, Scrutiny Committee, Area Committees, Standards Committee, Regulation Committee, and the District Executive (together called “meetings”).

2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. Notices of Meeting

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Council Offices, Brympton Way and on its website (www.southsomerset.gov.uk).

5. Access to Agenda and Reports before the Meeting

The Council will make copies of the agenda and reports open to the public and available for inspection at the Council Offices at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection for the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Democratic Services Specialist shall make each such report available to the public as soon as the report is completed and sent to councillors.

6. Supply of Copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Democratic Services Specialist thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. Access to Minutes etc after the Meeting

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

8.1 List of background papers

All report authors will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and available to the public at the Council Offices, Brympton Way as part of the Council's Constitution.

10. Exclusion of Access by the Public to Meetings

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

The following categories of information are exempt from the requirement to make publicly available information reported to any meetings of the Council, its committees or the Executive. Information in the categories below is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992

Category	Additional Qualification
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—</p> <ul style="list-style-type: none"> (a) the Companies Act 1985[3]; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978[(e) the Building Societies Act 1986; or (f) the Charities Act 1993 <p>Financial or business affairs includes contemplated, as well as past or current activities.</p> <p>"registered" in relation to information required to be registered under the Building Societies Act 1986[11], means recorded in the public file of any building society (within the meaning of that Act).</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	<p>"employee" means a person employed under a contract of service;</p> <p>"labour relations matter" means—</p> <ul style="list-style-type: none"> (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992[10] (matters which may be the subject of a trade dispute, within

	<p>the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above;</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;</p>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes— (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information within paragraph 7 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable

11. Exclusion of Access by the Public to Reports

If the Democratic Services Specialist thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

12. Application of Rules to the Executive

Rules 13 – 24 apply to the District Executive and its committees. If the Executive or its committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply. In accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 a "key decision" means an executive decision which is likely:

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

If the District Executive or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. **Procedure before taking Key Decisions**

Subject to Rule 15 (General Exception) and Rule 16 (Special Urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 3 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. **The Forward Plan**

14.1 **Period of forward plan**

Forward plans will be prepared by the Leader of the Council to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 **Contents of forward plan**

The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Executive, a committee of the Executive, officers, Area Committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;

- (f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The forward plan must be published at least 14 days before the start of the period covered. The Democratic Services Specialist will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available;

and

- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. **General Exception**

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (Special Urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Democratic Services Specialist has informed the Chair of the Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Democratic Services Specialist has made copies of that notice available to the public at the offices of the Council; and

- (d) at least 5 clear days have elapsed since the Democratic Services Specialist complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. Special Urgency

If by virtue of the date by which a decision must be taken Rule 15 (General Exception) cannot be followed, then the decision can only be taken if the chair of the body making the decision, obtains the agreement of the Chair of the Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Scrutiny Committee, or if the Chair of the Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice Chairman will suffice.

17. Report to Council

17.1 When the Scrutiny Committee can require a report

If the Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Scrutiny Committee Chair, or the Chairman/Vice Chairman of the Council under Rule 16;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Democratic Services Specialist, who shall require such a report on behalf of the Committee when so requested by the Chairman or any 5 members. Alternatively the requirement may be raised by resolution passed at a meeting of the Scrutiny Committee.

17.2 District Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the District Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. Record of Decisions

After any meeting of the District Executive or any of its committees, whether held in public or private, the Democratic Services Specialist or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the

reasons for each decision and any alternative options considered and rejected at that meeting.

19. Meetings of the District Executive to be held in public

Meetings of the District Executive and its committee will be held in public, unless it is likely that exempt or confidential information would be disclosed or whenever a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting. The public may only be excluded for the part or parts of the meeting during which it is likely that exempt or confidential information would be disclosed.

19A. Notice of Private Meetings of the District Executive

19A.1 Members of the District Executive or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

19A.2 At least 28 clear days before a private meeting, the decision-making body must:-

19A.2.1 make available at the offices of the Council a notice of its intention to hold the meeting in private (a "Notice of Private Meeting"); and

19A.2.2 publish that notice on the Council's website.

19A.3 At least five clear days before a private meeting, the decision-making body must:-

19A.3.1 make available at the offices of the Council a further notice of its intention to hold the meeting in private; and

19A.3.2 publish that notice on the Council's website.

19A.4 Notice under paragraph 19A.3 must include:-

19A.4.1 a statement of the reasons for the meeting to be held in private

19A.4.2 details of any representations received by the decision-making body about why the meeting should be open to the public; and

19A.4.3 a statement of its response to any such representations.

19A.5 Where the date by which a meeting must be held makes compliance with this Rule impractical, the meeting may only be held in private where the decision-making body has obtained agreement from:-

19A.5.1 the Chair of the Scrutiny Committee; or

19A.5.2 if there is no such person, or if the Chair of the Scrutiny Committee is unable to act, the Chairman of the Council; or

19A.5.3 where there is no chair of either the Scrutiny Committee or of the Council, the Vice Chairman of the Council,

that the meeting is urgent and cannot reasonably be deferred.

19A.6 As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph 19A.5 to hold a private meeting, it must

19A.6.1 make available at the office of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and

19A.6.2 publish that notice on the Council's website.

20. Decisions by Individual Members of the Executive

20.1 Reports intended to be taken into account

Where an individual member of the Executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

20.2 Provision of copies of reports to Overview and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of the Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (Inspection of Documents after Meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

21. Scrutiny Committee Access to Documents

21.1 Rights to copies

Subject to Rule 21.2 below, a Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to any business transacted at a public or private meeting of the Executive or its committees.

21.2 Limit on rights

A Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise;

22. Additional Rights of Access For Members

22.1 Material relating to previous business

All members will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 3 and 6 of the categories of exempt information; or
- (b) it contains the advice of a political adviser.

22.2 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

22.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

District Executive Procedure Rules

1. How does the District Executive operate?

1.1 Who may make executive decisions?

The arrangements for the discharge of District Executive functions shall be set out in the executive arrangements adopted by the Council. The arrangements may provide for executive functions to be discharged by:

- (i) the District Executive as a whole;
- (ii) a committee of the District Executive;
- (iii) an executive portfolio holder
- (iv) an officer;
- (v) an area committee;
- (vi) joint arrangements; or
- (vii) another local authority.

1.2 Sub-delegation of executive functions

- (a) Where the District Executive or a committee of the District Executive is responsible for an executive function, they may delegate further to an area committee, individual executive portfolio holder, joint arrangements or an officer.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated.

1.3 The Council's Scheme of Delegation and Executive functions

The Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.4 Conflicts of Interest

- (a) Where any member of the District Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If the exercise of an executive function has been delegated to a committee of the District Executive, or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 District Executive meetings – when and where?

The District Executive will meet at least 10 times per year at times to be agreed by the Leader. The District Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public meetings of the District Executive

Meetings of the District Executive shall be open to the public in accordance with the Access to Information Procedure Rules. Items will be considered in private session

only if they qualify under the grounds to exclude the public under the Access to Information procedure Rules

1.8 **Quorum**

The quorum for a meeting of the District Executive, or a committee of it, shall be one quarter of the total number of members of that body. Provided that in no case shall the quorum be less than three.

1.9 **How are decisions to be taken by the District Executive?**

- (a) Executive decisions which have been delegated to the District Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the District Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the District Executive as a whole.

2. **How Are District Executive Meetings Conducted?**

2.1 **Who presides?**

If the Leader is present he/she will preside. In his/her absence, then the deputy Leader shall preside. In the absence of both a person appointed to do so by those present shall preside.

2.2 **Who may attend?**

It shall be open to all members of the Council to attend and speak at meetings of the District Executive. All meetings of the District Executive shall also be open to the public who may address the meeting in accordance with the Council Procedure Rules on Public Participation.

2.3 **What business?**

At each meeting of the District Executive the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Executive (whether by the Scrutiny Committee, or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) matters set out in the agenda for the meeting, which agenda shall indicate those matters which are key decisions and those which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.
- (v) reports from the Council's Management Team.
- (vi) items raised by the Area Committee Chairmen.

2.4 **Consultation**

All reports to the District Executive from any member of the District Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 **Who can put items on the District Executive agenda?**

The Leader will decide upon the schedule for the meetings of the District Executive.

Officers will submit reports for decision as required by the Council's Scheme of Delegation.

Any member of the District Executive may require the Democratic Services Specialist to make sure that an item is placed on the agenda of the next available meeting of the District Executive for consideration. If he/she receives such a request the proper officer will comply.

The Democratic Services Specialist will make sure that an item is placed on the agenda of the next available meeting of the District Executive where the Scrutiny Committee or the full Council have resolved that an item be considered by the District Executive.

Overview & Scrutiny Procedure Rules

Scrutiny Committee

The proceedings of the Scrutiny Committee shall be conducted in accordance with the Access to Information Rules in this Constitution.

Powers

The Scrutiny Committee has a right of access to all papers to its task. This includes records of decisions made and actions taken as well as the reports and any other information or advice on the basis of which decisions were made.

The Committee shall have power to "call in" decision items considered by the District Executive, Area Committee or Portfolio Holders.

The Committee shall have the power to request the attendance of councillors and require the attendance of officers in order to give evidence and answer questions. It can also call for external witnesses e.g. stakeholders, service users, experts or representatives of external agencies (but will not be able to compel their attendance). The main Scrutiny Committee can also request Executive members and require officers to attend meetings of an Overview Commission as necessary.

The Scrutiny Committee will make an Annual Report to Council outlining the main areas of activity over the past twelve months and the Work Programme for the coming year. The Chair of the Scrutiny Committee will also report to every Council meeting on progress made against the Annual Scrutiny Work Programme.

No member of the Overview and Scrutiny function (including the Overview Commission) can also be a member of the District Executive.

Working Arrangements

"Call In" Before the Decision is Implemented

Decisions made by the District Executive, individual Portfolio Holders and the Area Committees may be "called in" before they are implemented. A list of decisions taken will be published on the internet within 48 hours after a meeting (hard card copies will also be sent to all members of the Scrutiny Committee) and may be requisitioned for "call in" and review within 5 working days from the date of publication. The notice of decisions will specify the "call in" deadline.

Unless the decision is urgent it will not be implemented until after the period allowed for call in.

When items are "called in" they are reported to the next meeting of the Scrutiny Committee at which one Executive or Area Committee member has a right to attend and make representations to the Committee. If the Scrutiny Committee is unhappy with the decision it can ask the Executive or Area Committee to re-consider the item or it could ask for the item to be debated at the full Council.

The right to call in decisions before they are implemented does not apply to items of urgent business and quasi-judicial items such as planning applications. The implementation of urgent decisions may be reviewed after the decision is made. The Chief Executive shall determine whether an item is urgent based on reasons given by the report author.

Decisions called in and which are referred back for reconsideration will be clearly marked on the agenda when reported back to the Executive or Area Committee. The comments or recommendations from the Scrutiny Committee will also be reported.

No decision may be "called in" on more than one occasion.

"Call In" After the Decision is Implemented

The Scrutiny Committee may review the implications of decisions implemented by Area Committees, Portfolio Holders and District Executive. Information on decisions taken will be set out in the minutes of all meetings, which are published on the internet and deposited in the Members Room. All decisions taken by the District Executive will also be reported to each meeting of the Council.

Also those powers that have been exercised by officers under delegated authority can be "called in" on an ad hoc basis. Lists of "major" decisions taken under delegated authority will be reported on a regular basis to all members of the Council.

All decisions taken by the Executive, Area Committees or officers under delegated authority which have been implemented may be "called in" at any time by the Scrutiny Committee to consider the implications of the decision. The Committee can make recommendations to the Executive or full Council on changes to policy or practice in the light of their findings in respect of a particular decision or its implementation. Whilst individual quasi-judicial decisions, such as planning, cannot be re-considered the procedures and policies applied in each case may be looked at by the Committee.

Requests for "call in" can be made by either the Chairman of the Scrutiny Committee, two other members of the Scrutiny Committee or by ten members of the Council. The request must give the reasons for the "call in", with the names of the members making the request and be submitted in writing or e-mail to the Democratic Services Specialist.

Scrutiny Reviews

In addition to being able to 'Call-in' decisions, the Overview and Scrutiny function shall conduct reviews into identified areas of Council Services and their performance. It may also investigate the operation of outside agencies as they impact on the District. This work will be co-ordinated through the Annual Scrutiny Work Programme.

The Overview and Scrutiny function also takes an overview of levels of performance across the authority in accordance with the authority's performance management framework.

Overview Commission

All non-Executive members who form the Overview Commission will be given the opportunity to contribute and take part in all reviews.

Reviews will be undertaken on a 'Task and Finish' basis as directed by the Scrutiny Committee. The Scrutiny Committee will receive the final reports of the Overview Commissions along with regular updates.

Members undertaking reviews will be encouraged to use various review methods and to engage the wider community wherever possible. Relevant co-optees may be invited to participate in a review, bearing in mind the potential contribution of residents and partners.

Members undertaking a review will meet informally and are not subject to the Access to Information Rules. As Task and Finish groups they will be able to meet and take evidence in

public but this will not be a requirement. It will be for each group to decide its own working arrangements that best meet the needs of a particular review.

The work of the Scrutiny Committee and the Overview Commissions will be managed by an annual Overview and Scrutiny Work Programme. This will be approved and monitored by the Scrutiny Committee and will be drawn up in consultation with all elected members (including the Executive), SLT, Area Committees and the wider community. This will ensure that the Overview and Scrutiny Work Programme accurately reflects Corporate Priorities along with Area and community priorities. The Overview and Scrutiny Work Programme will be reported to each meeting of the Scrutiny Committee, which will allow for amendments to be made to the Programme, including new items added, as agreed by the Committee. The Programme will be reported to Full Council annually as part of the Annual Scrutiny report.

Human Resources Management Rules

Senior Managers

1. The Council's organisational Senior Management Structure comprises the Chief Executive, three Director posts (Service Delivery, Place & Recovery, and Support, Strategy & Environmental Services), the Chief Financial Officer (S151 Officer) and the District Solicitor (Monitoring Officer). This is the Council's Senior Leadership Team (SLT)

Approval of Staffing Structures

2. The Senior Management Structure, any revisions to it, and designation of Monitoring Officer and Chief Finance Officer, shall be approved by the full Council.
3. The Chief Executive and all other officers authorised by her may agree all other staffing structure changes including approval/deletion of posts, changes in reporting arrangements and variations to terms and conditions in accordance with local and national policies and financial procedure rules.
4. Any proposed changes to the number of posts (approval of new posts, deletion of posts) shall be reported to the Senior Leadership Team who shall decide whether or not the proposed changes shall be recommended for approval to the District Executive. Changes to the Senior Management Structure shall be referred for approval to full Council.
5. Any permanent changes to the grades of posts may only be made in accordance with the Council's scheme of job evaluation.

Appointment of Chief Executive, Senior Managers, Chief Finance Officer and Monitoring Officer

6. Rules 7-13 apply to the appointment of the Chief Executive and the Strategic Directors; Rules 7-11 and 13 apply to the appointment of the Monitoring Officer and Chief Finance Officer
7. For all such appointments the Human Resources Manager or his/her nominee shall:
 - a) draw up a statement specifying:
 - (i) the duties of the post; and
 - (ii) any qualifications or qualities required;
 - (b) make suitable arrangements for the post to be externally advertised to bring it to the attention of suitably qualified persons (unless applicants are to be sought only from among the Council's existing staff); and
 - (c) make arrangements for the statement in paragraph (a) above to be sent to any person on request.
8. In all cases either all qualified applicants or a selected short-list will be interviewed as set out in the table below:

Post	Appointing Body	Adviser
Chief Executive	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make recommendation to full Council.	As agreed by the Appointments Committee
Monitoring Officer and Chief Finance Officer (if not already part of the Senior Management Structure)	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make appointment	Chief Executive and as agreed by the Appointments Committee

9. The Appointments Committee when considering any appointment must include a member of the District Executive as a voting member.
10. Where no suitably qualified person has applied, the post shall be re-advertised.
11. When a Director ceases to hold that post or is likely to be absent for any length of time, the Chief Executive, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid.
12. No offer of an appointment as Chief Executive, a Director, Monitoring Officer or Chief Finance Officer may be made until:
 - (a) all members of the District Executive have been notified of the name of the person to whom the offer is to be made and informed of the date and time by which any objection to the making of the offer can be made by any member of the Executive.
 - (b) in the case of the Chief Executive, the Council has confirmed the appointment after consideration of any such objection and resolving that it is not material or not well-founded; or
 - (c) in all other cases, no such objection has been made or the appointing body has considered any such objection and has resolved or decided that the objection is not material or not well-founded.
13. The Chairman of the Standards Committee shall be consulted before a new or existing officer is appointed or designated as Monitoring Officer.
14. In terms of appointment to other posts:

Post	Appointing Body	Adviser
Directors	Chief Executive shall undertake all elements of the appointments process.	Human Resources Manager
All Other Posts	Directors or appointed representatives and other officers in line with policy on recruitment.	Human Resources Manager

Disciplinary Action – Senior Managers

15. Disciplinary action or suspension during investigation of allegations of misconduct in relation to Senior Manager (as defined in para. 2 above) may only be taken as provided in the table below:

	Suspension	Investigation	Disciplinary Action/ Dismissal/Appeal
Chief Executive (Head of Paid Service)	Appointments Committee on advice of the Human Resources Manager.	As Agreed by Council. Report to Appointments Committee or Council	Council
Chief Finance Officer and Monitoring Officer	Appointments Committee on advice from the Chief Executive or Chief Executive if Committee cannot be convened	As agreed by Council. Report to Appointments Committee	Appointments Committee Appeal to a Committee appointed by the Council
Other Directors	Appointments Committee on advice from the Chief Executive or Chief Executive if Committee cannot be convened	Other Officer or independent person appointed by the Appointments Committee.	Appointments Committee Appeal to a Committee appointed by the Council

16. No disciplinary action, other than suspension as provided for above, may be taken in respect of the Head of Paid Service, Chief Finance Officer or Monitoring Officer other than in accordance with the procedure agreed by Council.
17. All suspended officers shall be on full pay during the investigation of the alleged misconduct (**see appendix for guidance on what may constitute misconduct**), which must be completed no later than two months after the suspension takes effect.
18. The Chairman of the Standards Committee shall be consulted after any investigation of an allegation of misconduct by the Monitoring Officer; and his/her advice shall be presented to the Appointments Committee.

Dismissal of a member of the SLT, Chief Finance Officer or Monitoring Officer

19. No decision to dismiss a member of the SLT, Chief Finance Officer or Monitoring Officer shall take effect until:
- (a) the Monitoring Officer has recorded the name of the person to be dismissed and any other particulars the Appointments Committee (or other responsible body or person) considers relevant to the dismissal;

- (b) that information has been sent by the Monitoring Officer to the Leader and all members of the District Executive with a date and time by which any objection to the dismissal can be made;
- (c) the Monitoring Officer has confirmed that the date and time for objection has elapsed and either the Council (in the case of the Head of Paid Service) or the responsible body (in all other cases) has considered any such objection and has resolved or decided that the objection is not material or not well-founded;

Provided always that should the decision relate to the Monitoring Officer then the requirements contained in paragraphs (a) –(c) above shall be undertaken by the Chief Executive Officer

Appeals by a member of SLT, Chief Finance Officer or Monitoring Officer

- 20. Any appeal must be lodged with the Monitoring Officer (or the Chief Executive where the appeal is made by the Monitoring Officer) within 10 working days of written confirmation to the officer of the disciplinary action and must include a written statement of the grounds on which the appeal is made.
- 21. Subject to these rules, all disciplinary procedures, including hearings and appeals, shall be conducted as far as possible in accordance with the provisions of the South Somerset Scheme of Conditions of Service.
- 22. Appeal hearings shall not include Members involved in the decision to take disciplinary action.

Other Officers

- 23. Members may not take part in the appointment of any other officers (except assistants for political groups) nor in any disciplinary or dismissal action, except as provided for above or as a member of an appeal panel.

Staff Appeals

- 24. Unresolved employee grievances and appeals by employees of the Council against dismissal, transfer or downgrading are determined in accordance with the District Council's Disciplinary Procedures. Members, appointed by the Council and having received the appropriate training, may only be involved in an appeal against dismissal.

Delegations to Officers

- 25. Officers at the level stated and above are empowered to take the decisions about staff set out in the table below.
- 26. Managers are also authorised to make other day to day operational decisions on the management of their staff in accordance with the relevant procedures and conditions of employment. A list of these authorisations is held by the Human Resources Manager and may be altered by the Chief Executive.

Issue	Decision	Minimum Level of Decision
Recruitment and Appointment of Staff	Agree the recruitment and appointment of all staff below Director level	Director

Issue	Decision	Minimum Level of Decision
Assistance with Employee Relocation Costs	Application of Relocation Scheme within scheme limits.	Director
Acting Up Arrangements	Agree Acting Up arrangement and determine appropriate payment where an employee is required to undertake the duties of a higher graded post on a temporary basis.	Director (in consultation with the Chief Executive)
Termination of Employment	Termination of employment on redundancy, early retirement, efficiency of service, incapacity and disciplinary grounds in accordance with Council's severance policy.	<p>Decisions on redundancies and early retirements for senior managers to be taken by the Chief Executive following consultation with the Leader of the Council.</p> <p>All other redundancies, efficiency of service and early retirements (other than on ill health grounds) to be jointly agreed by the Director and the Human Resources Manager. All details of early retirements to be circulated to all members for information.</p> <p>All other terminations of employment to be agreed by Director in all cases in accordance with the Disciplinary and Capability Procedures.</p>
Use of Ex Employees as Consultants	Approval to use ex-employees as consultants on a "contract for service" basis with reference to the Financial Procedure Rules, pension restrictions and Contract Standing Orders.	Director (in consultation with Human Resources and Pensions Department, if applicable)
Changes to National Joint Council (NJC) Pay and Conditions	Agree the implementation of NJC pay awards and changes to conditions of service in accordance with NJC agreements.	Human Resources Manager
Advances of Salary	Agree payment of an advance of salary, in exceptional circumstances.	Director (in conjunction with Human Resources)
Dealing with salaries and pay progression outside of the normal procedures	<p>Agreement of starting salaries and subsequent pay movement for staff.</p> <p>Withholding of increments in accordance with the provisions of the staff handbook.</p>	<p>Chief Executive</p> <p>Director</p>

Issue	Decision	Minimum Level of Decision
Extension of Sick Pay	Agree conversion of any period of sick pay entitlement from half to full pay. Agree extension of sick pay beyond the aggregate of full and half pay.	Director Chief Executive
Recovery of Sick Pay	Agree recovery of sick pay where employees have been off sick due to their own misconduct.	Human Resources Manager and Director
Payment of Honoraria to National Joint Council (NJC) Staff	Approval to pay honoraria to NJC staff	Director
Standby Allowances	Approve updating of Standby allowance rates under the JNC Scheme.	Director
Annual Leave Buyout	Agree, for exceptional reasons, to buy-out an employee's annual leave to a maximum of 5 days in any one leave year.	Director (in consultation with Human Resources)
Leave for Extraneous Duties, e.g. JPs, Local Authority Members, School Governors	Grant an employee up to 18 days paid leave per year for undertaking extraneous duties.	Director
Issue	Decision	Minimum Level of Decision
Special Leave for Trade Union Conferences	Approval for representatives nominated by a recognised Trade Union to be granted up to 5 days paid leave to attend annual/biennial conferences	Director
Special Leave for Retained Fire Fighters	Approval for retained fire fighters to be granted up to 2 weeks additional paid leave to attend recognised courses concerning their fire service duties.	Director
Special Leave for Election Duties	Grant paid leave to employees acting as Presiding Officers and Poll Clerks at Parliamentary, European Parliament, County Council, District, Police and Crime Commissioner or Parish Council elections and any National Referendum.	Chief Executive

Special Leave for Service in Non-Regular Forces	Grant volunteer members of the non-regular forces up to two weeks additional leave per year to attend camp as per the Reservist Policy.	Director
Participation in the Reserve Armed Forces	Where appropriate grant approval for an employee to enter an agreement to become a reservist in the regular reserve forces or the volunteer reserves as appropriate as per the Reservist Policy.	Director
Compassionate Leave beyond normal provisions	In exceptional circumstances grant paid compassionate leave beyond the normal provisions as in the staff handbook.	Chief Executive
Unpaid Leave	Approval for employees to be granted up to and including 12 days unpaid leave. Approvals for employees to be granted between 13 days and 3 months unpaid leave.	Service Manger Director (in consultation with Human Resources Manager)
Additional Paid Leave	Approval in exceptional circumstances for additional paid leave up to a maximum of ten days per year.	Chief Executive
Issue	Decision	Minimum Level of Decision
Reimbursement for Meals and Subsistence payments	Agree the payment levels for reimbursement of expenditure on meals and other subsistence expenses. Authorise the reimbursement of expenditure on meals and other subsistence expenses (excluding alcohol) in line with the agreed scheme of payments on production of receipts.	Chief Executive Service Manager
Travelling Allowances	Allocation of car user status (casual, essential) in accordance with Local Agreement on Car Allowances to posts where use of a motor vehicle is required in order to perform the duties. Use of Council vehicles in exceptional circumstances and subject to insurance clearance.	Director (in consultation with Human Resources Manager) Director
Payment of Travelling Expenses at work	In exceptional circumstances agree the payment of travelling expenses to and from work.	Director

Car Loans	<p>Setting the maximum amount that can be granted for a car loan. Setting the rate of interest for car loans.</p> <p>Approval of payment of car loans in accordance with Assisted Car Purchase Scheme.</p>	<p>Director (Support, Strategy & Environmental Services)</p> <p>Director (in consultation with Human Resources Manager).</p>
Secondments	<p>Agree secondments outside of SSDC.</p> <p>Agree secondments within the Council.</p> <p>Agree secondments to SSDC from other employers.</p>	<p>Director (in consultation with Human Resources Manager).</p> <p>Director</p> <p>Director (in consultation with Human Resources Manager).</p>
Changes to the delegations and authorisations to Line Managers	<p>Agree changes to the Officer delegations. Such changes to be variations to the existing scheme in terms of the officers responsible for exercising the delegated power only. Changes to the powers delegated to officers require the approval of Council.</p>	<p>Chief Executive</p>
Disciplinary Policy	<p>Agree minor updates to Disciplinary Policy</p>	<p>Portfolio Holder for HR in consultation with HR Manager.</p>

Policy Group: Disputes Resolution Disciplinary Procedure

1. Purpose

1. The purpose of this Procedure is to:
 - Outline the disciplinary rules relating to the conduct of SSDC employees.
 - Outline the steps to be taken when there is a breach of these rules by an individual
 - Ensure that SSDC complies with the law relating to handling disciplinary matters and that employees' rights are protected
2. The ACAS Discipline and Grievances at Work Handbook and guidance available on the ACAS website should be used as a reference guide by managers and employees should further information be required. The website address is www.acas.org.uk
3. This procedure applies to all employees of SSDC except: the Head of Paid Service, Directors, the Monitoring Officer and the Section 151 Officer. For these exceptions, similar principles will apply, but as modified by the Council's 'Human Resources Management Rules' in relation to suspension, investigation, disciplinary action and appeals. Any disciplinary action against staff during their probationary period will follow the Standard Statutory Dismissal and Disciplinary Procedure detailed in section 10 below.
4. A separate procedure deals with matters of capability i.e. inability to perform the requirements of the role, either due to illness or lack of competence.

2. Core Principles

1. All employees have a duty to act reasonably and with due regard to defined and reasonable standards of conduct and should expect to be held accountable for their behaviour and actions.
2. Managers at every level have a responsibility to uphold standards of discipline of the employees reporting to them.
3. Managers will use this Procedure primarily to obtain an improvement in behaviour and conduct and not see it as simply a means to impose sanctions. In particular, other than for gross misconduct, no employee will normally be dismissed for a first disciplinary breach. (During probationary period modified procedure in section 10 maybe applied).
4. Formal disciplinary action will only be taken after:
 - a thorough investigation of the facts
 - an employee has been informed in writing of the complaint against them and formally advised of their right to be accompanied at any subsequent meetings
 - a meeting with the employee has been held
5. Employees will be informed in writing of the outcome of any disciplinary meeting(s) and will have the right to appeal any action taken to a more senior manager who was not involved in the earlier meeting or the investigation.
6. Employees have the right to be accompanied at all disciplinary and appeal meetings by a fellow employee or a trade union officer. Disciplinary proceedings affecting a lay trade union officer will only take place after consultation with the paid union officer.

7. Each instance will be dealt with as speedily as possible, taking account of the seriousness and complexity of the matter in hand.

3. Disciplinary Rules

1. It is not possible in this document to define all acts of misconduct that could lead to the Procedure being used.
2. Misconduct is a breach of the express or implied terms of an employee's contract of employment and is essentially behaviour which does not meet defined standards or standards which any person would accept as reasonable.
3. A distinction is made between:
 - Minor misconduct – such cases will be dealt with informally and the full Procedure will not be used
 - Misconduct – this may be repeated minor misconduct or allegations of misconduct which require formal investigation and possible action. This Procedure will be invoked in such cases.
 - Gross misconduct – this is alleged misconduct so serious that, if substantiated, represents a fundamental repudiation of the contract of employment by an employee and which would justify summary dismissal i.e. dismissal without notice. While there may be some conduct that will always be classified as 'gross', the distinction between 'misconduct' and 'gross misconduct' may be a question of seriousness.

Examples of conduct which will normally be regarded as gross misconduct include:-

- theft or fraud;
- physical violence or purposeful bullying;
- deliberate and serious damage to property;
- serious misuse of the Council's property or name;
- deliberately accessing and/or disseminating internet sites or electronic material containing pornographic, offensive or obscene material; serious insubordination;
- unlawful discrimination or harassment;
- bringing the Council into serious disrepute;
- serious incapability at work brought on by alcohol or illegal drugs;
- causing loss, damage or injury through serious negligence;
- a serious breach of health and safety rules;
- a serious breach of confidence; and
- breaches of the Code of Conduct.

4. Minor Misconduct

1. For a first minor breach of discipline, a manager may issue an informal warning without the need to follow any set procedure. A note that such a warning has been given will be kept on the employee's personal file and a copy given to the employee. Although no right of appeal is available against such informal action an employee may raise a grievance if the issue of such the warning was unreasonable and/or the note made was inaccurate and the matter cannot be resolved informally.
2. The period for retaining any such note on the personal file will be set down on the note however, this period will not exceed 4 months in normal circumstances. Once the period is 'spent' the note (and any copies whether 'hard' or 'soft') will be removed from the file and securely destroyed.

5. Misconduct

For more serious suspicions or allegations of misconduct the following formal procedure will apply:

1. The employee's Manager will verbally advise the employee of the allegation(s) against them and that these will be investigated. In some cases it may be appropriate and reasonable to seek the employee's version of events immediately as part of that investigation, but in many instances it will be more appropriate to interview the employee later as part of the investigation. In any event, the employee will be advised that this meeting is to investigate the facts of the matter and is not a disciplinary hearing.

The allegations, and that there will be an investigation, will be confirmed in writing, as will the possible outcomes of the investigation and the right of employees to be accompanied at any subsequent meetings to discuss the allegations.

2. The Manager will institute an investigation, which will involve collection of relevant documents if applicable and, where appropriate, interviews with witnesses and the employee concerned. The facts ascertained will be documented.

The manager must ask for an independent person to conduct the investigations etc where s/he considers that they have been too closely involved in the incident in question or have not been able to keep a sufficiently open mind to ensure that fairness and natural justice are maintained. They may also opt for an independent investigation where they consider it advisable for maintaining future good relations within the team or where there are allegations of bias against them.

3. On the basis of an investigation the Manager will decide if there is a 'case to answer'. If not, the employee will be advised accordingly, both verbally and in writing. Where there is, the Manager will organise a formal disciplinary meeting which will include:

- Setting out in writing the basis of the allegation and an explanation of the 'case to answer', including providing a copy of all the documented evidence ascertained in the investigation
- Arranging a date, time and venue for a meeting with the employee. This must provide a reasonable time for the employee to prepare and consult with whoever might be accompanying them. Reasonable and genuine requests to postpone the meeting will be considered sympathetically and the statutory grounds for postponing the meeting are set out ACAS handbook.
- Confirming in writing to the employee the date, time and venue for the meeting and re-confirming their right to be accompanied

4. A disciplinary meeting will be held between the Manager and the employee with their accompanying representative if appropriate. The Manager should be accompanied too and, depending on the nature of the case (its seriousness and complexity), others may also attend e.g. a note-taker and/or witnesses.

5. The Manager will have due regard to the following matters before deciding whether any action should be taken: -

- the facts identified in the investigation report;
- the employee's explanation (including any relevant mitigating circumstances),
- their length of service and employment record
- the decisions made in other cases
- any general considerations of fairness, reasonableness and consistency

The outcome will be advised both verbally and in writing.

6. Appeals

1. Employees have the right to appeal to a more senior manager against any disciplinary sanctions imposed. Any such appeal should be submitted as soon as practicable, but generally no later than five working days after receiving written confirmation of the action being taken. The employee will again be advised of their statutory right to be accompanied to the meeting and their right to postpone the meeting.
2. Appeals will be considered at a meeting within a reasonable timescale by an independent Manager who where practical is more senior to the one chairing the original meeting and normally within the same management reporting line providing that they were not involved in the earlier investigation. For sanctions other than dismissal the appeal will normally review the specific grounds of appeal and, where these were not clear from the appeal letter, the employee will be encouraged to provide details of the grounds of the appeal to allow a review to take place.
3. Where, exceptionally, a rehearing of the whole case may be needed the HR Manager will make this decision after consultation with the employee and the relevant Union or workplace representative. Where it is decided that a rehearing is required the implications of a rehearing, particularly in relation to a possible increase in sanction, must be explained to the employee and confirmed in writing by the HR Manager. The employee must then be allowed a reasonable amount of time to consider whether they wish to pursue their appeal or withdraw it.
4. Where an employee feels that the HR Manager's decision to hold a rehearing rather than a review is unreasonable, they may lodge a grievance.
5. Appeal meetings about a dismissal will always represent a full re-hearing of the case and will be heard by a panel made up of at least two Directors/Chief Executive and two elected Council Members.
6. Where the appeal is a rehearing of the case, the decision of the Appeals Panel may include confirmation of the original decision, the quashing of the original decision or a lesser sanction being substituted (including a decision to dismiss) for the original decision.
7. The outcome of any appeal will be confirmed in writing. This outcome will be final.

7. Gross Misconduct

Where the allegations could amount to gross misconduct, the following Procedure will apply:

1. As soon as the employee's Manager is aware of the allegations which (s)he considers could amount to gross misconduct, (s)he should discuss the matter with the HR Manager, or their Director or the Deputy Chief Executive. If they agree, then they can authorise immediate suspension which should be confirmed verbally and in writing to the employee.
2. Suspension will be on full pay pending investigation and is not to be regarded as a disciplinary sanction in its own right. It is to be for the minimum period necessary and should be regularly reviewed to confirm it is still necessary.
3. Thereafter the Procedure follows that listed from step 1 in the Misconduct section of the Procedure, except that in all cases an independent person will conduct the

investigation and make a recommendation on whether there is a case to answer and the employee's Director will normally chair the disciplinary meeting.

8. Suspension

Suspension won't be necessary in all cases, however an employee may be suspended on full pay in cases of serious misconduct or other instances whilst an investigation is conducted if:

- (a) such a suspension would facilitate the investigation
- (b) there is a risk to the Authority's property or to other people

9. Disciplinary outcomes/sanctions

A disciplinary meeting can have a variety of outcomes as shown in the table below.

Outcome	Used in these circumstances	Applied by
No action	Where Manager chairing the meeting considers that there is no real substance to the allegations, or Where, although the allegations have substance, there are strong mitigating factors which means that it would be unreasonable to impose a warning	Any level of Manager
Informal verbal warning	Where allegations have substance but it is a first breach or discipline and the Manager chairing the meeting concludes that the misconduct is of a minor nature, or Where, although allegations have substance, there are strong mitigating factors which means that it would be unreasonably to impose stronger warning.	Any level of Manager
Written warning	Where allegations of misconduct have substance, there are no mitigating factors justifying lesser sanction but, taking past record into account, it would be unreasonable to impose a stronger sanction	Any level of Manager
Final written warning (i.e. dismissal could result from any further misconduct)	Following a failure to heed previous warnings (in which case another hearing is necessary), or A substantiated serious disciplinary offence, even though no warnings have previously been given	3 rd tier manager and above
Dismissal with contractual notice	Following a failure to heed a final warning, or Dismissal for a reason other than Gross Misconduct	Director and above
Dismissal without notice	Substantiated Gross Misconduct	Director and above
Demotion and/or transfer	Only as an alternative to dismissal and with employee's formal written agreement	Director and above

Appeal meetings can: quash the original decision entirely; or substitute a lesser sanction; or substitute a greater sanction, but only if the appeal is a full rehearing of the case. In most cases the appeal will be a review of the earlier decision and the employee will be encouraged to identify the specific point(s) of the appeal so that the appeal panel can address this issue(s). In these cases no greater sanction may be substituted.

If written warnings are issued, the employee will also be advised of the improvement required and the consequences of failure to improve. All warnings will be kept on file for the period specified on the warning. This period would normally be:-

- 4 months for informal warnings
- 6 months for a formal verbal warning
- 12 months for a written warning
- 24 months for a final written warning

Once the period is 'spent' the warnings will be removed from the personal file.

Even when a warning is 'spent' and documents removed from the personal file, in order that the Council can meet any possible obligations under the TUPE regulations, all documentation in relation to formal disciplinary proceedings will be retained for a total of two years before being destroyed. In such cases, the records will be securely stored and kept separate from any personal file that may be available to managers generally. Information relating to 'spent' warnings will not be made available to those involved in selection decisions.

10. Probationary Periods

An employee still in their probationary period can be dismissed using a modified procedure as follows.

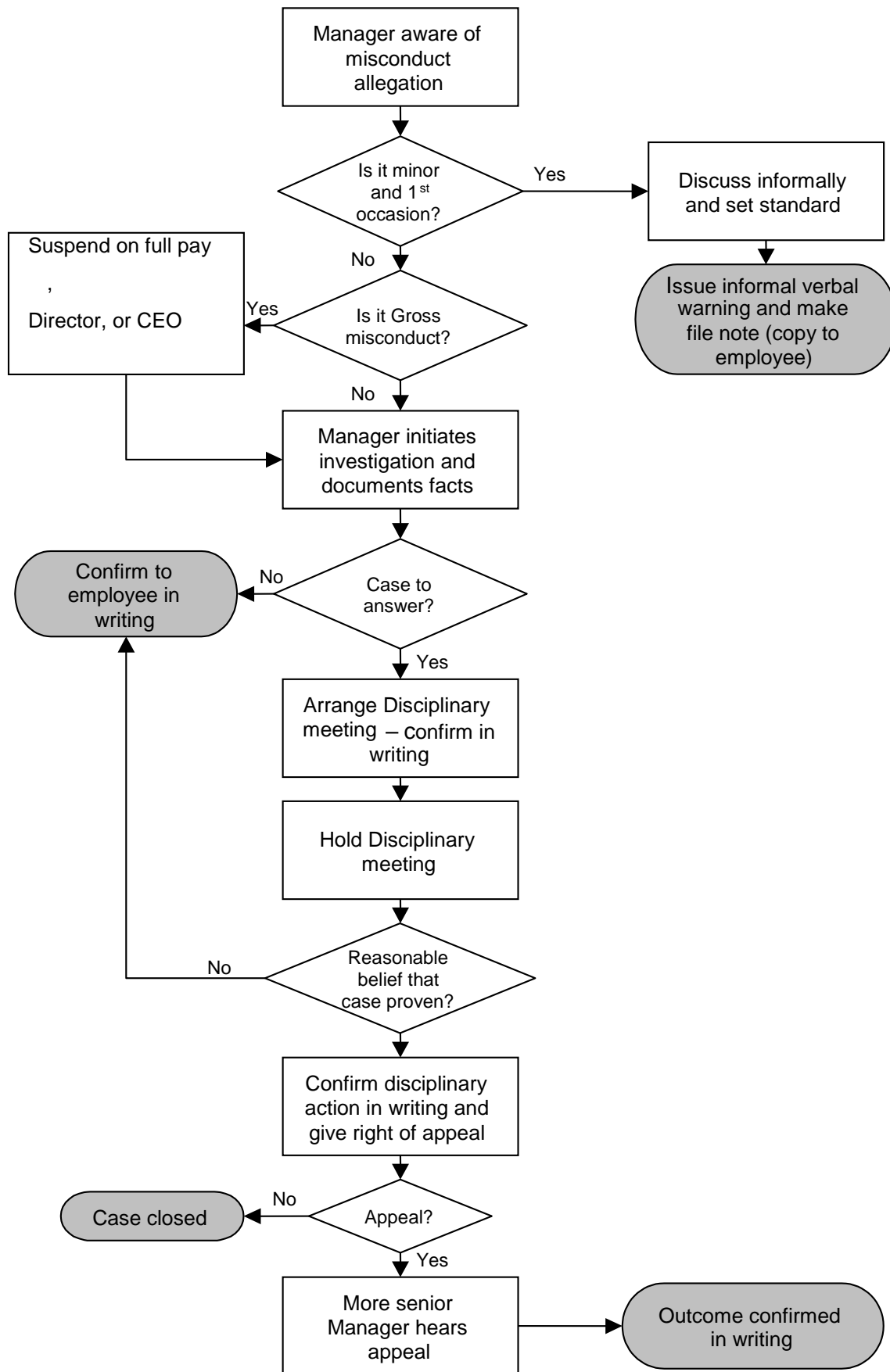
Step 1: The manager must set out the reasons in writing detailing the issues of concern or alleged conduct or other circumstances which lead them to contemplate dismissing or taking disciplinary action against the employee. The manager will send a copy to the employee inviting the employee to attend a meeting advising them of their right to be accompanied at the meeting.

Step 2: The meeting must take place before action is taken except where a decision is taken to suspend the employee. The employee should be given reasonable time to have considered their response to the information in the letter. The employee must take reasonable steps to attend the meeting and will have an opportunity at the meeting to put their point of view.

After the meeting the manager will inform the employee in writing of their decision and, if applicable, advise them of their right of appeal against the decision.

Step 3: If the employee wishes to appeal they must put the request in writing and they will be invited to a further meeting at which they can be accompanied. A more senior manager than at the first meeting (usually a Director) should hear the appeal. After the appeal meeting the manager must inform the employee of their decision in writing

**South Somerset District Council
Disciplinary Procedure – Outline Flow Chart**



Budget and Policy Framework Procedure

1. The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or policy framework is in place, it will be the responsibility of the executive to implement it.
2. The process by which the budget and policy framework shall be developed is:
 - (a) The Executive will publicise through its forward plan a timetable in accordance with which it will make proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. The Chairman of the Scrutiny Committee will also be notified. Within this timetable each Area Committee will develop proposals for the following budgets for their area, having taken steps to consult residents and other stakeholders: area capital budget, area reserves and area grants budget. Their proposals will be presented to the Executive.
 - (b) The Executive's initial proposals, taking into account proposals from Area Committees, shall be referred to the Scrutiny Committee for further advice and consideration. The Scrutiny Committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Area Committees. The Scrutiny Committee shall report to the Executive on the outcome of their deliberations. The Scrutiny Committee shall have four weeks to respond to the initial proposals of the Executive unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, the Executive will inform the Scrutiny Committee of the time for response when the proposals are referred to it.
 - (c) Having considered the report of the Scrutiny Committee, the Executive, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration.
 - (d) The Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's proposals from Area Committees and any report from the Scrutiny Committee.
 - (e) The Council's decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader of the Council. The notice of decision shall be dated, and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's proposal without amendment) or (if the Executive's proposal is not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader of the Council formally objects to it in that period and provides reasons why.
 - (f) In that case, the Democratic Services Specialist will call a Council meeting within a further 5 days. The Council will be required to re-consider its decision and the Leader of the Council's written submission within 10 days.

The Council may

- i) approve the Executive's recommendation by a simple majority of votes cast at the meeting; or
- ii) approve a different decision which does not accord with the recommendation of the Executive by a simple majority of votes cast at the meeting.

- (g) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;
- (h) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

- (a) Subject to the provisions of paragraph 5 (virement) and Financial Regulations, the Executive, committees of the Executive, and nominated individual members of the Executive and any officers, Area Committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Executive, committees of the Executive, nominated individual members of the Executive and any officers, Area Committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

- (a) The Executive, a committee of the executive, a nominated individual member of the executive or officers, Area Committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the full Council; and
 - ii) if the Chair of the Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of the scrutiny committee the consent of the chairman of the Council and in the absence of both the Vice-Chairman will be sufficient.

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

5. Virement

- (a) The rules of virements are set out in the Council's Financial Procedure Rules which are included in this Part of the Constitution.
- (b) Financial Regulations will allow the Executive to take any decision which is contrary to or not wholly in accordance with the budget or capital plan providing that any additional costs can be offset by additional income, contingency or savings within budget allocations to functions which are the responsibility of the executive.

6. Call-in of decisions outside the budget or policy framework

- (a) Where the Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- (b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;Or
 - ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;Or
 - iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

Financial Procedure Rules

Introduction

- i. To conduct its business efficiently a local authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of Financial Procedure Rules that set out the financial policies of the authority. A modern council should also be committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.
- ii. The Financial Procedure Rules provide clarity about the financial accountabilities of individuals: Elected Members; the District Executive; the Chief Executive; Directors; Section 151 Officer; the Monitoring Officer; Managers and all other officers of the Council. For the purposes of these Rules, "Manager" means Assistant Directors, Leadership Management Team, Lead Specialists, People Managers and any other budget holders,
- iii. The Council has established other internal regulatory documents as set out in Part 4 of the Council's Constitution. The Constitution lays down the Council's governance structure, which sets out how the Council operates, decision making processes, and the Council's operating procedures.
- iv. It is not possible to draft procedure rules to cover every eventuality or circumstance. Consequently, the principles of sound financial management proper exercise of responsibility and accountability, as set out in this document should be applied in all circumstances.
- v. The following general principles apply: -
 - there should be adequate and understood separation of duties so as to maintain adequate control over all financial transactions and operations;
 - there should be a clear hierarchy of control;
 - there should be adequate training and supervision of staff and there should be adequate management and audit trails;
 - there should be adequate management of risks and additional checks where there are high levels of risk;
 - operational financial procedures should be clearly documented, key risks identified, and such documents kept up to date and there should be adequate business continuity plans in place to maintain effective administration of the Council's finances at all times.
- vi. Financial Procedure Rules apply to every Member and employee of the Council and anyone acting on its behalf.
- vii. Executive Members and Senior Leadership Team should, where decision-making is delegated to them, maintain a written record of all decisions. Where decisions are formally delegated to other responsible officers, references to the Senior Leadership Team in these rules should be read as referring to them.
- viii. All elected Members and employees have a general responsibility for taking reasonable action to provide for the security of assets, funds and resources under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- ix. The S151 Officer is individually responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Audit Committee and then Full Council for approval. They are also individually

responsible for reporting, where appropriate, breaches to the Council, to the District Executive, or the Audit Committee. Senior Leadership Team and their staff are responsible for promptly notifying the S151 Officer of any breaches of these Financial Procedure Rules.

- x. The Senior Leadership Team is responsible for ensuring that all Managers are aware of the existence and content of the Council’s Financial Procedure Rules and other internal regulatory documents, and that all employees comply with them. The Senior Leadership Team shall also ensure that there is an adequate level of understanding of these rules within their teams and that copies are available for reference within their service area or are accessible via other media.

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1 LOCAL GOVERNMENT REORGANISATION

- 1.1 Under the provisions of the Somerset (Structural Changes) Order 2022 (SCO) a new Somerset Unitary Council will come into existence on the 1 April 2023 and all of the financial resources and commitments of the predecessor Councils will transfer to the new Somerset Council at this date in accordance with the provisions of the SCO and other statutory instruments made under the Local Government and Public Involvement in Health Act 2007 in respect of local government reorganisations generally. In the transitional period to 1 April 2023 South Somerset District Council has a duty under the SCO to:
- (a) take such steps as may be necessary to prepare for the transfer of its functions, property, rights and liabilities to the new Somerset Council;
 - (b) consult and co-operate with the other Somerset councils to secure the economic, effective, efficient and timely transfer of those functions, property, rights and liabilities; and
 - (c) generally, exercise its functions to further the purposes of the SCO.
- 1.2 On 10 May 2022 the Secretary of State for the Department of Levelling Up, Housing and Communities issued a direction under section 24 of the Local Government and Public Involvement in Health Act 2007 that with effect from 16 June 2022 the four Somerset District Councils were required to obtain the consent of the Executive of Somerset County Council before:
- (a) Disposing of any land if the consideration for the disposal **exceeds £100,000**.
 - (b) Entering into any capital contract under which the consideration payable **exceeds £1,000,000**; or which includes a term allowing the consideration payable to be varied.
 - (c) Entering into any non-capital contract under which the consideration payable **exceeds £100,000**, if:
 - (i) the period of the contract extends beyond 1 April 2023; or
 - (ii) under the terms of the contract, its period may be extended beyond that date.
- 1.3 On 15 June 2022 the Executive of Somerset County Council issued the following General Consent to come into effect on 16 June 2022:

General Consent

General Consent is hereby granted to the District Councils to enter into new contracts (over £100k for revenue and over £1m for capital) and to dispose of land (over £100k) where the following criteria are met:

Entering into new contractual arrangements:

1. *Entering into new revenue funded contracts (over £100k excluding recoverable VAT) which can be funded from within the individual Council's 2022/23 approved revenue budget **and** where the contract does not enable extensions beyond vesting day. This could be a contract for goods or services.*
2. *Any contract required as an essential response to a civil emergency, for example response to flooding.*
3. *Entering into new staffing contracts which can be funded from within the 2022/23 approved revenue budget **and** which comply with the agreed LGR staffing protocol.*

4. **General Fund:** *Entering into new capital funded contracts (over £1m excluding recoverable VAT) for projects/programmes that are included in the 2022/23 approved capital budget **and** can be funded from financing sources included within the budget reports and/or Treasury Management Strategies agreed by the Councils in February/March 2022. Such contracts can extend beyond vesting day **if** the individual project has an approved phased budget, and no revenue implications beyond 1st April 2023 e.g. a housing development scheme, decarbonisation programme, regeneration project.*
5. **Housing Revenue Account:** *Entering into new capital funded contracts (over £1m) for projects/programmes that are included in the 2022/23 approved capital budget/HRA Business Plan **and** can be funded from financing sources included within the budget reports and/or Treasury Management Strategies agreed by the councils in February 2022. Such contracts, e.g. social housing development scheme, housing stock decent homes works such as replacement windows, can extend beyond vesting day **if** within the approved budget for the contract and within HRA business plan value for money and affordability limits.*
6. *Points 1, 3, 4 and 5 above to include budgets previously approved before February 2022 that carry forward into the 2022/23 financial year (e.g. slippage of unspent but approved capital and revenue budget from 2021/22 into 2022/23).*
7. *Entering into a contract that relates to the operation of prudent treasury management and complies with the district councils' approved treasury management and investment strategies, prudential indicators, and treasury management practices, where any borrowing does not exceed £5m and 365 days. In the event of any long-term borrowing exceeding £5m and exceeding 365 days specific consent of the County Council S151 Officer is required.*
8. *Entering into a contract that is outside the existing approved budget but is fully funded by external grants / contributions, unless the grant conditions require match funding exceeding the S24 Threshold (not included in the agreed budget) and/or pose potential significant risks and significant obligations on the Unitary exceeding the S24 Threshold. Town Deals is an example of expenditure which would be included in the general consent as it is externally funded*

Land disposals:

9. *Disposals of council dwellings or grant or renewal of leases (over £100k) under the Right to Buy legislation and disposal of other housing revenue account assets in line with approved budgets, financial strategies and business plans.*
10. *All lease rental agreements for investment properties (over £100k and continuing past vesting day) at market value.*
11. *All lease rental agreements for non-investment properties (over £100k and continuing past vesting day) where the rental value secured is at least that contained within the approved rental income budget or within the Business Case previously agreed by the Council prior to issue of the S24 Effective Date. .*
12. *Completion of land and property disposals (over £100k) that are already approved through the District Council's governance arrangements prior to S24 Effective Date and in line with the 2022/23 approved budget and capital strategy. All capital disposal or land sales outside of those identified will need specific consent.*

*To aid interpretation the following are examples of financial activities **that can be carried out** by the District Councils without needing the consent of the County Council*

- *New use of earmarked reserves and reserves not included in the agreed budget (unless they are to fund new contracts above the S24 financial limits **and** which are outside of the general consent criteria).*
- *Raising new **and/or** changing 2022/23 fees & charges tariffs.*
- *Meeting staffing needs (new contracts) that have funding available within the agreed budget and follow the LGR recruitment protocol.*
- *Debt write-offs of any value in line with the existing Councils' approved constitutions, financial procedures and accounting policies.*

1.4 Where a proposed activity is covered by the General Consent set out in rule 1.3, before taking any action under the General Consent officers must check that it has not been amended by the Executive of Somerset County Council. If the General Consent has not been amended or, if amended, continues to cover the proposed activity, no additional steps are required under these Rules. Note: that a small number of projects are not covered by the General Consent and these are listed in the Schedules to the General Consent which can be found at [hyperlink](#)

1.5 If a proposed activity is not covered by the General Consent set out in rule 1.3, then in addition to the requirements set out in these Rules and the South Somerset District Council Constitution, consent must be obtained from the Executive of Somerset County Council (in accordance with their published Specific Consent Procedure applicable at the time) before the proposed activity commences.

1.6 The Section 151 Officer will provide advice on any proposal needing County Council Executive consent under the section 24 Direction.

2 FINANCIAL GOVERNANCE

2.1 Full Council

- The Full Council is responsible for approving the policy framework and, through a named vote, the annual revenue and capital budgets within which the Executive operates. This encompasses any medium and longer-term plans for both revenue and capital resources. The policy framework shall also include approval and setting the Council Tax rate.
- The Full Council may delegate to a Sub Committee or the Leader the approval of the Full Council Tax Determination that sets out the detailed council tax charges by town/parish and council tax band for each preceptor.
- Full Council is responsible for approving use of reserves, additional to those agreed annually in February as part of the overall budget, that are greater than 5% of the usable receipts balance in any one year.

2.2 District Executive

- The District Executive is responsible for proposing the policy framework and detailed budget to the Full Council and for discharging executive functions in accordance with the policy framework and budget agreed by Full Council and for in year monitoring of the budget. The detailed budget should include the allocations to the various services and projects, proposed funding including taxation levels, and minimum required levels of general reserves.
- District Executive can approve the use of reserves to fund Supplementary Budget allocations within the financial year up to a maximum of 5% of unallocated reserves in any one year.

- c) Where the District Executive delegates executive decisions to a committee, or an individual Executive Member (Portfolio Holder), or a Member of staff, that delegation will include the financial accountabilities relating to the administration of the budget and spending decisions.
- d) The relevant budget holder will be the employee with responsibility for the relevant service, policy, or project, unless the Executive specifically identifies to whom budget responsibility is delegated e.g. to an Executive Member.
- e) Senior Leadership Team or District Executive Members who have responsibility for budgets delegated to them will be accountable to the District Executive or Full Council, as appropriate, for the use of delegated budgets and should report at least quarterly to their accountable body for the use of those budgets and on the latest budget position.
- f) The District Executive is responsible for ensuring individual Executive Members with delegated powers consult with all relevant staff before taking decisions within their delegated authority, so that all implications, including financial implications, are taken into account.
- g) The District Executive will follow general good practice and comply with sound principles of accountability and effective management by delegating management and operational control normally to the Senior Leadership Team / Managers and other suitable officers wherever feasible and practical.
- h) It is the responsibility of the Executive or Executive Member with delegated budget responsibility to consult with the S151 Officer over the availability of funds before committing the authority to expenditure.

2.3 The Chief Executive

- a) The Chief Executive is the Council's Head of Paid Service, and is responsible for the corporate and overall strategic management of the authority as a whole. This includes responsibility for establishing a framework for management direction, style, and standards and for monitoring the performance of the authority. The functions of the Chief Executive are set out in Article 12 of the Council's Constitution.

2.4 Monitoring Officer

- a) The functions of the Council's Monitoring Officer are set out in Article 12.03 of the Council's Constitution.
- b) In particular the Monitoring Officer, in consultation with the Chief Executive and the S151 Officer is responsible for advising the Executive, Full Council, Audit Committee and Scrutiny Committee if any proposal, decision or omission would give rise to unlawfulness or has given rise to maladministration, which would include:
 - initiating a new policy with additional unfunded budgetary implications
 - committing expenditure in future years above the current year budget level or medium term financial plan
 - incurring virement without approval or outside any limits set by Council
 - causing total expenditure to increase above the approved budget

2.5 Section 151 Officer

- a) The functions of the Council's Section 151 Officer are set out in Article 12.04 of the Council's Constitution.

- b) In particular, the S151 Officer, is responsible, in consultation with the Chief Executive and Monitoring Officer, for advising the Executive, Full Council, Audit Committee and Scrutiny Committee if any proposal, decision or course of action will involve incurring unlawful expenditure, or be unlawful and likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully, which would include:
- initiating a new policy with additional unfunded budgetary implications
 - committing expenditure in future years above the current year budget level or medium term financial plan
 - incurring virement without approval or outside any limits set by Council
 - causing total expenditure to increase above the approved budget
- c) The S151 Officer is responsible for the proper administration of the Council's financial affairs and shall:
- i. Advise the Council on insurance and financial risk;
 - ii. Advise the Council on effective systems of internal control;
 - iii. Ensure that there is an effective system of internal financial control;
 - iv. Advise the Council on anti-fraud and anti-corruption strategies and measures;
 - v. Present the annual Statement of Accounts to the Audit Committee and submit to the appropriate departments of central government any associated grant claims.
 - vi. Select and consistently apply accounting policies, determine accounting procedures and records, and ensure compliance with relevant Accounting Codes of Practice;
 - vii. Ensure with Senior Leadership Team that there is an effective internal audit function and assist managers to provide effective arrangements for financial scrutiny;
 - viii. Secure effective systems of financial administration and provide appropriate financial information to enable budgets to be monitored;
 - ix. Manage the cash and investments of the Council in accordance with the relevant CIPFA Codes of Practice and the Council's Treasury Management Strategy Statement, and determine effective and compliant Treasury Management Practices;
 - x. Ensure that financial management arrangements are in line with the Council's policy objectives, the Council's overall governance arrangements and comply with any internally or externally set financial management standards;
 - xi. Advise the Council on the setting of its revenue and capital budgets and the adequacy of its reserves to meet possible future commitments and contingencies. It is the responsibility of the S151 Officer to advise the District Executive on the setting of budget guidelines, to ensure budget estimates reflect agreed service levels and any guidelines set by the District Executive, and to liaise with budget holders throughout the budget preparation process;
 - xii. Discharge statutory duties under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, the Accounts and Audit Regulations 2015, and the Local Government Act 2003;
 - xiii. Advise the District Executive and Full Council on prudent levels of reserves for the Council and on the robustness of the Revenue and Capital Budgets;
 - xiv. Advise the District Executive, Senior Leadership Team / Managers on all taxation issues that affect the Council;
 - xv. Ensure the effective billing, collection and recovery of all sums due to the Council, in accordance with the Debt Recovery Policy.

2.6 Senior Leadership Team and Budget Holders

- a) The Council delegates all approved budgets for management purposes to a named post of the Council. Each named employee shall:
- i. Ensure that the financial content of all reports, forms and procedures is approved by the S151 Officer (or a named Finance representative);

- ii. Report any irregularities concerning the Council's financial affairs to the S151 Officer or Assistant Director (SWAP Internal Audit Services) at the earliest possible opportunity. The provisions of the Council's Whistleblowing Policy shall also be followed where relevant;
- iii. Ensure that there are sufficient funds available in their approved budget before commitments are entered into;
- iv. Consult with the S151 Officer prior to submitting to the Senior Leadership Team, District Executive or any Committee any report that may have financial implications;
- v. Ensure that the Council's Constitution and other procedural requirements are complied with together with all applicable statutes, regulations, and best practice;
- vi. Monitor and control expenditure against approved budget allocations and report to the District Executive quarterly in conjunction with the S151 Officer on variances and the action being taken to address them;
- vii. Maintain systems of control that facilitate the achievement of the Council's objectives by using resources economically, efficiently, and effectively and by safeguarding the authority's assets and interests;
- viii. Review and appraise their operations so as to achieve continuous improvement;
- ix. Liaise with the Council's external auditor and any other inspectorate with statutory rights of access.
- x. Ensure any compensation payments are authorised in accordance with the limits set in the Constitution (see Scheme of Delegation). The relevant Director will report to the SLT on the number and value of payments made.
- xi. Maintain systems, procedures and sufficient resources to ensure that collection and recovery of all sums due to the Council follow the Income Management Policy.

2.7 Executive Members Exercising Budget Responsibility

- a) Where an Executive Member exercises budget responsibility they shall comply with the provisions of section 2.6 above and all related Financial Procedure Rules.

2.8 All Other Employees

- a) All other employees of the Council have a responsibility to:
 - i. Report any irregularities concerning the Council's financial affairs to the S151 Officer or the Internal Auditor (Assistant Director – SWAP) at the earliest possible opportunity. The provisions of the Council's Whistleblowing Policy and the Anti Money Laundering Policy shall also be followed where relevant;
 - ii. Comply with the Council's Constitution and other procedural requirements are complied with together with all applicable statutes, regulations and best practice.

3 REVENUE AND CAPITAL BUDGETS

3.1 General and Budget Monitoring

- a) Delegation of budgets shall be in accordance with the Scheme of Delegation.
- b) Delegation of budgets is to the Senior Leadership Team. They must maintain a full list of delegations to officers within their functional areas.
- c) Accountability for appropriate budgets shall be held at Senior Leadership Team level.
- d) Budget holders can only vary budgets in accordance with these Financial Procedure Rules. Accounting recharges (such as Support Services and depreciation) can only be varied by the S151 Officer.

- e) Budget monitoring is the responsibility of each Senior Leadership Team member. Where there is likely to be a significant variation between the budget and actual expenditure they must notify the S151 Officer as soon as possible including an action plan to rectify the situation where appropriate.
- f) Budgets must be managed and monitored at nominal code level. The nominal code describes the type of spending and income e.g. salaries, electricity, grants, fees and charges. Virements must be requested where insufficient funds are available at nominal level. Virements are required where the variance is greater than £1,000.
- g) The S151 Officer is responsible for setting a timetable and reporting the Council's financial performance and financial position to the Senior Leadership Team and the District Executive.
- h) The Council has a statutory responsibility to produce a Statement of Accounts and all budget holders must comply with the accounts closedown timetable set by the S151 Officer.

3.2 Variations to Structures and Staffing Levels

- a) Within the total budget approved by the Council each year, Senior Leadership Team shall be entitled to vary the numbers and composition of their workforce in order to meet service requirements, provided such variations do not commit the Council to increased expenditure in future years, receive SLT approval and follow the applicable LGR staffing protocol.
- b) Members of Senior Leadership Team proposing restructures shall liaise with both Finance Specialists and People Specialists to agree overall cost implications and HR process and procedure. SLT members shall ensure they have included the cost implications of the Council's severance scheme, and that the S151 Officer verifies these costs. Salaried posts will be costed at the top of the grade in any workforce design, include all potential redundancies and/or early retirements and salary protections, and then be compared to the previous structure. Where there are any actual or potential additional costs associated with restructuring proposals that may commit the Council to increased expenditure in future years, overall agreement must be obtained from the SLT and District Executive including the method of financing and a section 24 consent must be in place.
- c) Senior Leadership Team shall not enter into or change a contract of employment, including the grading of a post without prior consultation with the Lead Specialist - People.
- d) Senior Leadership Team shall adhere to the Council's staffing policies and staffing delegations, including the proper use of appointment procedures, the applicable LGR Staffing Protocol, systems for determining remuneration and the method used to make payments to employees. Senior Leadership Team may choose to delegate these functions.

3.3 Increases to the approved Revenue Budget

- a) Full Council is to approve the Detailed Budget Analysis including income and expenditure totals for each activity as part of the Annual Budget Report.
- b) Senior Leadership Team can increase their expenditure by up to £20,000 in one financial year for goods purchased for resale with a matching increase in income budgets, in consultation with a Finance Specialist.

- c) Senior Leadership Team can increase their cost centre income budget on services by up to a maximum of £20,000 in one financial year, with supporting evidence, and in consultation with a Finance Specialist.
- d) Senior Leadership Team can increase their revenue expenditure budgets by up to £100,000 if such expenditure is fully grant funded or can be financed by an earmarked reserve (set up for the purpose of funding such expenditure) provided that approval is gained from the overall Senior Leadership Team. Any such increases will be reported to District Executive in the quarterly corporate budget monitoring report and the gross expenditure (and its financing) added to the approved budget totals.
- e) Senior Leadership Team must receive advice from the Lead Specialist – People, on the contract terms, and from the Lead Specialist – Finance, on the budget and financing arrangements, before agreeing any proposal to increase the staffing budget. SLT must ensure any additional costs associated with that Member of staff is fully funded at the outset including any provision for possible redundancy costs.
- f) Any increase needed to the revenue budget over £100,000 will require consent under the section 24 Direction.

3.4 Revenue and Capital Budget Virement Rules

- a) District Executive have delegated authority to approve virements between activities/services/projects within the overall approved budget total and have further delegated this authority as set out in the table below:

Authoriser	Limit	Finance advice required from
Budget Holder	£25,000	Specialist – Finance
SLT Member	£50,000	Lead Specialist – Finance
Portfolio Holder	£100,000	S151 Officer
District Executive	Greater than £100,000	S151 Officer

- b) Any virement involving the staffing budget needs, in addition, advice from the Lead Specialist Finance and Lead Specialist People and, if that advice is not followed, written reasons must be sent to the s151 Officer before the virement is made.
- c) Where virements are between different areas of responsibility the approval of all relevant officers and portfolio holders is required.
- d) All budget virements above £50,000 will be reported to District Executive in the quarterly corporate budget monitoring reports for information and transparency.
- e) All budget virements properly approved shall be actioned in the Council's main finance system only by Finance Officers.
- f) Area Committees can approve budget allocations (virements) from total budgets and ring-fenced reserves delegated to each Committee by District Executive and Full Council. Area Budget information will be reported to the District Executive for information via the quarterly corporate budget monitoring reports.
- g) District Executive has delegated authority to vire amounts from the Corporate Capital Contingency Budget into the schemes previously approved by Full Council in the capital programme.
- h) In urgent cases, the Chief Executive Officer has delegated authority, in consultation with the s151 Officer, to vire amounts from the Corporate Capital Contingency Budget into the schemes previously approved by Full Council in the capital programme.

3.5 Revenue Under/Overspends and Budget Carry Forwards

- a) Senior Leadership Team Members are responsible for ensuring budgetary control is maintained at all times, and shall take all reasonable action to contain spending and meet income targets within approved targets. All forecast and actual variations to approved budgets by activity/service greater than £50,000 must be reported and fully explained to the District Executive through the quarterly corporate budget monitoring reports.
- b) The S151 Officer is responsible for approving all budget carry forwards due to timing differences between financial years in meeting agreed commitments. District Executive approval is needed to carry forward unspent and uncommitted revenue budget.
- c) The S151 Officer shall transfer Revenue Budget Net Underspend or Overspend, after approved carry forwards and agreed allocations to/from earmarked reserves, to General Reserves at the end of the financial year.

3.6 Capital Budget

- a) A rolling five-year Capital Programme is to be prepared and reviewed annually to confirm the Capital Budget and Financing requirement within each financial year.
- b) The S151 Officer is responsible for compiling the Capital Budget and the 5-year Programme including the associated capital financing, in consultation with Senior Leadership Team, for consideration by the District Executive prior to submission to Full Council for approval. The programme will include:
 - committed schemes that are in the process of completion
 - schemes for replacement/maintenance of existing assets
 - new starts for the following years
 - receipts from expected sales of assets and
 - external contributions expected
- c) Full Council is responsible for approving Supplementary Capital Budgets. In all Supplementary Budget decisions, the decision-maker must consider affordability of both capital and revenue implications of recommended projects, in consultation with the S151 Officer or Lead Specialist – Finance.
- d) Any increase needed to the capital budget over £1,000,000 will require consent under the section 24 Direction.
- e) The S151 Officer is responsible for setting the reporting timetable in consultation with the Portfolio Holder responsible for Finance. The Capital Programme will be monitored by District Executive or, where monitoring has been delegated, by the appropriate Area Committee or Regeneration Board.
- f) The S151 Officer in consultation with Responsible Officers (see 3.7 (f) below) and the SLT will prepare the corporate monitoring reports to the District Executive.

3.7 Bidding for Urgent Capital Resources

- a) Schemes where appropriate shall have completed a feasibility study before submission to Area Committees or District Executive. All schemes requiring Feasibility Funds require approval by SLT and then District Executive.
- b) There is a de-minimis value of £10,000 for each Capital Scheme, £250 for Capital Grants, and £10,000 for capital receipts.

- c) During the annual budget setting process, decisions will be made on which new schemes are to be included in the following year's Capital Budget and 5 year Programme. Capital Investment Appraisal shall be completed in line with Guidance provided by Finance and can be submitted to the S151 Officer at any time during the year but will be considered by SLT for onward approval by District Executive and Full Council in line with the agreed timetable.
- d) Proposals shall be clearly linked to the Council Plan and any relevant Service Plans.
- e) The capital investment appraisal form shall disclose any revenue consequences. If these cannot be absorbed by the service a request shall be made to District Executive for additional resources as part of the Revenue Budget setting process.
- f) Each approved scheme will be the responsibility of a named Responsible Officer, who shall monitor the scheme's progress and report accordingly.

3.8 Urgent Purchase and Disposal of Plant and Vehicles over £10,000

- a) Managers/Lead Specialists are responsible for assessing the need for acquiring, replacing or disposing of plant or vehicles and completing a business case that includes describing the business need and benefit, the costs and funding proposals. This includes regular (at least 6-monthly) reviews of leases.
- b) Managers/Lead Specialists shall liaise with a Finance Specialist to confirm sufficient budget is in place.
- c) Managers/Lead Specialists shall maintain a maintenance and replacement plan for vehicles and plant, and submit future budget requirements in line with the annual Budget Timetable set by the S151 Officer.

3.9 Capital Receipts

- a) Senior Leadership Team shall inform the relevant Finance Specialist of all expected capital receipts as soon as they are identified. Beat Value needs to be obtained when disposing of assets. Proceeds from sale of assets valued at £10,000 or above shall be credited to the Capital Receipts Reserve and allocated in accordance with the approved Capital Programme.
- b) Any disposal where the value exceeds £100,000 will require consent under the section 24 Direction.

3.10 Monitoring the Capital Programme and Capital Projects

- a) Where Responsible Officers require schemes to be re-phased between years they shall notify the S151 Officer at least quarterly so that the overall financing of the Capital Programme can be maintained and investment income maximised.
- b) Financial progress on each project and funding projections must be submitted to District Executive quarterly by the S151 Officer. This must include any slippage in the project timetable and spend with the actions being taken if necessary to bring the project back in line.
- c) Projects should be managed and monitored using the Council's Project Management Methodology and regular reports made to each Project Sponsor for monitoring purposes.
- d) Any projects amended, other than for minor changes that exceed the agreed tolerances between approval and implementation must be resubmitted to the District Executive for

approval. This includes projects that have received further external financing to meet additional costs over £50,000.

- e) All capital projects over a value of £1,000,000 and capital projects over £250,000 that also have a risk impact score of moderate or above, must undertake End of Stage Assessments and if the assessment identifies any change to the original business case for the project, authorisation to move to the next stage will require District Executive approval.

3.11 Capital Underspends

- a) The S151 Officer can approve the carry forward of underspends against budgets to the following year if the project has commenced before the year-end and has not been completed. District Executive or the appropriate Committee will decide at the year-end whether projects that have a delayed start date of more than one year can continue.

3.12 Post Completion Appraisals

- a) On completion of a project over £1,000,000 the Responsible Officer will prepare a report in consultation with the S151 Officer (or nominated representative) and SLT lead stating how the project has performed against its set objectives. This will be reported as part of the outturn report or quarterly capital budget monitoring report to District Executive each year.

3.13 S106 & Community Infrastructure Levy (CIL) Funds

- a) All S106 funds over £10,000 will be included if appropriate in the capital programme once received and included within a quarterly monitoring statement for reporting to District Executive.
- b) The Strategic Development Board (SDB) has delegated authority to determine the criteria for awarding and the subsequent allocation of CIL monies received.

3.14 Regeneration Programme Boards

- a) Governance and delegated authority for implementing the Regeneration Programme shall be approved by Full Council
- b) Full Council shall approve the total budget and its funding for each Regeneration Programme
- c) Full Council shall approve the original Business Case for the investment and any subsequent proposed changes that would have a significant impact on the agreed Business Case. The individual project Boards act within the agreed budget and scope approved by Full Council.
- d) Individual schemes within approved Programme limits shall be approved by the Director of Place and Recovery in consultation with the Programme Board Chair and the S151 Officer.
- e) fficer.

4 FINANCIAL CONTROL

4.1 General

- a) All accounting systems, procedures and records shall be subject to the approval of the S151 Officer. Changes to or discontinuation of existing financial systems/procedures and the introduction of new financial systems shall also be approved by the S151 Officer.

- b) All accounts and reports shall be prepared in accordance with these Financial Procedure Rules and in conformity with any Government Regulations and CIPFA Codes of Practice and any other professional guidance held to represent best practice.
- c) Senior Leadership Team are responsible for specifying the budget requirements for their cost centres and should seek the advice of the S151 Officer, or nominated representative, to ensure that budgets are compiled in accordance with the financial policies agreed by the Council.
- d) Senior Leadership Team is responsible for the proper operation of financial processes within their functional areas.

4.2 Local Code of Governance

- a) The Senior Leadership Team is responsible for preparing a Local Code of Corporate Governance which is to be reviewed on a regular basis and at least every three years. The Audit Committee is responsible for approving the Local Code of Corporate Governance.

4.3 Annual Governance Statement

- a) The Council is required to publish an Annual Governance Statement at the end of each financial year, which is to be approved by the Audit Committee and signed by the Chief Executive and Leader. Senior Leadership Team shall annually declare and evidence that the internal controls within their functional area are regularly monitored and reviewed.

4.4 Internal Audit – South West Audit Partnership Ltd (SWAP)

- a) The general standards for Internal Audit shall be those of the Institute of Internal Auditors (IIA) in conjunction with Public Sector Internal Audit Standards (PSIAS).
- b) The South West Audit Partnership Ltd (SWAP) Chief Executive, or nominated Senior Officer Representative, will be the responsible Chief Internal Auditor (CIA) as agreed with the S151 Officer. The CIA shall compile an Annual Audit Plan in consultation with the S151 Officer & Senior Leadership Team, to be approved by the Audit Committee.
- c) The Chief Internal Auditor shall report audit findings and significant control risks, performance in delivering the Audit Plan, and an annual Audit Opinion to the S151 Officer, Senior Leadership Team, and the Audit Committee.
- d) To assist in the objectivity and independence of the South West Audit Partnership Ltd, all audit employees have:
 - authority to enter any Council premises or land
 - authority to access all Council records, documents and correspondence
 - receive explanations from employees and Members on any matter that they are reviewing or investigating
- e) Such authority will not be used unreasonably.
- f) All thefts and break-ins to Council property shall be reported to the South West Audit Partnership Ltd at the earliest possible opportunity.
- g) Where the Council enters into agreements with partners that involve financial grants or contributions from the Council, those agreements shall give the South West Audit Partnership Ltd authority to examine the financial accounts of the partner.
- h) Partnership Ltd authority to examine the financial accounts of the partner.

4.5 Treasury Management

- a) The S151 Officer is responsible for preparing annually a Treasury Management Strategy Statement (TMSS) setting out the main principles of treasury management to be followed, including Prudential Indicators and other relevant performance measures. Audit Committee is responsible for reviewing the TMSS before Full Council approves it. Revisions to the TMSS or Prudential Indicators require Full Council approval.
- b) All Executive decisions on borrowing, investment or financing shall be delegated to the S151 Officer, who may delegate to appropriately trained Finance Officers in accordance with Treasury Management Practices. All employees are required to act in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities and the Council's Treasury Management Strategy Statement, and comply with the Treasury Management Practices.
- c) The S151 Officer shall review the TMSS mid-year and recommend any changes to Full Council. The S151 Officer shall also provide a Treasury Management activity monitoring report mid-year, and an annual report by no later than 30th June to the Audit Committee and by the 30th September to Full Council.
- d) All investments and borrowing shall be made in the name of the Council or its approved nominees.
- e) All financial balances in the possession of the Council shall be controlled by the S151 Officer.

5 CONTRACT PROCEDURE RULES

5.1 General

- a) All employees shall comply with the Contract Procedure Rules (Contract Standing Orders). These refer to the appropriate arrangements for purchasing works, goods and services, and include authority to approve/sign/amend contracts which commit the Council to expenditure and potentially related obligations. These also refer to payment made in advance of receipt of goods/services. Authorisation of individual invoice payment transactions – which certifies that invoices are correct and valid for payment – are covered under purchasing below.
- b) All employees when complying with the Contract Procedure Rules must also comply with these Financial Procedure Rules, for example, in respect of budget availability and authorisation, budget virements, and any SCO or transitional requirements.

6 PURCHASING

6.1 Payment of Invoices

- a) The S151 Officer shall make arrangements for the payments of all monies due from the Council, which shall comply with statutory provisions in force.
- b) Invoices to be paid shall not be made out to employees of the Council, except in any case or category of case agreed by the S151 Officer in advance. Employees shall not amend any invoices received but instead return to the supplier to provide an amended invoice if necessary. Copy invoices shall be clearly marked as such, and appropriate checks undertaken to confirm an original invoice has not been received or paid.

- c) Where an order has been raised for goods and services (see Contract Procedure Rules) the invoice must be matched with the order. In most circumstances, it is appropriate for an official order to be raised.
- d) All suppliers shall be asked to quote on all invoices the name of the group and section, the order number and the place where the work was done or goods delivered.
- e) No payment is to be made on the basis of a supplier's statement of account.
- f) Senior Leadership Team (or other delegated employees) shall be responsible for the verification and certification of all payments from their own budgets only. Certification means a manual signature or a computerised authorisation as required by the Council's E5 Financial Management System. The certification by, or on behalf of the Senior Leadership Team shall be regarded as an assurance that:
- value has been received and accounted for in the opinion of the Senior Leadership Team
 - expenditure complies with the Contract Procedure Rules and Financial Procedure Rules in force at the time
 - the document presented to support the payment is correctly priced and the invoice has not been previously passed for payment
 - all trade and prompt payment discounts have been deducted (where appropriate)
 - VAT has been properly accounted for in accordance with the HM Revenues and Customs regulations applicable at the time
 - expenditure and income is posted to the appropriate nominal codes on Cedar to ensure that the financial system reflects the correct nature of the expenditure/income incurred
- g) Where the same person raises the order and authorises the payment, a second person shall input details of the transaction into the Council's E5 Financial System.
- h) Senior Leadership Team can authorise any payments within their area of responsibility, and are allowed to delegate payments of up to £100,000 to their supporting officers. Delegations above this amount require the written approval of the S151 Officer.
- i) A list of those employees authorised to certify all types of expenditure (including those authorisers via the Council's E5 Financial System) shall be prepared and signed by the relevant Senior Leadership Team member / Manager and copies forwarded to the S151 Officer. The database of authorised employees shall be kept fully up to date by the Directors/Managers and all changes notified as soon as possible.
- j) Where invoices are authorised on line via the Council's Financial System the authoriser shall ensure the due date is in accordance with the invoice terms or the Council's payment policy. This requires that all undisputed invoices for goods and services supplied should be paid within 10 working days of their receipt by the Council.
- k) Invoices shall all be stored electronically in a specified folder ready for importing the image into the E5 system.
- l) As soon as possible after 31 March each year, Senior Leadership Team shall notify the Financial Services Team of all outstanding expenditure relating to the previous financial year. When such expenditure is subsequently certified for payment it shall be identified as required by the S151 Officer.
- m) The S151 Officer shall publish detailed closedown procedures each year.

6.2 Corporate Credit Cards

- a) The S151 Officer is required to authorise the issue of a corporate credit card. The card shall only be used for business purchases. Receipts for all transactions shall be passed to Support Services-Finance for reconciliation to the monthly statements.

6.3 Procurement Cards

- a) The issue and use of a procurement card shall be in accordance with the Procurement Card Rules as approved by the S151 Officer.

7 PAYROLL SERVICES

7.1 Appointment of Employees

- a) The appointment of all employees shall be made in accordance with approved Employment Policies and Procedures. Recruiting managers must ensure there is sufficient budget to fund the appointed position, to be certified by a Finance Specialist, and submit to the People Managers Forum for consultation and approval.

7.2 Amendments to Payroll

- a) Senior Leadership team shall notify the Lead Specialist – People as soon as possible, in the prescribed form, of
 - all appointments, promotions, resignations, retirements, dismissals and suspensions from duty
 - all transfers between services within the control of the Senior Leadership Team
 - all periods of sickness and absence, except normal annual leave
 - all changes in remuneration of employees, except normal increments
 - all payments for compensation and any other emoluments to any employee
 - such other information as may be required by the Lead Specialist People in connection with the calculation and payment of pay related expenditure
 - All leavers should be immediately reported to the Lead Specialist Digital Change to enable their access to be cancelled on the financial system
 - Senior Leadership Team is also required to contact the Lead Specialist Digital Change and the Revenues Specialists to identify if there is any outstanding debt owing to the Council – if this is the case, the Director Support Services & Strategy shall then instruct payroll to deduct any debt from the last salary payment
 - The Financial Systems support team will at least once a year circulate an up to date list of Cedar users and access levels to the Senior Leadership Team, who will be required to sign and return this list, noting any amendments

7.3 Other Payments

- a) All travelling, subsistence, financial loss, and any other reimbursements to employees shall be paid through the payroll system and in accordance with the detailed arrangements required by the S151 Officer and approved by the Council. In special cases a payment can be made through BACS.
- b) All travelling claims from both Officers and Members shall be submitted on the appropriate form monthly to payroll by the 5th working day of the month, together with appropriate VAT receipts to cover the mileage claimed. All high mileage claims over 300 miles per month shall be submitted monthly, claims under 300 miles per month shall be submitted at least quarterly.

- c) All payments for allowances, travel and subsistence etc. to elected Members shall be paid through the payroll system and in accordance with the detailed arrangements required by the S151 Officer and approved by the Council.

7.4 Timesheets

- a) All timesheets and records for overtime, expenses etc. shall be in a form approved by the Director Support Services & Strategy. All claims shall be submitted at least quarterly. Any claims submitted outside of this time limit (without the approval of the Chief Executive) will not be paid.
- b) The standard procedure for employees leaving the Council, or transferring to another post shall be followed in all cases. These procedures are laid down in Employment Policies and Procedures.

8 BANKING ARRANGEMENTS

8.1 General

- a) All arrangements with the Council's bankers concerning the Council's bank accounts and partnership accounts which the Council manages on behalf of any partnership, and the issue and deposit of cheques shall be made through the S151 Officer.
- b) The S151 Officer shall be authorised to operate such subsidiary bank accounts as deemed necessary.
- c) Any overdraft on the Council's bank accounts shall be kept within the limits set out in the Treasury Management Strategy Statement. Bank accounts shall be reconciled by the S151 Officer at intervals no longer than one month and kept up to date.

8.2 Cash and Cheques Received

- a) All monies received on behalf of the Council shall, without delay, be banked in the Council's name in accordance with the instructions of the S151 Officer. Post-dated cheques will not be accepted.
- b) There shall be separation of duties between receiving and paying out monies. Employees who collect cash shall not be involved in the maintenance of cash and deposit books or other financial records in respect of that cash. This requirement can only be excepted on the written approval, in advance, of the S151 Officer.
- c) Post that may contain income shall be subject to control by not less than two persons from the point of delivery through to the receipt of a signature at the cash desk. The S151 Officer will issue detailed written instructions for the handling of postal income and these instructions shall be adhered to at all times.
- d) Where a person or body claims to have made a payment which has not been credited to their account, a Support Services Case Officer, or in his/her absence Support Services Case Team Leader, shall follow the agreed procedure immediately.
- e) All copies of cancelled receipts shall be retained for inspection.
- f) Managers are responsible for ensuring the control, monitoring and regular banking of daily receipts arising from cash collection points under their control. The S151 Officer will provide detailed procedure notes which shall be adhered to at all times.

8.3 Money Laundering

- a) The Council has a nominated Money Laundering Responsible Officer (MLRO). The MLRO is the S151 Officer.
- b) Any transaction involving an unusually large amount of cash should cause questions to be asked about the source. This may particularly be the case where cash paid exceeds the amount needed to pay the transaction and a refund is requested but not in cash form. Any suspicious transaction in cash over £10,000 should be directly reported to the Money Laundering Responsible Officer and Money Laundering procedures followed.
- c) Appropriate money laundering checks must be carried out in respect of any property or assets purchased from the Council. Any suspicious transaction shall be reported to the Money Laundering Responsible Officer.

8.4 Payments by Direct Debit

- a) All agreements with banking organisations regarding direct debits shall be approved by the S151 Officer.
- b) Any telephone lines used to transmit confidential banking information regarding the Council's customers shall meet security standards approved by the Lead Specialist Digital Change. The Lead Specialist Digital Change shall ensure that direct debits requested from banks are made on the dates specified by the Support Services Team Leader.

8.5 Direct Debits and Cheques Paid

- a) All cheques and direct debit mandates drawn on bank accounts of the Council shall:
 - be signed only by the S151 Officer or other employee authorised by the S151 Officer
 - bear the name of the S151 Officer as produced by approved systems where this has been specifically agreed by the S151 Officer
- b) The S151 Officer shall arrange for such safeguards as are deemed necessary and practicable, including the separation of duties, so that as far as possible the following procedures are the responsibility of separate employees:
 - the checking of creditors' accounts
 - the control of cheques
 - the preparation of cheques
 - the signature of cheques
 - authorisation procedures for electronic payments (BACS, CHAPS)
 - the entry of the cash account
 - the reconciliation of bank balances

8.6 Handling of Cheques

- a) The Support Services Team Leader shall ensure the list of outstanding cheques is examined at least monthly and reasons sought for cheques that have not been cashed. Cheques, which have not been cashed six months after the date of issue, shall be cancelled.

9 INCOME MANAGEMENT

9.1 Income Collection

- a) Arrangements for the collection of all monies due to the Council shall be subject to the control or approval of the S151 Officer.
- b) Managers shall maintain such information in connection with the work done, goods supplied or services provided so that a correct record of all sums due is maintained. Wherever possible income due should be collected in advance. Managers shall ensure that individual customer debtor accounts are raised as soon as possible but no later than five working days from the delivery of goods or provision of services, unless specified terms have been agreed by the S151 Officer.
- c) Monthly and where appropriate quarterly accounts should be produced five working days after the month or quarter's end. Managers shall record promptly, within the Council's Sundry Debtor System, all money due to the Council. The records shall include details relating to contracts, leases and other agreements and any arrangements entered into which involve the periodic receipt of money by the Council.

9.2 Setting Fees and Charges

- a) In line with the budget setting timetable all fees and charges shall be reviewed annually by each Senior Leadership Team member / Manager in consultation with the S151 Officer. All changes to such charges shall be agreed in advance with the S151 Officer and recorded annually within the Fees and Charges Register. The Register will be published on the Council's website and it is the responsibility of each Senior Leadership Team member / Manager to notify the S151 Officer of any changes made in addition to the annual review.

9.3 Writing Off of Debts

- a) Any debts written off shall be in accordance with procedures approved by District Executive, and shall be approved in line with the following delegations. These delegations only apply when sufficient resources are held to write off the debt in the bad debt provision. If sufficient resources are not held to write off the debt then the S151 officer will submit a report to District Executive / Council for approval.

Income Type	Limits	Authority to Approve Write-Offs
All Income types	£0 system balance	Customer Focus or Case Officer
	£0.01 to £500	Revenues Case Officer (Grade 3 / 4) – (recovery costs only)
	£0.01 to £1,000	Revenues Case Officer (Grade 5) / Finance Specialist / Support Services Team Leader
	£1,000.01 to £10,000	Revenues Specialist / Team Leader / Lead Specialist – Finance
	£10,000.01 to £24,999.99	Lead Specialist – Finance
	>£25,000	S151 Officer

- b) The recovery of all debts shall be in accordance with the Income Management Policy approved by the District Executive and supporting procedures agreed by the S151 Officer. It is the responsibility of Senior Leadership Team / Managers to adhere to policy and procedures, and ensure income due is collected.

- c) Managers shall be responsible for accounting for VAT on income, fees and charges in accordance with the Regulations of HM Revenue and Customs. The S151 Officer shall advise those managers of any changes to the Regulations.

9.4 Cash Floats and Petty Cash

- a) Where cash floats, petty cash or cash remittances are held, Managers shall ensure that cash holdings and receipts should be regularly reconciled and recorded to evidence monitoring and minimise the risk of cash differences.

9.5 Imprest Accounts

- a) The Support Services Team Leader is responsible for the arrangements for Imprest Accounts. Guidance notes will be issued and employees in control of Imprest Accounts shall follow the correct procedures at all times. Managers shall ensure that all monies authorised for reimbursement in an Imprest Account are accounted for in accordance with the guidance notes.

10 RISK MANAGEMENT AND INSURANCES

10.1 Risk Management

- a) The Lead Specialist – Procurement Performance and Change will prepare the authority's Risk Management Policy for the approval of the District Executive. Audit Committee scrutinises and monitors the effectiveness of risk management and internal control arrangements to obtain assurance on their effectiveness. A system of regular review and dialogue with Senior Leadership Team / Managers and relevant stakeholders is maintained to identify and drive evaluation of all significant risks to the authority in the planning and delivery of services.
- b) A consolidated risk register will be maintained by the Lead Specialist – Procurement Performance and Change and is published and accessible to all employees. All risks which are considered relevant in respect of their potential impact on the activities of the Council will be recorded on the register.
- c) Senior Leadership Team is responsible for identifying, assessing and managing all risks in respect of their functions and business plan delivery, and will obtain assurance from named risk owners that risks are evaluated and managed to ensure the achievement of the business plan.
- d) Risks will be identified by:
- A system of regular facilitated reviews, workshops, and ongoing dialogue with the Senior Leadership Team and relevant stakeholders
 - Audit reviews
 - Senior Leadership Team
- e) The Lead Specialist – Procurement Performance and Change will provide risk management reports to SLT quarterly and to the Audit Committee twice yearly.

10.2 Insurances

- a) The S151 Officer shall make arrangements for approved insurance cover, maintaining adequate records and negotiating claims with the Council's insurers.

- b) Senior Leadership Team shall advise the Insurance Case Services Officer of the extent and nature of all new risks where insurance may not exist or may be inadequate.
- c) The S151 Officer can authorise payments of small claims from self-insured funds of up to £2,000.
- d) The S151 officer shall review insurance cover annually,
- e) The Insurance Case Services Officer shall keep Senior Leadership notified as to the nature and extent of the various risks that are covered or left exposed.

10.3 Notification of Loss

- a) Senior Leadership Team / /Managers shall notify immediately the Insurance Case Services Officer, in writing, of any loss, liability or damage or any event likely to lead to a claim in connection with their areas of responsibility.
- b) All employees of the Council shall be included in a fidelity guarantee policy.

10.4 Car Allowances

- a) Recipients of car allowances shall provide Payroll with copies of policies or premium receipts as may be necessary to ensure adequate cover against any liability of the Council arising from official use of their vehicle.

11 STOCKS, STORES, FURNITURE AND EQUIPMENT

11.1 General

- a) Managers shall be responsible for the care and physical control of all stocks, stores, furniture, plant and equipment in their custody.

11.2 Write Offs

- a) Any items of stocks, stores, plant or equipment to be written off shall require the certification of the relevant Senior Leadership team member or an employee nominated by a Manager. The certification shall be in writing and details notified to the S151 Officer as soon as possible.

11.3 Stock Checks

- a) All stocks of goods held as stores, or for resale, shall be subject to stock check annually. Managers, shall certify a certificate of the value held at 31 March each year at cost and the certificate forwarded to the S151 Officer within 10 days of the year end. The de minimis level for year-end stock certificate being returned to Support Services Finance is £1,000.

11.4 Corrections

- a) Correction of deficiencies and surpluses on stocks and stores accounts shall be in accordance with the procedures laid down by the S151 Officer.

11.5 Disposal of Surplus Furniture & Equipment (including personal computers)

- a) Prior to disposal Property Services shall offer the surplus furniture or equipment to other services within the organisation at no cost. Only when there is no organisational need to retain the equipment can it be disposed of ensuring value for money is received.

- b) All redundant ICT equipment including mobile telephones and related items shall be returned to Support Services ICT who will return to stock or dispose of securely.
- c) Managers shall amend inventories to reflect disposals and acquisitions.

11.6 Inventories

- a) Managers shall be responsible for ensuring proper maintenance of inventories of plant, equipment and the means for prompt and efficient identification of each item for the purposes of insurance claims or claims under suppliers' guarantees. The information shall be recorded in the format specified by the S151 Officer.

12 CAR LOANS AND LEASED CARS

- a) All loans and leases for the provision of motor vehicles shall be administered in accordance with the scheme approved by the District Executive.

13 BUILDINGS, LAND AND PROPERTY

13.1 Asset Register

- a) The S151 Officer shall maintain a full and accurate register of all Council Property, Plant and Equipment and other Long Term Assets for the purpose of maintaining accurate balance sheet records and calculating capital charges in accordance with relevant Codes of Practice.
- b) The Commercial Property, Land and Development Manager shall ensure all land and property assets are fully and accurately recorded in a suitable property asset register / asset management system.
- c) If the property system and accounting asset register are separate systems, it is the responsibility of the Commercial Property, Land and Development Manager and the Lead Specialist – Finance to ensure these are reconciled regularly including as at 31 March each year to evidence accounting balances in the Balance Sheet.

13.2 Land and Property Transactions

- a) All arrangements for the acquisition or disposal of land and buildings shall be in accordance with approved governance arrangements such as Disposal Assessment Group (DAG), Strategic Development Board (SDB) and Regeneration Programme Boards (RPBs) or otherwise in accordance with the Scheme of Delegation and these Rules. Acquisitions and disposals, including the Council's existing investment for yield portfolio, may involve freeholds, leaseholds or other forms of tenure, gifts, and other property rights and obligations.

13.3 Acquisitions

a) The following levels of delegation and procedures apply:

	Business Case Assessment By	Values	Approval By
New Property acquisition	S151 Officer, Commercial Property, Land and Development Manager, and relevant Portfolio Holder	Any	District Executive recommendation to Full Council

Note: likely to require specific consent under the section 24 direction

13.4 Sales

a) The following levels of delegation and procedures apply:

	Business Case Assessment By	Values	Approval By
Property disposal	Disposal Assessment Group (DAG) in consultation with the s151 Officer and the relevant Portfolio Holder	Up to £50,000	Commercial Property, Land & Development Manager in consultation with relevant Director or Portfolio Holder
		>£50,000	District Executive
Asset Transfers to Registered Social Landlords – for social housing or associated parking	Disposal Assessment Group (DAG), and agreement of S151 Officer and Portfolio Holder (Strategy and Policy)	Up to £250,000	Chief Executive
		>£250,000 and within approved Policy and Budget	Chief Executive
		>£250,000 and outside approved Policy and Budget	District Executive
Community Asset Transfers	Disposal Assessment Group (DAG)	Within CAT Policy	Chief Executive
		Outside CAT Policy	District Executive

Note: likely to require specific consent under the section 24 direction

b) In respect of receipts from sale of assets where values are less than £10,000: net proceeds credited to the appropriate revenue budget.

13.5 Leases, rentals and other dealings with property

a) The Commercial Property, Land and Development Manager (or delegated representative) shall, in the absence of any specific conditions or exemptions agreed by the District Executive and these Financial Procedure Rules, have authority to undertake the following in consultation with the relevant Director, or Portfolio Holder, where the value of the consideration, rent, licence fees, easement or wayleave payment in each case does not exceed £100,000 annually for Non-Investment and is in accordance with the District Valuer (or other RICS professional) valuation, and operates within approved budgets:-

- the agreement of all monthly tenancies

- the agreement of all licences
- the conducting and agreement of all rent reviews, including rent free periods
- the agreement of all lease renewals
- new leases where tenancy of existing freehold/leasehold owned property changes
- the agreement of lettings
- the agreement of all easements and wayleaves
- the agreement of all changes of use
- the agreement of all compensation claims where there is budgetary provision
- the agreement of all releases/variations of covenants

13.6 Condition Surveys

- a) The Commercial Property, Land and Development Manager shall ensure that condition surveys of all buildings and property assets in which the Council has a proprietary interest are carried out at least once every 5 years. Survey details are to be recorded in appropriate systems and work programmes prepared in accordance with priorities set out in the Property Repairs and Maintenance Policy.

13.7 Asset Management Plans

- a) The Commercial Property, Land and Development Manager shall maintain an Asset Management Plan in respect of the Council's land and property portfolio. The Plan must detail the actions to be monitored by the Commercial Property, Land and Development Manager.
- b) The Commercial Property, Land and Development Manager shall advise the Council on alternative uses of land and property as best serves the Council's interests at the time.
- c) The Commercial Property, Land and Development Manager shall ensure that all leases are kept up to date and rents due are revised at the appropriate time.

13.8 Custody of Deeds and Documents

- a) The Lead Specialist – Legal shall have custody of the title deeds and other agreements under seal or hand of all land owned by the Council (together with all deeds and documents held as security for any monies owed to the Council) and are responsible for their safe-keeping.

13.9 Security

- a) Senior Leadership Team shall be responsible for ensuring the proper security at all times for buildings, stocks, stores, furniture, equipment, cash and information held on files. Senior Leadership Team shall consult with the relevant Manager in any instance where security is thought to be defective or where it is considered that special security arrangements may be needed, or where circumstances suggest the possibility of any irregularity.
- b) Senior Leadership Team shall ensure that there are appropriate arrangements for the control of all door, safe and cabinet keys held within their areas of responsibility. There shall be independent control of all receipt forms, cheques, tickets, store notes, order forms or similar documents and it shall be the responsibility of the appropriate Senior Leadership Team member to ensure that all such items are serially numbered and controlled.

14 LOANS POLICY

- a) The Council should only provide small loans to outside bodies where alternative forms of borrowing are not available or at prohibitive costs. The loans will only be made to outside bodies that operate from within the South Somerset District geographical area and are either registered charities, public sector, or not for profit organisations.
- b) All loan agreements will either be charged on the property to which they relate (like a mortgage) or a guarantee will be required from a surety which could be an individual, group of individuals or body.
- c) The maximum repayment period will be 10 years and all loans will be repaid on a repayment basis so that the loan is repaid across the loan period at instalment rates approved in advance (i.e. in the same way as mortgage repayments).
- d) Loans will be given at the appropriate PWLB rate for the period of the loan, or other prudent rate as determined by the S151 Officer in consideration of investment risk. The maximum amount of a loan to an outside body shall be £150,000.
- e) Approval of loans shall be by District Executive and a full appraisal submitted which shall include details of the security offered. In order to qualify for a loan, the outside body shall also submit a Business Plan to the S151 Officer covering the period of the loan.
- f) For small loans of £5,000 or less the approval procedure may be delegated to the area portfolio holders, in consultation with the relevant Managers. The interest rate will be the relevant PWLB rate, or other prudent rate as determined by the S151 Officer in consideration of investment risk, and the loans should be guaranteed by the Town or Parish Council, or similar trustees.
- g) Any loans agreed outside of the loans policy shall be agreed by Full Council.

15 EXTERNAL ARRANGEMENTS

15.1 Partnerships

- a) In leading the community and entering into partnerships the Council will seek to achieve the promotion or improvement of the economic, social or environmental wellbeing of its area.
- b) The main criteria for SSDC entering into a partnership are:
 - to provide improvements in service delivery
 - to provide efficiency in the costs of service provision
 - to share risk
 - to achieve specific corporate priorities
- c) A partnership is defined as a formal working arrangement involving one or more independent bodies, from any sector, who pool resources and share responsibility for agreeing and then delivering a set of planned actions and outcomes. A formal agreement is made by all partners to work together for specific outcomes.
- d) Partners may participate by:
 - acting as a deliverer or sponsor, solely or jointly with others
 - acting as a funder or part funder

- being the beneficiary group (or part thereof) of the activity undertaken in a partnership
- e) The District Executive is responsible for determining and agreeing all key partnerships. Senior Leadership Team is responsible for agreeing all substantial and minor partnerships. At inception a review period must be agreed and any associated delegation arrangements approved by District Executive if a key partnership or by the appropriate Senior leadership Team member if a substantial or minor partnership.
 - f) All partnerships must be reviewed annually and reported by the appropriate Senior Leadership Team member to the relevant committee (either District Executive or Area Committee). All partnerships must be included within the Partnership Register and updated annually by the Senior Leadership Team.
 - g) Senior Leadership Team and Portfolio Holders shall consider and make provision for any overall corporate governance issues and shall ensure account is taken of any legal issues when arranging contracts with external bodies. They shall ensure that risks have been fully appraised before agreements are entered into with external bodies.
 - h) The governance arrangements of all key and significant partnerships require approval of the statutory officers.
 - i) All key partnerships have a requirement to produce, maintain, and monitor a shared risk register.
 - j) The same high standards of conduct that apply throughout the authority shall be maintained in partnerships, and representatives to partnerships should exercise these same high standards.
 - k) The S151 Officer shall ensure that accounting arrangements to be adopted in relation to partnerships and joint venture companies are satisfactory and compliant with relevant regulations and Codes of Practice.
 - l) Regular monitoring arrangements must be in place. For key partnerships monitoring must be reported regularly to the District Executive and other partnerships (substantial and minor) to the Area Committees. This can be carried out through the quarterly budget monitoring reports as a minimum.
 - m) Senior Leadership Team and Portfolio Holders are responsible for ensuring that appropriate Council approvals are obtained before concluding negotiations in relation to work with external bodies.

15.2 External Funding

- a) The S151 Officer in consultation with the relevant Senior Leadership Team member or Portfolio Holder is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts and budgets. Each Senior Leadership Team member and Portfolio Holder is responsible for informing the S151 Officer promptly about such funding. Where such income is receivable against a grant claim the relevant Senior Leadership Team member or Portfolio Holder shall provide written confirmation to the S151 Officer that all output and other grant requirements have been properly and fully met.

15.3 Grants to Outside Bodies

- a) The District Executive or relevant Area Committee shall approve all grants and other assistance to external bodies, except where such annual assistance in total is less than £1,000 in value to any one body and there is budgetary provision for such assistance. It

must not form a commitment of future year's annual budget Where the total value per annum to any one body is below £1,000 the relevant Senior leadership Team member or Portfolio Holder may approve such assistance subject to the requirements of these Financial Procedure Rules being met. Where the total value per annum to any one body is below £1,000 the relevant Senior Leadership Team member may delegate the approval to the appropriate designated officer, again subject to the requirements of these Financial Procedure Rules being met.

- b) The District Executive may approve a framework for the administration of any specified class of grant and assistance under that committee's control over the value of £1,000 by a relevant Senior Leadership Team member for the efficient conduct of business, subject to the agreed framework and meeting the other requirements of these Financial Procedure Rules.
- c) Reports seeking approval to assist an outside body by grant or other assistance in kind shall provide assurance that the following requirements have been met or will be met, to ensure that the Council's interests are protected before any grant or assistance is actually made:
- the receiving body has been properly identified, has suitable lead parties, a defined work area/purpose, and suitable trust documents/constitution
 - any conflicts of interest have been declared and properly managed
 - any risks to such agreements and the Council's interests are being adequately and appropriately managed
 - it will be possible to confirm the proper use of the Council's assistance
 - the assistance contributes to the delivery of the Council's services or achievement of the Council's corporate objectives
 - the extent and purpose of the assistance have been properly identified
 - arrangements for the repayment of any loans have been made
 - arrangements to gain repayment/recovery for the value of the assistance are in place in the event of default by the recipient
 - any specific conditions relating to the assistance are identified
 - monitoring arrangements are to be set in place to ensure the assistance is used for the purpose approved
 - the recipient will provide evidence to the Council demonstrating proper accounting for, and use of the assistance, including, for assistance over £1,000 in value, access to the accounts of the body for S151 Officer, or designated representative and to supporting information, documents and evidence
 - a legally binding agreement is in place between the Council and the body covering the above conditions relating to the use of grant or other assistance
- d) Full records will be maintained of all grants and related applications for assistance, which should identify which staff are involved in the processing of applications and grants, and record the date of approval of any grant or other assistance and by whom, and any other relevant transaction information.

16 BREACHES OF FINANCIAL REGULATIONS

- a) Where a failure to comply with these regulations is identified the matter should be brought to the immediate attention of the S151 Officer and the Chief Internal Auditor (Assistant Director, South West Audit Partnership).
- b) A report shall be made to the S151 Officer for minor breaches and to the District Executive or Audit Committee where the S151 Officer and the Chief Internal Auditor (Assistant Director, South West Audit Partnership) consider the matter to be of significance.

Appendix A

Guidance on Interpretation – Officer Contacts

Section	Financial Regulation	Contact Officer
1	LOCAL GOVERNMENT REORGANISATION	Section 151 Officer
2	FINANCIAL GOVERNANCE	Section 151 Officer
3	REVENUE AND CAPITAL BUDGETS	Section 151 Officer
4	FINANCIAL CONTROL	
4.1	General	Section 151 Officer
4.2	Statement of Internal Control/Statement of Governance	Section 151 Officer
4.4	South West Audit Partnership	Assistant Director-SWAP
4.5	Treasury Management	Finance Specialist
5	CONTRACT PROCEDURE RULES	
5.1	General	Specialist - Procurement
6	PUCHASING	
6.1	Payment of Invoices	Support Services Case Team Leader
6.2	Corporate Credit Cards	Section 151 Officer
6.2	Procurement Cards	Procurement Specialist
7	PAYROLL	
7.1	Appointment of Employees	Lead Specialist - People
7.2	Amendments to Payroll	Lead Specialist - People
7.3	Other Payments	Lead Specialist - People
7.4	Timesheets	Lead Specialist - People
8	BANKING ARRANGEMENTS	
8.1	General	Section 151 Officer
8.2	Cash and Cheques Received	Support Services Case Team Leader
8.3	Money Laundering	Assistant Director-SWAP
8.4	Payments by Direct Debit	Support Services Case Team Leader
8.5	Direct Debits and Cheques Paid	Support Services Case Team Leader
8.6	Handling of Cheques	Support Services Case Team Leader
9	INCOME MANAGEMENT	Specialist – Finance
10	RISK MANAGEMENT AND INSURANCES	
10.1	Risk Management	Specialist - Procurement
10.2	Insurances	Insurance Case Services Officer
10.3	Notification of Loss	Insurance Case Services Officer
10.5	Car Allowances	Insurance Case Services Officer
11	STOCKS, STORES, FURNITURE AND EQUIPMENT	
11.1	General	Specialist – Finance
11.2	Write Offs	Specialist – Finance
11.3	Stock Checks	Specialist – Finance
11.4	Corrections	Specialist – Finance
11.5	Disposal of Surplus Furniture and Equipment	Specialist – Finance
12	CAR LOANS AND LEASED CARS	Specialist – Finance
13	BUILDINGS, LAND AND PROPERTY	
13.1	Asset Register	Commercial Property, Land and Development Manager
13.2	Land and Property Transactions	Lead Specialist – Finance / Commercial Property, Land and Development Manager
13.6	Condition Surveys	Commercial Property, Land and Development Manager

13.7	Asset Management Plans	Commercial Property, Land and Development Manager
13.8	Custody of Deeds	Lead Specialist - Legal
13.9	Security	Director Commercial Services and Income Generation
14	LOANS POLICY	Lead Specialist – Finance
15	EXTERNAL ARRANGEMENTS	
15.1	Partnerships	Lead Specialist – Finance
15.2	External Funding	Lead Specialist – Finance
15.3	Grants to Outside Bodies	Lead Specialist – Finance
16	BREACHES OF FINANCIAL REGULATIONS	Section 151 Officer or Assistant Director-SWAP

Part 5

Codes and Protocols

July 2022

Somerset Council

Members Code of Conduct

(Adopted by South Somerset District Council at Full Council on 22 Sept 2022)

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest • I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

- 2.1 I do not bully any person.**
- 2.2 I do not harass any person.**
- 2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

6.2 I will not take part in the scrutiny of any decision I have been involved in making. However, I may provide evidence or opinion to those undertaking any scrutiny process.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

7B Consideration of advice

As a councillor:

- 7B.1 I will, when reaching decisions on any matter, consider and pay due regard to any relevant advice provided to me by:-**
- a) the Council's Chief Finance Officer (S151) and/or**
 - b) the Council's Monitoring Officer or the Council's Monitoring Officer and legal advisor (if separate individuals);**

in accordance with their legal requirements.

- 7B.2 I will give reasons for departing from the advice of the Chief Finance Officer (S151) or Monitoring Officer/legal advisor**

It is extremely important for you as a councillor to have regard to advice from your Chief Finance Officer or Monitoring Officer where they give that advice under their statutory duties. As a councillor you must give reasons for all decisions in accordance with any legal requirements and any reasonable requirements imposed by your local authority.

8. Complying with the Code of Conduct

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I do not make trivial or malicious complaints against other councillors.**
- 8.3 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.4 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings including the complainant and any witnesses.**
- 8.5 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or

its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9 Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in

Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10 Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept within 28 days of the offer.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly

registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office or within 28 days of your interests changing you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

In the event that your non-registerable interest relates to –

- (1) an unpaid directorship on a company owned by your authority or
- (2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it. 17

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union

Subject	Description
	within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

(i) exercising functions of a public nature

(ii) directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Appendix D

Guidance on Bias and Predetermination – This does not form part of the Code of Conduct

- Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you may participate in a decision on the issue in your political role as a councillor. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave a decision susceptible to challenge by Judicial Review. Whereas being predisposed on a matter is acceptable provided you remain open to listening to all the arguments and changing your mind in light of all the information presented at the meeting.
- Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.
- In the circumstances, when making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.
- As a councillor you will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that you were biased. If you have predetermined your position, you should withdraw from being a member of the decision-making body for that particular matter.

Code of Practice for Planning

The following 'Best Practice' principles should guide all Councillors in the execution of their duties and roles as representatives of the District Planning Authority and when sitting on any area committee. It has been revised to take account of the Local Government Association's revised guidance note entitled "Probity in Planning" published May 2009.

Part 1 – "The do's and the don'ts"

ALL Councillors:

1. should serve the whole of the District and uphold the adopted policies of the Council in the general public interest.
2. (i) should abide by the Council's Code of Conduct, this Code and the Council's Constitution (ii) should declare any personal and prejudicial interests as required by the Code of Conduct and (iii) should consider making public facts or circumstances which may not amount to a personal interest under the Code but disclosure of which will help prevent any unfavourable public perception issues arising and strengthen the open and transparent nature of the decision making process.
3. should promote open and transparent decision-making but also uphold 'confidentiality' where appropriate.
4. should act in a way which is not only fair and impartial but just as importantly is also *seen to be so*.
5. are entitled to express their view or opinion on an application prior to it being considered by them at committee. This is part of their role as acting as champions for the communities they serve. This is sometimes called "pre-disposition" and will not prevent them considering the application at committee providing they are seen to have kept an open mind and remain willing to listen to all sides before deciding how to vote.
6. should avoid giving the impression that they have made up their mind in relation to an application, how they intend to vote and have no intention of changing it whatever may be said at committee. This is sometimes called "pre-determination". It is unfair to both the applicant who is entitled to have their application considered objectively but it is also unfair for objectors where the District Councillor intends to support an application as their views should also be considered.
7. where they have pre-determined an application, (i) should declare this fact at the meeting convened to consider it and that despite this they would wish to make representations on behalf of their constituents. (ii) should move away from the area reserved for Councillors and make their representations at the appropriate time (iii) should not vote and (iv) should leave the room after making representations to avoid any suggestion of them exerting any influence on other members.
8. should not organise support from other District Council members for or against a planning application nor lobby other members.
9. should avoid putting pressure on Officers for a particular recommendation or otherwise attempt to interfere with their impartiality.
10. should provide full reasons (which will appear in the committee report) where they require an application that would otherwise be delegated to officers to be considered by committee.

11. must receive appropriate initial and on-going training by their attendance at or undertaking or completion of organised training events or facilities approved by the District Council in order to be properly informed and aware of the issues when making decisions on planning applications and the plan making process.
12. should endeavour to always inform the Case Officer of the receipt of relevant lobbying material (correspondence, photographs, plans, etc.) from applicants, in order that its validity and accuracy can be checked should the member intend to rely or be influenced by it and should pass to the Case Officer any letters of objection to ensure that they are taken into account
13. should wherever possible consult with an Officer prior to an arranged meeting with an applicant or prospective applicant. The Case Officer must be advised of any such meeting and the nature of the discussion so that a record can be kept on the file.
14. should make it clear in any pre-application discussions that they will not bind the council and that they are initial and preliminary discussion.
15. should at all times avoid the appearance of over familiarity with applicants and objectors and should comply with the Gifts & Hospitality Guidance for Members. In particular they should refuse any offer of gifts or hospitality likely to be considered by others to influence their decision.
16. must not take part in the consideration of any planning application where they are acting in the capacity of agent for the applicant to avoid any accusations of favouritism.
17. should not consider any material circulated by the applicant or objectors at the meeting itself unless the legal officer present confirms that it would be appropriate.
18. should not accept notes from or seek to pass notes to the applicant, objectors, officers or other members at the committee. It is important that meetings and discussions are seen to be open and transparent.

Part 2

Guidance for members who are also town and parish councillors, members of the Regulation Committee or Portfolio Holders with responsibility for planning, regeneration etc

- A. The Parish Council is an important consultee and district councillors can fully participate at parish level, speak and vote on an application being considered by it (where they are also members of the parish council). However, district councillors must keep, and be seen to keep, an open mind. It is absolutely imperative that they publicly reserve the right to fully consider the issue when all the information is presented at the district council when the relevant committee is considering the application as the local planning authority.
- B. On items that are referred from an Area Committee to Regulation Committee, district council members of the Regulation Committee can participate and vote both at the Area Committee and at Regulation. The council's decision-making process is not complete at the Area Committee stage as the matter is referred to the Regulation Committee with a recommendation and not a decision of the Area Committee. District Council members of the Regulation Committee should record at the Committee that they retain an open mind and they will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as members of that committee and not as representatives of the Area Committee.

- C. Portfolio Holders with responsibility for development or regeneration (specifically or generically) need to consider the extent to which they are involved in a proposal. If they are seen as a champion of or advocate for a particular scheme or are pressing for or are committed to a particular development type during the strategic consideration of a proposal then they should consider to what extent they should be involved in determining the associated application. It may be more appropriate in these circumstances for them to make representations in support of the application but not vote.

This code and associated advice looks to allow Councillors to fully participate, act as community champion and vote on an application other than where they have expressed strong opinions either for or against an application that gives the impression that they have already made their mind up prior to the meeting convened to consider it.

Essentially District Council members must always refrain from campaigning or forcefully expressing an opinion at a meeting/forum before the formal decision is made by committee if they want to retain the ability to fully participate. Councillors should not commit themselves, or the Council, to a particular course of action when lobbied by applicants or objectors. Councillors should always wait until they have received all the relevant information and advice before coming to a decision – i.e. consider all the issues when presented at committee. Unless this is the case, it would be difficult to claim that they retain an open mind and this would leave the council's decision-making open to challenge. It is entirely legitimate for Members to have an initial view on an application and to discuss this view publicly; it is part and parcel of their role and would be expected by those who seek their guidance and support. However they must always ensure that despite this and the inevitable pressure to “nail their colours to the mast” they retain and are seen to retain an open mind.

Local Code of Best Practice for the Licensing Process

1. Role and Conduct of Councillors and Officers

Councillors and Officers have different but complementary roles. Unless stated otherwise, references to Councillors in this Code are to those Councillors dealing with Licensing matters via their appointment to Licensing Committee. Both officers and Councillors are also subject to codes of conduct with which they must comply (see background papers to report).

Councillors and Officers will treat each other with respect at all times, and not engage in personal criticism in the course of any meeting. Concerns about Officer conduct should be addressed to the Director (Service Delivery). Concerns about the conduct of Councillors should be addressed to the Council's Monitoring Officer for these purposes.

Councillors can expect officers to give them all reasonable assistance in answering questions on licensing matters, except where that would infringe this or other codes, or contravene legal rules such as data protection. An officer will state the reason if there are any such limitations on their ability to assist with Councillor queries.

Officers are protected from undue pressure by the Council's policy on bullying and harassment. They should not be put under pressure to make a particular recommendation in relation to any licensing matter, application, or decision.

2. Voting and Impartiality

Councillors must reach licensing decisions by collectively applying their delegated legal powers on the basis of the interests of the whole District; their overriding duty is to the whole community rather than just the people living in their Electoral Ward. However it is also important that Councillors, in reaching their decisions, should take into account what the law requires, and take legal advice where necessary as to the scope of their powers.

Councillors will take due notice of any recommendations made by Officers, but it is Councillors of the District Council who make the decisions, except where applications or other matters have been delegated to the Director (Service Delivery) and/or the Lead Specialist (Environment) in accordance with the Scheme of Delegation agreed by the Council.

Recommendations and decisions shall not discriminate against or in favour of any individuals or groups, and shall be based firmly on the policies of the Council and the legal requirements currently in force. The Licensing Committee acts as a quasi-judicial body with a right of appeal against some of its decisions to the Courts. In such cases officers are expected to avoid making recommendations or expressing opinions that might be seen as giving rise to prejudice or bias.

Licensing Committee members should avoid expressing an opinion on an issue that is to come before the Licensing Committee until after the hearing has taken place and a decision has been made. Even then, caution is advisable where a matter remains subject to appeal.

Councillors must form judgements and make decisions on the basis of the relevant reports, supporting evidence and recommendations presented, in a non-partisan manner, with no pre-arrangements by any party or group as to how Councillors will vote. A proper decision can only be made at the Licensing Committee, when all available information is to hand, and has been duly considered; therefore, any political group meeting prior to the meeting must not be used to decide how Councillors should vote.

A member of the Licensing Committee must not make any public statement, which may give the impression that they may not be objective when sitting on the Licensing Committee. Bias

may include pre-judged ideas based on his/her own prejudices or political affiliations. Suitable conditions for a “fair hearing” must exist – the right of the individual to know the opposing case, the right to call witnesses, the ability to question witnesses, the right to legal representation and the right to be given reasons for any decisions made (although such reasons may be deferred/given in writing). Members should not, by their actions at a Licensing Committee hearing or elsewhere, appear to deny, exclude or restrict such rights. If in doubt, legal advice should be sought.

Licensing Committee Members should be aware of the dangers in publicly discussing the reasons for decisions of the Committee, other than with relevant Council Officers, prior to the formal publication of the minutes. Where a Member seeks to do so, they must consult with the Council’s Legal Officers, Licensing Officers and Communications Officer, and the general content of the public statement must be agreed in advance.

3. Lobbying by Members

It is important to recognise that lobbying is a normal and perfectly proper part of the political process. However, lobbying can lead to the impartiality of a Councillor or the Council’s decision being called into question unless all the parties concerned exercise care and common sense.

With the possible exception of Ward Councillors who are not involved in the decision-making process, Councillors should avoid organising support for or opposition to a forthcoming licensing decision and should not lobby other Councillors. Councillors who decide to go public in support for a particular outcome will not be able to argue convincingly when it comes to a decision being made on the application that they have maintained an open mind. In such cases, the appropriate course for the Councillor to take is to make a declaration, withdraw from the meeting, and take no part in the decision-making process.

Ward Councillors have an important role to play as representatives of their communities and to bring local information to the decision-making process. Ward Councillors may therefore become involved in discussions with Officers about individual licensing issues. They should however remember that it is very easy to create the impression that they are using their position to influence the outcome.

Any discussions with Officers should be open and transparent. Officers should make a written note of any such discussions. Ward Councillors who are members of the Licensing Committee and who are involved in this manner with a Ward issue should make a declaration and not vote or take part in the decision making process at the relevant Licensing Committee meeting. In relation to licensing sub-committee meetings to determine individual applications, such Ward Councillors must not sit on sub-committees, should they be selected so to do, must declare their interest and stand down.

Situations may arise where Members wish to make representation in their own right as a private citizen – for example, because they wish to object to an application that affects an area where they live. In such circumstances, the Member may be acting entirely outside of their office and in a private capacity. Although the model code strictly only applies to Members acting within their office, Members are cautioned to be conscious of the public interpretation that may be placed on such a situation - for example if an intervention they make when acting in a private capacity is perceived as very persuasive. It is therefore highly advisable in order to avoid perception of bias or influence that Members comply with the spirit of the model Code and this Code in all circumstances relating to Licensing Committee hearings, even when acting in a private/personal capacity.

4. External Lobbying

Lobbying can be oral or by the circulation of letters or documents to all or some Councillors. Problems can occur if Councillors are given information or assurances by, for example, the licensee or applicant, their agents, neighbours, objectors or business colleagues/rivals, which are not part of the formal application or hearing process. Problems can also arise if the information provided to Councillors outside the formal process is misleading or untrue. Furthermore, there is a danger Councillors are manoeuvred into inadvertently confirming or denying confidential information to a third party. In relation to the quasi-judicial processes of the Licensing Committee and the need to conduct certain hearings in private, this action could leave the Council open to legal challenge. Caution may be necessary even after a matter is formally decided, if it is subject to legal appeal.

Councillors must not put themselves in a position where they appear to favour a person, company or group. Even a 'friendly' private discussion with an interested party could cause others to mistrust the impartiality of Councillors. All Councillors, not just those on the Licensing Committee, should exercise caution in this regard. They should generally avoid any situation where they might be seen to be biased in advance of any official Council Licensing decision, and while not in possession of the full facts.

Specific guidance for Councillors who are also Members of the Licensing Committee is as follows, in relation to external lobbying.

The Member:

- should endeavour to avoid hearing, and must avoid entering into correspondence over, a case that is being put to them by any interested party outside of the official process for dealing with Licensing matters. It may be necessary to politely interrupt a person trying to raise such an issue.
- should politely point out the reasons why the matter must not be heard or considered by them in this situation, asking the person kindly not to continue, and not to raise further points direct with them. If the matter has been raised by correspondence, the Member need only pass the letter or email to the Licensing Office and officers will respond with the appropriate advice.
- should explain how the matter may be raised in the correct manner, i.e. in writing, to the Licensing Service. The Member may also:
 - provide procedural advice e.g. how to obtain further advice via Licensing Officers, the right to address the Licensing Committee as a deputation, how to make representations, where to obtain advice on appealing a decision, and so on.
 - should not under any circumstances indicate how they are going to vote, or give any opinion on, or reaction to, the matter being raised.
 - should report all such contacts, with the details and any connected correspondence/paperwork, as soon as possible after they have occurred to the Licensing department, so that the incident can be recorded.
 - should not provide any information on the matter gained by virtue of their position that is not already in the public domain e.g. details from a report that may be heard with the press and public excluded by the Licensing Committee. In any case, where information is requested, best practice is to signpost the enquirer to official Council sources of information. This avoids any accidentally

selective provision of information by the Member, which although well intentioned, could be interpreted as bias.

- may refer the person to a Councillor who is not a Member of the Licensing Committee e.g. a colleague Ward Councillor, if the interested party is insistent on speaking to a Councillor. If despite the best efforts of the Member in compliance with the above, the person has not desisted as requested, and continues to put forward his/her view by contacting or making written submissions direct to the Member, the member must:
- in the absence of any written submission from the person appearing with the official papers at the Licensing Committee hearing, **or**
- in the event that the official submission from the person is not the same as the information given to the Member
- declare at the relevant Committee meeting the nature of the lobbying, who with, when, and the content of the issues raised, by whom and when.

Failure to follow these procedures could prejudice the proper legal processing of the licensing matter, and this may have serious legal and financial consequences for the Council, also implications for the individual Councillor involved.

5. Licensing Applications made by Councillors or Officers

Applications submitted by Councillors, or by Officers in the Licensing Service, will as a general principle, be referred to the Licensing Committee for information. However, for legal reasons it will not be possible for the Licensing Committee to determine all such applications – for example the Council normally has no option but to grant an uncontested application under the Licensing Act 2003.

References will be made to the Council, Councillor or Officer interest. The Councillor or Officer concerned will take no part in handling the application or determining the recommendation or making the decision on the application.

Where a Councillor frequently declares an interest and therefore is unable to take part in the proper consideration of licensing matters it will be referred to the full Licensing Committee. The Council should review the presence of that Councillor on the Committee with a view to replacing him or her with another Councillor whose interests would not prevent him or her considering and deciding on licensing issues referred to the Committee.

6. How the Council deals with its own Applications

A decision on the Council's own licensing applications will be made in accordance with the same procedures applying to licensing applications submitted by other applicants. Licensing Committee Members must give no regard to the interests of the Council itself, aside from receiving and taking into account, as permitted by law, any relevant representations received.

Members who are part of the Council's decision to apply for a licence, or who express a view in respect of such an application, should not be part of any hearing to determine the licence.

Councillors serving on other Council Committee/Scrutiny and Review Panels who also sit on the Licensing Committee are not permitted to have any prejudicial interest, which would disqualify them from taking part in the decision. If individual Councillors in this situation consider that they should declare a personal interest, they *may* still be permitted to speak and vote. Councillors are also at liberty to withdraw from the meeting if they so wish.

Relevant Council Officers and, in particular, the Monitoring Officer will be pleased to give advice when Councillors are concerned over a conflict of interest.

7. Mediation

Licensing Officers have a mediation role under the Licensing Act 2003 where valid objections to a licence application are received. Sometimes mediation will result in the applicant modifying the application and/or the objector modifying their objections. Where agreement is reached then in most instances, the licence must be issued and will not require a hearing. Where agreement is not reached, only the remaining issues will come to a hearing. Licensing Committee members should not therefore be involved in the mediation process. This is important for the maintenance of impartiality, since Members must not be influenced by objections that have subsequently been withdrawn through the mediation process.

8. Reports to Committee / Council

Councillors must have the proper information to make an informed decision. An officer recommendation is not provided in cases where this may prejudice Licensing Committee Members, who must reach a collective decision based solely on the facts (subject to legal guidance).

The following information will be included in an officer report to the Licensing Committee:

- A clear description of the issue, application and/or decision required.
- Any relevant history in relation to the matter.
- All relevant evidence (even if apparently conflicting) that will enable Members to reach an informed decision.
- Details of any persons making witness statements and indicating willingness to provide verbal evidence to the Licensing Committee – and such persons shall normally be available at the time of the meeting to be called if required, unless some other arrangement is made for the taking of evidence.
- A list of the options available.

Details of any persons making representations, (are also given to the members but may not be contained within the report) together with an advance indication of a wish to address the hearing personally, or through their representative.

Where a change in policy is being considered the following information will be included:

- Relevant existing requirements and policies.
- An appraisal of the implications of the decision.
- An accurate summary of the responses to consultation, or if this is to be a decision 'in principle', the recommended consultation that is to be carried out if Members agree.
- An officer recommendation.

The majority of reports will be available for public inspection in accordance with the provisions for access to information and freedom of information. Occasionally the Licensing Committee will be asked to hear matters in private with the press and public excluded due to a need to respect personal confidentiality and privacy where sensitive issues are involved. This most often occurs in connection with Public Carriage driver hearings. In these circumstances the papers will not be publicly available in advance of the meeting, and the Licensing Committee will be asked to determine whether the meeting should be held in private to consider the report. Legal advice will be provided where necessary to assist with this decision.

9. Delegated Decisions

The Council's Scheme of Delegation authorises the Lead Specialist (Environment) to decide specific categories of licence applications. These are typically non-contentious and/or uncontested applications, which the Council has no legal option but to grant.

10. Making Representations on Licensing Applications

Members of the Licensing Committee may from time to time make representations on licensing applications. In these circumstances they are required to make their comments in writing and will also be afforded the opportunity to present their view at the appropriate meeting of Licensing Committee or its sub-committee. They may not participate in any part of the determination process.

11. Public Speaking at Committee Meetings

Where applications are considered pursuant to the Licensing Act 2003 or the Gambling Act 2005, by the Licensing Committee, the conduct of the meeting will be governed by the appropriate Hearings Regulations. The right to make representations under these Acts and Regulations is accordingly limited.

Consideration of applications for drivers of public carriages are held in closed session due to the sensitive nature; however where the application is for a vehicle licence, this will be held in open session.

12. Deferment

The Licensing Committee should only defer a decision where there are clear and legally permissible reasons for doing so.

13. Councillor Attendance

It is important that the Councillors' decision takes account of all material issues, not solely those contained in the Officers' report, but also those which may be legally permitted to be presented orally or otherwise at the meeting. Any Councillor absent from any part of the meeting during consideration of a report must not vote on that matter.

14. Site Visits by the Licensing Committee

The majority of site visits are carried out by officers in preparing reports and recommendations to Members; therefore site visits are not normally required by the Licensing Committee or a Sub-Committee. Any such visits must be justified in licensing terms, and legal advice will be provided by Legal Officers on a case-by case basis. Possible exceptions may include situations where the impact of proposals are difficult to visualise, or where comments made by the applicant or via representations cannot be expressed adequately in writing. Further the chairperson of the Licensing Committee should be advised before Members visit any premises prior to a hearing and they should be accompanied by a relevant officer.

At site visits, Members should keep together as a group and not allow themselves to be addressed or lobbied by any party as an individual. The purpose of the site visit is fact-finding only so no comment should be made that is likely to be interpreted as opinion about the suitability or otherwise of the arrangements being viewed, the validity of the case or the strength of objections. Members should restrict themselves to questions as to the facts. Legal advice will be provided to Members during the course of any site visit where necessary.

15. Training

All new Councillors, who are to be members of the Licensing Committee, must attend a mandatory training seminar giving an introduction to the Licensing system as part of their induction programme. This mandatory training will be held as soon as possible after a Councillor's appointment to the Committee and prior to his or her first committee meeting. Regular briefings will be provided by Officers or consultants as appropriate to keep Councillors advised of changes to Government policy, guidance or best practice; attendance at such briefings will also be mandatory.

16. Complaints

Complaints will be fully investigated in accordance with the Council's agreed procedure.

It is particularly important that individual Councillors do not become engaged with, or appear to be investigating on their own initiative, complaints and allegations about officers, the work of the Licensing Authority, or other Councillors. In doing so they may jeopardise their impartiality - for example it may appear they give credence to malicious allegations from disgruntled licensees/applicants. The Council's complaint process provides the necessary impartiality and transparency. It is therefore vital to report all such complaints through this process and to disengage from further involvement e.g. by referring further contacts about the matter to the Manager investigating the complaint.

Complaints concerning licensed premises/premises subject to another form of authorisation must be passed to the Licensing Service who will investigate them in accordance with the current enforcement policy.

17. Breach of Code

If anybody wishes to make an allegation that a Councillor has breached this Code, such allegation should be made in writing to the Monitoring Officer. If there is at first sight a case to answer, this Officer will report the matter to the Standards Committee. The Standards Committee shall deal with such allegations as if it were a breach of the model Code, which had been referred to them for local determination.

If anybody wishes to make an allegation that an Officer has breached this Code, such allegation will be dealt with in accordance with the Council's Disciplinary Procedure and Rules.

Public Participation at Committees

There are two main opportunities for members of the public to comment at meetings of the Council's Committees.

Public Question Time

At the beginning of each scheduled meeting of the Committee an opportunity will be given to members of the public and representatives of parish/town councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/town council representatives may also wish to use this opportunity to ask for the Council's support on any matter of particular concern to their parish/town. No decisions can be taken as a result of matters raised in the Question Time although an agenda item can be requested for a future meeting.

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the committee. Each individual speaker shall be restricted to a total of three minutes.

Agenda Items

Members of the public can also comment on items listed on the agenda at the time the committee considers them. If they are unable to be present when the item is discussed, they can make their comments during the Public Question Time session.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

After the officer has presented the report the parish/town council representative and others making representations will be invited to speak, followed by a response from the applicant or his/her agent.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council spokesperson
- Objectors
- Supporters
- Applicant/Agent
- District Council Ward Member

At the Regulation Committee, ward members, if not members of the Committee, will speak after the town/parish representative.

The chairman will ensure that the opportunity is given to both sides to speak but an application will not be deferred merely because one side is unable or does not wish to be present.

Members of the public must direct their comments through the chairman and are not allowed to take part in the debate.

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

Council members, who are not on a Committee, will be able to speak on all items at the discretion of the Chairman, and it shall be for the Chairman to decide how long they may speak.

Exceptionally, members may be permitted to use presentational aids when speaking at the meetings on items other than planning and subject to the agreement of the Chairman.

Members with Prejudicial Interests

If an ordinary member of the public would be allowed to speak under the above conditions, Council members should be provided with the same opportunity. Therefore, Council members are able to make representations, answer questions or give evidence, even if they have a prejudicial interest in the item. Members of the Council will be subject to the same time limits as members of the public. They may not, however, take part in the discussion or observe the vote. If a member's interest amounts to a Disclosable Pecuniary Interest then they must not participate at all i.e. they are not allowed to make representation and must leave the room. A failure to comply with these requirements may amount to a criminal offence.

Consultation Protocol

Purpose of the Protocol

In recent years there has been a significant increase in the extent to which government, at all levels, and other public bodies consult the Council on a range of issues. This Protocol is proposed to enable transparency in the process and ensure that members are given the opportunity to comment on consultations that may impact on this Council, its services, processes or aspirations.

The Constitution currently allows Directors and Portfolio Holders to respond to consultation documents. This Protocol proposes limits to the delegation and sets out the decision making process to be followed as appropriate for the relevant document.

Types of Consultation

Consultation documents fall broadly into two types. Firstly, where the Council is asked for factual information on its functions or services, and where in responding there is no view or comments expressed on behalf of the Council.

The other type of Consultation is where the Council is asked for its view and comments on a document. As an example, this will cover consultation documents issued by a Government department, Local Government Association, Regional Association and other such bodies.

A Protocol for responding to consultation documents is set out in Appendix A, but it is important that the receipt of documents is monitored and both members and officers are aware of the existence of such documents. Therefore the following tracking process is proposed.

Consultation Document Tracking Process

1. When the Consultation document is received it should be logged as soon as possible in a Central Consultation database by the Director of the relevant service area or, if more than one service area, by the Director of the service area most “affected”. The database will be available and maintained by Democratic Services. The information to be logged by the Directors will be: name of body who has sent the document, a short summary of the purpose of the document, the deadline for the response, name of lead officer co-ordinating the response, name of responsible Portfolio Holder and the process to agree the response in line with the Consultation Document Response Protocol, the date the response was sent and finally details of where the document may be found (or a hyperlink to the document itself).
2. Prior to logging the document, the Director will need to assess the implications of the document for the Council, as this will determine the decision-making process to agree the response.
3. The information held on the database will be published each month on the District Executive agenda alongside the Executive Forward Plan. It will also be reported each month to Scrutiny Committee as part of their monthly monitoring of the Forward Plan.
4. When documents are logged in the Database the deadline for the response will also be entered. In most cases, the timescale for responses will allow for the decision making process to be followed as set out in the Protocol. However, there may be times when an urgent response is required or where the timescale does not allow for

a report to District Executive or Council as required. Directors should try to seek an extension to the deadline for a response but, in exceptional cases where this is not possible, then an urgent response can be agreed in line with the requirements of the Protocol.

Appendix A

Consultation Document Response Protocol (Key: D = Directors; DSS = Democratic Services Specialist)

Implications of Document	Process	Decision Making Responsibilities	Comments	Urgent Response (exceptional grounds)
Document seeks comments on proposals that will have implications for the Council's Budget and Policy Framework or is of major strategic importance.	<ul style="list-style-type: none"> - Log On Database. D - Include on Forward Plan DSS - Write Report for District Executive D (follow DX clearance process - clear with PH, Finance, and then submit to Senior Leadership Team). - Enter on database date response sent and link to copy. 	Report to District Executive to agree recommendations. In cases where the Leader of the Council feels that the matter is of significance for the Council the recommended response, as agreed by the Executive, shall be submitted for debate to the full Council. These may be matters which will have significant implications for the Council's budget and policy framework or where the Leader or the Chairman of Scrutiny (with the agreement of the Leader) considers that the matter should be debated by the full Council. If the matter is debated by Council the response will still be sent in the name of the Portfolio Holder taking into account the views of full Council.	Scrutiny will be made aware of these documents as they will also receive copies of the consultation database alongside the Forward Plan. Consult other relevant members if appropriate e.g. Theme Adviser.	Agree grounds for urgency with Portfolio Holder and Leader, and why timescale not allow time for report to DX. Agree with PH and Leader extent of consultation with members (email, party group leaders, workshop etc). To meet deadline, and with agreement of Leader, PH agree response to be published on Exec Bulletin and through that for information to DX/Council
Document seeks comments on proposals that will have implications for specified Council services, or have resource implications for specific services.	<ul style="list-style-type: none"> - Log On Database. D - Include on Forward Plan DSS - Write Report for Portfolio Holder to agree. D 	Portfolio Holder to agree response and agree whether he wishes to seek wider members' views (email, workshop etc). The Leader to be notified and have the option to ask that the matter be brought to District Executive for decision. In cases where the Leader	Scrutiny will be made aware of these documents as they will also receive copies of the consultation database alongside the Forward Plan.	As this response is only to be agreed with Portfolio Holder, even if an urgent response is needed, it must still be published on Exec Bulletin and through that reported for information to DX and Council

Implications of Document	Process	Decision Making Responsibilities	Comments	Urgent Response (exceptional grounds)
	<ul style="list-style-type: none"> - Pass to Democratic Services for publication on Executive Bulletin. D - Enter on database date response sent and link to copy. 	<p>of the Council feels that the matter is of significance for the Council the recommended response, as agreed by the Executive, shall be submitted for debate to the full Council. Response to be sent in name of Portfolio Holder taking into account the views of full Council.</p>	<p>Consult other relevant members if appropriate</p>	
<p>No implication for policies or services and proposals are within existing policies and procedures. Primarily factual response.</p>	<ul style="list-style-type: none"> - Log On Database. D - Enter on database date response sent and link to copy. 	<p>Directors may respond subject to agreement of Portfolio Holder. Response to be sent in name of Directors.</p>	<p>Portfolio Holder will agree if there needs to be any wider consultation with members although as this is a factual response this would be unlikely.</p>	<p>As an officer response, should be able to meet any deadlines.</p>
<p>Area specific consultation with no Council wide, strategic implications and no resource implications.</p>	<ul style="list-style-type: none"> - Log On Database. D - Enter on database date response sent and link to copy. 	<p>Director Service Delivery may respond subject to the agreement of the Area Portfolio Holder. Response to be sent in name of Director.</p>	<p>Area Portfolio Holder (in consultation with ward member/s if appropriate) will agree if there needs to be any wider consultation with members and whether the response should be approved by the Area Committee.</p>	<p>As an officer response, should be able to meet any deadlines.</p>

Protocol on Member/Officer Relations

Introduction

This code is intended to offer guidance for members and officers in their dealings with one another. It is intended as a supplement to the members' and officers' codes of conduct and contribute towards the maintenance of high ethical standards across the council.

1. Mutual respect between councillors and officers is essential. The Code of Conduct for Councillors states that members should "not do anything which comprises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority" and they "should treat others with respect". Officers likewise should respect elected members and recognise their role and responsibilities. Members and officers should avoid any close personal familiarity that could give rise to the suspicion of bias or undue influence.
2. In accordance with Council policy, harassment or bullying in the workplace will not be tolerated ensuring fair treatment and personal dignity for all employees.
3. In general councillors make policy and officers implement the council's policy. In most cases councillors should avoid becoming involved in the operational detail of service delivery. The relationship is best defined as a partnership with Members and staff working together to achieve the overall aims of the Council.
4. Members should have regard to the Members' Job Profiles which form part of this constitution in carrying out their duties.
5. Officers must not normally lobby councillors on personal employment matters except through the agreed procedures as management or trade union representatives. Likewise officers must not lobby on budgetary matters outside of the agreed procedures.
6. Any support services provided to elected councillors are to assist them in their role as members of the council. They must be used for council business only.
7. Councillors shall be provided with the necessary information to enable them to carry out their executive, scrutiny or representative roles.
8. Any elected member of the Council may inspect and make a copy of any document in the possession or under the control of the Council and which the member may require in the course of his/her duties as a member of the Council.
9. A member may not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any pecuniary interest
10. The Proper Officer may decline to allow inspection of any document which in his/her opinion discloses exempt information of a description falling within paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).
11. Any document provided for a member and marked "Not for Publication" shall be exclusively for the use of that member and shall not be disclosed to any other person.
12. There will be a close working relationship between a portfolio holder and the relevant senior officer. However, all officers have a duty to the whole of the council. Officers also will be expected to be able to provide advice and support to both the executive and scrutiny function remembering that they serve the council as a whole.

13. Officers are required to discharge their responsibilities without political bias or favour.
14. Members must not seek to influence the appointment of council staff other than where they are properly appointed to an appointments panel to consider a chief officer appointment in accordance with the scheme of delegation.
15. To ensure high standards of conduct members are required to abide by the Code of Conduct for Members and officers are required to abide by the Employees' Code of Conduct (when issued).

16. **Complaints by Councillors against Members of Staff**

Procedure

In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an employee or group of employees, the following process should be followed:-

Informal approach

- 16.1 A Councillor should raise the matter in the first instance with the relevant Lead Specialist/Leadership People Manager, or Director who should seek to resolve the matter with the employee(s) concerned. The Councillor must not engage directly with the employee, nor make any attempt to reprimand or discipline the employee nor make any public criticism of the employee (which for the avoidance of doubts includes social media) including at Council, committee meeting of the Local Authority.
- 16.2 If the matter is about the conduct of a Lead Specialist/Leadership People Manager, or Director, the Councillor should raise their concerns with the Chief Executive
- 16.3 The Lead Specialist/Leadership People Manager/Director/Chief Executive will seek to resolve the matter through discussions with the employee concerned and will report on the outcome to the Councillor concerned within 10 working days. If such timescale is not possible the Councillor will be informed within 5 working days of receipt of the complaint as to when an outcome notification will be received.

Formal approach

- 16.4 If the Councillor is unhappy with the outcome of the informal approach or considers from the outset that the complaint is of a serious nature they should raise the matter with the relevant Director (or Chief Executive if the complaint is against a Director) and will if a member of a political group make their group leader aware of their complaint.
- 16.5 The Director (or Chief Executive) will ensure the matter is investigated according to the relevant Council procedures consulting, where appropriate with the People Team, the Section 151 Officer (in respect of financial matters) and the Monitoring Officer (in respect of lawfulness and probity)
- 16.6 Again at this stage the Councillor must not engage directly with the employee, nor make any attempt to reprimand or discipline the employee nor make any public criticism (including via social media) of the employee including at Council or any committee meeting of the Local Authority
- 16.7 The Director (or Chief Executive) will write to the Councillor and Group Leader advising of the outcome. If changes in practice or procedures are required these will

be detailed in writing and advised to the employee, the complainant and the Group Leader. A check will be made at six months (or such other pre-specified time as is considered appropriate) that the required changes have been implemented and that the complainant is content.

- 16.8 The Employee will be informed of the outcome of the complaint in accordance with relevant Council Procedures.

17. Complaints by members of staff against Councillors

Important Note – This Protocol does not preclude an employee, at any time, if they think it appropriate to make a formal complaint under the South Somerset District Councils Code of Conduct complaints regime applicable to elected and co-opted Members.

Procedure

- 17.1 If an employee wishes to make either an informal or formal complaint under this protocol relating to the conduct or behaviour of a Councillor, the appropriate support must be provided by their line manager and the following procedure should be followed

Informal approach.

- 17.2 An employee should in the first instance raise the issue of concern with their relevant Lead Specialist/Leadership People Manager or Director (or the Chief Executive in the case of a complaint by a Director). The employee must not engage directly with the Councillor on the matter. If appropriate the Lead Specialist/Leadership People Manager or Director (or Chief Executive) may involve the group leader.
- 17.3 The Lead Specialist/Leadership People Manager/Director will seek to resolve the matter through discussions with the councillor concerned and will report the outcome to the employee, Chief Executive and Group Leader if applicable.

Formal approach

- 17.4 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature they may wish to consult with their trade union representative (if applicable) prior to raising the matter formally with the relevant Lead Specialist/Leadership People Manager or Director (or Chief Executive in the case of a complaint by a Director). The Employee and their TU representative may also raise the matter directly with the Senior Human Resource Employee in the Council.
- 17.5 The Lead Specialist/Leadership People Manager/Director will ensure the matter is investigated under the appropriate Council investigatory procedure.
- 17.6 The Councillor and Group Leader will be advised of any complaint and should provide full assistance and cooperation with any investigation.
- 17.7 If the Lead Specialist/Leadership People Manager/ Director employee considers the case is sufficiently serious they should advise the Chief Executive that the matter should be formally raised with the Group Leader.
- 17.8 The Outcome of the investigation may require that no further action be required or that a written or verbal apology is given to the employee. An undertaking should be sought that any wrong doing will not be repeated.

17.9 In appropriate cases (which will normally be where a clear breach of the Code of Conduct has occurred) the Standards Committee will be informed of the outcome of the case.

Guidance for Members on Gifts and Hospitality

1. Introduction

- 1.1 This guidance is for members of the Council and independent and co-opted members (voting and non-voting).

2. General Caution

- 2.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. You may consider that the reputation of local government is enhanced by you adopting a position of refusing to accept any offer or gift, favour or hospitality that is made to you personally.
- 2.2 You will appreciate that your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.3 It is true that the acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

3. Criminal Law

- 3.1 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council.
- 3.2 The onus would be on **you** to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council.

4. Limits of Guidance

- 4.1 This guidance does not apply to:-
- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
 - The acceptance of facilities or hospitality provided to you by the Council.
 - Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

5. Meaning of Gifts and Hospitality

- 5.1 The expressions "gifts" and "hospitality" have wide meanings and no conclusive definition is possible. Gifts and hospitality include:-
- The free gift of any goods or services.
 - The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
 - The opportunity to obtain goods or services not available to the general public.
 - The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

- 5.2 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

6. Appropriate Gifts and Hospitality

- 6.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.
- Civic hospitality provided by another public authority.
 - Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
 - Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council, and the tickets are offered in relation to that sponsorship or promotion.
 - Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens).
 - Drinks or other modest refreshment in the normal course of socialising arising consequentially from Council business (e.g. inclusion in a round of drinks after a meeting).
 - Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Council has a business connection.
 - Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

7. Principles to apply in relation to Gifts and Hospitality

- 7.1 In deciding whether it is appropriate to accept any gifts or hospitality you must apply the following principles:-
- Do not accept gifts or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
 - “Reward” includes remuneration, reimbursement or fee.
 - Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:-
 - (a) From parties involved with the Council in a competitive tendering or other procurement process.
 - (b) From applicants for planning permission and other applications for licences, consents and approvals.
 - (c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - (d) From applicants for benefits, claims and dispensations.
 - (e) From parties in legal proceedings with the Council.
 - Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
 - Do not solicit any gift or hospitality and avoid giving any perception of so doing.
 - In terms of identifying value always err on the side of caution and if in doubt register.

- It matters not what part you accept, it is the value that is on offer that you use in calculating whether it exceeds the £25 threshold e.g. if invited to a champagne reception then the fact that you choose to only drink the water you brought yourself doesn't alter the fact that what was on offer was valued in excess of £25 so should be registered.

8. Gifts Received and Donated to the Chairman's Charities

- 8.1 Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Chairman for use in relation to the Chairman's Charities. Members should indicate this intention to the provider and make this clear on their register of interests.

9. Registration of Gifts and Hospitality

- 9.1 The revised Code of Conduct for Members and Co-opted Members provides that members will have a personal interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25.

- 9.2 This interest must be registered in the register of members' interests. You should register the interest as soon as possible after acceptance of the gift or hospitality and by no later than 28 days of acceptance. The registration should include the source and nature of the gift or hospitality. A form is available for this purpose.

- 9.3 You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the Council at which business is considered to which the interest relates (i.e. business relating to the interests of the person or body giving the gift or hospitality). The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.

- 9.4 Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £25, members are encouraged to register any significant gift or hospitality they receive below this value. There is however no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £25 in value. It is also recommended as good practice that members register all gifts or hospitality which they refuse to accept irrespective of value and include the details of the source and the nature of the gift or hospitality that has been refused.

10. Reporting of Inappropriate Gifts and Hospitality Offered

- 10.1 It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council.
- 10.2 You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.
- 10.3 You may thereafter be required to assist the Police in providing evidence.

11. Enforcement

- 11.1 The Council's Standards Committee has responsibility for overseeing compliance with this guidance.
- 11.2 Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

11.3 Any failure to meet the guidance will itself be treated as a breach under the code of conduct.

11.4 This guidance will be subject to annual review by the Standards Committee.

Part 6

Members' Allowances Scheme

May 2015

Members' Allowances Scheme

The South Somerset District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. Commencement

This scheme may be cited as the South Somerset District Council Members' Allowances Scheme for the year commencing 1st April 2015.

2. Basic Allowance

Subject to Paragraph 7, a Basic Allowance of £6,362 per annum shall be paid to each councillor, effective from 1st April 2015, which shall be deemed to include an element to enable the councillor to subscribe to a broadband connection. The councillor will be expected to ensure that they have a broadband connection to assist them in undertaking their duties and may be required to provide evidence of the same if required.

That the scheme of allowances makes provision for an annual uplift of all Basic and Special Responsibility Allowances by the same percentage as the equivalent negotiated APT&C pay award for officers each year.

3. Special Responsibility Allowances

- (a) A Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme. This Allowance is paid in recognition of the extra duties, which they expected to perform.
- (b) Subject to Paragraph 7, the amount of each such Allowance shall be the amount specified against that special responsibility in that Schedule.

4. Travelling Expenses /Subsistence Allowance Claims

- (a) For travelling expense reimbursement and subsistence allowance purposes, any claim for payment must be in respect of the previous undertaking of an approved duty defined in Schedule 3 to this Scheme and, in the case of councillors holding the special responsibilities referred to in Paragraph 3(b), those additionally referred to in Schedule 2 to this Scheme.
- (c) Travelling expenses and subsistence allowances shall be paid at rates set under this scheme as listed in Schedule 4.
- (d) Claims for subsistence and car parking etc. should be accompanied by receipts.

5. Carers' Allowance

- (a) The Council has agreed that a carers' allowance shall be paid.
- (b) An allowance may be claimed for costs incurred when a carer for a dependent has been engaged to enable a councillor to undertake an approved duty.
- (c) An allowance will be payable if the dependant being cared for:
 - is a child under the age of 14

- is an elderly person (aged 60 and over);
- has a recognised physical or mental disability

who normally lives with the councillor as part of that councillor's family and should not be left unsupervised.

- (d) The carer must not be someone who normally lives with the councillor as part of that councillor's family.
- (e) Members who claim a carers' allowance are required to certify that the amounts claimed have actually been incurred.
- (f) Payment for Child Care to be £5.35 per hour up to a maximum of 16 hours per week. Dependant Carers Allowances to be paid at actual cost up to a maximum of 16 hours per week, subject to payment of no more than £2,000 to any one councillor in a financial year.

6. IT Allowance

A one off payment of £400 will be provided to each newly elected Member to purchase an electronic digital device. No additional payment will be made and running and maintenance costs will be the responsibility of the Member. The device could be a laptop computer or tablet device or anything else but must be capable of fulfilling the Statement of Requirement for Councillors IT as detailed at Schedule 5.

It is recognised that Members may use their own existing IT equipment for council business, including printing and ink, and the £400 payment will still be made to those members as an acknowledgement of this.

Following the introduction of the Local Government (Electronic Communications) (England) Order 2015 Members are now encouraged to operate within a paperless system environment by agreeing to receive, view and manage agenda papers and other circulated documents digitally.

6. Renunciation

A councillor may by notice in writing given to the Specialist – Democratic Services elect to forego any part of his/her entitlement to an allowance under this Scheme.

7. Part-year Entitlements

- (a) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- (b) In respect of Basic Allowance, where the term of office of a member begins or ends otherwise than at the beginning or end of a year, the entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which the term of office as member subsists bears to the number of days in that year.
- (c) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor's entitlement shall be to a payment of such part of that Allowance as bears to the whole the same proportion as the number of days during which

he or she has such special responsibilities bears to the number of days in that year.

- (d) Where an amendment to this scheme is made which affects an allowance payable for the year in which an amendment is made, the entitlement to such allowance as amended may apply with effect from the beginning of the year in which the amendment is made.

8. Suspension of a Member

Where a member is suspended or partially suspended from their duties in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any allowance payable to them under this Scheme in respect of the responsibilities or duties from which they are suspended or partially suspended may be withheld by the Council.

9. Claims and Payments

- (a) A claim for travelling expense reimbursement and/or subsistence payment under this Scheme shall be made in writing within two months of the date of the approved duty in respect of which the entitlement to the payment arises.
- (b) A claim for travelling expense reimbursement and/or subsistence payment under this Scheme shall include, or be accompanied by, a statement by the councillor claiming the payment, that he/she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under this Scheme.
- (c) Payments shall be made on or after the 25th day in each month.
- (d) Basic and Special Responsibility Allowances are paid in twelve equal installments and apportioned for part-year entitlement where applicable.
- (e) Basic and Special Responsibility Allowances are subject to income tax and national insurance.

10. Membership of Another Authority

Where a member is also a member of another Authority, that member may not receive allowances from more than one authority in respect of the same duties.

11. Amendments and Revocation of the Scheme

- (a) This scheme may be amended at any time by the Council but may only be revoked with effect from the beginning of a year, subject to paragraph 11 (b).
- (b) Before the Council makes a new Scheme or amends this Scheme it shall have regard to the recommendations made in relation to it by its Independent Remuneration Panel.

Schedule 1

The following are the special responsibilities in respect of which Special Responsibility Allowances are payable, and the amount of those Allowances as at 1st April 2015:

	£
Leader of the Council & Portfolio Holder	14,595
Portfolio Holder & Deputy Leader	8,757
Chairman of the Council	6,568
Vice-Chairman of the Council	1,459
Area Chairman and Portfolio Holder	7,298
Area Chairman and Portfolio Holder	7,298
Area Chairman and Portfolio Holder	7,298
Area Chairman and Portfolio Holder	7,298
Portfolio Holder	7,298
Portfolio Holder	7,298
Portfolio Holder	7,298
Portfolio Holder	7,298
Licensing Committee Chairman	1,459
Licensing Sub-Committee Chairman	365
Licensing Sub-Committee Chairman	365
Audit Committee Chairman	1,459
Scrutiny Committee Chairman	6,568
Scrutiny Vice-Chairman	1,095
Scrutiny Vice-Chairman	1,095
Regulation Committee Chairman	365
Leader of the Largest Opposition Group	2,828
Area South Committee Vice-Chairman	1,095
Area East Committee Vice-Chairman	1,095
Area West Committee Vice-Chairman	1,095
Area North Committee Vice-Chairman	1,095
Standards Committee Chairman	2,918

Schedule 2

Special Responsibility Allowance (SRA) is paid for the following duties that relate to the post for which the SRA is paid:-

- meetings with officers
- meetings with other portfolio holders
- dealing with correspondence
- visits which are as a result of the duty for which the SRA is paid e.g. official openings, familiarisation/fact finding visits
- press meetings

The SRA does not include an element for travel and, therefore, a travel allowance can be claimed for any duty that is covered by the special responsibility payment.

Members of the Executive are able to claim only one Special Responsibility Allowance.

Schedule 3

Approved Duties

1. A meeting of the Authority, or of any Committee or Sub-Committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or any Committee or Sub-Committee of such a body. This includes meetings of the Executive and its committees.
2. Any other meeting the holding of which is authorised by the Authority, or a Committee or Sub-Committee of the Authority, or a Joint Committee of the Authority and one or more other Authorities, or a Sub-Committee of such a Joint Committee provided that:
 - (a) where the Authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited; or
 - (b) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.
3. A meeting of any association of authorities of which the Authority is a member.
4. Pre-Agenda briefings, and training authorised under the Members' Training Programme.
5. Attendance at parish council meetings within a councillor's ward for the sole purpose of representing the District Council.
6. Travel undertaken by members as part of an Overview and Scrutiny Commission shall be an approved duty for the purposes of being able to claim travel allowance.

Schedule 4

Travelling and Subsistence Allowances

Travel Allowances

Motor cars Engine Capacity All cc's	Rate per mile 40.0p
Motorcycles Engine Capacity not exceeding 150 cc 151-500 cc 500 cc	Rate per mile 8.5p 12.3p 16.5p
Plus: (a)	5.0p per mile for the carriage of the first passenger and 3.0p per mile for the second and subsequent passengers, not exceeding 4, to whom a travelling allowance would otherwise be payable.
(b)	Actual cost of parking fees, tolls, ferrying and overnight garaging.
Bicycle allowance	Rate per mile 26.0p

The full costs of public transport will be met for approved duties and taxi fares will be met in cases of exceptional proven need and inability to drive or take alternative transport. The reasons to be approved by the Chief Executive

Subsistence Allowance

The payment of subsistence allowances is subject to the principle that some additional expenditure has actually been incurred.

(1)	In the case of an absence, not involving an absence overnight	
	Breakfast allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, before 11.00 a.m.)	£5.42
	Evening meal allowance (more than 4 hours away from the normal place of residence or where the authority permits, a lesser period, ending after 7.00pm)	£10.00

Schedule 5

Statement of Requirement for Councillors IT

South Somerset District Council will:

1. Provide Councillors with an SSDC e-mail address for Council business use (@southsomerset.gov.uk)
2. Allow Councillors to store e-mail and attachments relating to Council business for up to 12 months.
3. Provide information to Councillors in the most popular formats (Microsoft Office, Adobe PDF etc).
4. Provide access to SSDC email via Outlook Web App.
5. Facilitate the purchase of an appropriate piece of equipment/software (where a Councillor does not have the facility) to access documents in the most popular formats (Microsoft Office, Adobe PDF files etc) required to carry out their role as a Councillor.

Councillors will:

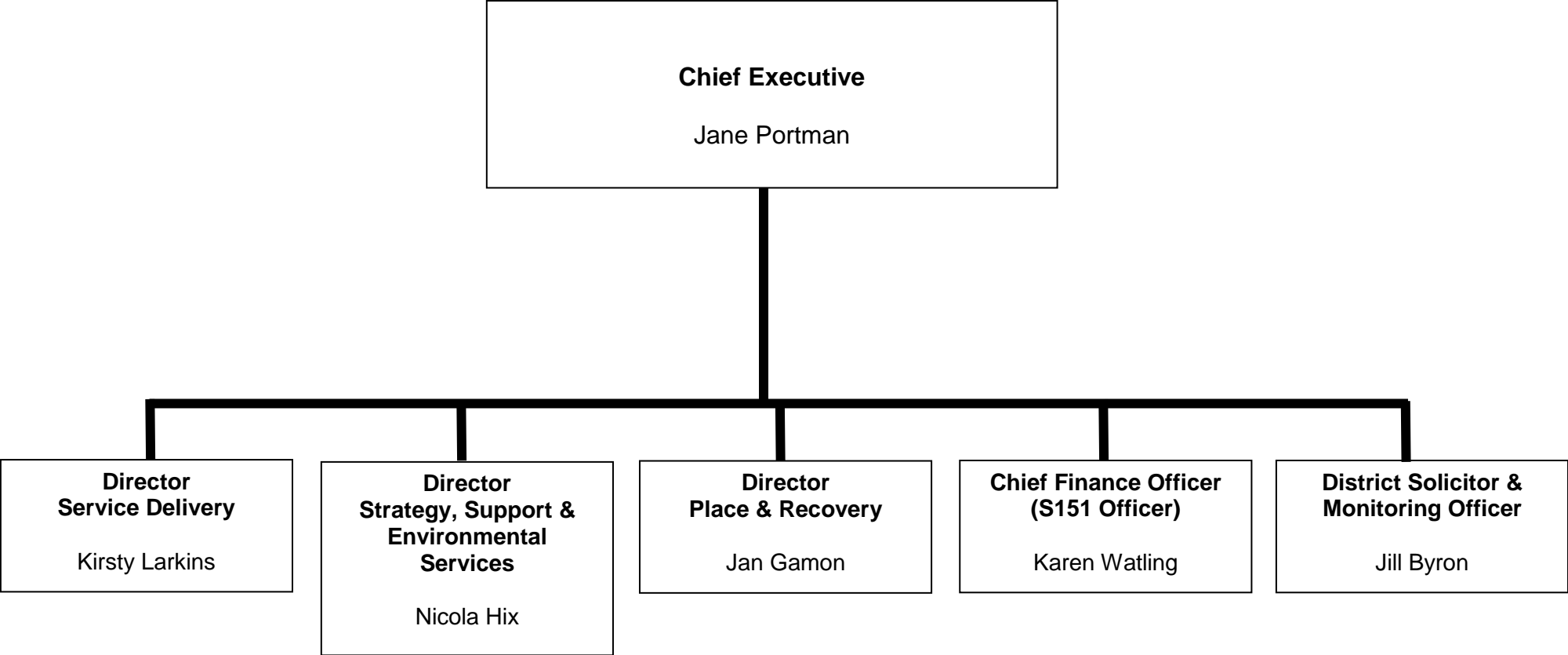
1. Be expected to have a separate private e-mail address for political / non-council use.
2. Have separate storage of personal data (photos etc on discs or memory stick or other devices).
3. Have Broadband access at their home address.
4. Have the ability to access documents in the most popular formats (Microsoft Office, Adobe PDF files etc) required to carry out their role as a Councillor.
5. Have the ability to access the SSDC website to view planning applications and the internet for research purposes.

Part 7

Management Structure

Feb 2022

Senior Management Structure (as at March 2022)





South Somerset District Council

Part 8

Petition Scheme

Contents

1. Introduction
2. What can petitions cover?
3. What are the types of petitions?
4. Who can submit a petition?
5. What must a petition include?
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7. How to submit a petition
8. What will the Council do when it receives my petition?
9. How do I present my petition at a Council meeting?
10. How will the Council respond to petitions?
11. Petitions for debate at a Council meeting
12. Petitions asking for officers to give evidence
13. What can I do if I feel my petition has not been dealt with properly?
14. What else can I do to have my say?
15. Special requirements and Assistance

1. Introduction

- 1.1 This council believes it acts in the best interests of the people who live in the area and is responsive to their concerns. However sometimes there are issues that you believe the council should address and there are a number of ways by which you can be heard. You can raise matters at any of our meetings (including our area committee meetings), you can contact your elected district councillor and ask that they raise a matter on your behalf or you can contact any relevant officer direct. You can now also raise matters by way of a petition. This council welcomes petitions as it recognises that they are another way in which people can let us know their concerns.

There are several types of petitions (see 3.1 below for a description of each type) depending on the number of signatures. This scheme sets out how the Council will respond to petitions.

2. What can petitions cover?

- 2.1 You can submit a petition on the following issues:
- Issues which relate to the Council and/or the services it provides to local people
 - Matters which affect local people or local communities in South Somerset more than the general public nationally

3. What are the different types of petitions?

- 3.1 There are three different types of petitions:

'Ordinary' petitions

Petitions containing at least 25 signatures. The petition organiser can present their petition to a meeting of the Council (i.e. a meeting to which the Chairman and all Councillors are invited) who will, without discussion, refer the petition to the relevant decision-maker (this could be an officer of the council or one of the council's committees) OR the petition organiser (with two other people who signed the petition) can meet with the relevant decision-maker direct to present their petition.

Petitions for Council debate

Petitions containing at least 8,000 signatures will be debated (or discussed) at a meeting of the Council.

Petitions calling for Council employees to give evidence at an Overview and Scrutiny meeting

Petitions containing at least 4,000 signatures can call for a senior Council employee to give evidence at a public meeting of the Scrutiny Committee or an Overview Commission.

4. Who can submit a petition?

- 4.1 Anyone who lives, works or studies in South Somerset, including under 18's, can sign or organise a petition.

5. What must a petition include?

5.1 Petitions **must** include all of the following:

- at least 25 signatures;
- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
- the subject matter of the petition on each page;
- the name, address (or place of work or study if the person does not live in South Somerset) and signature of any person supporting the petition; and
- contact details, including a phone number and address, for the petition organiser – this will be the person who we will contact to explain how we will respond to the petition.

5.2 The Council may also ask for such additional information as it may require in order to confirm that the petition complies with the requirements of this scheme.

5.3 The Council's Monitoring Officer may decline to accept any petition where in his opinion the petition does not include any of the above.

5.4 A template to help you organise a petition is provided at the end of this document.

6. Are there petitions which the Council will not accept?

6.1 The vast majority of petitions will be accepted provided they meet with the requirements of 5.1 above. However, there are certain circumstances when petitions will not be accepted by the Council's Monitoring Officer), including:

- Petitions considered to be vexatious, abusive or otherwise inappropriate (e.g. for political campaigning). We will explain the reasons for this in our acknowledgement of receipt of the petition.
- Petitions which are identical or very similar to a petition that has already been presented to the Council in the past 12 months.
- The period immediately before an election or referendum we may need to deal with the petition differently – if this is the case we will explain the reasons and give the petition organiser revised timescales which will apply.
- Petitions which relate to planning or licensing application, or is a statutory petition (e.g. requesting a referendum on whether the Council should continue to have an elected mayor), or is a matter where there is already an existing right of appeal such as council tax banding and non-domestic rates. We will advise the petition organiser what will happen to petitions under this category.
- Petitions which relate to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months. We will ensure the petition is included as part of the consultation and contact the petition organiser to give them details of the consultation.
- Where the identities of the signatories to the petition cannot be verified.

7. How to submit a petition

7.1 Petitions can be sent to:

Specialist – Democratic Services
South Somerset District Council
Council Offices
Brympton Way
Yeovil
Somerset. BA20 2HT

Alternatively, you can give your petition to your local councillor who will deliver it on your behalf.

7.2 Please indicate which type of petition you are submitting (see 3.1 above). If you would like your petition to be presented at a Council meeting, it must be delivered to the Specialist - Democratic Services by 4.00 p.m. 10 clear working days before the meeting. For a calendar of meetings please visit our website www.southsomerset.gov.uk or contact our Specialist – Democratic Services (01935 462148)

7.3 Arrangements for creating, signing and submitting petitions on-line is available through the Council's website: www.southsomerset.gov.uk

8. What will the Council do when it receives my petition?

8.1 All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. The acknowledgement will be sent to the petition organiser and will explain what we plan to do with the petition and when you can expect to hear from us again. Details of your petition will be provided to the Chairman of the Council, the political party group leaders, the Monitoring Officer and the Chief Executive so they are informed of the details of the petition.

8.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council meeting debate, or a senior Council employee giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

8.3 If you submit an 'ordinary' petition (see 3.1 above) the Specialist - Democratic Services will contact the petition organiser and inform them which body/decision-maker will respond to the petition and invite them to choose whether they wish to make a presentation at a Council meeting or for the petition to be referred direct to the body/decision-maker concerned. However, if the subject of the petition is due to be considered by the decision-maker before the next meeting of the Council it will be referred to the decision-maker direct and you will not, therefore, have the opportunity to present your petition at a Council meeting. If you choose to submit your petition directly to the decision-maker you will be informed who makes the decision and who will be contacting you to make arrangements for you to meet with the decision-maker.

8.4 To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of petitions we receive on our website (except in cases where this would be inappropriate). Wherever possible we will also publish all correspondence relating to the petition on our website but will remove all personal details first. The name and address of the petition organiser will also be published on

the Council's website unless the petition organiser expressly requires their contact details to be kept confidential.

9. How do I present my petition at a Council meeting?

9.1 Any type of petition can be presented by you at a council meeting although only those containing at least 8,000 signatures will actually be debated or discussed there. If you wish for your petition to be presented to a meeting of the Council you have the option of speaking at that meeting. You can speak in support of your petition for up to five minutes. To register to speak you must inform the Specialist - Democratic Services (by telephone 01935 462148 or e-mailing angela.cox@southsomerset.gov.uk by 4.00 p.m. the day before the Council meeting.

9.2 At the meeting the Chairman will invite you to speak. When you make your speech you can only refer to matters relevant to the petition and must:

- a) not use discriminatory or offensive language;
- b) not make any party political statements;
- c) not use personal abuse; and
- d) treat others with courtesy and with respect.

If the Chairman considers that you have broken any of these requirements he may take appropriate action (including preventing you from speaking further).

10. How will the Council respond to petitions?

10.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition.
- Considering the petition at a Council meeting (where the subject of the petition does not fall within the remit of an appropriate body or person).
- Holding an inquiry into the matter.
- Undertaking research into the matter.
- Holding a public meeting.
- Holding a consultation.
- Holding a meeting with the petitioners.
- Referring the petition for consideration by the Council's Scrutiny Committee or Overview Commission*.
- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition.

*The Scrutiny Committee and the Overview Commission includes the Councillors who are responsible for scrutinising the work of the Council – in other words, these people have the power to hold the Council's decision-makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples:

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the Council has a number of options it can consider to address the issue. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.
Anti-social behaviour (ASB)	<p>The Council plays a significant role in tackling anti-social behaviour as the elected representatives of your local area, through the partnership with social landlords and as licensing authority.</p> <p>When responding to petitions on ASB, we will consider, in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community, neighbourhood and other partners on issues of ASB in the area in question and, where appropriate, we will alert the Scrutiny Committee to the issues highlighted in the petition.</p>

10.2 If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible at www.southsomerset.gov.uk

10.3 If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

11. Petitions for debate at a Council meeting

11.1 If a petition contains at least 8000 signatures it will be discussed by a meeting of the council unless it is a petition asking for a senior council employee to give evidence at a public meeting (see 12. below). The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting (see 9. above) and the petition will then be discussed by the Chairman and councillors for a maximum period of 15 minutes (unless the council decides to extend this period at the meeting). The council will decide how to respond to the petition at this meeting, it may decide to:

- take the action the petition requests
- not to take the action requested for reasons put forward in the debate
- make recommendations to the Leader or Chief Executive if the issue is one for either of them to make the decision

- commission further investigation into the matter, for example by a relevant committee.

The petition organiser will receive written confirmation of this decision and this will also be published on our website.

12. Petitions asking for officers to give evidence

- 12.1 If your petition contains at least 4000 signatures your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. A list of the officers that can be called to give evidence is as follows:

Chief Executive – Jane Portman
Director - Service Delivery - Kirsty Larkins
Director – Strategy, Support & Environmental Services – Nicola Hix
Section 151 Officer – Karen Watling
Monitoring Officer – Jill Byron

- 12.2 Your petition may ask the officer to explain progress on a particular issue or to explain the advice given to the Leader and/or councillors to enable them to make a particular decision. The petition must relate to the officer's job and cannot relate to their personal circumstances or character.
- 12.3 The evidence will be given at a public meeting of the council's Scrutiny Committee or Overview Commission and not at a meeting of the Council. The officer giving evidence at the meeting may be accompanied by another officer, technical expert or a representative from a partner agency. You will be given details of the meeting so that you can attend. The Committee meetings are normally held in public, but the Committee has the option to exclude the press and public from any part of the meeting that discusses confidential information. If the Committee does exclude the press and public you will also have to leave the meeting. If possible you will be given the opportunity to present your petition first. If it is likely that the press and public will be excluded from the whole or any part of the meeting you will be notified of this and given the reason(s) why when we give you the details of the meeting. You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the Leader or relevant councillor to attend the meeting. Only the Committee will ask questions at this meeting, but you will be able to suggest questions you would like them to ask by contacting the Specialist - Scrutiny (by telephone 01935 462148 or e-mailing democracy@southsomerset.gov.uk by 4.00 p.m. three working days before the meeting.

13. What can I do if I feel my petition has not been dealt with properly?

- 13.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to appeal and request the Council's Scrutiny Committee to review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation in writing of the reasons why they feel the council's response is not considered to be adequate.
- 13.2 The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These include:
- instigating an investigation
 - making recommendations to the Leader

- arrange for your request to be considered by a meeting of the council if it considers the council has seriously neglected its responsibility to listen to local people

13.3 Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

14. What else can I do to have my say?

14.1 There are a number of other ways you have your say and get involved in local decisions, including:

- Attending meetings
- Public question time
- Speaking on planning or licensing applications
- Overview and scrutiny
- Community partnerships
- Become a councillor
- Take part in consultations
- Write to us about issues that are of concern to you

15. Special requirements and Assistance

15.1 If you need any special help with accessing any Council buildings or if you have any special requirements or if you are unsure what to do or need help with the wording of your petition then please contact our Specialist -Democratic Services (either by telephone 01935 462148 or emailing democracy@southsomerset.gov.uk) as soon as possible.

To ask for a copy of this guide in another format or language, or for more information on petitions or Council meetings, please contact:

Specialist - Democratic Services on (01935) 462148

Email: democracy@southsomerset.gov.uk

Subject of petition:	
What action do you want the council to take:	
Organiser / Main Contact for Petition	
Name:	Telephone number:
Address:	

Petition type: *please tick relevant box*

Ordinary (contains 25 signatures or more)

please indicate where you wish to submit your petition:

Council or Direct to Decision Maker

If you have chosen to submit your petition straight to Council would you like to speak at the Council meeting? *please tick box below*

Yes Name of speaker: No

Petitions for Council debate (contains 8,000 signatures or more)

please indicate if you would like to speak at the Council meeting

Yes Name of speaker: No

Petitions calling an officer to give evidence (contains 4,000 signatures or more)

please indicate if you would like to speak at the Committee meeting

Yes Name of speaker: No

