

SWT Annual Council

Tuesday, 26th May, 2020,
6.15 pm



Somerset West
and Taunton

[SWT VIRTUAL MEETING WEBCAST LINK](#)

Members: Hazel Prior-Sankey (Chair), Simon Coles (Vice-Chair), Ian Aldridge, Benet Allen, Lee Baker, Marcus Barr, Mark Blaker, Chris Booth, Paul Bolton, Sue Buller, Norman Cavill, Dixie Darch, Hugh Davies, Dave Durdan, Kelly Durdan, Caroline Ellis, Habib Farbahi, Ed Firmin, Andrew Govier, Roger Habgood, Andrew Hadley, John Hassall, Ross Henley, Marcia Hill, Martin Hill, John Hunt, Marcus Kravis, Andy Milne, Richard Lees, Sue Lees, Libby Lisgo, Mark Lithgow, Janet Lloyd, Dave Mansell, Chris Morgan, Simon Nicholls, Craig Palmer, Derek Perry, Martin Peters, Peter Pilkington, Andy Pritchard, Steven Pugsley, Mike Rigby, Francesca Smith, Federica Smith-Roberts, Vivienne Stock-Williams, Phil Stone, Andrew Sully, Nick Thwaites, Anthony Trollope-Bellew, Ray Tully, Terry Venner, Sarah Wakefield, Alan Wedderkopp, Danny Wedderkopp, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

Agenda

1. Election of Chair

It is the legal requirement that the first formal business at the Annual Meeting of Council shall be the election of a Councillor to be the Chair of the Council.

2. Appointment of Vice Chair

3. Apologies

To receive any apologies for absence.

4. Declarations of Interests

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of

Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

5. To receive any communications or announcements from the Chair of the Council

6. To receive any communications or announcements from the Leader of the Council

7. Election of the Chair of the Scrutiny Committee

The Scrutiny Chair shall be drawn from among those Councillors proposed to serve on the Scrutiny Committee who are not from the majority political group and are not Chair of any other Committee.

8. Public Participation

To receive any questions, statements or petitions from the public in accordance with Council Procedure Rules 14, 15 and 16.

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

Temporary measures during the Coronavirus Pandemic

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

9. To receive any questions from Councillors in accordance with Council Procedure Rule 13

10. Council Committees for 2020/2021 and their Terms of Reference

To decide which Committees to establish for the Municipal Year and to decide their size and terms of reference. To decide the numerical allocation of seats to political groups on

Committees in accordance with the political balance rules and to make appointments to the Committees.

- Scrutiny Committee
- Audit, Governance and Standards Committee
- Planning Committee
- Licensing Committee

11. Appointment of Representatives on Outside Bodies

(Pages 37 - 88)

To make appointments to outside organisations, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive. In an election year, such appointments may be deferred to the first Ordinary Meeting of the Council in the municipal year.

12. To authorise the sealing or signing of documents to give effect to any decisions taken

(Pages 89 - 90)

To authorise the Common Seal of Somerset West and Taunton Council.



**JAMES HASSETT
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

Somerset West and Taunton Council

Council Annual General Meeting – 26th May 2020

Somerset West and Taunton Council Committees, Terms of Reference, Committee Allocation and Appointments to Committees

This matter is the responsibility of the Leader of the Council

Report Author: Amy Tregellas, Governance Manager and Monitoring Officer

1. Executive Summary / Purpose of the Report

1.1 As per the Constitution, to ask the Council to:

- a) Decide which Committees to establish for the municipal year;
- b) Decide the size and terms of reference of those Committees;
- c) Decide the numerical allocation of seats to political groups on Committees in accordance with the political balance rules;
- d) Make appointments to Committees;

2. Recommendations

2.1 **The Council:**

- a) Notes the Committee structure as set out in articles 6, 7, 8 and 9 in the Constitution (Appendix A)
- b) Notes the size and terms of reference of those Committees as set out in the attached extract from the Constitution (Appendix B)
- c) Approves the numerical political allocation as attached (Appendix C)
- d) Approves councillor appointments to Committees (Appendix D)

3. Risk Assessment

3.1 If the Council doesn't allocate Councillors to Committee seats there would be a risk that the Council's business could not be transacted

4. Background and Full details of the Report

4.1 The Somerset West and Taunton Council Constitution sets out the matters which the Council must consider at the Annual General Meeting.

4.2 As per the recommendations above the appendices attached to this document set out:

- a) Appendix A - Articles for Scrutiny, the Executive, Regulatory and other Committees and Ethical Standards Arrangements
- b) Appendix B – the terms of reference for each Committee
- c) Appendix C – the draft Political Allocation
- d) Appendix D – the paperwork for councillor appointments to Committee

5. Links to Corporate Strategy – N/A

6. Finance / Resource Implications - None

7. Legal Implications - None

8. Climate and Sustainability Implications - None

9. Safeguarding and/or Community Safety Implications - None

10. Equality and Diversity Implications - None

11. Social Value Implications - None

12. Partnership Implications - None

13. Health and Wellbeing Implications - None

14. Asset Management Implications - None

15. Data Protection Implications - None

16. Consultation Implications - None

17. Scrutiny/Executive Comments / Recommendation(s) – N/A as this is a Council Report

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No** not applicable as Council function only
- **Cabinet/Executive – No** not applicable as Council function only
- **Full Council – Yes**

Reporting Frequency: Annually

List of Appendices (delete if not applicable)

Appendix A	Articles for Scrutiny, the Executive, Regulatory and other Committees and Ethical Standards Arrangements
Appendix B	The terms of reference for each Committee
Appendix C	The Political Allocation
Appendix D	Councillor appointments to Committee

Contact Officers

Name	Amy Tregellas
Direct Dial	08123 785034
Email	a.tregellas@somersetwestandtaunton.gov.uk

6 Article 6 – Scrutiny

6.1 Terms of Reference

6.1.1 Scrutiny refers to all the Scrutiny functions within the Council and is used in this Constitution as a collective term for all individual Scrutiny Committees, subcommittees and scrutiny panels and all references to Scrutiny are to be interpreted accordingly, except where otherwise expressly stated.

6.1.2 The Council will appoint at least one Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000. Details of the Committee(s), as amended from time to time, are included in the Scrutiny Procedure Rules. Specific terms of reference for the Scrutiny Committee(s) are found in this Constitution.

6.2 General role

6.2.1 Within their terms of reference, Scrutiny Committee(s) will:

- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- b) review and/or scrutinise the performance of external bodies subject to scrutiny by the Council;
- c) in accordance with their remit and terms of reference, make reports and/or recommendations to the full Council and/or the Executive and/or any committee or joint committee in connection with the discharge of any functions;
- d) consider any matter affecting the area or its inhabitants;
- e) exercise the right to Call-In, for reconsideration, decisions made but not yet implemented by the Executive and/or any committee (where exercising Executive functions), as well as pre- scrutinise any proposed decisions published in the Forward Plan. The procedure to be followed when the right to Call-In is exercised is included in the Procedure Rules of this Constitution;
- f) Create time-limited panels to consider specific issues.

6.3 Specific Functions

(a) Policy Development and Review

6.3.1 Scrutiny Committee(s) may:

- a) assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d) question members of the Executive and/or committees and Chief Officers about their views on issues and proposals affecting the area;
- e) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny

6.3.2 Scrutiny Committee(s) may:

- a) review and scrutinise the decisions made by and the performance of the Executive and/or committees and Council Officers both in relation to individual decisions and over time;
- b) review and scrutinise the Council's performance in relation to its policy objectives, performance targets and/or particular service areas;
- c) question members of the Executive, committees and Chief Officers and Officers with management responsibilities 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;
- d) make recommendations to the Executive, appropriate committee, officer and the Full Council arising from the outcome of the scrutiny process;
- e) review and scrutinise the performance of other public bodies in the area and call for reports from them and attendance of appropriate representatives to address the Scrutiny Committee(s) and local people about their activities and performance;
- f) Question and gather evidence from any person (with their consent).

(c) Finance.

6.3.3 Scrutiny Committee(s) may:

- A) Exercise overall responsibility for the finances made available to them.
- B) Scrutinise the overall Council Budget as part of its preparation.

(d) Annual Report

6.3.4 The Scrutiny Committee(s) must report annually to Council on their work.

6.4 Proceedings of Scrutiny Committees

6.4.1 The Scrutiny Committee(s) will conduct their proceedings in accordance with the Scrutiny Procedure Rules of this Constitution.

7 Article 7 – The Executive (Leader and Executive)

7.1 Role

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

7.2 Form and Composition

7.2.1 The Council has adopted the Leader and Executive (England) model of executive.

7.2.2 The Executive will consist of the Council Leader together with an Executive of at least 2 but not more than 9 other Councillors appointed by the Leader.

(a) The Leader

7.2.3 The Leader will be a Councillor elected by the Council at the Annual Council Meeting in the year of the Council elections. The Leader will hold office for the term of four years until the next post-election Annual Council Meeting, or unless:

- a) the Councillor resigns from the office; or
- b) the Councillor is suspended from being a Councillor under Part III of the Local Government Act 2000 (although the Councillor may resume office at the end of the period of suspension); or
- c) The Councillor is removed from office by resolution of the Council.

7.2.4 In the event of the office of Leader becoming vacant before expiration of their Term of Office, the Council will elect a new Council Leader at its next meeting or at

a meeting called for that purpose. The new Leader will serve for the period of office remaining (i.e. until the next post-election Annual Council Meeting).

(b) The Deputy Leader

7.2.5 The Leader shall appoint an Executive Councillor to serve as Deputy Leader.

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

- a) the Councillor resigns from the office; or
- b) the Councillor 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) the Councillor is no longer a Councillor; or
- d) the Councillor is removed from that office by the Leader

7.2.7 Where a vacancy occurs in the office of Deputy Leader, the Leader of the Council must appoint another Executive Councillor to that role.

7.3 Other Executive Councillors

7.3.1 The Leader must appoint between two and nine Executive Councillors including the Deputy Leader.

7.3.2 The Leader shall determine the terms of office of Executive Councillors, which shall be no longer than the end of the term of office of the Leader. An Executive Councillor shall cease to hold that office if:

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

7.4 Proceedings of the Executive

7.4.1 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules of this Constitution.

7.5 Responsibility for Functions

7.5.1 The Leader has responsibility for the exercise of all the functions of the executive (executive functions) under this Constitution and in law.

7.5.2 The Leader may discharge any executive function or delegate their exercise to:

- a) the executive as a whole (Leader and Executive),
- b) an individual Executive Councillor,
- c) a committee of the Executive,
- d) an officer,
- e) an area committee established under section 18 of the Local Government Act 2000,
- f) be exercised under joint arrangements
- g) Individual non-executive Councillors where a scheme under the Local Government and Public Involvement in Health Act 2007 has been established.

7.5.3 Those persons or bodies exercising executive functions may delegate those powers so far as allowed by law.

7.5.4 A list of responsibilities for Executive functions will be maintained by the Monitoring Officer and published on the Council's website.

8 Article 8 – Regulatory and Other Committees

8.1 Regulatory and Other Committees

8.1.1 The Council will appoint certain committees to deal with statutory or regulatory functions. Some committees may be set up as consultation or advisory forums (i.e. without decision-making powers). A list of these committees as amended or added to from time to time will be maintained by the Monitoring Officer.

8.2 Audit, Governance and Standards

8.2.1 The Council will appoint one or more committees that between them will undertake (a) the role of an Audit, Governance and Standards Committee and (b) ensure compliance in decision-making in respect of the Council's political management arrangements and constitutional procedures. The latter role includes all parts of the Council that are responsible for making decisions including full

Council, Executive, Officers under delegated authority, the Planning and Licensing Committees and other Council bodies, including joint bodies with other agencies and partnerships.

9 Article 9 – Ethical Standards Arrangements

9.1 Establishment

9.1.1 The Council will appoint a committee to ensure the Council meets its duty to promote and maintain high standards of conduct by Councillors and co-opted Councillors of the authority under s.27 (1) of the Localism Act 2011, and to determine complaints and appeals under the Councillor Code of Conduct.

9.1.2 The Council has designated these functions to the Audit, Governance and Standards Committee.

a) Independent Person

9.1.3 The Council has made provision under s.7 of the Localism Act 2011 to appoint at least one independent person:

- whose views are to be sought and taken into account before decisions are made on an allegation about a Councillor's conduct;
- whose views may be sought by a Councillor or co-opted member of the authority if that person's behaviour is the subject of an allegation; and
- Who will be invited to attend any panel meetings to determine the outcome of an investigation into an allegation about a Councillor's conduct or to appeal the outcome of a previous determination and, if present, may advise the panel and the Councillor who is the subject of the hearing or appeal.

9.1.4 A vacancy for an independent person must be sought by advertisement in such manner as the authority considers is likely to bring it to the attention of the public (s.28(8)(c)(i) Localism Act 2011).

9.1.5 The Council may only consider and approve candidates who have submitted to the authority an application to fill the vacancy (s.28(8)(c)(ii) Localism Act 2011);

9.1.6 Independent person appointments must be approved by a majority of the members of the Council (i.e. 30 Councillors) (s.28(8)(c)(iii) Localism Act 2011 – Appointments will be for a term of office determined by Full Council.

9.1.7 An independent person does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.

9.1.8 A person is not independent if the person is

- a) a Councillor, co-opted Councillor or officer of the authority, or was a Councillor, co-opted Councillor or officer of the authority at any time during the 5 years ending with the appointment; or
- b) a relative (as defined in s28(8) Localism Act 2011), or close friend, of a Councillor, co-opted Councillor or officer of the authority.

Terms of Reference Council

Membership and Meetings

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

TERMS OF REFERENCE

Powers reserved to Full Council

3. The following functions must not be exercised by the Executive and, where not otherwise delegated, shall be reserved to the Full Council:
 - (a) adopting and changing the Constitution;
 - (b) approving or adopting the Policy Framework (as defined in Article 4), the Budget (as defined in Article 4) and any application to the Secretary of State in respect of any housing land transfer (as defined in Article 4);
 - (c) subject to the urgency procedure contained in the Access to Information Procedure Rules, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
 - (d) appointing the Leader of the Council;
 - (e) exercising powers to remove the Leader from office before completion of his/her term of office;
 - (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
 - (g) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
 - (h) adopting and varying a Councillors' Allowances Scheme;
 - (i) changing the name of the area/council;
 - (j) electing the Chair of the Council and appointment of the Vice-chair;
 - (k) confirming the appointment and dismissal of the Head of Paid Service;
 - (l) confirming the appointment of the S151 Officer and Monitoring Officer;
 - (m) to designate an officer to be the Returning Officer and Electoral Registration Officer;

- (n) conferring the title of honorary alderman or honorary alderwoman, or awarding the Freedom of the Council Area under Sections 248 and 249 of the Local Government Act 1972;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (p) making a request under Section 14A(1) (requests for single-member electoral areas) of the Local Government Act 1992 for single-member electoral areas;
- (q) the passing resolutions to change a scheme for elections under the Local Government and Public Involvement in Health 2007 Act (Subsections 32(1), 37(1) or 39(1));
- (r) the making of orders giving effect to recommendations made in a community governance review under the Local Government and Public Involvement in Health 2007 Act (Section 86);
- (s) the duty to make a change in governance arrangements under the Local Government and Public Involvement in Health 2007 Act (Schedule 4 paragraphs 3 and 8);
- (t) a decision to accept an invitation to become an 'opted in' Authority, for the purposes of appointing external auditors under the provisions of the Local Audit (Appointing Person) Regulations 2015
- (u) making or revising Council Tax Reductions Scheme under Section 13(A)(2) of the Local Government Finance Act 1992 as amended by the Localism Act 2011
- (v) Approving supplementary budget allocations (whether revenue or capital budget) at above £250,000.
- (w) Consider recommendations from the Executive (which will come from Hinkley Point Planning Obligations Board) to allocate contributions for projects seeking funding of over £250,000.
- (x) consider recommendations from the Executive (which have not come from Hinkley Point Planning Obligations Board) to allocate contributions for projects seeking funding of over £250,000.
- (y) consider recommendations from the Executive (which have come from the internal Planning Obligations Group (to allocate contributions for projects seeking funding of over £250,000)

- (z) appoint the Council's representatives to the Hinkley Point Planning Obligations Board
 - (aa) appoint the Council's representative on the Somerset Community Foundation Panel who will consider bids to the EDF Energy Community Fund
 - (bb) all other matters which, by law, must be reserved to Full Council.
4. The Council will also exercise the following additional functions which may be discharged by Full Council itself or be delegated by agreement to a committee or sub-committee of Councillors, an officer of the Council or another authority:
- (a) all responsibilities of the Council (as provided by the Local Government Act 2000 and guidance published by the Secretary of State) which must be undertaken by the Council rather than the Executive (see Responsibility for Functions, Table 1); and,
 - (b) all local choice functions (as provided by the Local Government Act 2000 and guidance published by the Secretary of State) which the Council decides should be undertaken by itself rather than the Executive (see Responsibility for Functions, Table 2).

Executive

1. Membership and Meetings

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

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

1.3 The Executive will normally meet on a monthly basis.

2. Scope

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

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

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

3. Terms of Reference

3.1 The Executive will be responsible for the following functions:

- a) to propose the annual budget to Council for approval;
- b) to ensure full consultation with the public and other members of the Council on policies and strategies;
- c) to implement, within approved budgets, agreed plans and policies of the Council;
- d) to oversee expenditure within budget heads and limits approved by Council;
- e) to provide political leadership to enable Somerset West and Taunton Council to promote the economic, social and environmental wellbeing of the area;
- f) to exercise collective responsibility for the Council and its performance;
- g) to set strategies for partnership with external stakeholders;
- h) to receive recommendations from the Scrutiny Committee;
- i) to determine grant allocation priorities for external organisations;
- j) any functions which are deemed to be local choice functions as set out in the responsibilities for functions;
- k) to exercise the Council's powers in relation to emergencies and disasters;
- l) to consider recommendations from the Hinkley Point Planning Obligations Board and Internal Planning Obligations Group to allocate contributions for projects seeking funding for above £150,000 and less than £250,000;
- m) to consider referral to Council recommendations from the Hinkley Point Planning Obligations Board and Internal Planning Obligations Group to allocate contributions for projects seeking funding of over £250,000;
- n) to consider quarterly performance reports relating to the Hinkley Point project which have been previously reviewed by the Scrutiny Committee;

- o) to consider recommendations from the Internal Planning Obligations Group to allocate contributions for projects seeking funding of above £150,000 and less than £250,000;
- p) to approve Supplementary Budget Allocations (whether Revenue or Capital) between £150,000 and £250,000 and Budget Virements (whether Revenue or Capital greater than £150,000);
- q) To make Key Decisions as defined in the Executive Procedure Rules;
- r) to approve individual projects and schemes under the Council approved Growth Programme and Community Infrastructure Levy Investment Programme;

Audit, Governance and Standards Committee

Membership and Meetings

The Audit, Governance and Standards Committee will be composed of:

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

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

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

The Quorum for the Audit, Governance and Standards Committee shall be 3 voting members of the Committee.

The Committee will normally meet on a quarterly basis.

Scope

The Audit, Governance and Standards Committee will have overall responsibility for governance, standards and audit and for ensuring probity, propriety and ethics in the organisation.

Terms of Reference

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

A. Corporate Governance

1. Oversee the Council's use of risk management.
2. Approving the Local Code of Corporate Governance.
3. Approving the Annual Governance Statement.
4. Considering and approving the Council's Risk Management Statement and Strategy.
5. Monitor and review the Council's internal and external audit functions.
6. Monitor and review the Council's systems of internal control
7. To make recommendations to the Council regarding any suggested major changes to the Constitution.
8. Monitoring and reviewing the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines.
9. Reviewing any corporate governance issue referred to the Committee by the Chief Executive, the Section 151 Officer or the Monitoring Officer, the Leader/Executive or any other committee of the Council.
10. Considering the Council's arrangements for corporate governance and necessary actions to ensure compliance with best practice, together with any relevant issues referred by the Leadership Team or Statutory Officers.
11. Considering the Council's compliance with its own and other published standards and controls.
12. Considering the annual report regarding complaints about the Council referred to the Local Government Ombudsman.
13. Approving payments or other benefits of a value greater than £5,000 arising from complaints to the Local Government Ombudsman.
14. Monitoring the effectiveness of the Council's policies and procedures that ensure sound governance arrangements, including:
 - a) whistle-blowing procedure;
 - b) anti-fraud and corruption policy;
 - c) anti-bribery policy and procedure;
 - d) complaints procedure;

and making appropriate recommendations to the Executive.

15. Monitoring and auditing of the Council's equalities and diversity policies.

B. Audit and Accounts

1. Agreeing the internal and external audit plans and monitoring delivery of the plans.
2. Review and challenge any significant issues and the action plans arising in the annual audit report and management letter for the Council.
3. Monitoring the implementation of significant audit recommendations.
4. Raising the profile of internal control within the authority.
5. Reviewing and approving the annual Statement of Accounts and Narrative Statement.
6. To regularly review the effectiveness of overall governance arrangements for the Hinkley Point Project and receive both internal and external audit reports including those undertaken by EDF.
7. Considering reports dealing with the management and performance of the providers of the internal audit function.
8. Considering reports from internal audit on recommendations agreed with service leaders as a result of an internal audit review which have not been implemented within a reasonable timescale.
9. Considering specific reports submitted by the internal or external auditors.
10. Commenting on the scope and depth of external audit work and ensuring that it gives value for money.
11. Considering any other matter referred by the Section 151 Officer.

C. Standards

1. Promoting and maintaining high standards of conduct by Councillors and co-opted members.
2. Assisting Councillors and co-opted members to observe the Councillors' Code of Conduct.
3. Advising the Council on the adoption or revision of the Councillors' Code of Conduct.
4. Monitoring the operation of the Councillors' Code of Conduct.

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

Hearings Sub-Committee

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

The Hearings Sub-Committee shall be politically balanced and comprise of 5 voting members of the Audit, Governance and Standards Committee. The composition of the Sub-Committee shall be determined by the Monitoring Officer after consultation with the Chair of the Audit, Governance and Standards Committee. A Chair shall be elected from among the voting members.

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

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

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

- Reporting its findings to Council (or to the Town/Parish Council) for information;
- Recommending to the Councillor's Group Leader that a Councillor be removed from any or all Committees or Sub-Committees of the Council;
- Recommending to the Leader of the Council that a Councillor be removed from the Executive, or removed from particular Portfolio responsibilities should the complaint refer to a Portfolio holder;
- Instructing the Monitoring Officer to (or recommend that the Town/Parish Council) arrange training for a Councillor;
- Removing (or recommend to the Town/Parish Council that a Councillor be removed) a Councillor from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);
- Withdrawing (or recommend to the Town/Parish Council that it withdraws) facilities provided to a Councillor by the Council, such as a computer, website and/or email and Internet access;
- Restricting contact to named officers or requiring contact be through named officers;
- Excluding (or recommend that the Town/Parish Council exclude) a Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
- Publish its findings in respect of the Councillor's conduct
- Issue a formal letter of advice as to future conduct to the Councillor;
- Request that the Councillor tender an apology to such persons as were aggrieved by his or her actions; or,
- Where the Monitoring Officer and the Independent Person are not satisfied that the Councillor has tendered the apology described above or completed such training as arranged above, then the Monitoring Officer shall report the matter to the Chair of the Audit, Governance and Standards Committee who shall cause a meeting of the Hearings Sub-Committee to take place with the purpose of resolving to apply an alternative sanction.

Annual Report

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

Scrutiny Committee

1. Membership and Meeting Arrangements

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

1.2 Members of the Executive will not be eligible to sit on the Scrutiny Committee(s).

1.3 The Committee may invite persons to be co-opted non-voting members.

2. Terms of Reference

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

2.2 This Committee is also the Council's designated Crime and Disorder Committee under Section 19 of the Police and Justice Act 2006.

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

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

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

to perform all Scrutiny functions on behalf of the Council;

- a) to appoint such informal task and finish groups as it considers appropriate to fulfil those Scrutiny functions;
- b) to approve the overview and work scrutiny programme so as to ensure that the Committee's time is effectively and efficiently used;
- c) to undertake investigations into such matters relating to the Council's functions and powers as:
 - i. may be referred by the Leader/Executive; or, ii. the Committee may consider appropriate; or,
 - iii. have been referred to the Committee pursuant to the "call-in" procedure set out in the Scrutiny Procedure Rules;

- d) to review and advise on existing policies of the Council, including making recommendations for future options to the Leader/Executive;
- e) to review arrangements to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- f) to monitor and review the Council's performance against relevant national and local performance indicators and adopted plans and strategies;
- g) to consider any matter affecting the Council area or its inhabitants;
- h) to discuss initiatives put forward for consideration by individual members of the Committee;
- i) to review or scrutinise decisions made or other actions taken in connection with the discharge of the Council's crime and disorder functions and to make such reports or recommendations as deemed appropriate.

3. Specific Functions

A. Policy Development and Review

3.1 The Scrutiny Committee may:

- a) assist the Council and the Leader/Executive in the development of the budget and policy framework by in-depth analysis of policy issues, and the Scrutiny Committee may obtain evidence from members of the public or expert witnesses to inform its response;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) question the Leader of the Council, Members of the Executive and Chief Officers about their views on issues and proposals affecting the area;
- d) liaise with other external organisations operating in the area, whether national or local, to ensure that the interests of the inhabitants of the area are enhanced by collaborative working; and,
- e) consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

B. Scrutiny

3.2 The Scrutiny Committee may:

- a) review and scrutinise and ask questions of the Leader, lead Councillors, the Executive and Council officers in relation to particular decisions, initiatives or projects, whether generally or in comparison with service plans and targets over

a period of time, or in relation to the portfolios of the Leader or of Lead Councillors. As part of this process, the Committee may facilitate the asking of questions submitted in advance by members of the public;

- b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- c) make recommendations as appropriate to the Leader/Executive and/or the Council arising from the outcome of the scrutiny process;
- d) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- e) question and gather evidence from any person (with their consent) and require information from partner organisations; and
- f) use innovative ways to scrutinise matters of concern such as select committees, public hearings, spotlight reviews, mystery shopping and workshops. The issue being investigated should be matched to the most appropriate process.

C. Finance

3.3 The Scrutiny Committee may:

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

D. Annual Report

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

Planning Committee

1. Membership and Meetings

1.1 Fifteen Members (politically balanced) to be appointed by Full Council. Meetings to normally be held at intervals of at least every 3 weeks.

1.2 Members of the Executive will not be eligible to sit on the Planning Committee.

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

2. Scope

2.1 Neither the Planning Committee nor the Principal Planner has delegated power to:

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

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

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

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

the Principal Planner as set out below.

3. Scope Terms of Reference – Planning Committee

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

Criterion 1: In the opinion of the Principal Planner or the Chair of the Planning Committee, the application is considered to be of a significant, controversial or sensitive nature.

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

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

Criterion 4: The application is a significant departure from the Council's statutory Development Plan and is recommended for approval.

Criterion 5: Where there are conflicting views (giving clear planning reasons) from a Town/Parish Council or a Parish Meeting or a Ward Member as well as from not less than 4 individuals.

3.2 Any application which is not referred to Committee by virtue of the criteria listed above, but where conflicting representations have been received (including from statutory consultees), is referred to the Chair or Vice Chair of the Planning Committee before a decision is made. The Chair or Vice Chair may decide to refer any such application to the Planning Committee.

3.3 In addition, the Planning Committee shall authorise all prosecutions for breach of planning control, except in cases of expediency where authority is delegated to the Chair of Planning Committee and the Principal Planning Officer.

4. Delegation to Officers

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

4.2 The Head of Customer is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Head of Customer must keep a register of any such delegations.

5. Delegation to Parish Council

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

Licensing Committee

1. Membership and Meeting Arrangements

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

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

2. Scope

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

2.2 The Committee will be responsible for the following functions:

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

3. Terms of Reference Licensing Committee

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

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

- a) Where representations or objections (within the meaning of the relevant section of the 2003 Act) have been made in respect of the following applications:
 - i) for premises licence (s18(3));
 - ii) for provisional statement (s31(3));
 - iii) for variation of premises licence (s35(3));
 - iv) to vary designated premises supervisor following police objection (s39(3));
 - v) to vary designated premises supervisor following police objection

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

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

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

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

- a) Determination of matters relating to:
- i) the revocation or suspension of taxi licences;
 - ii) the revocation or suspension of scrap metal/motor salvage licences;

- iii) applications in respect of casino licences;
- iv) applications in respect of sex shop licences.

b) In the case of emergency, the above matters at (a)(i) – (iv) may be dealt with by the Head of Customer or Licensing Specialist.

5. Delegation to Officers

5.1 The Head of Customer is authorised to undertake all other decisions in relation to the above matters and functions that are not reserved to the Full Council or Licensing Committee.

5.2 The Head of Customer is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Head of Customer must keep a register of any such delegations.

5.3 The Head of Customer may refer a matter to be dealt with by the Licensing Committee where he/she deems appropriate.

Appendix C - POLITICAL ALLOCATION (last update in October 2019)

	Totals	Liberal Democrats (LD) 32	Independent + Green (I+G) 15	Conservative (Con) 9	Labour (Lab) 3
% based on current membership of 59	100	54.24 (54)	25.42 (26)	15.25 (15)	5.08 (5)
Committee Seats	56	30.37 (30)	14.23 (14)	8.54 (9)	2.84 (3)
Committee	No on Committee	LD 30	I+G 14	Con 9	Lab 3
Scrutiny	15	8.03 (8)	3.75 (4)	2.41 (2)	0.80 (1)
Audit, Governance & Standards	11	5.89 (6)	2.75 (3)	1.76 (2)	0.58 (0)
Planning	15	8.03 (8)	3.75 (4)	2.41 (2)	0.80 (1)
Licensing	15	8.03 (8)	3.75 (4) (3*)	2.41 (2) (3*)	0.80 (1)
Total	56	30	15 (14*)	8 (9*)	3
		0	+1 (0*)	-1 (0*)	0

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Committee seat allocation based on number on Committee divide by total seats multiplied by Committee seats per party

***After the October 2019 changes – the Independent + Greens and Conservatives agreed that the Conservatives would have their 9th seat on the Licensing Committee meaning that the Independents + Greens have 3 seats on the Licensing Committee**

Councillor Appointments to Committees

<p>Scrutiny Committee = 15 seats</p> <p>1.(LD) 2.(LD) 3.(LD) 4.(LD) 5.(LD) 6.(LD) 7.(LD) 8.(LD) 9.(ING) 10.(ING) 11.(ING) 12.(ING) 13.(CON) 14.(CON) 15.(LAB)</p>	<p>Audit, Governance and Standards Committee = 11 seats (plus 2 Independent people and 2 Town and Parish Council representatives)</p> <p>1.(LD) 2.(LD) 3.(LD) 4.(LD) 5.(LD) 6.(LD) 7.(ING) 8.(ING) 9.(ING) 10.(CON) 11.(CON) 12. Independent Person 13. Independent Person 14. Town & Parish Representative 15. Town & Parish Representative</p>
<p>Planning Committee = 15 seats</p> <p>1.(LD) 2.(LD) 3.(LD) 4.(LD) 5.(LD) 6.(LD) 7.(LD) 8.(LD) 12.(ING) 13.(ING) 14.(ING) 12.(ING) 13.(CON) 14.(CON) 15.(LAB)</p>	<p>Licensing Committee = 15 seats</p> <p>1.(LD) 2.(LD) 3.(LD) 4.(LD) 5.(LD) 6.(LD) 7.(LD) 8.(LD) 15.(ING) 16.(ING) 17.(ING) 12.(CON) 13.(CON) 14.(CON) 15.(LAB)</p>

Councillor Appointments to Committees (current appointments)

<p>Scrutiny Committee = 15 seats</p> <ol style="list-style-type: none"> 1. Sue Buller (LD) 2. Dixie Darch (LD) 3. Ed Firmin (LD) 4. Derek Perry (LD) 5. Hazel Prior-Sankey (LD) 6. Philip Stone (LD) 7. Danny Wedderkopp (LD) 8. Keith Wheatley (LD) 9. Gwil Wren (I+G) 10. Ian Aldridge (I+G) 11. John Hunt (I+G) 12. David Mansell (I+G) 13. Norman Cavill (Con) 14. Nick Thwaites (Con) 15. Libby Lisgo (Lab) 	<p>Audit, Governance and Standards Committee = 11 seats (plus 2 Independent people and 2 Town and Parish Council representatives)</p> <ol style="list-style-type: none"> 1. Sue Buller (LD) 2. Lee Baker (LD) 3. Simon Coles (LD) 4. Caroline Ellis (LD) 5. Andrew Sully (LD) 6. Sarah Wakefield (LD) 7. Hugh Davies (I+G) 8. Janet Lloyd (I+G) 9. Terry Venner (I+G) 10. Steven Pugsley (Con) 11. Vivienne Stock-Williams (Con) 12. Independent Person 13. Independent Person 14. Town and Parish Council Rep 15. Town and Parish Council Rep
<p>Planning Committee = 15 seats</p> <ol style="list-style-type: none"> 1. Simon Coles (LD) 2. Sue Buller (LD) 3. Marcia Hill (LD) 4. Martin Hill (LD) 5. Mark Lithgow (LD) 6. Simon Nicholls (LD) 7. Andrew Sully (LD) 8. Ray Tully (LD) 9. Ian Aldridge (I+G) 10. Craig Palmers (I+G) 11. Loretta Whetlor (I+G) 12. Gwil Wren (I+G) 13. Roger Habgood (Con) 14. Chris Morgan (Con) 15. Brenda Weston (Lab) 	<p>Licensing Committee = 15 seats</p> <ol style="list-style-type: none"> 1. Sarah Wakefield (LD) 2. Caroline Ellis (LD) 3. Habib Farbahi (LD) 4. Marcia Hill (LD) 5. Sue Lees (LD) 6. Mark Lithgow (LD) 7. Martin Peters (LD) 8. Ray Tully (LD) 9. Kelly Durdan (I+G) 10. Marcus Barr (I+G) 11. Paul Bolton (I+G) 12. Andrew Hadley (Con) 13. Andy Milne (Con) 14. Anthony Trollope-Bellew (Con) 15. Libby Lisgo (Lab)

Planning Substitutes:

Cllr A Govier (LAB)
Cllr J Hassall (LD)
Cllr Caroline Ellis (LD)
Cllr Andy Pritchard (I)
Cllr John Hunt (I)
Cllr Craig Palmer (I)
Cllr Dave Mansell (I)
Cllr Andrew Hadley (C)
Cllr Anthony Trollope-Bellew (C)

Appointments Panel for the Chief Executive

The Constitution states that that appointment panel for the appointment of the Chief Executive (Head of Paid Service) is:

- a) The Chair or Vice Chair of the Scrutiny Committee or the Chair or Vice Chair of a Regulatory Committee;
- b) The Leader and two other Members of the Executive;
- c) The Chair or Vice Chair of the Council.

The above representatives may appoint a substitute as necessary and that all the above, where possible, should reflect the political balance of the Council.

Appointments to other Senior Roles

The appointment panel shall include:-

- a) The Chair or Vice Chair of the Scrutiny Committee or the Chair or Vice Chair of a Regulatory Committee;
- b) The Leader and one Member of the Executive
- c) The Chief Executive

The Chief Executive to make the appointment having consulted the members of the panel.

Independent Person:

By law the Council is required to appoint an Independent Person to work with the Audit, Governance and Standards Committee on complaints about Councillors. This position is currently held by Louise Somerville

Independent Members for Audit, Governance and Standards Committee:

To ensure continuity during the 2019/20 Municipal Year the former Independent Member was contacted to see if they wanted to be on the Audit, Governance and Standards Committee and Anne Elder was appointed.

It is recommended that for the 2020/21 Municipal Year that the role of Independent Members is advertised and, interested parties are interviewed and the Audit, Governance and Standards Committee then select the two best candidates.

Town and Parish Council reps for the Audit, Governance and Standards Committee:

To ensure continuity during the 2019/20 Municipal Year the former Town and Parish Reps were contacted to see if they wanted to be on the Audit, Governance and Standards Committee and Bryn Wilson and Sally de Renzy-Martin were appointed.

It is recommended that for the 2020/21 Municipal Year that all Town and Parish Councils are contacted to see if any Councillors are interested in this role and appointments are then made by the Audit, Governance and Standards Committee.

Somerset West and Taunton Council

Annual Council – 26th May 2020

Appointments of Representatives on Outside Bodies

This matter is the responsibility of the Leader of the Council – Councillor Federica Smith-Roberts

Report Author: Marcus Prouse (Specialist Governance and Democratic)

1 Executive Summary / Purpose of the Report

- 1.1 This report is to finalise the appointment of representatives to serve on outside bodies for the period to the Annual Council Meeting in 2021 (except where specific periods are stated, where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.)

2 Recommendations

Council resolves to;

- 2.1 Agree the Appointments of Representatives to Outside Bodies for 2020/2021.

3 Risk Assessment (if appropriate)

- 3.1 The risk of the Council not finalising these appointments, could lead to the reputational damage to the Council and the dissolution of important links.

4 Background and Full details of the Report

- 4.1 The Appointments to Outside Bodies for the 2019/2020 municipal year were confirmed at Full Council on 30th July 2019, but this scope is only given by our Constitution (Page 160) on a given Election year.
- 4.2 Work has been undertaken over the course of the last year to make contact with those relevant organisations identified to re-establish the links that existed with the previous two Councils if so wished and inform them of their proposed representative. There is an intent to establish a mechanism by where those sitting on Outside Bodies can regularly report back to Councillors on their activities, for e.g. through a weekly bulletin.
- 4.3 The next steps will be to make contact again with those relevant organisations identified once approved by Council.

5 Links to Corporate Aims / Priorities

- 5.1 This report aligns with Strategic Theme 2 – A Council which informs and engages openly with our stakeholders and which consistently delivers excellent customer service.

5.2 Objective 5 states “Develop and deliver effective communications, consultation and engagement which listens to and engages with our residents and stakeholders and is central to the delivery of our services, strategies and plans.”

6 Finance / Resource Implications

6.1 Not relevant to this report.

7 Legal Implications (if any)

7.1 Councillors serving on Outside Bodies should pay heed to the advice document given at Appendix D which sets out Member Responsibilities and Potential Liabilities.

8 Climate and Sustainability Implications (if any)

8.1 None considered relevant to this report.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 Councillors serving on Outside Bodies should pay heed to the advice document given at Appendix D which sets out Member Responsibilities and Potential Liabilities.

10 Equality and Diversity Implications (if any)

10.1 None considered relevant to this report.

11 Social Value Implications (if any)

11.1 None considered relevant to this report.

12 Partnership Implications (if any)

12.1 Implications arising from this are covered in the Guidance attached at Appendix B.

13 Health and Wellbeing Implications (if any)

13.1 None considered relevant to this report.

14 Asset Management Implications (if any)

14.1 None considered relevant to this report.

15 Data Protection Implications (if any)

15.1 None considered relevant to this report.

16 Consultation Implications (if any)

16.1 Consultation to be undertaken with Group Leaders.

17 Scrutiny Comments / Recommendation(s) (if any)

16.1 Not relevant to this report.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency: Annually

List of Appendices

Appendix A	List of Appointments to Outside Bodies 19/20
Appendix B	Response sheet to SWT Contact 19/20
Appendix C	List of Appointments to Outside Bodies 20/21 (TO FOLLOW)
Appendix D	Outside Bodies Guidance Document

Contact Officers

Name	Marcus Prouse
Direct Dial	01823 219570
Email	m.prouse@somersetwestandtaunton.gov.uk

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
Avon and Somerset Police and Crime Panel	Reps Required: 1 Meeting Schedule: 6 times per year	Cllr C Booth
Blackdown Hills AONB Partnership Management Group	Reps Required: 1 Meeting Schedule: Bi-Monthly	Cllr R Henley
Blackdown Hills Joint Partnership Advisory Committee	Reps Required: 1 Meeting Schedule: Unknown	Cllr R Henley
Brewhouse Theatre Board Meetings	Reps Required: 1 Cllr 1 Officer Meeting Schedule: As required to observe	Cllr N Cavill
Devon and Somerset Metro Project	Reserved for the Portfolio Holder for Planning and Transport	Cllr Mike Rigby
District Councils Network Assembly Representative	Reps Required: 1 Meeting Schedule: Unknown Reserved for the Leader of the Council	Cllr F Smith-Roberts
ENGAGE – West Somerset Voluntary Sector Development Agency	Reps Required: 1 and 1 Deputy Meeting Schedule: Unknown	Cllr B Allen

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
Exmoor National Park Authority	Reps Required: 4 Meeting Schedule: Monthly	Cllr M Kravis, P Pilkington, N Thwaites, S Pugsley
Friends of Konigslutter	Reps Required: 1 Meeting Schedule: Quarterly	Cllr D Durdan
Friends of Vivary Park	Reps Required: 1 Meeting Schedule: Quarterly	Cllr R Lees
Harbour Board	Reps Required: 4 voting members 2 non-voting duty holders (cabinet members) Meeting Schedule: Quarterly	Cllr P Pilkington (Chair) , P Pilkington, Cllr L Whetlor, Cllr A Hadley 2 duty holder vacancies
Hestercombe Gardens Trust	Reps Required: 1 Meeting Schedule:	Cllr M Hill
Hinkley Point Site Stakeholder Group	Reps Required: Was 4 Meeting Schedule: Three times annually usually the last Friday in Feb,	Cllr M Rigby, Cllr P Pilkington, Cllr C Morgan, Cllr L Whetlor

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
	June and Oct.	
Hinkley Point CIM Fund		Cllr C Morgan
Hinkley Point Community Fund		Cllr C Morgan / Cllr C Booth
Heart of the South West LEP Joint Committee	Reps Required: 1 plus 1 substitute Meeting Schedule: Three formal meetings a year in January, June and September and three informal Leader's meetings.	Cllr F Smith-Roberts Sub: Cllr M Rigby or Cllr M Kravis
Local Government Association General Assembly	Reps Required: 2 Meeting Schedule: Bi-Annually	Cllr R Henley & Cllr J Hassall
Management Committee of Broadlands	Reps Required: 1 Meeting Schedule: Unknown	Cllr A Hadley
MATA Regal Theatre Co. Ltd	Reps Required: 1 Meeting Schedule: Monthly	Cllr B Allen
Minehead BID Board	Reps Required: 1 Meeting Schedule: Unknown	Cllr A Hadley

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
Minehead Coastal Communities Team	Reps Required: 1 PFH & 1 Other Meeting Schedule: Six-weekly	Cllr M Kravis (PFH), Cllr C Palmer
Minehead EYE Management Committee	Reps Required: 1 Meeting Schedule: Monthly	Cllr B Allen
Monitoring and Evaluation Group – West Somerset Sports and Leisure Centre	Reps Required: 1 Meeting Schedule: Bi-Annually	Cllr R Lees
Parrett Catchment Project Management Committee	Reps Required: 1 Meeting Schedule: Unknown	Cllr P Stone
Parrett Internal Drainage Board	Reps Required: 1 Meeting Schedule: Quarterly with an additional five sub-committee	Cllr D Durdan
Quantock Hills Joint Advisory Committee	Reps Required: 4 Meeting Schedule:	Cllr A Trollope-Bellew/Cllr G Wren/ Cllr D Darch/ Cllr H Davies

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
Rural Services Network	Reps Required: 1 and 1 Deputy Meeting Schedule: Unknown	Cllr M Blaker / LD Cllr for Deputy
Safer Somerset Partnership	Reps Required: 1 Meeting Schedule: Quarterly	Cllr C Booth
Somerset Armed Forces Community Covenant Champion and Partnership	Reps Required: 1 + 1 Deputy Meeting Schedule: Quarterly and Bi-Annually	Cllr A Milne Deputy: Cllr J Lloyd
Somerset Biodiversity Steering Group	Reps Required: 1 Meeting Schedule: Bi-Monthly	Cllr G Wren
Somerset Building Control Partnership	Reps Required: 2 Meeting Schedule: Quarterly	Cllr M Kravis & VACANCY TBD
Somerset Building Preservation Trust	Reps Required: 1 and 1 reserve Meeting Schedule: Three times annually in Feb, June and Oct.	Cllr M Hill/ Cllr S Coles

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
Somerset Growth Board	Reps Required: 1 Meeting Schedule: Quarterly Economic Development PFH	Cllr M Kravis (Cllr M Rigby Deputy)
Somerset Health and Wellbeing Board	Reps Required: 1 Meeting Schedule: 4-6 Times Annually - Statutory	Cllr C Booth
Joint Scrutiny Panel of Somerset Waste Board	Reps Required: 2 Meeting Schedule: Bi-Annually Should be Non-Executive and appointed by the Scrutiny Cttee.	Cllr J Hassall & A Trollope-Bellew
Somerset Levels and Moors Local Action For Rural Communities (LARC) Executive Board	Reps Required: 1 Meeting Schedule: Quarterly	Cllr D Durdan
Somerset Local Access Forum	NO REP REQUIRED UNTIL 2023	

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
Somerset Pensions Committee	Reps Required: 1 Meeting Schedule: Unknown	Cllr R Henley
Somerset Playing Fields Association	Reps Required: 1 Meeting Schedule: Quarterly	Cllr R Lees
Somerset Primary Care Trust	Reps Required: 1 Meeting Schedule: Monthly/Ad-Hoc	Cllr C Ellis
Somerset Rivers Authority	Reps Required: 1 and 1 alternate Meeting Schedule: Quarterly	Cllr F Smith-Roberts (Cllr A Wedderkopp)
Somerset Rivers Authority Scrutiny Panel	Reps Required: 2 Meeting Schedule: Bi-Annually Should be Non-Executive and to be confirmed by Scrutiny	Cllr S Coles & Cllr L Lisgo
Somerset Strategic Housing Partnership	Reps Required: 1 Meeting Schedule: Six times a year	Cllr F Smith

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
	Relevant PFH for Housing	
Somerset Waste Board	Reqs Required: 2 Meeting Schedule: Monthly Appointment should be made by SWT Executive	Cllr A Wedderkopp & Cllr D Mansell
Somerset West Private Sector Housing Partnership	Reqs Required: 1 Meeting Schedule: Bi-Annually Relevant Housing PFH	Cllr F Smith
South West Audit Partnership (SWAP) Members Meeting & Board	Reqs Required: 1 Meeting Schedule: Bi-Annually One of the appointees should be Chair of Audit, Governance and Standards	Cllr S Buller
South West Councils Employers Panel	Reqs Required: 1	Cllr R Henley

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
	Meeting Schedule: Unknown Relevant Executive Member	
South West Councils Membership Representative	Reps Required: 1 Meeting Schedule: Unknown Relevant Executive Member	Cllr F Smith-Roberts
Tacchi-Morris Management Committee	Reps Required: 2 Meeting Schedule: Six times a year	Cllr R Tully and Cllr N Cavill
Taunton and Somerset NHS Trust – Foundation Trust Council of Governors	Reps Required: 1 Meeting Schedule: Unknown	Cllr S Wakefield / Cllr C Ellis
Taunton Aid in Sickness Fund	Reps Required: 1 Meeting Schedule: Quarterly	Cllr R Lees
Taunton Deane Bowling Club	Reps Required: 1 Meeting Schedule: Monthly	Cllr F Smith
Taunton Deane District Citizens Advice	Reps Required: 1	Cllr S Lees

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020		
OUTSIDE BODY	INFORMATION	REPS 2019/2020
Bureau	Meeting Schedule:	
Taunton Deane Domestic Abuse Forum	Reps Required: 1 Meeting Schedule: Unknown	Cllr C Booth
Taunton Garden Town Cultural Forum	Reps Required: 2	Cllr B. Allen & Cllr N. Cavill
Taunton Heritage Trust	Reps Required: 2 Meeting Schedule: Unknown	Cllr A Pritchard, Cllr L Lisgo Cllr R Habgood (Heritage Champion)
Taunton Strategic Advisory Board	Reps Required: 1	Cllr F. Smith-Roberts
The Albemarle Centre	Reps Required: 2 Meeting Schedule: Monthly	Cllr C Ellis and Cllr M Hill
The Exmoor Technology Hub	Reps Required: 1	Cllr N Thwaites
The Making It Local – Blackdown Hills and East Devon Local Action Group	Reps Required: 1 Meeting Schedule: Quarterly	Cllr R Henley

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020
Visit Exmoor Executive Board	Reps Required: 2 Meeting Schedule: 8 Days p/year	Cllr P Pilkington and Cllr M Kravis
Watchet Coastal Communities Team	Reps Required: 1 Meeting Schedule: Unknown	Cllr P Pilkington (PFH) / Cllr L Whetlor
Watchet Harbour Advisory Committee	Reps Required: 1 Meeting Schedule: Quarterly	Cllr L Whetlor (Cllr Wedderkopp to attend)
West Somerset Advice Bureau	Reps Required: 1 and 1 Deputy Meeting Schedule: Quarterly	Cllr I Aldridge Dep: Cllr P Pilkington
SWT Flood Group	Reps Required: 1 Meeting Schedule: Quarterly	Cllr P Pilkington (Chair) with PFH for Environment to attend
West Somerset Opportunity Area	Reps Required: 1	Cllr C Booth
West Somerset Railway Partnership Development Group	Reps Required: 1 and 1 Deputy Meeting Schedule: Quarterly	Cllr B Allen and Cllr J Hassall

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2019/2020

ORGANISATION NAME	CONTACT DETAILS	DATE OF REPLY	COUNCILLOR REP
Avon & Somerset Police and Crime Panel			Cllr C Booth
Blackdown Hills AONB Partnership Management Group		22/01/20	Cllr R Henley
Blackdown Hills Joint Partnership Advisory Committee			Cllr R Henley
Brewhouse Theatre Board Meetings			Cllr N Cavill
Devon & Somerset Metro Project			Cllr M Rigby
District Councils Network Assembly Representative			Cllr F Smith-Roberts
ENGAGE – West Somerset Voluntary Sector Dev Agency		15/01/20	Cllr B Allen
Exmoor National Park Authority			Cllr M Kravis Cllr P Pilkington Cllr N Thwaites Cllr S Pugsley
Friends of Konigslutter			Cllr D Durdan
Friends of Vivary Park			Cllr R Lees
Harbour Board			Cllr P Pilkington Cllr T Venner Cllr L Whetlor Cllr A Hadley
Hestercombe Gardens Trust		16/01/20	Cllr M Hill
Hinkley Point Site Stakeholder Group			Cllr M Rigby Cllr P Pilkington Cllr C Morgan Cllr L Whetlor
Hinkley Point CIM Fund			Cllr C Morgan

Hinkley Point Community Fund			Cllr C Morgan Cllr C Booth
Heart of the South West LEP Joint Committee			Cllr F Smith-Roberts Sub: Cllr M Rigby or Cllr M Kravis
Home Furniture Services Trust (Furnitrust)			Vacant
Local Government Association General Assembly			Cllr R Henley Cllr J Hassall
Management Committee of Broadlands	14/01/20		Cllr A Hadley
MATA Regal Theatre Co. Ltd			Cllr B Allen
Minehead BID Board			Cllr A Hadley
Minehead Coastal Communities Team			Cllr M Kravis (PFH) Cllr C Palmer
Minehead EYE Management Committee	20/01/20		Cllr B Allen
Monitoring and Evaluation Group			??
Parrett Catchment Project Management Committee			Cllr P Stone
Parrett Internal Drainage Board	13/01/20		Cllr D Durdan
Quantock Hills Joint Advisory Committee	16/01/20		Cllr A Trollope-Bellew Cllr G Wren Cllr D Darch Cllr H Davies
Rural Services Network	21/01/20		Cllr M Blaker

			LD Cllr for Deputy
Safer Somerset Partnership			Cllr C Booth
Somerset Armed Forces Community Covenant Champion and Partnership			Cllr A Milne Deputy: Cllr J Lloyd
Somerset Biodiversity Steering Group			Cllr G Wren
Somerset Building Control Partnership			Cllr M Kravis Cllr M Lithgow
Somerset Building Preservation Trust			Cllr M Hill Cllr S Coles
Somerset Growth Board	13/01/20		Cllr M Kravis Deputy: Cllr M Rigby
Somerset Health and Wellbeing Board			Cllr C Booth
Joint Scrutiny Panel of Somerset Waste Board	10/01/20		Cllr J Hassall Cllr A Trollope-Bellew
Somerset Levels and Moors Local Action for Rural Communities (LARC) Executive Board	13/01/20		Cllr D Durdan
Somerset Local Access Forum			No rep required until 2023
Somerset Pensions Committee			Cllr R Henley
Somerset Playing Fields Association			Cllr R Lees

Somerset Rivers Authority			Cllr F Smith-Roberts
Somerset Rivers Authority Scrutiny Panel			Cllr S Coles Cllr L Lisgo
Somerset Strategic Housing Group		30/01/20	Cllr F Smith
Somerset Waste Board		10/01/20	Cllr F Smith-Roberts Cllr D Mansell
Somerset West Private Sector Housing Partnership			Cllr F Smith
South West Audit Partnership (SWAP) Members Meeting & Board			Cllr S Buller
South West Councils Employers Panel			Cllr R Henley
South West Councils Membership Representative			Cllr F Smith-Roberts
SWT Heritage Champion			Cllr R Habgood
Tacchi-Morris Management Committee			Cllr R Tully Cllr N Cavill
Taunton and Somerset NHS Trust – Foundation Trust Council of Governors			Cllr C Ellis Deputy: Cllr S Wakefield
Taunton Aid in Sickness Fund		11/02/20	Cllr R Lees
Taunton Deane Bowling Club Ltd		07/02/20	Cllr F Smith
Taunton Deane District Citizens Advice Bureau			Cllr S Lees
Taunton Deane Domestic Abuse Forum			Cllr C Booth

Taunton Garden Town Cultural Form			Cllr B Allen Cllr N Cavill
SW&T Cultural Forum Strategic Group		17/01/20	
Taunton Heritage Trust		13/01/20	Cllr A Pritchard Cllr L Lisgo
Taunton Strategic Advisory Board		17/01/20	Cllr F Smith-Roberts Cllr G Wren
The Albemarle Centre			Cllr C Ellis Cllr Martin Hill
The Exmoor Technology Hub			Cllr N Thwaites
The Making it Local – Blackdown Hills and East Devon Local Action Group			Cllr R Henley
Visit Exmoor Executive Board			Cllr P Pilkington Cllr M Kravis
Watchet and Area Association of Commerce, Environment and Trade (WACET)		19/01/20	Cllr M Kravis
Watchet Coastal Communities Team		Send to new contact?	Cllr P Pilkington (PFH) Cllr L Whetlor
Watchet Harbour Advisory Committee			Cllr L Whetlor
West Somerset Advice Bureau			Cllr I Aldridge Dep: Cllr P Pilkington
SWT Flood Board			Cllr P Pilkington (Chair)
West Somerset Opportunity Area			Cllr C Booth
West Somerset Railway Partnership Development Group		22/01/20	Cllr B Allen Cllr J Hassall

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SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2020/2021
Avon and Somerset Police and Crime Panel	Reps Required: 1 Meeting Schedule: 6 times per year	Cllr
Blackdown Hills AONB Partnership Management Group	Reps Required: 1 Meeting Schedule: Bi-Monthly	Cllr
Blackdown Hills Joint Partnership Advisory Committee	Reps Required: 1 Meeting Schedule: Unknown	Cllr
Brewhouse Theatre Board Meetings	Reps Required: 1 Cllr 1 Officer Meeting Schedule: As required to observe	Cllr
Devon and Somerset Metro Project	Reserved for the Portfolio Holder for Planning and Transport	Cllr
District Councils Network Assembly Representative	Reps Required: 1 Meeting Schedule: Unknown Reserved for the Leader of the Council	Cllr
ENGAGE – West Somerset Voluntary Sector Development Agency	Reps Required: 1 and 1 Deputy Meeting Schedule: Unknown	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020		
OUTSIDE BODY	INFORMATION	REPS 2020/2021
Exmoor National Park Authority	Reps Required: 4 Meeting Schedule: Monthly	Cllr
Friends of Konigslutter	Reps Required: 1 Meeting Schedule: Quarterly	Cllr
Friends of Vivary Park	Reps Required: 1 Meeting Schedule: Quarterly	Cllr
Harbour Board	Reps Required: 4 voting members 2 non-voting duty holders (cabinet members) Meeting Schedule: Quarterly	Cllr
Hestercombe Gardens Trust	Reps Required: 1 Meeting Schedule:	Cllr
Hinkley Point Site Stakeholder Group	Reps Required: Was 4 Meeting Schedule: Three times annually usually the last Friday in Feb,	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020		
OUTSIDE BODY	INFORMATION	REPS 2020/2021
	June and Oct.	
Hinkley Point CIM Fund		Cllr
Hinkley Point Community Fund		Cllr
Heart of the South West LEP Joint Committee	Reps Required: 1 plus 1 substitute Meeting Schedule: Three formal meetings a year in January, June and September and three informal Leader's meetings.	Cllr
Home Furniture Services Trust – 'Furnitrust'	Rep Required: at least 1	
Local Government Association General Assembly	Reps Required: 2 Meeting Schedule: Bi-Annually	Cllr
Management Committee of Broadlands	Reps Required: 1 Meeting Schedule: Unknown	Cllr
MATA Regal Theatre Co. Ltd	Reps Required: 1 Meeting Schedule: Monthly	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2020/2021
Minehead BID Board	Reps Required: 1 Meeting Schedule: Unknown	Cllr
Minehead Coastal Communities Team	Reps Required: 1 PFH & 1 Other Meeting Schedule: Six-weekly	Cllr
Minehead EYE Management Committee	Reps Required: 1 Meeting Schedule: Monthly	Cllr
Parrett Catchment Project Management Committee	Reps Required: 1 Meeting Schedule: Unknown	Cllr
Parrett Internal Drainage Board	Reps Required: 1 Meeting Schedule: Quarterly with an additional five sub-committee	Cllr
Quantock Hills Joint Advisory Committee	Reps Required: 4 Meeting Schedule:	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2020/2021
Rural Services Network	Reps Required: 1 and 1 Deputy Meeting Schedule: Unknown	Cllr
Safer Somerset Partnership	Reps Required: 1 Meeting Schedule: Quarterly	Cllr
Somerset Biodiversity Steering Group	Reps Required: 1 Meeting Schedule: Bi-Monthly	Cllr
Somerset Building Control Partnership	Reps Required: 2 Meeting Schedule: Quarterly	Cllr
Somerset Building Preservation Trust	Reps Required: 1 and 1 reserve Meeting Schedule: Three times annually in Feb, June and Oct.	Cllr
Somerset Growth Board	Reps Required: 1 Meeting Schedule: Quarterly Economic Development PFH	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2020/2021
Somerset Health and Wellbeing Board	Reps Required: 1 Meeting Schedule: 4-6 Times Annually - Statutory	Cllr
Joint Scrutiny Panel of Somerset Waste Board	Reps Required: 2 Meeting Schedule: Bi-Annually Should be Non-Executive and appointed by the Scrutiny Cttee.	Cllr
Somerset Levels and Moors Local Action For Rural Communities (LARC) Executive Board	Reps Required: 1 Meeting Schedule: Quarterly Executive Appt (by virtue of office)	Cllr
Somerset Local Access Forum	NO REP REQUIRED UNTIL 2023	
Somerset Pensions Committee	Reps Required: 1 Meeting Schedule: Unknown	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2020/2021
Somerset Playing Fields Association	Reps Required: 1 Meeting Schedule: Quarterly	Cllr
Somerset Rivers Authority	Reps Required: 1 and 1 alternate Meeting Schedule: Quarterly	Cllr
Somerset Rivers Authority Scrutiny Panel	Reps Required: 2 Meeting Schedule: Bi-Annually Should be Non-Executive and to be confirmed by Scrutiny	Cllr
Somerset Strategic Housing Partnership	Reps Required: 1 Meeting Schedule: Six times a year Relevant PFH for Housing/ Executive Appt (by virtue of office)	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2020/2021
Somerset Waste Board	Reqs Required: 2 Meeting Schedule: Monthly Appointment should be made by SWT Executive	Cllr
Somerset West Private Sector Housing Partnership	Reqs Required: 1 Meeting Schedule: Bi-Annually Relevant Housing PFH	Cllr
South West Audit Partnership (SWAP) Members Meeting & Board	Reqs Required: 1 Meeting Schedule: Bi-Annually One of the appointees should be Chair of Audit, Governance and Standards	Cllr
South West Councils Employers Panel	Reqs Required: 1 Meeting Schedule: Unknown Executive Appt (by virtue of office)	Cllr
South West Councils Membership Representative	Reqs Required: 1 Meeting Schedule: Unknown	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2020/2021
	Executive Appt (by virtue of office)	
Tacchi-Morris Management Committee	Reps Required: 2 Meeting Schedule: Six times a year	Cllr
Taunton and Somerset NHS Trust – Foundation Trust Council of Governors	Reps Required: 1 Meeting Schedule: Unknown	Cllr
Taunton Aid in Sickness Fund	Reps Required: 1 Meeting Schedule: Quarterly	Cllr
Taunton Deane Bowling Club	Reps Required: 1 Meeting Schedule: Monthly	Cllr
Taunton Deane District Citizens Advice Bureau	Reps Required: 1 Meeting Schedule:	Cllr
Taunton Deane Domestic Abuse Forum	Reps Required: 1 Meeting Schedule: Unknown	Cllr

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020		
OUTSIDE BODY	INFORMATION	REPS 2020/2021
Taunton Garden Town Cultural Forum	Reps Required: 2	Cllr
Taunton Heritage Trust	Reps Required: 2 Meeting Schedule: Unknown	Cllr
Taunton Strategic Advisory Board	Reps Required: 2	Cllr
The Albemarle Centre	Reps Required: 2 Meeting Schedule: Monthly	Cllr
The Exmoor Technology Hub	Reps Required: 1	Cllr
The Making It Local – Blackdown Hills and East Devon Local Action Group	Reps Required: 1 Meeting Schedule: Quarterly	Cllr
Visit Exmoor Executive Board	Reps Required: 2 Meeting Schedule: 8 Days p/year	Cllr
Watchet Chamber of Trade	Rep Required: 1	Cllr
Watchet Coastal Communities Team		

SWT REPRESENTATION ON OUTSIDE BODIES – 2019/2020

OUTSIDE BODY	INFORMATION	REPS 2020/2021
	Reps Required: 1 Meeting Schedule: Unknown	Cllr
Watchet Harbour Advisory Committee	Reps Required: 1 Meeting Schedule: Quarterly Executive Appt (by virtue of office)	Cllr
West Somerset Advice Bureau	Reps Required: 1 and 1 Deputy Meeting Schedule: Quarterly	Cllr
SWT Flood Group	Reps Required: 1 Meeting Schedule: Quarterly	Cllr
West Somerset Opportunity Area	Reps Required: 1	Cllr
West Somerset Railway Partnership Development Group	Reps Required: 1 and 1 Deputy Meeting Schedule: Quarterly	Cllr

Somerset West and Taunton Council

Guidance for Councillors appointed to represent the Council on Outside Bodies

Introduction

This guidance is produced to assist Councillors with their roles and responsibilities when they sit on outside bodies. In addition there is guidance relating to the Code of Conduct on personal and prejudicial interests contained within this guidance.

The fundamental principles of this guidance are as follows:-

- Councillors will act according to the rules, constitutions and frameworks set by the relevant outside body and where, possible, with those of the Council.
- Councillors will make independent and personal judgements based on their duty of care to the outside body.
- Councillors will report back, on their involvement with the outside body, at least annually to the Council.
- Councillors will comply with their obligations as far as they are applicable pursuant to the code of conduct.
- Councillors will take an active and informed role in the management of the outside body's affairs unless they are placed as an observer.
- Membership of an outside body does not include representing a political party.

Further Advice

Should Councillors require any clarification on the application of this protocol this should be sought from the Monitoring Officer, Amy Tregellas on 01823 785034 or a.tregellas@somersetwestandtaunton.gov.uk

Questions to Ask

If you are appointed to an outside body, you should be clear about the answers to the following questions. The organisation should be able to respond to these questions:-

1. What is the nature of the organisation and its main activities? Is it a company, and if so is it limited by shares or by guarantee? Is it unincorporated? Does it have charitable status?
2. In what capacity do I serve on the outside body? Is the effect of my appointment to make me a member of the company, a director or a charitable trustee?
3. Do I have a copy of the body's governing instrument (this may be a trust deed, a constitution, or memorandum and articles of association)?
4. Does the organisation have a Code of Conduct that I need to comply with? Have I been supplied with a copy?
5. Am I aware of the identity of the other directors, trustees and committee members?
6. Is there an officer of the organisation, such as the secretary or clerk to whom I can refer for advice and information?
7. Are written minutes kept of the meetings, and have I seen the minutes?
8. Are meetings conducted in accordance with the governing instrument?
9. Am I aware of the financial position of the organisation to which I have been appointed? Is it regularly reported to the governing body?
10. Am I aware of any contract between the organisation and the Council?
11. Have I seen the last annual report and accounts?
12. Have I been advised of the main risks the body faces and what steps are taken to deal with such risks?
13. Have I been informed of the main insurances/indemnities held by the Council?

General Provisions

There are some general provisions which apply to Councillors who act in the role of company director, charity trustee or member of an unincorporated body.

Councillors are under a duty to exercise independent judgment in the interests of the organisation in which they are involved. Whilst it is recognised that Councillors may have a commitment to representing the Council on the outside body, they must be aware that it is their responsibility to decide on what view to take on any question before that organisation. For example, an instruction from the Council to vote one way or the other would put the Councillor in breach of his/her duty to the organisation. It is permissible to take account of the Council's wishes, but not to vote simply in accordance with them without applying one's own judgment.

Where a Councillor is involved in an outside organisation as a representative of the Council, he/she must declare that fact to the organisation.

Councillors must also ensure that avoidable loss is not incurred in managing the organisation concerned. They cannot avoid this responsibility by not reading the papers or failing to ask for the appropriate report. They will be expected to seek professional advice as appropriate.

Councillors who represent the Council in such circumstances need to familiarise themselves with the duties they will assume and any potential liabilities they may face. It is essential that they are aware of how to deal with any conflicts of interest that may arise and they need to be sure that the proper procedures have been followed in respect of appointments to the relevant organisation.

Companies

Companies can be:-

- ❖ Limited by shares, usually operating a trade or business. They have shareholders and distribute profits to shareholders as dividends.
- ❖ Limited by guarantee – or so called “not for profit” organisations, which have members rather than shareholders. This type of company may also be a charity.

Companies are separate legal entities which employ staff, enter into contracts and own land/property. The day to day business of a company is managed by its Board of Directors.

Companies offer limited liability. This means that the members or shareholders are usually not personally liable for the company's debts and liabilities, subject to limited exceptions.

The powers of the directors are usually set out in the company's Articles of Association. These are the rules that govern the internal management of the company.

Duties of a Company Director

- **To act in good faith and in the best interests of the company when making decisions as a director**

This means exercising your own, independent judgment on matters and whilst factors such as the views and wishes of the Council or your political group, may be taken into account, one should avoid slavishly following the Council or party group line without considering all other relevant considerations. When making decisions about the company the law also requires you to consider the interests of employees as well as the interests of members/shareholders. In certain cases you may find that the best interests of the company and the Council conflict. Guidance on conflicts of interest is included in this guidance.

- **To exercise reasonable care and skill when making decisions as a director**

A director requires no greater skill than might reasonably be expected of someone of that individual's particular knowledge and experience. Directors are not deemed to be experts but they are expected to use due diligence and to obtain expert advice if necessary. This is very similar to the Councillor/officer relationship in terms of decision making and the provision and consideration of professional advice.

- **A fiduciary duty to act honestly and in good faith and in the best interests of the company as a whole. (The term 'fiduciary' refers to the interests of other persons rather than one's own personal interests)**
- **To act in accordance with the company's Memorandum and Articles of Association, plus any other rules, regulations or byelaws that the company may operate pursuant to. Councillors/officers should ensure that they have an up to date copy of these documents and are aware of their contents**

- **To inform the board of a company if you have any direct or indirect interest in a contract the company is considering, proposing or entering**

For example, this will include contracts between the company and the Council. These requirements are similar to those contained in the Code of Conduct governing the declaration of personal/prejudicial interests. In other words Councillors must notify the other directors before the company makes a decision on the matter concerned and the Councillor should not take part in any board discussions about the contract.

- **Not to make a profit from their positions within the company**

You must therefore declare any interests you have (or those of your family/close associates) in relation to the company's contracts. Permission to vote on a particular matter would depend on the Articles of Association.

- **To comply with company law**

Directors must ensure that the Companies Acts are complied with particularly in respect of the maintenance of accounts and the submission of statutory returns to the register of companies. Failure to do so incurs fines and persistent default can lead to disqualification as a director.

Liabilities of a Director

What are the potential liabilities when acting as a director?

Generally, in the absence of misconduct, directors have no personal liability for the debts they build up on the company's behalf. However, directors can be held responsible for certain types of activities they are involved in on behalf of the company, which could lead to a personal liability to other people or criminal liability. Some of the more serious wrongdoings that can arise are set out below:-

Wrongful trading

- This is where a director knows or is expected to know that the company is likely to go into liquidation and he or she fails to take action to reduce the amount the company owes to their creditors.
- In other words, the directors continue trading where there appears to be no possibility of the company being able to settle its debts with its creditors within a reasonable period of time of them becoming due. It is not an

option for the director to do nothing; the director must take action to protect creditors as soon as he or she becomes aware, or should have been aware, of the risk of insolvency.

- When judging whether a director should have been aware of the risk, the Court will expect every director to have at least the general knowledge, skill and experience which could be expected of someone in their position.
- If a director is found to have been wrongfully trading, a Court can order him or her to personally contribute to the assets of the company when it goes into liquidation.

Fraudulent trading

- This arises where there is a deliberate attempt to defraud creditors and the company then fails. There needs to be evidence that the director intended to defraud; mere omissions to act are not sufficient.
- This will involve the fraudulent trader deceiving his or her creditors into believing they will be paid on an agreed date. As well as having to personally contribute to the assets of the company when it is liquidated, fraudulent trading is also a criminal offence and may lead to fines and imprisonment.

Breach of a Warrant of Authority

- This is where a director gives someone else the impression that he or she has authority to act on behalf of the company when in fact he or she has not.
- An example here would be entering into a contract for supplying goods or services.
- In these circumstances, because the director held him/herself out to have authority to sign a contract and commit the company (when s/he didn't have such authority), the other person involved can claim from the director personally any loss he or she has suffered as a result of the lack of such authority.

Personal Guarantees

- If directors have personally guaranteed a loan to the company and the company cannot meet the conditions of the loan, the lender may choose

to enforce the guarantee against the personal assets of the directors who have given the guarantee.

- In extreme cases, directors may have to sell their homes to repay the company's debt or be declared bankrupt.

Acting as a Director whilst disqualified

- Any director who is guilty of acting as a company director whilst disqualified from acting as a company director will be liable for the company's debts that built up during that period.

Failing to maintain company records

- All directors and officers of the company must maintain up-to-date records, both at Companies House and as part of the book-keeping arrangements for the company. If they do not do this, they will have to pay a fine.

The environment and health and safety issues

- By law, civil or criminal proceedings may be taken against a director for the actions of the company in relation to environmental or health and safety matters. For example, acts of pollution.

Protection against personal liability

Can nominee Directors protect themselves against personal liability?

- Generally speaking, insurance cover can be put in place to protect directors in the proper and lawful conduct of their duties. However, it may not always be the most effective protection considering that the risks which are commonly regarded as the most serious (for example criminal liability and wrongful trading) are often excluded from insurance cover.
- The **Companies Act** gives companies the right to put in place liability insurance cover for their directors and officers, and the companies may pay the premiums. Companies need to make sure that the cover is suitable because this type of policy excludes dishonesty, fraud, slander, libel, pollution, and claims or actions resulting from a director trying to benefit personally.

- For professional directors (accountants, solicitors, architects and structural engineers) providing specialist knowledge and expertise to the board and the company, professional indemnity insurance may be available at a cost.

Can a Local Authority protect Councillors and officers nominated as Directors?

The **Local Government Act 2000** allows the Secretary of State to make regulations giving Local Authorities powers to provide some protection for a Councillor or officer acting as the Council's nominated director where a claim is brought against them because of some negligent act, or failure to act, in the course of carrying out their duties as directors. These regulations are set out in the **2004 Indemnities Order** which came into effect in November 2004.

The measures that a Local Authority can take are either:-

- providing a specific indemnity to the officer or Councillor; or
- securing the provision of an insurance policy; or
- both the above.

Cover can only be provided by the authority where the officer or Councillor has been specifically appointed by the authority to act as the Council's nominated director.

Cover cannot extend to acts by the Councillor or officer regarded as criminal e.g. wrongful or fraudulent trading. It can be used to meet the costs of defending any criminal proceedings but if convicted, the costs of the defence must be reimbursed to the Council or Insurance Company.

Cover cannot be provided where there is intentional wrongdoing, fraud or recklessness. Neither can it be provided to fund an action for defamation brought by a Councillor or officer against a third party. (Although it can extend to defending an action for defamation brought against a Councillor or officer by a third party).

The cover also extends to Councillors or officers doing acts which are outside the powers of the authority (i.e. ultra vires) so long as they reasonably believed what they were doing at the time was within the powers of the authority.

The Local Authorities (Companies) Order 1995

This Order sets out the rules concerning Councils' involvement in "regulated companies" which are subject to extensive controls.

Regulated companies are so defined if they are “controlled” or “influenced” by the Council. Influenced companies, under the effective control of the Local Authority, will be subject to capital finance regimes and special property controls.

Companies are Local Authority “influenced” if there is at least a 20% Council interest plus a business relationship with the company accounting for over 50% of the company’s turnover and/or the company is located on Local Authority land, leased or sold for less than the best price reasonably obtainable. Companies are Local Authority “controlled” if there is a Local Authority interest in excess of 50% and the minority interest is less than 20%.

In particular, Regulated Companies are subject to the following requirements:-

- Comply with limits placed on remuneration paid to Directors who are also Councillors of an authority which is a shareholder; and
- Ensure that Councillor Directors who become disqualified from membership of an authority are removed from the Board;

Conflicts of Interest

Conflicts of interest may arise between the Council and a company. Even if the Council and the company have the same overall aims and objectives you cannot assume that their interests will always be the same. The legal position and your obligations remain the same even if the company has worthy objectives or is formed in response to a Council or Government initiative.

Conflicts of interest may arise:-

- ❖ If the Council is selling, donating or leasing land to the company.
- ❖ If the company and the Council are negotiating a contract with each other.
- ❖ If the company is seeking funding from the Council.
- ❖ If there is a dispute between the company and the Council.
- ❖ If the company is tendering or negotiating to provide goods, services or works to the Council.

Company Law requires you to act in the best interests of the company but the Council will have nominated you as a director to represent or promote the Council’s interests. Accordingly, if you are uncertain whether a conflict of interest exists you should seek advice from the Monitoring Officer as soon as possible.

If you think you have a conflict of interest you should:-

- ✓ Notify the Monitoring Officer;
- ✓ Notify the company’s Board of Directors,
- ✓ Take no further part in the matter on behalf of the company.

Charities

Charities may be created by registering any of the following with the Charity Commission:-

- ❖ A Trust Deed – the Trustees become Charity Trustees;
- ❖ A Company Limited by Guarantee – the directors become Charity Trustees;
or
- ❖ An Unincorporated Association – the Management Committee become Charity Trustees.

In order to qualify for a charitable status, the Commission must be satisfied that the organisation is operating for a charitable purpose. These are:-

- The relief of poverty and human suffering;
- The advancement of education;
- The advancement of religion; or
- Another purpose for the benefit of the community.

An organisation which operates for political purposes cannot qualify for charitable status.

The Duties of a Charity Trustee

Charity Trustees must:-

- Act strictly in accordance with the charity's constitution and rules.
- Act in the best interests of the charity.
- Manage the charity's affairs prudently.
- Not derive any personal benefit or gain from the charity.
- Take proper professional advice on matters you are not competent to decide yourself.
- Ensure that the charity's bank accounts are operated by more than one person.
- Ensure the trustees have proper control of the charity's property and assets.
- Ensure that the charity keeps full and accurate accounting records.
- Spend charity income solely for the purposes set out in the charity's constitution.
- Ensure charity property is properly maintained and insured.

Personal Liability

Personal liability may be incurred if a trustee:-

- Acts outside the scope of the trust deed;

- Falls below the required standard of care; or
- Makes a personal profit from the trust assets.

Personal liability to a third party may arise because a charitable trust, unlike a company, is not a separate legal entity.

Unincorporated Associations/Bodies

Organisations which are neither charities nor companies are referred to as Unincorporated Associations. They usually operate pursuant to a constitution or set of rules defining the organisation's responsibilities and those of its members.

The affairs of an Unincorporated Association are usually governed by a management committee in accordance with the constitution of that organisation or agreed rules of procedure.

Unincorporated Associations cannot do any of the following in their own name:-

- Enter into contracts;
- Own land; or
- Employ staff.

Members of the organisation's management committee must act in accordance with its constitution and must take reasonable care in exercising the organisation's powers.

Generally, the members of the management committee are liable for the acts of the organisation but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the committee members are personally liable for the shortfall.

Members of a management committee will have personal liability if they act outside the authority given to them or if they do not comply with the relevant legal obligations.

Unincorporated Associations – Duties

As a matter of good practice Councillors appointed to represent the Council on an Unincorporated Association (body or organisation) must:-

- Act in the best interests of the association;
- Use reasonable care and skill when involved in decision making on behalf of the association;
- Act in accordance with the association's rules or constitution.

Councillors/officers are therefore encouraged to:-

- Clarify the extent of any limits to their power to act on behalf of the Council;
- Notify the Monitoring Officer if the association is proposing to take a course of action which is disadvantageous to the Council or which seems to involve considerable risk; or
- Ensure the association has clear rules and procedures for decision making, particularly for entering into contracts.

The Members Code of Conduct

Duty to Observe the Code

Councillors are obliged to observe the provisions of the Code whenever they conduct the business of the authority including when they act as a representative of the authority except and insofar as it conflicts with any other lawful obligations to which that body is subject. So the position is that a Councillor would not be in breach of the Code in circumstances where they take action which would normally constitute a breach but they are legally obliged to act in that way as a result of their position within the outside body.

It is not easy to imagine such circumstances but one example might be where an authority was proposing to take action which would have an extremely adverse effect on the financial wellbeing of a company on which a Councillor sat as a Director. If the Councillor was privy to the information concerning the authority's plans s/he may find themselves in a position where s/he was compelled to disclose this potentially confidential information to the company due to his/her fiduciary duty to the company itself and duties arising under the Companies Act to avoid trading when insolvent. This is an extreme example but one which could feasibly arise.

Disclosable Pecuniary Interests

Such interests are covered in paragraph 2 of the Council's Code of Conduct.

You must register and declare any Disclosable Pecuniary Interests that relate to your public duties as required by this Code, and set out below:-

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	An employment, office trade profession or vocation carried on for profit or gain.

Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contract	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the Council.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <p>(a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to M/s knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either –</p> <p style="padding-left: 40px;">(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p>

(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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

You must, within 28 days of your taking office as a Member register any Disclosable Pecuniary Interests with the Council's Monitoring Officer, where the Disclosable Pecuniary Interest is yours, your spouse's or civil partner's, or is the Disclosable Pecuniary Interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Disclosable Pecuniary Interests will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the Council's website at www.somersetwestandtaunton.gov.uk

Within 28 days of becoming aware of any new Disclosable Pecuniary Interest or change to any such interest already registered, you must register details of that new interest or change in writing to the Council's Monitoring Officer.

Where any business of the Council, relates to or affects a Disclosable Pecuniary Interest and you attend any meeting of the Council, its Cabinet/Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered, you must:-

- not seek to influence a decision about that business;
- disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
- withdraw from the meeting room or chamber as soon as it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from the Council's Monitoring Officer or Full Council.

Following any disclosure at a meeting or as part of a decision record, of a Disclosable Pecuniary Interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of the disclosure at the meeting or in the decision record in order for the interest to be included in the register.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest. Additionally you must observe the restrictions

the Council places on your involvement in matters where you have a Disclosable Pecuniary Interest as defined by the Council and set out in the Code of Conduct.

Personal and Prejudicial interests

Personal Interests these are also covered in paragraph 2 of the Code and are set out below:-

A Councillor will have a personal interest in any business of the authority where either it relates to or is likely to affect –

- (a) any body of which the Councillor is a member or in a position of general control or management and to which the Councillor has been appointed or nominated by the Authority;
- (b) any body which exercises functions of a public nature, is directed to charitable purposes or if its principal purpose includes influencing public policy or opinion (including any political party or trade union) and the member is in a position of general control or management;
- (c) Any employment or business carried on by the Councillor;
- (d) Any person or body who employs or has appointed the Member;
- (e) Any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by the Councillor in carrying out the Councillor's duties;
- (f) Any person or body who has a place of business or land in the authority's area, and in whom the Councillor has a beneficial interest in a class of securities of that person or body that exceeds a nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (g) Any contract for goods, services or works made between the authority and the member of firm of which the Councillor is a partner, a company of which the Councillor is remunerated director, or a person or body of the of the description of paragraph (f) above;
- (h) The interests of any person from whom the Councillor has received a gift or hospitality with an estimated value of £25;
- (i) Any land in the Councillor's authority's area in which the Councillor has a beneficial interest
- (j) Any land where the landlord is the Councillor's authority and the Councillor is a firm in which the Councillor is a partner, or remunerated director or a person/body of the description set out in paragraph (f) above is the tenant;
- (k) Any land in the authority's area for which the Councillor has a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (l) A decision in relation to that business might reasonably be regarded as affecting the Councillor's well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other Council Tax payers, rate payers or inhabitants of the Electoral Division or Ward, as the case may be, affected by the decision.

A 'relevant person' is a member of the Councillor's family, or any person with whom the Councillor has a close association; or any person/body who employs or appoints such person, any firm in which they are a partner or company in which they are directors or any person/body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or any body of a type described in (a) or (b) above.

Prejudicial interests

If a Councillor has a personal interest then the Member should also consider whether they could also have a prejudicial interest as set out in paragraph 10 of the Code of Conduct.

A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:-

- a) the matter does not fall within one of the exempt categories of decisions;
- b) the matter affects your financial interests or the financial position of any person or body through whom you have a personal interest or relates to a licensing or regulatory matter; and
- c) A member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest.

The exempt categories are:-

Housing: if you hold a tenancy or lease with the authority, as long as the matter does not relate to your particular tenancy or lease;

School meals or school transport and travelling expenses; if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends;

Statutory sick pay;

An allowance, payment or indemnity for Councillors;

Any ceremonial honour given to Councillors;

Setting Council Tax or precept;

If a Councillor has a prejudicial interest the Councillor will only be able to speak at a meeting where the matter is being discussed if members of the public are able to speak and will then need to leave the meeting for the duration of the debate and vote.

However if the Councillor only has a personal interest then he/she will be able to stay in the meeting, speak and vote.

Reporting Arrangements

Councillors who represent the Council on outside bodies are required to submit a written report to Full Council annually on the activities of the organisation but should also provide regular updates in order to keep Councillors fully informed. The annual reports should be provided to Full Council in the April meeting of each Municipal Year.

The purpose of the reporting arrangements is to ensure that Councillors are fully informed of the activities of the outside body or organisation concerned the nature of the organisation's activities, and the impact of such activities on the local community and Council's service delivery.

It should be noted that Councillors may also be asked to attend a Scrutiny Committee should it be felt by any Councillor that the activities of the organisation should be scrutinised or reviewed.

Reports will be submitted in writing by the elected Councillor and, so far as is reasonably practicable, limited to one side of A4.

Further Advice

Advice on the application of this protocol should be sought from the Monitoring Officer, Amy Tregellas on 01823 785034 or a.tregellas@somersetwestandtaunton.gov.uk

Somerset West and Taunton Council

Council Annual General Meeting – 26th May 2020

Authorisation of the sealing or signing of documents

This matter is the responsibility of the Leader of the Council

Report Author: Amy Tregellas, Governance Manager and Monitoring Officer

1. Executive Summary / Purpose of the Report

As per the Constitution, to ask the Council to note the officers that have been delegated authority to sign and seal relevant Council documents.

2. Recommendations

2.1 The Council approves the list of officers delegated to sign and seal Council documents as per the Constitution's Scheme of Delegation.

3. Risk Assessment

3.1 If the Council doesn't follow the Constitution, documents may not be legally binding

4. Background and Full details of the Report

4.1 The Somerset West and Taunton Council Constitution sets out the matters which the Council must consider at the Annual General Meeting.

4.2 The Officer Scheme of Delegation sets out that the officers delegated authority to sign and seal documents are as follows:

- Chief Executive
- Directors
- Heads of Service
- Governance Manager and Monitoring Officer

5. Links to Corporate Strategy – N/A

6. Finance / Resource Implications - None

7. Legal Implications – To ensure that appropriate officers sign and seal relevant documents to ensure that they are legally binding

8. Climate and Sustainability Implications - None

9. Safeguarding and/or Community Safety Implications - None

10. Equality and Diversity Implications - None

11. Social Value Implications - None

12. Partnership Implications - None

13. Health and Wellbeing Implications - None

14. Asset Management Implications - None

15. Data Protection Implications - None

16. Consultation Implications - None

17. Scrutiny/Executive Comments / Recommendation(s) – N/A as this is a Council Report

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No** not applicable as Council function only
- **Cabinet/Executive – No** not applicable as Council function only
- **Full Council – Yes**

Reporting Frequency: Annually

Contact Officers

Name	Amy Tregellas
Direct Dial	08123 785034
Email	a.tregellas@somersetwestandtaunton.gov.uk