

PART 3

RESPONSIBILITY FOR FUNCTIONS

The Council's Terms of Reference for Committees and Scheme of Delegations are attached.



TERMS OF REFERENCE FOR COMMITTEES AND ASSOCIATED BODIES

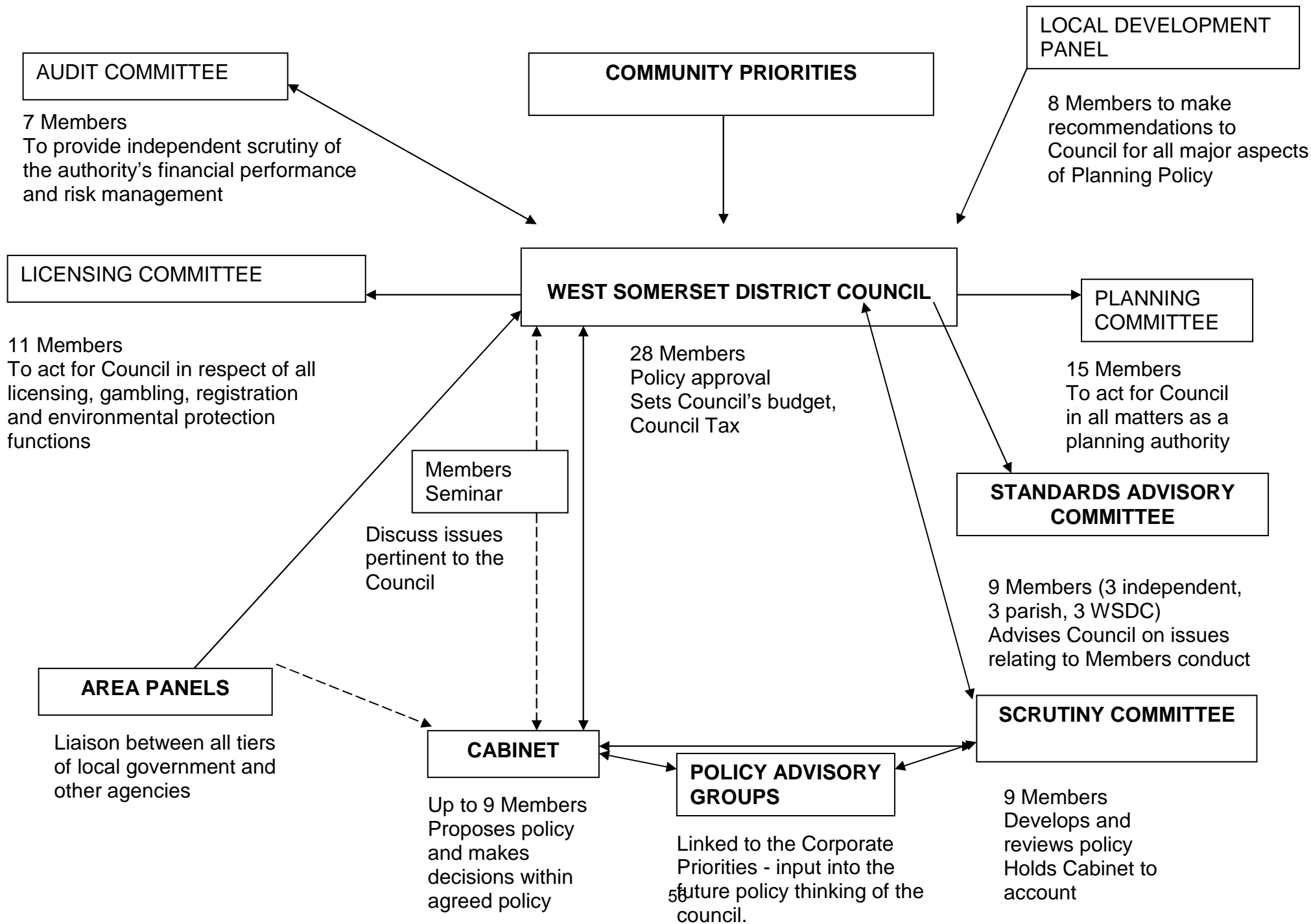
Revised Jan 2002, Feb 2004,
May 2006, July 2007, July 2009, July 2011 and March 2013

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INTRODUCTION

1. These Terms of Reference form part of the Council's Constitution.
2. These Terms of Reference are complementary to the Council's Scheme of Delegation.
3. All decisions made by the Council and its Committees (as described in the Terms of Reference) must be made with due regard to the legislation in force at the appropriate time. (Similarly all decisions made by individuals - Councillors and Officers - as detailed in the Scheme of Delegation, must be made within the law.)
4. The membership of all committees, excepting Cabinet, must be ratified by the full Council taking into account, where appropriate, the requirements regarding political proportionality.
5. The full Council is the policy making body; all committees must act within policy framework set by the Council. Only the Council can approve policy or amend it.
6. The Council's constitution is a 'living' document and will therefore be regularly updated. Suggestions for amendments should be given to Member Services staff who will take all amendments to Council on a regular basis. At the end of each section is a history showing when amendments were approved for that 'body'.
7. The procedures to be followed at meetings will be detailed in the Rules of Procedure.
8. Any Councillor can request an item to be put on the agenda but the decision as to whether or not the item shall be included will be made by the Chairman of the Committee in conjunction with the Proper Officer.
9. Committees will normally only consider items where decisions are necessary.



COUNCIL

Number of Members: 28 (all members)
Number of Meetings: Up to 12 per year includes Annual Council
Open to the Press and Public: Yes

The full Council is responsible for the approval and adoption of all policies.

- 1 Determination of constituent parts of the Council's constitution namely:
 - a. Terms of Reference of the Council and its Committees
 - b. Rules of Procedure
 - c. Scheme of Delegation to Executive Members and Officers
 - d. Financial Regulations
 - e. Codes of Conduct (Members and Officers)
 - f. Public Participation Scheme
 - g. Complaints Procedure
 - h. Cabinet Decision Call-in Procedure
 - i. Protocol for Member and Officer Relations
 - j. Scheme of Remuneration for Members
 - k. Generic 'job descriptions' for the various roles of Members

Note: the Council's constitution will comprise many sections, of which the above listed strategic framework items will form a major part; it will also include other items which form part of the Council's day to day management procedures.

- 2 Setting the Council's Budget and Borrowing limits.
- 3 Appointment of Leader of Council and Deputy Leader of Council.
- 4 Election of Chairman and appointment of Vice-Chairman of Council.
- 5 Appointment of Members to Committees (taking into account the requirements of political proportionality) excluding the Cabinet.
- 6 Determine the Terms of Reference for Policy Advisory Groups (*Note each PAG will normally have 6 core members including the Lead Member, who will act as chairman, and shadow Lead Member. Membership will be open to all members of the Council and as such there is no requirement for membership to be politically balanced*).
- 7 Appointment of the Head of Paid Service, Monitoring Officer, Section 151 Officer and the Returning Officer for local government elections.
- 8 Adoption of the policy framework which comprises:
 - Corporate Plan (incorporating the Budget and Financial Plan)
 - Community Strategy

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- Crime and Disorder Reduction Strategy
 - Local Development Framework
 - Local Plan
 - Housing Strategy
 - Statement of Licensing Policy
- 9 Appoint representatives to outside bodies (where the appointments are not regarding functions which are the responsibility of the Executive).
- 10 Receive representations from the Area Panels.
- 11 Receive reports and recommendations from the Standards Advisory Committee.
- 12 Power to make, amend, revoke, re-enact or enforce byelaws
- 13 To consider recommendations from Cabinet (which will come from Hinkley Point Planning Obligations Board) to allocate contributions fro projects seeking funding of over £25,000.
- 14 To consider recommendations from Cabinet (which have not come from Hinkley Point Planning Obligations Board) to allocate contributions fro projects seeking funding of over £25,000.
- 15 To appoint the Council’s representatives to the Hinkley Point Planning Obligations Board.
- 16 To consider recommendations from Cabinet (which have come from the internal Planning Obligations Group (to allocate contributions for projects seeking funding of over £25,000.
- 17 To appoint the Council’s representative on the Somerset Community Foundation Panel who will consider bids to the EDF Energy Community Fund.

Note: Membership information

- 1 The Chairman or Vice Chairman of Council may not be a member of Cabinet.

CABINET

Number of Members: Up to 9 (including the Leader and Deputy Leader of Council)

Number of Meetings: 12 per year

Open to the Press and Public: Yes

Purpose of the Cabinet

- The Cabinet will be responsible for decisions affecting the day-to-day running of the Council, linking the necessary action to implement the Council's policies.
- It has the responsibility to listen to and be advised by the Scrutiny Committee.
- The Cabinet will be the policy forming team for the Council.

The Cabinet will be responsible for the discharge of all functions not specified as functions determined by another Committee as defined within the Terms of Reference or not delegated as defined within the Scheme of Delegation.

In particular the Cabinet will be responsible for the following:

1. The power to do anything necessary to put the Council's agreed policies into practice in the most efficient and effective manner subject to compliance with relevant legislation and the Council's constitution.
2. Appointments to outside bodies in connection with functions that are the responsibility of the Cabinet (e.g. housing, regeneration etc).
3. Formulation of the Council's policy framework, for recommendation to Council, such recommendation to be made only after consultation with the Performance Committee.
The policy framework comprises:

- Corporate Plan (incorporating the Budget and Financial Plan)
- Community Strategy
- Crime and Disorder Reduction Strategy
- Local Development Framework
- Local Plan
- Housing Strategy
- Statement of Licensing Policy

4. The making of Compulsory Purchase Orders.
5. Responsibility for Health and Safety for the local authority as an employer.
6. All housing functions.
7. Responsibility for forming strategic partnerships.

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8. Responsibility to respond to recommendations and reports from the Scrutiny Committee.
9. All treasury management functions which are not reserved to full Council or form part of the Scheme of Delegations.
10. Recommendations regarding the Annual Statement of Accounts.
11. All financial functions which are not reserved to full Council or do not form part of the Scheme of Delegations.
12. The power to respond to appropriate audit reports and implement their recommendations (where these fall within agreed Council policy) or recommend suitable, relevant policy amendments to Council to enable implementation.
13. All personnel functions which do not form part of the Scheme of Delegations.
14. To consider recommendations from the Hinkley Point Planning Obligations Board and internal Planning Obligations Group to allocate contributions for projects seeking funding for less than £25,000.
15. 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 £25,000.
16. To consider recommendations from the Internal Planning Obligations Group to allocate contributions for projects seeking funding of less than £25,000.
17. To consider quarterly 'performance' reports relating to the Hinkley Point project which have been previously reviewed by the Scrutiny Committee.

Limitation of the Cabinet's Authority

- The Cabinet can only make decisions that fall within the policy framework as agreed by Council.
- The Cabinet cannot amend policy or take a decision which is contrary to agreed policy without the agreement of Council, unless the matter is deemed to be urgent and the Chairman of the Scrutiny Committee are consulted and agree that the decision may reasonably be regarded as urgent in the circumstances.

General Notes

- The Leader will be responsible for selecting the Cabinet Members (other than the Deputy Leader who is appointed by Council) and Members of the Cabinet hold their position at the Leader's pleasure.
- The Leader is responsible for the allocation of Portfolios and tasks to Cabinet Members.

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- The Cabinet may invite anybody it considers appropriate to attend its meetings and to speak on behalf of an absent member of the Cabinet. However, that person would not be able to take part in the formal decision making process.

Note: Membership information

1. The Cabinet may not include the Chairman or Vice-Chairman of the Council.

SCRUTINY COMMITTEE

Number of Members: 9 (politically balanced)

Number of Meetings: 12 per year

Open to the Press and Public: Yes

1. To scrutinise Performance Management information on a scheduled basis and advise the Chief Executive accordingly.
2. To undertake scrutiny of particular Key Decisions and other aspects of Cabinet activity.
3. To review or scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas. In accordance with the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 the committee will also review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities (as defined by the Crime and Disorder Act 1998) of their crime and disorder functions. This scrutiny must be carried out at least twice in every twelve month period.

Note: as this is not intended as an appeals procedure the committee should not normally scrutinise individual decisions made by other committees, particularly those in respect of development control, licensing, registration, consents and other permissions.

4. To review any Cabinet decisions that have been 'called-in' including the power to pass call-ins to Council.
5. The Committee can require Cabinet Members and Chief Officers of the Council and officers and employees of responsible authorities, co-operating persons and bodies to attend and give evidence, subject to the appropriate rules and procedures.
6. The Committee can invite any other persons to attend its meetings and speak and answer questions, but cannot require them to do so. However, in respect of the committee's statutory duties in respect of crime and disorder, as defined in para 3 above, the committee may require the attendance of an officer or employee of a responsible authority or cooperating person or body.
7. No member of the Committee should take any part in any scrutiny review that involves a decision to which they have been party.
8. To review quarterly 'performance reports relating to the Hinkley Point project and refer any comments to Cabinet for their consideration.

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Note: Membership information

1. The Chairman of this Committee will be a Councillor who is not a member of the majority/ruling group.
2. Members of the Cabinet are not entitled to be members of this Committee.
3. The Committee may invite persons to be co-opted members.

AUDIT COMMITTEE

Number of Members: 7 (politically balanced)

Number of Meetings: 4 per year

Open to the Press and Public: Yes

Purpose of Audit Committee

The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.

The Audit Committee should review the Code of Corporate Governance seeking assurance where appropriate from the Cabinet, or referring matters to management on the scrutiny function.

Terms of Reference

1. To approve (but not direct) the Strategic and Annual Internal Audit Plans and monitor performance.
2. To receive summaries of Internal Audit reports and seek assurance from management that action has been taken.
3. To consider the reports of external audit and inspection agencies and seek assurance from management that action has been taken where necessary.
4. To consider the effectiveness of West Somerset District Council's risk management arrangements, the control environment and associated anti-fraud and corruption arrangements and seek assurance from management that action is being taken.
5. To agree the annual Governance Statement (including the Statement of Internal Control) and monitor associated action plans and regularly monitor the Council's effectiveness against the Code of Governance.
6. To receive reports from management on the promotion of good corporate governance.
7. To review and approve the annual Statement of Accounts, external auditor's opinion and reports to members and monitor management action in response to issues raised.
8. To receive the annual Internal Audit report.

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9. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
10. 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.

Rules and Procedures

1. The Audit Committee will be a full Committee reporting to the Council appointed under the Local Government Act 1972. It will consist of 7 members appointed in political balance.
2. Membership is restricted to exclude any member of the Cabinet, and the Chairman of the Scrutiny Committee.
3. Meet a minimum of four times per annum, including at least one meeting with the Council's external auditor. Other meetings may be called if specific issues arise.
4. The Audit Committee will meet in public, with full right of attendance for all Councillors, public and press, except during consideration of exempt business. As a formal Committee of Council, it will be subject to the Access to Information requirements.
5. A clear policy will be developed on those items to be considered in private in accordance with Schedule 12A of the Local Government Act 1972.
6. The Committee will have the authority to require the attendance of any elected member or Chief Officer of the Authority.
7. The Committee have the option to co-opt, on an ad-hoc basis and without voting rights a member of the public onto the committee.

History:

Membership Information

Membership is restricted to exclude any member of the Cabinet or the Chairman of the Scrutiny Committee

PLANNING COMMITTEE

Number of Members:	15 (politically balanced)
Number of Scheduled Meetings:	12 per year
Open to the Press and Public:	Yes

Purpose of the Committee

To act for the Council on matters involving the functions of the Council as local or district planning authority.

1. Power to determine applications for planning permission.
2. Power to grant or refuse planning permission for development without complying with conditions to which previous planning permission is sought.
3. Power to determine applications for the display of advertisements.
4. Power to determine listed building consents.
5. Power to revoke or modify any listed building consent.
6. Power to determine conservation area consents.
7. Power to determine hazardous substances consents.
8. Power to enforce or dispense with the duty to replace trees.
9. Power to enforce or dispense with the duty to replace trees in conservation areas.
10. Power to grant to give directions as to the replanting of land.
11. Power to require information as to interests in land.
12. Power to serve a planning contravention notice, breach of condition notice or stop notice.
13. Power to issue an enforcement notice.
14. Power to apply for an injunction restraining a breach of planning control.
15. Power to authorise entry onto land.
16. Power to issue a listed building enforcement notice.
17. Power to serve an urgent works notice.
18. Power to review, amend and designate new or extended conservation areas.

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19. Power to deal with complaints under Part 8 of the Anti-social Behaviour Act 2003 in respect of high hedges.
20. Power to, when appropriate, negotiate and agree matters of planning gain in accordance with Council agreed policies and frameworks.
21. Power to review, modify or designate conservation areas.
22. Power to, when appropriate, agree street naming and house numbering.
23. The consideration and agreement/adoption of:
 - Village Design Statements produced by Parish Councils
 - Design Briefs/Guidance provided by the Planning Services Unit to supplement/interpret local plan policy
24. Inform and consider new or revised Government guidance on planning issues
25. Respond to consultation papers on planning issues
26. To receive representations from Area Panels relating to functions which are the responsibility of this Committee.

LICENSING COMMITTEE

Number of Members:	11 (politically balanced)
Number of Scheduled Meetings:	3 per year
Open to the Press and Public:	Yes

Purpose of the Committee

To act for the Council in respect of licensing, registration and environmental protection functions.

1. To discharge the licensing functions on behalf of the licensing authority, as determined under the Licensing Act 2003 – in practice this will normally be undertaken by a Licensing Panel.
2. To discharge the functions on behalf of the licensing authority as determined under the Gambling Act 2005 – in practice this will normally be undertaken by a Gambling Panel.
3. Power to determine licences regarding the authorisation of the use of land as a caravan site.
4. Power to determine licences for the use of moveable dwellings and camping sites.
5. Power to determine the licences for hackney carriages and private hire vehicles.
6. Power to determine the licences for the drivers of hackney carriage vehicles and private hire vehicles.
7. Power to determine the licences for private hire vehicle operators.
8. Power to determine licences for sex shops and sex cinema.
9. Power to determine the licensing of performances of hypnotism.
10. Power to determine the licensing of premises for acupuncture, tattooing, ear-piercing, electrolysis, cosmetic piercing and semi-permanent skin colouring.
11. Power to determine the licences for market and street trading.
12. Power to determine licences for dealers in game and for the killing and selling of game.
13. Power to determine the registration and licensing of premises for the preparation of food.

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14. Power to determine the licensing of scrap metal dealers and motor salvage operators' yards.
15. Power to determine the licensing of premises for the breeding of dogs.
16. Power to determine the licensing of pet shops and other establishments where animals are bred or kept for the purpose of carrying on a business.
17. Power to determine the licensing of zoos.
18. Power to determine the licensing regarding dangerous wild animals.
19. Power to determine the licensing of guard dogs.
20. Power to discharge functions relating to charitable, benevolent and philanthropic causes.
21. To determine appeals regarding Tree Preservation Orders which were originally considered by the Planning Committee.
22. To receive representations from Area Panels relating to functions which are the responsibility of this Committee.

LICENSING PANEL

Number of Members: 3 and 1 reserve (from amongst the members of the Licensing Committee)

Number of Meetings: As and When Required

Open to the Press and Public: Yes

1. To hear applications where relevant representations have been received from interested parties and responsible authorities in accordance with the Licensing Act 2003.
2. To determine general licensing matters that have been delegated by Council that are not associated with the Licensing Act 2003.
3. Every determination of a licensing decision shall be accompanied with clear written reasons for the decision.
4. In the event of an appeal to the Magistrates' court against a decision of the Licensing Authority, as soon as the determination of the Magistrates' Court has been decided the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action.

Note: membership information

Ward councillors shall not sit on a panel involving an application within their ward.

GAMBLING PANEL

Number of Members: 3 (from amongst the members of the Licensing Committee)

Number of Meetings: As and When Required

Open to the Press and Public: Yes

1. To hear applications where relevant representations have been received from interested parties and responsible authorities in accordance with the Gambling Act 2005.
2. Every determination of a gambling act decision shall be accompanied with clear written reasons for the decision.
3. In the event of an appeal to the Magistrates' court against a decision of the Licensing Authority, as soon as the determination of the Magistrates' Court has been decided the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action.

Note: membership information

Ward councillors shall not sit on a panel involving an application within their ward.

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LOCAL DEVELOPMENT PANEL

Number of Members: 8 (politically balanced)

Number of Meetings: As and When Required

Open to the Press and Public: Yes

1. To monitor and make recommendations to Council for all major aspects of Planning Policy, with particular reference to the Local Development Framework preparation process and strategic matters, such as the Regional Spatial Strategy which affects West Somerset. (Outside the Exmoor National Park).

WEST SOMERSET STANDARDS ADVISORY COMMITTEE

Number of Members :	3 West Somerset District Councillors (to be politically balanced) 3 Independent members 3 Parish/Town Councillors
Number of Meetings:	As and when necessary
Open to the Press and Public:	Yes
Quorum:	5 (must include one independent and one parish/town council representative)

Purpose

To promote and maintain high standards of conduct by the District, Town and Parish Members and co-opted Members of Councils in West Somerset. More specifically to make **recommendations** to the Council on:

1. Promoting and maintaining high standards of conduct by District, Town and Parish Members and co-opted Member of Councils in West Somerset.
2. Advising, training or arranging to train District, Town and Parish Members and co-opted Members of Council in West Somerset on matters relating to the Code of Conduct and wider propriety issues including issuing guidance where appropriate.
3. Adopting or advising of any Council Code of Conduct for Members and co-opted Members and monitoring of the operation of such Code(s) of Conduct.
4. Dealing with the determination of complaints under the Members Code of Conduct relating to District, Town and Parish Members and co-opted Members of Councils in West Somerset.
5. Applications from West Somerset Council for dispensations from the requirements relating to Declarations on Interest.
6. Ethical governance matters or probity issues as requested by the Council, Head of Paid Service, Monitoring Officer or Town or Parish Council.
7. Any matter, when requested by the Council or the Standards Advisory Committee, which would benefit from the involvement of the Committee.

Membership Information

Parish/Town Council Representatives

There will be three representatives from Town/Parish Councils who will serve for a period of four years or until the next Parish/Town Council elections and can re-apply to stand after subsequent elections.

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Independent Members

There will be three representatives of Independent Members who will be appointed to serve for a period of four years and may reapply for subsequent four-year periods.

District Council Members

There will be three representatives for the District council who will be appointed annually at the Annual General meeting of the Council and must be appointed on a politically proportionate basis.

The District Council is requested to provide a degree of continuity when appointing its representatives to reflect the length of service afforded to Parish/Town and Independent Members of the Committee subject to any political proportionality requirements being adhered to.

General

Any member of the Standards Committee who is found guilty of a criminal offence involving dishonesty or that would bring disrepute upon the Committee of Council will have their appointment rescinded.

The Committee will be chaired by one of the Independent Members and will be elected annually at the first Committee meeting of the municipal year.

POLICY ADVISORY GROUPS

Number of Members:	Normally 6 Core Members plus the Lead Member (not politically balanced)
Number of Meetings:	At least quarterly
Open to Press and Public:	No (any Member of the Council is able to attend)

Purpose

A non-decision-making body providing a route for members to discuss and input into the future policy thinking of the council and undertake specific performance reviews as requested.

- The groups will annually be aligned to the Cabinet Portfolios/service provision
- To formulate new policy thinking of the Council and review policies of the Council.
- To undertake specific performance reviews as requested
- To make comments to Scrutiny or Cabinet for consideration. Cabinet will decide whether to take action in regard to such comments or where necessary forward a recommendation to Council.

Note: Membership Information

1. *Membership open to all Members*
2. *The core Membership of the Groups will be agreed annually by Full Council.*

AREA PANELS

Every effort will be made to ensure that the entire district has access to a local area panel. The panel areas are based upon the County Council division boundaries

- Each panel will have the main purpose of improving liaison between all tiers of local government and other agencies.
- Each panel will be at liberty to define its own 'membership'.
- Each panel will be at liberty to define its own terms of reference and methods of working.
- Each panel will be provided with administrative support arranged by West Somerset District Council.
- Each panel will have the right to make written or spoken representation to the full meeting of West Somerset District Council and its various Committees.

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MEMBERS SEMINAR

Number of Members:	28 (All Members)
Number of Meetings:	As and When
Open to the Press and Public:	No

Purpose

To enable Members to discuss on an informal basis issues that are of relevance to West Somerset as an area or pertinent to the Council and its business.

- Seminars will be facilitated by the Chairman of Council whose decision on any matter relating to procedure during the seminar will be final.
- There will be no formal agenda but a letter will be sent to Members informing them of the topics to be discussed prior to each seminar.
- The topics for each seminar will be agreed with the Leader and where possible will be two per seminar.
- Members may suggest topics for discussion by contacting Member Services staff these will be forwarded to the Leader for consideration.
- Seminars will be informal but will be conducted in such a way as to ensure full participation this may take various forms including presentations and workgroups.

NOTE: Information provided and discussions undertaken should not normally be made available to the press and public.



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Adopted by Council December 2001
Revised by Council
November 2011, March 2013, November 2015

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General Information

The Council aims to make decisions that are timely, transparent and accountable. In order to do this decision-making can be shared between the Cabinet (also known as 'the executive'), Committees, Councillors who are members of the Cabinet and Officers (paid employees of the Council).

Cabinet and each of the Council's committees have particular areas of responsibility on which they can make decisions; these are detailed in the "Terms of Reference" which is a separate part of the Council's Constitution.

This document, "The Scheme of Delegations" gives information about the decisions that can be taken by individual Councillors and Officers, it is part of the Council's Constitution and must be approved by the Council.

Legal Background

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set down

- Which functions **ARE NOT** to be the responsibility of the executive
- Which functions **MAY BE**, but need not be, the responsibility of the executive; and
- Which functions **ARE TO SOME EXTENT** the responsibility of the executive.

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

The Scheme of Delegations has three main sections:

- Section 1 details the processes and levels of responsibility for making 'executive' decisions – that is decisions which are within the responsibility areas of the Cabinet and can be made by Councillors and Officers.
- Section 2 details decisions which can be made by Officers for the areas of responsibility which do not belong to the Cabinet.
- Section 3 details decisions that are reserved for Full Council.

This document provides the following information: the nominated post for making decisions; a simple explanation of what power a post holder has; details of the legislation from which the power is taken (where appropriate) the legislation information is given in italics. If there is any question about the extent of a postholder's authority to act, the legislation should be consulted, if there is still doubt the Monitoring Officer should be contacted for advice.

SECTION 1
EXECUTIVE DECISIONS

Terms used in this section

Council – All 28 District Councillors who at meetings are responsible for the approval and adoption of all policies.

Cabinet – (also known as the executive) A group of between 2 and 9 Councillors responsible for decisions affecting the day-to-day running of the Council, working within the policies agreed by the Council. The Cabinet is responsible for all functions which are not the responsibility of another committee (as defined within the Terms of Reference) or delegated in Section 2 of this Scheme of Delegations or the responsibility of the Planning Committee or Licensing Committee.

Cabinet Member – a Councillor who has been appointed by the Leader of Council to serve on the Cabinet.

Executive decision is a decision which falls within the Terms Of Reference for the Cabinet. An executive decision can be made by the Cabinet, an individual Cabinet Member or an Officer

All executive decisions must be made within existing Council policy

Key decision is a special type of executive decision. For a decision to be classified as key it will meet one of the following criteria:

- ◆ The decision will affect two or more wards within the area covered by the Council
- ◆ The decision will have a significant impact on at least one ward
- ◆ Revenue spending or saving would be £25,000 or more as a result of the decision
- ◆ Capital saving or spending would be £50,000 or more as a result of the decision

Key Decisions at West Somerset will be made by the Cabinet in meetings that are open to the public (unless the item to be discussed contains exempt or confidential information). If it is an urgent key decision the urgency procedure given in flowchart 2 will be followed. All decisions must be made within existing Council policy.

Leader of Council – the person elected by all the Councillors to serve as the political head of the Council.

Monitoring Officer - the Officer employed by the Authority who has responsibility for ensuring that the Council acts within its own policies and the law.

Officer – a paid employee of the Council.

Portfolio - the broad topics or issues which are the responsibility of a Cabinet Member.

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Section 151 Officer - the Officer employed by the Council whose duties include ensuring that the Council manages its finances in a legal and businesslike way.

Terms of Reference - the document which describes the remit for each committee of the Council.

Process for making an executive decision

The basic process for making and implementing an executive decision is shown on the flowchart 1.

Urgent Decisions

Flowchart 2 shows the process if an urgent key decision is needed.

Who can make an executive decision?

A key decision can normally only be made by Cabinet at a meeting which the public are able to attend (subject to the normal procedures relating to confidential and exempt information). A four month rolling programme of anticipated key decisions is published monthly. There are occasions when an urgent key decision is required this is covered by the urgency procedure detailed above and in flowchart 2. Any urgent decision which is not a key decision will be made using the normal procedure shown in flowchart 1.

Individual Cabinet Members and Officers can make executive decisions as detailed in Section 1 of the Scheme of Delegations.

Neither Cabinet nor individual Cabinet Members nor Officers can make decisions regarding new policies or amendments to existing policies; such introductions or changes must be agreed by Council.

Can someone other than the person stated in the Scheme of Delegations make an executive decision?

It is possible that in some circumstances the Lead Member or Officer to whom an executive decision is delegated, wishes to refer the matter to a meeting of the Cabinet, this Scheme of Delegations does not prevent that from happening.

A Lead Member cannot delegate to another Lead Member or Officer any of the executive decision making powers allocated to him/her in Section 1 of this Scheme of Delegations. If the Lead Member has an interest in the decision (as explained in the Code of Conduct for Councillors) the interest should be declared and the matter referred to Cabinet.

An Officer can delegate any of the executive decision making powers allocated to him/her in Section 1 of this Scheme of Delegations, but if that power is to be delegated for more than a period of six consecutive months the Monitoring Officer should be informed in writing. The Monitoring Officer will keep a register of all such further delegations which will be a public document.

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Any further general delegation of specific statutory powers will be made by the Leadership Team (LT) to an officer and shall be made in writing and shall record its extent and any limitations on the exercise of those powers.

If the Officer to whom a decision/action is delegated is not available the decision/action may be taken by a more senior Officer or an Officer of equivalent standing within the same area. If the decision/action is delegated to a specialist who is not available then the decision/action may be taken by either the Head of Paid Service or other member of LT. In the unlikely event that a suitable Officer is not available the Lead Member should be asked to make the decision/sanction the action and the Monitoring Officer should be informed.

What advice will be sought or consultation undertaken before a decision is made?

Cabinet will consider any report submitted to its meeting.

The Leader of Council (or the Deputy Leader in the absence of the Leader) will consult with any relevant Lead Member, or Officer as appropriate (the appropriate Officers will usually be the Head of Paid Service, Section 151 Officer and Monitoring Officer). Where the issue is ward specific the ward member(s) will also be consulted. Relevant reports will also be considered.

A Cabinet Member will consult with any other relevant Lead Members, or Officers and consider any relevant reports. Where the issue is ward specific the ward member(s) will also be consulted. In particular financial and legal advice should be taken into account in all decision making.

Officers will where appropriate consult with any relevant Lead Member, or other relevant Officers, where the issue is ward specific the ward member(s) will also be consulted, this is in addition to any statutory consultation required. Particular attention will need to be given to financial and legal matters and cross-unit issues as well as existing council policies, procedures and codes of practice – especially the Council's Corporate Plan.

What records will be kept of executive decisions?

Cabinet decisions will have the minutes of the meeting as the record of any decision-making.

Executive decisions made by Cabinet Members who are Lead Members will be recorded on a form designed for the purpose, signed by the Lead Member and the Leader of Council (or the Deputy Leader in the absence of the Leader). The Monitoring Officer will keep the forms and they will be retained in a secure location. The completed forms (or a copy) and any reports considered will be public documents. Each decision record form will contain the following information:

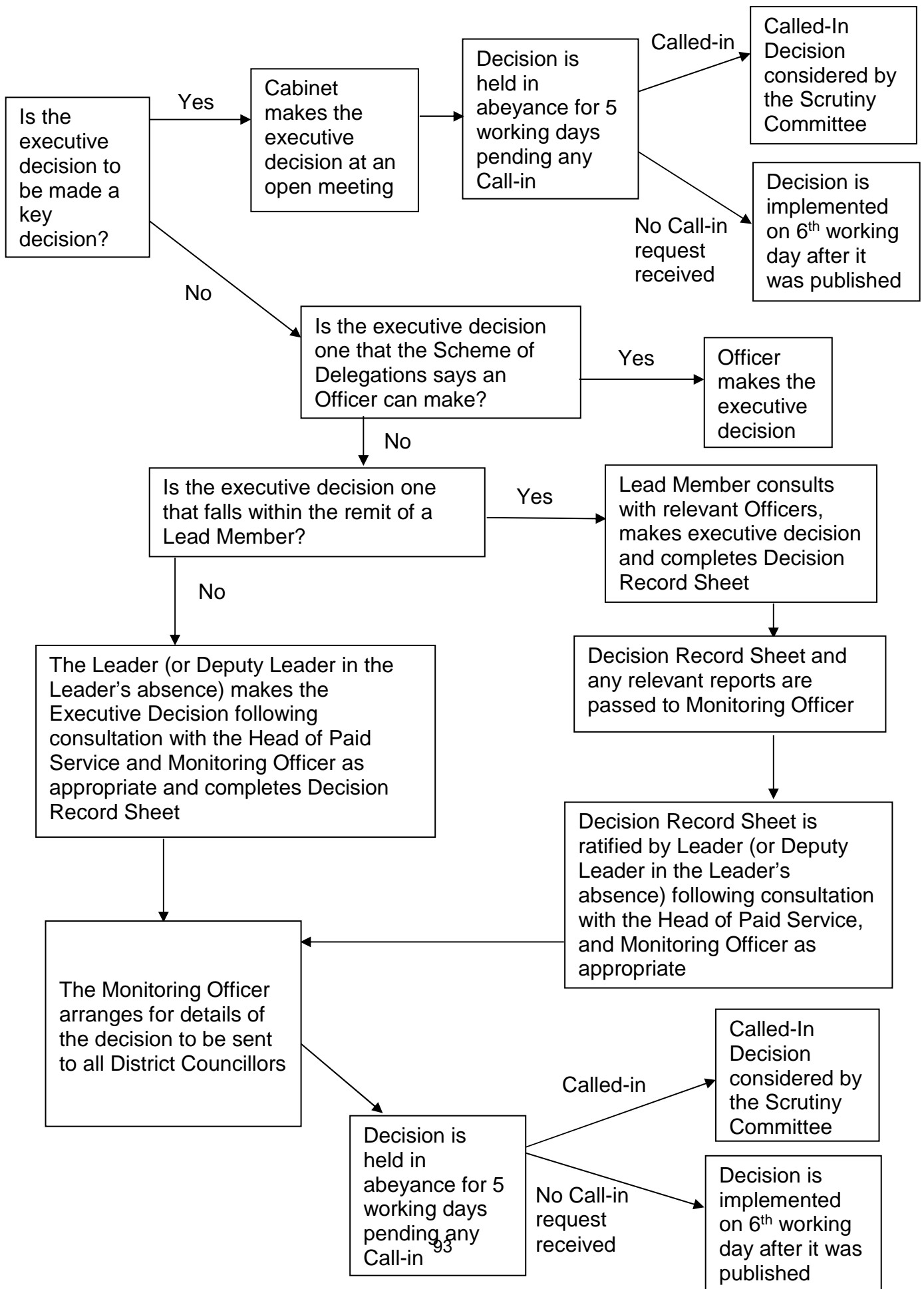
- ◆ A record of the decision
- ◆ A record of the reasons for the decision

West Somerset District Council
Scheme of Delegations

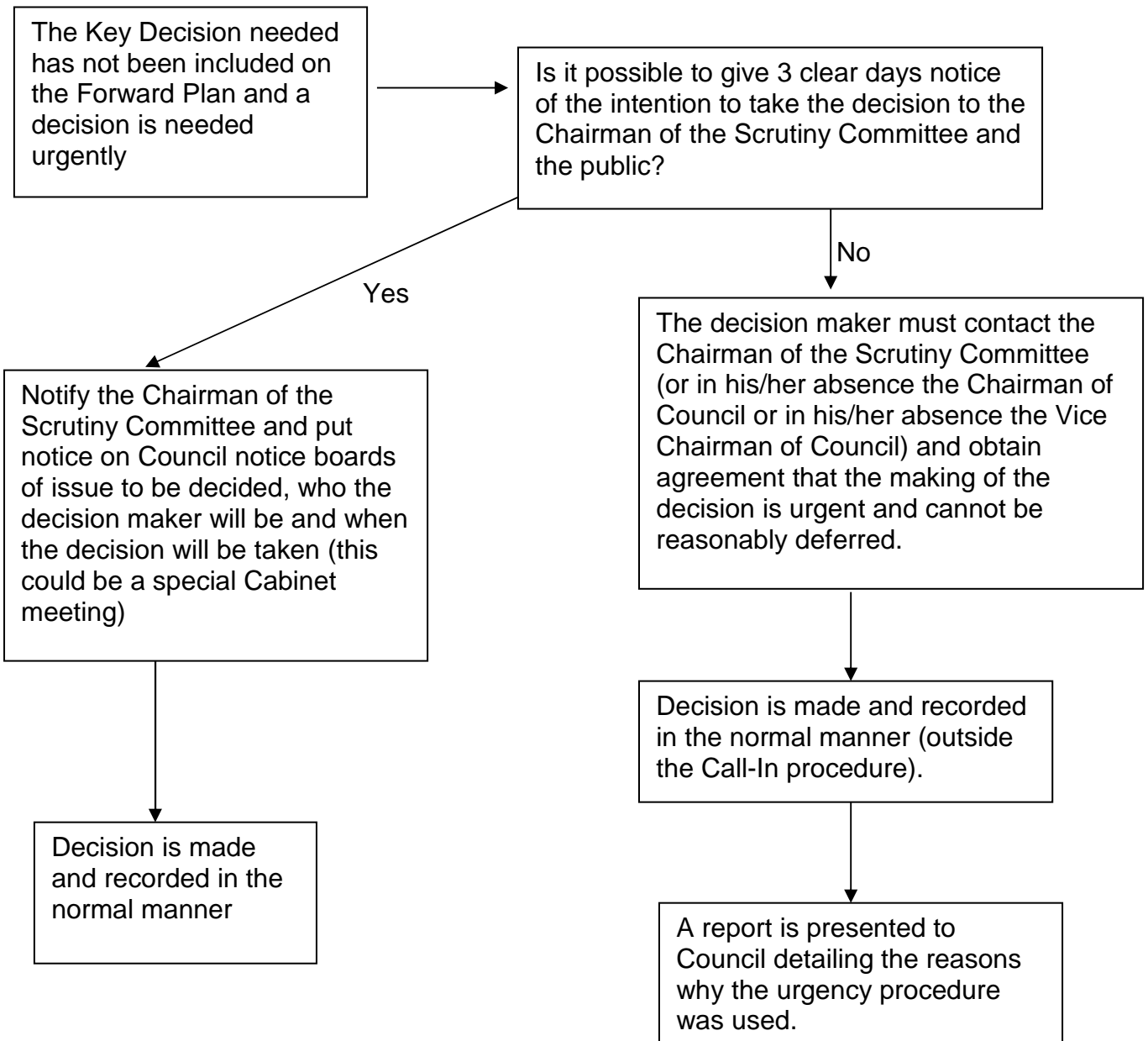
- ◆ Details of any options considered and rejected
- ◆ Any interests declared and any dispensations granted by the Standards Committee
- ◆ The signature of the Lead Member
- ◆ The signature of the Leader of Council (or the Deputy Leader in the absence of the leader) and the date on which it was signed
- ◆ The date on which the decision was implemented or called-in

Any Officer decision but any Officer making a significant executive decision will be expected to make a record on the relevant file of consultation with the relevant Lead Member and where the issue is ward specific the details of consultation with the ward member(s) and the reasons for any decision; such a record will be signed and dated and published in accordance with any current legislative requirements.

FLOWCHART 1 – DECISION MAKING PROCESS



FLOWCHART 2 – URGENT KEY DECISIONS
(In accordance with Statutory Instrument 2000 No 3272)



West Somerset District Council
Scheme of Delegations

Tables 1 and 2 detail executive decisions, which are delegated to members of the Cabinet.

All decisions made must be within the law and in accordance with agreed council policy particularly taking into account the Council's Corporate Plan.

Table 1

Portfolio Name	Topics within the portfolio	Delegated Action
Leader of Council	Managing and co-ordinating the work of Cabinet	Appointment of Cabinet Members
		Allocation of portfolio responsibilities to Cabinet Members
		Appointment of Members to outside bodies in connection with functions that are the responsibility of the Cabinet
		The ratification of executive decisions made by Lead Members
		The taking of any decision which is not a key decision but is an executive decision and is not delegated to any other position
		The taking of any urgent key decision in accordance with the urgency procedure
Deputy Leader of Council	To deputise for the Leader	In the absence of the Leader of Council to take any decision which is delegated to the Leader of Council

Each Lead Member is permitted to make any decision regarding an issue within their stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations. Table 2 below details the portfolio name and the topics within that portfolio.

Table 2

Portfolio	Topics within the Portfolio
Community and Customer	Art & Culture Children and Young People Leisure and Sport Parish Liaison Community Safety
Regeneration and Economic Growth	Place based Regeneration Public Conveniences Improving employment opportunities and enhancing the skills of the workforce Marketing the area Creating, commissioning and supporting Local Business Networks Supporting inward investors and indigenous business to grow Tourism

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Portfolio	Topics within the Portfolio
Regeneration and Economic Growth contd,	Economic Development Markets Transport Car Parks
Environment - General	Building Control Street Sweeping Coast protection Beach cleaning/management Harbours Land Drainage Shoreline Management Pollution Control Waste Development Management Land Charges Climate Change Civil Contingencies (Emergency Planning) Grounds Maintenance
Energy Infrastructure	Hinkley Point A, B and C National Grid Hinkley Point C Connection Project Tidal Energy Generating Projects
Resources and Central Support	Assets and Investments Estates Audit Corporate 3 year Plan Exchequer Services Fees and Charges Procurement Local Taxation Treasury Management Benefits Administration ICT Human Resources Legal Services Health & Safety (as employer) Media and Communication Offices

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Scheme of Delegations

Portfolio	Topics within the Portfolio
Housing, Health and Wellbeing	Food Safety Healthy Living Housing (Public and Private Sector incl. Grants) Social Inclusion Environmental Protection Pest Control Planning Policy Health and Safety (external)
Performance and Corporate Support	Complaints FOI and Data Protection Press and Media Equalities and Diversity Corporate Improvement and Management Performance Management
Executive Support and Democracy	Member Services Electoral Services

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Scheme of Delegations

Table 3 below gives information about the service areas within which executive decisions are delegated to Officers. All decisions/actions must be within the law and in accordance with agreed council policy particularly taking into account the Council's Corporate Plan. Each named post is authorised to take any action or make any decision regarding the implementation of operational issues or day to day management in regard to the service areas stated; such actions or decisions must be in accordance with current legislation, agreed council policy - with particular attention to the Council's Corporate Plan and the Council's agreed codes of practice.

The Council's Leadership Team (LT) comprises the Chief Executive, Directors, Assistant Chief Executive and Assistant Directors. As a team they manage and coordinate the work of the Council.

Table 3

Job Title	Service Areas
Individual members of LT	Audit Media and Public Relations Health and Safety (as employer) Human Resources Performance Management Property and Asset Management
Building Control Manager	Building Control
Assistant Director Operational Delivery	Emergency Planning
Assistant Director Operational Delivery	Food Safety Health and Safety (external)
Assistant Director Operational Delivery	Dog and Pest Control Contract Monitoring Private Sector Housing (including related Environmental Health powers) Pollution Control
Assistant Director Operational Delivery	Licensing
Head of Paid Service	Health and Safety (WS employer)
Section 151 Officer	Financial affairs in relation to Section 151 of the Local Government Act 1972 and Section 114 of The Local Government Finance Act 1988 Insurance Finance (including investments) ICT
Assistant Director Corporate Services	Customer Service
Assistant Director Corporate Services	Corporate Information
Assistant Director Housing and Community Development	Housing Needs Housing Advice and Homelessness

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Job Title	Service Areas
Assistant Director Operational Delivery	Community Safety
Assistant Director Housing and Community Development	Parish Liaison Private Sector Housing (including related Environmental Health powers)
Assistant Director Operational Delivery	Harbours Public Conveniences Waste/Recycling Grounds Maintenance Car Parking
Assistant Director Planning and Environment	Development Management Enforcement
Assistant Director Planning and Environment	Local Plan Transport Issues Other Planning Policy Documents
Assistant Director Business Development	Place based Regeneration Tourism Improving employment opportunities and enhancing the skills of the workforce Marketing the area Creating, commissioning and supporting Local Business Networks Supporting inward investors and indigenous business to grow Economic Development Markets
Assistant Director Resources	Council Tax
Assistant Director Resources	Business Rates
Assistant Director Resources	Benefits
Democratic Services Manager	Committee Services Member Development Parish Liaison
Assistant Chief Executive	Legal Services
Electoral Services Manager	Electoral Services
Assistant Director Operational Delivery	Local Land Charges
Assistant Director Energy Infrastructure	Hinkley Point A, B and C National Grid Hinkley Point C Connection Project Tidal Energy Generating Projects

Table 4 below gives information about specific powers which are delegated to Cabinet Members and Officers. The actions/powers are listed within the relevant portfolio.

Table 4

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Leader of Council	Managing and co-ordinating the work of Cabinet	Appointment of Cabinet Members	Leader of Council
		Allocation of portfolio responsibilities to Cabinet Members	Leader of Council
		Appointment of Members to outside bodies in connection with functions that are the responsibility of the Cabinet	Leader of Council
		The ratification of executive decisions made by Lead Members	Leader of Council
		The taking of any decision which is not a key decision but is an executive decision and is not delegated to any other position	Leader of Council
		To authorise urgent action requiring immediate decision on any matter for which provision is not made in the Corporate Plan (if a key decision the Chairman of Scrutiny Committee must be in agreement)	Leader of Council and Chairman of Scrutiny Committee
		To award financial compensation to claimants under the Council's complaints system, up to a maximum of £250.00	Member of LT
		To meet any requirements regarding the publication of performance indicators	Head of Paid Service
		To take action in relation to any emergency which may arise <i>Local Government Act 1972</i>	Head of Paid Service
		Authorisation of Officers to enter onto land for the purpose of any statutory provision, for the proper performance of their duties <i>Local Government Act 1972</i>	Head of Paid Service
		To act where there is a need for urgent action to promote West Somerset's interests in Europe <i>Local Government Act 1972, section 111</i>	Member of LT
* Deputy Leader of Council	To deputise for the Leader	In the absence of the Leader of Council to take any decision which is delegated to the Leader of Council	Deputy Leader of Council

West Somerset District Council
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Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Community and Customer	Community Safety Civil Contingencies Community Liaison Arts and Culture	To make any decision regarding an issue within the stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations	Community Lead Member
	Benefits Revenues Local Land Charges Customer Access	To act as spokesperson for the Council, within the Council's media strategy for matters falling within the designated portfolio topics	Community Lead Member
	Street Naming and Numbering	To prepare responses to consultation papers issued by the Government and other organisations in consultation with the relevant Officers. Such responses to be agreed by Cabinet	Community Lead Member
		To deal with house numbering schemes <i>Sections 17 to 19 and 76 of the Public Health Act 1925</i>	Assistant Director Property and Development
		To deal with routine bookings of all Council owned recreation and cultural facilities and areas	Assistant Director Corporate Services
		To determine applications for NNDR relief in pursuance of statutory schemes and in accordance with criteria agreed by the Cabinet	Assistant Director Resources
		Registration of Charging Orders against properties which are the subject of rate arrears	Assistant Director Resources
		To negotiate and enter into Service Level Agreements relating to Land Charges	Assistant Director Operational Delivery
		To make refunds of over-payment of non-domestic rates, and Council tax	Assistant Director Resources
		To administer mandatory relief from non-domestic rates for charities	Assistant Director Resources

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Community and Customer contd.		To authorise appropriate Officers to act on behalf of the authority in respect of Council Tax, Non-Domestic Rates and other arrears in the Magistrates or County Court To determine applications for Housing and Council Tax Benefit in accordance with the regulations and Council policy	Assistant Director Resources
		To deal with and sign proposals, objections and agreements in respect of the valuation list and appeal against any of the Council's rating assessments in the valuation list	Assistant Director Resources
Regeneration and Economic Growth	Placed based Regeneration Public Conveniences Improving employment opportunities and enhancing the skills of the workforce Marketing the area Creating, commissioning and supporting Local Business Networks Supporting inward investors and indigenous business to grow Tourism Economic development Car Parks Markets Transport	To make any decision regarding an issue within the stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations	Regeneration and Economic Growth Lead Member
		To act as spokesperson for the Council, within the Council's media strategy for matters falling within the designated portfolio topics	Regeneration and Economic Growth Lead Member
		To prepare responses to consultation papers issued by the Government and other organisations in consultation with the relevant Officers. Such responses to be agreed by Cabinet	Regeneration and Economic Growth Lead Member
		Matters relating to the day-to-day management of Minehead and Watchet Harbours, including: the allocation of moorings; marine pilotage; harbour maintenance and safety; the enforcement of statutes and byelaws	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Environment - General	Street Cleansing Waste and Recycling Development Management Building Control Coastal Management Land Drainage Climate Change	To make any decision regarding an issue within the stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations	Environment Lead Member
		To act as spokesperson for the Council, within the Council's media strategy for matters falling within the designated portfolio topics	Environment Lead Member
		To prepare responses to consultation papers issued by the Government and other organisations in consultation with the relevant Officers. Such responses to be agreed by Cabinet	Environment Lead Member
		All duties and functions relating to the role of District Oil Pollution Officer	Assistant Director Operational Delivery
		To deal with all matters relating to coast protection	Assistant Director Operational Delivery
		To serve notices on matters relating to land drainage <i>Land Drainage Act 1991, section 25</i>	Assistant Director Operational Delivery
		To take any action required <i>Litter Act 1983</i>	Assistant Director Operational Delivery
		To take any action required <i>Refuse Disposal (Amenity) Act 1978</i>	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Environment - General contd.		<p>The provision and maintenance of street name signs <i>Public Health Act 1925 Section 18</i></p>	<p>Assistant Director Operational Delivery</p>
		<p><i>Building Act 1984</i> (a) To determine applications for the relaxation of building regulations <i>Section 8</i> (b) To determine plans submitted under building regulations <i>Section 16</i> (c) To reject plans in respect of building over sewers <i>Section 18</i> (d) To determine plans, including the imposition of conditions, for construction of a building using short-lived materials provided that it does not conflict with any planning permissions needed under Part III of the Town and Country Planning Act 1990 <i>Section 19</i> (e) To reject plans for buildings or extensions which show unsatisfactory drains <i>Section 21</i> (f) To reject plans for buildings or extensions unless adequate exits are shown <i>Section 24</i> (g) To reject plans for houses which do not detail a satisfactory water supply <i>Section 25</i> (h) To accept by letter revisions to approvals under the building regulations <i>Section 31</i> (i) To inform applicants that owner's plans are of no effect after three years has passed since they were submitted <i>Section 32</i> (j) Powers to require removal or alteration of work in contravention of the building regulations <i>Section 36</i> (k) Supervision of plans and work by approved inspectors <i>Sections 47,48,49,51,52,53</i></p>	<p>Assistant Director Operational Delivery</p>

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Environment - General contd.		<p><i>Building Act 1984 cont.</i></p> <p>(l) Matters relating to the repair of drains and the disconnection of drains <i>Sections 61,62</i></p> <p>(m) To take appropriate action regarding ingress and egress and passages or gangways. <i>Section 71</i></p> <p>(n) To take appropriate action regarding means of escape from fire in certain buildings which have floors in excess of six metres above ground level <i>Section 72</i></p> <p>(o) Service of notice requiring a person to raise the height of a chimney <i>Section 73</i></p> <p>(p) Service of notice to control demolition operations, including demolition operations affecting adjacent properties <i>Sections 80, 81 and 82</i></p> <p>(q) The authentication of consents and refusals issued on behalf of the Council <i>Section 93</i></p> <p>(r) Powers of entry to premises to ascertain contravention of the Act or any Building Regulations or ascertain any action required by the Authority <i>Section 95</i></p> <p><i>Building Act 1984</i></p>	Assistant Director Operational Delivery
		<p>To make application to the court for an order in respect of dangerous or dilapidated buildings or structures including those dangerous to persons in the street. Service of notice and emergency action in respect of dangerous and dilapidated buildings and structures. <i>Building Act 1984 Sections 76,77,78 and 79J</i></p>	Assistant Director Operational Delivery, following consultation with the relevant ward member(s)

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Environment - General contd.		To determine all matters pertaining to retaining walls near highways <i>Highways Act 1980 Section 167</i>	Assistant Director Operational Delivery
		To take appropriate action in relation to disputes regarding Council owned property <i>Party Wall Act 1996</i>	Assistant Director Operational Delivery
		To take appropriate action to ensure the safety of platforms etc erected or used on public occasions <i>Public Health Amendments Act 1890, Section 37, as amended</i>	Assistant Director Operational Delivery
		Power to determine requests regarding street naming <i>Public Health Act 1925</i>	Assistant Director Operational Delivery
		Authorised to exercise powers regarding the seizure of dogs <i>Dangerous Dogs Act 1991 Section 5</i>	Assistant Director Operational Delivery
		Issue of fixed penalty notices <i>Dogs (Fouling of Land) Act 1996 Section 4</i>	Assistant Director Operational Delivery
Resources and Central Support	Assets and Investments Legal Services Human Resources ICT	To make any decision regarding an issue within the stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations	Resources and Central Support Lead Member
		To act as spokesperson for the Council, within the Council's media strategy for matters falling within the designated portfolio topics	Resources and Central Support Lead Member

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Resources and Central Support contd.	Health & Safety (as employer)	To prepare responses to consultation papers issued by the Government and other organisations in consultation with the relevant officers. Such responses to be agreed by Cabinet	Resources and Central Support Lead Member
	Audit	To incur expenditure for the immediate alleviation of hardship or suffering in the case of peacetime emergencies in the district	Member of LT
	Finance	<i>Local Government Act 1972</i>	Member of LT
	Fees and Charges	In consultation with the Section 151 Officer to accept the lowest tender received in respect of schemes undertaken by the Council	Member of LT
	Procurement	Payment of small claims up to £250 which are not relevant for referral to the Council's Insurers	Member of LT
		To write off debts which are considered as irrecoverable, to a value of £2,000.	Member of LT
		To negotiate insurance policies	Member of LT
		To manage the internal audit function and to determine where it is appropriate for reports to be referred to elected Members	Assistant Director Resources
		In relation to land to deal with any review of fees for leases, licences, agreements, permissions etc	Member of LT
		To approve and act upon the Council's valuers' reports in respect of properties included in a compulsory purchase order	Member of LT
		To give the requisite written notice(s), to seek deemed permission on behalf of the Council for the development of land by the Authority or the development of land vested in the authority	Member of LT
		<i>Local Government Act 1972</i>	Section 151 Officer
	To be the responsible officer for the proper administration of the financial affairs of the Council	Section 151 Officer	
	<i>Local Government Act 1972, Section 151</i>	Section 151 Officer	
	To arrange any borrowing or premature repayment of long-term loan debt if it is necessary and in the interests of council tax payers	Section 151 Officer	

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Resources and Central Support cont.		To implement, manage and negotiate all matters relating to the Council's treasury management policy in regard to borrowing, investment or financing, in accordance with CIPFA's (Chartered Institute of Public Financial Accountants) Code for Treasury Management for Local Authorities	Section 151 Officer
		To institute proceedings for the recovery of debts	Member of LT
		To set fee levels for land charges and in so doing ensure that no costs fall to the council tax payers as a whole <i>Local Land Charges Act 1975 Sections 8, 9</i>	Member of LT
		In conjunction with the Council's legal advisors to take any and all action necessary to secure the collection of all monies due to the Council, including the issuing of instructions for the institution of proceedings for the recovery of debts through the Magistrates Court, County Court and, where necessary, the High Court	Member of LT
		In consultation with the relevant specialist to receive all liquidated assets and ascertain damages arising from any contract	Member of LT
		To negotiate and settle insurance claims	Member of LT
		To authorise appropriate Officers to certify that computer evidence to be used in Magistrates Court is correct and that the computer was working satisfactorily at a particular time	Revenues and Benefits Manager
		To sign DSS claim forms in connection with Housing Benefit and Council Tax Benefit	Section 151 Officer
		To approve the Council Tax Base	Assistant Director Resources
		To determine any requests to use Council-owned land	Member of LT

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Resources and Central Support cont.		To determine applications for free parking for late night Christmas shopping	Member of LT
		To determine applications to use the Council's car parks	Member of LT
		To issue instructions to start proceedings to recover car parking debts	Assistant Director Operational Delivery
		To determine the Council's establishment, numbers of staff, grading, remuneration and deployment and agree terms and conditions for the employment of staff including incurring expenditure within the approved budgetary provision	Head of Paid Service
		To undertake the day to day management and operation of all staff in accordance with the policies and procedures laid down by the Council, including incurring expenditure within the approved budgetary provision	Head of Paid Service
		To take disciplinary action in accordance with the Council's Disciplinary Procedure including dismissal	Member of LT
		To deal with all matters relating to appearances by the Council in any court of law, tribunal, inquiry, commission board or similar body <i>Local Government Act 1972</i>	Member of LT
		To authorise individual officers to act on behalf of the Authority in the enforcement of legislation	Member of LT
		Authority to seal deeds on behalf of the Authority	Chief Executive, Assistant Chief Executive, any Director, any Assistant Director, or the Democratic Services Manager

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Resources and Central Support cont.		To serve notices requiring information <i>Local Government Act 1972, Section 16</i>	Member of LT
		To implement the Council's Information Technology Strategy	Assistant Director Corporate Services
		To be the Council's Authority Liaison Officer (Mapping)	Assistant Director Corporate Services
		To manage the contracts necessary for the effective provision and maintenance of ICT equipment, software and services	Assistant Director Corporate Services
		To make provision of the continuity of service of ICT equipment, software and services in the event of the service being disrupted by fire, flood or other disaster.	Assistant Director Corporate Services
		To be the Council's Data Protection Officer <i>Local Government Act 1972, Section 101</i>	Assistant Director Corporate Services
		To deal with applications for wayleaves etc from public utilities	Member of LT
		To deal with applications for gate licences	Member of LT
		Authority in relation to the enforcement and prosecution pursuant to <i>the Housing (Management of Homes in Multiple Occupation) Regulations 1990</i>	Member of LT
		To authorise Officers to attend conferences and seminars on behalf of the authority	Member of LT
		To determine applications under the assisted car purchase scheme	Member of LT
		To compile and maintain the lists of essential and casual car users	Section 151 Officer
		To compile and maintain the schedule of Officers entitled to receive allowances for private telephones and Broadband installation	Section 151 Officer
		To take on staff under appropriate government-sponsored employment initiatives	Member of LT
To approve applications for payment of staff removal expenses	Member of LT		

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Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Resources and Central Support cont.		Implementation of employee pay awards	Section 151 Officer
		To take all necessary steps to ensure equality of opportunity for access to all services provided by the Council and also in respect of Council staff, including the preparation and maintenance of the relevant policy	Member of LT
		To have unrestricted access to all records and assets deemed necessary in the course of an audit	Assistant Director Resources
		To have overall authority to deal with any emergency (and call upon CMT for assistance as may be necessary) and to authorise any necessary expenditure in respect of such emergency in consultation with the Section 151 Officer	Head of Paid Service
		During the Head of Paid Service absence, the Proper Officer to have overall authority to exercise such of the powers or duties delegated to him under this Scheme of Delegation as he may think fit and to deal with any emergency which may arise and call upon CMT for such assistance as may be necessary	Director Operations and Deputy Chief Executive
		To authorise pre-exam leave and compassionate leave in accordance with Council policy and codes of practice	Member of LT

West Somerset District Council
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Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Housing, Health and Wellbeing	Housing (Public and Private Sector incl. Grants) Environmental Health Food Safety Pest Control Health and Safety (external) Licensing Planning Policy	To make any decision regarding an issue within the stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations	Housing, Health and Wellbeing Lead Member
		To act as spokesperson for the Council, within the Council's media strategy for matters falling within the designated portfolio topics	Housing, Health and Wellbeing Lead Member
		To prepare responses to consultation papers issued by the Government and other organisations in consultation with the relevant Officers. Such responses to be agreed by Cabinet	Housing, Health and Wellbeing Lead Member
		To enter into Agreements with Building Societies lending on the security of house property whereby in the event of a default by the Mortgagor and in circumstances and subject to conditions specified in Agreements, the Council binds itself to indemnify the building society in respect of <ul style="list-style-type: none"> i) the whole or part of the Mortgagor's outstanding indebtedness; and ii) any loss or expense falling on the building society in consequence of the Mortgagor's default 	Member of LT

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Housing, Health and Wellbeing contd		Authority to co-operate with housing associations, wherever possible, in order to provide and maintain accommodation for those in housing need	Assistant Director Housing and Community Development
		Authority to seek tenders in accordance with Contract Standing Orders in respect of schemes already approved and included within the Housing Investment element of the Corporate Plan – Capital element	Assistant Director Housing and Community Development
		To purchase goods and services relating to housing, subject to the provision of the financial regulations and to authorise the payment of accounts within the approved budget	Assistant Director Housing and Community Development
		To take foreclosure action where there are arrears of mortgage repayments, in appropriate cases	Member of LT
		To extend the period of repayment on mortgages in instances where as a result in an increase in interest charges, borrowers request that the period for repayment be extended – subject to the term of the mortgage not exceeding 30 years or 25 years in relation to properties purchased under the Right to Buy Legislation	Member of LT
		To amend the variable interest rate on mortgage advances as occasion demands	Member of LT
		To undertake any actions required relating to water-courses, ditches, ponds etc <i>Public Health Act 1936, Part XI Sections 259-266</i>	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Housing, Health and Wellbeing contd		To provide temporary and permanent accommodation for the homeless and to deal with any storage of furniture which may be necessary to undertake all other statutory duties arising from <i>Housing Act 1996 Part VII</i>	Assistant Director Housing and Community Development
		To work with housing organisations to operate the Homefinder Somerset – Choice Based Lettings system	Assistant Director Housing and Community Development
		Authority to obtain advice on applications from Agricultural Dwelling House Advisory Committees and allocate accommodation as appropriate <i>Rent (Agriculture) Act 1976</i>	Member of LT
		To nominate homeless families in bed and breakfast accommodation for rehousing by Housing Association partners; such discretion to be used only with families occupying bed and breakfast for more than six weeks where housing will otherwise take a considerable time, and where alternative leased accommodation is not available	Assistant Director Housing and Community Development
		The power of entry to premises in respect of which applications for registration are received in connection with acupuncture, tattooing, ear piercing and electrolysis	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Housing, Health and Wellbeing contd		<p><i>Building Act 1984</i></p> <p>(a) Relating to drainage of buildings <i>Sections 59-63</i></p> <p>(b) To take appropriate action relating to sanitation facilities <i>Sections 64-67</i></p> <p>(c) Provision of water supply in occupied houses <i>Section 69</i></p> <p>(d) Provision of food storage accommodation in houses <i>Section 70</i></p> <p>(e) Cellars and rooms below sub soil water level <i>Section 74</i></p> <p>(f) Defective premises <i>Section 76</i></p> <p>(g) Paving and drainage of yards and passages <i>Section 84</i></p> <p>(h) Authentication of documents and serving of notices <i>Sections 92-94</i></p> <p>(i) Powers to enter premises <i>Sections 95 – 96</i></p> <p>(j) Obstruction <i>Section 112</i></p> <p><i>Building Act 1984</i></p>	Assistant Director Operational Delivery Assistant Director Housing and Community Development
		<p>Authorised to deal with any matter covered within the legislation <i>Clean Air Act 1993</i></p>	Assistant Director Operational Delivery
		<p>Apply the Licensing provisions of the Game Act 1831 and Game Licences Act 1860 <i>Deer Act 1991</i></p>	Member of LT

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Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Housing, Health and Wellbeing contd		<p>Relevant provisions including to deal with all matters arising in <i>Sections 79 – 82</i> and to institute legal proceedings where Abatement Notices are served under <i>Section 80</i> and in the opinion of the Environmental Health Specialist – Environmental Protection, the circumstances involve a risk to public health. <i>Environmental Protection Act 1990</i></p>	Assistant Director Operational Delivery
		<p>To authorise any proceedings <i>Housing Act 1985 Sections 198; 264; 270; 277; 327; 331; 332; 333 335; 336; 338; 341; 345; 354; 355; 356; 358; 359; 364; 368; 369; 376; 396</i></p>	Assistant Director Operational Delivery
		<p>Power to take prosecution proceedings <i>Protection from Eviction Act 1977</i></p>	Member of LT

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Housing, Health and Wellbeing contd		<p>Authorised to deal with matters arising under <i>The Housing Act 1985 as amended by the Housing Act 1996</i> as follows</p> <p>(a) To serve notice <i>Sections 189; 190; 194; 270; 286; 335; 338;</i></p> <p>(b) To execute works in default <i>Section 193</i></p> <p>(c) To execute works in default and recover expenses <i>Sections 271; 272; 375</i></p> <p>(d) To serve notice(s) and execute works <i>Section 273</i></p> <p>(e) To agree with person in control to execute works at the latter's expense <i>Section 225</i></p> <p>(f) To serve Notice (s) re time and place, hold meeting and accept or reject undertaking <i>Section 264</i></p> <p>(g) To make Demolition or Closing order <i>Section 265</i></p> <p>(h) To make closing Order <i>Section 266</i></p> <p>(i) To serve copy of Order on person having control etc <i>Section 268</i></p> <p>(j) To determine extension of time limit for demolition and serve Notice(s) <i>Sections 274 – 275</i></p> <p>(k) To determine Order <i>Section 278</i></p> <p>(l) To revoke Closing Order and make Demolition Order and undertake subsequent administrative requirements <i>Section 279</i></p> <p>(m) To grant or refuse licence <i>Section 330</i></p> <p>(n) To require production of rent book <i>Section 336</i></p> <p>(o) To make Schemes <i>Section 346</i></p> <p>(p) To serve Notice, extend time limit and withdraw Notice <i>Section 352</i></p>	<p>Assistant Director Housing and Community Development Assistant Director Operational Delivery</p>

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
		<p>(q) To fix limits of occupation and give direction applying limits and to serve Notice(s) <i>Sections 354-355</i></p> <p>(r) To serve Notice(s) requiring information <i>Section 356</i></p> <p>(s) To revoke direction <i>Section 357</i></p> <p>(t) To serve Notice requiring works <i>Section 372</i></p> <p>(u) To give owner notice of proceedings taken <i>Section 378</i></p> <p>(v) To make Order, serve Notice, enforce, administer, make suitable provision compensate and recover expenses <i>Section 379</i></p> <p>(w) To apply revocation procedures <i>Section s 392; 394</i></p> <p>(x) To make periodic housing inspections and keep records <i>Section 605</i></p> <p>(y) To inspect and make reports <i>Section 606</i> <i>The Housing Act 1985 as amended by the Housing Act 1996</i></p>	

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
		<p><i>Housing Grant, Construction and Regeneration Act 1996</i></p> <ul style="list-style-type: none"> (a) To determine applications received for housing renovation grants, disabled facilities grants, common parts grants, and houses in multiple occupation (HMO) grants, in accordance with the Council's policy (b) The authority to allow improvement grant applicants recipients a further six months after the initial twelve month period within which to complete grant aided work on being satisfied that there were extenuating circumstances (c) The authority to grant improvement grant recipients any further extension of time where such extension did not exceed a period of three months (d) The authority to cancel any grant approval where work has not started within twelve months of the approval date <p><i>Housing Grant, Construction and Regeneration Act 1996</i></p>	<p>Assistant Director Housing and Community Development Assistant Director Operational Delivery</p>
		<p>To serve notices in respect of the removal of obstructions from private sewers</p> <p><i>Local Government (Miscellaneous Provisions) Act 1976 Section 35</i></p>	<p>Assistant Director Operational Delivery</p>
		<p>Authority relating to the enforcement and prosecution pursuant to the <i>Housing (Management of Houses in Multiple Occupation) Regulations 1990</i></p>	<p>Assistant Director Housing and Community Development Assistant Director Operational Delivery</p>

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
		<p>Authorised to deal with any matter covered within the legislation <i>Prevention of Damage By Pests Act 1949</i></p>	<p>Assistant Director Operational Delivery Assistant Director Housing and Community Development</p>
		<p>Authorised to deal with any matter covered within the legislation <i>Private Water Supplies Regulations 1991</i></p>	<p>Assistant Director Operational Delivery Assistant Director Housing and Community Development</p>
		<p>All actions relating to filthy and verminous premises or articles and verminous persons. <i>Public Health Act 1936 Part II Sections 34 –37, 79-82</i></p>	<p>Assistant Director Operational Delivery Assistant Director Housing and Community Development</p>
		<p>To serve notices relating to nuisances in connection with water- courses, ditches, ponds etc <i>Public Health Act 1936 Part XI Sections 259-266</i></p>	<p>Assistant Director Operational Delivery</p>
		<p>To take any appropriate action <i>Public Health (Control of Diseases) Act 1984 Section 1</i></p>	<p>Assistant Director Operational Delivery</p>

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
		<i>Public Health (Ships) Regulations 1970 Regulation 4</i>	Assistant Director Operational Delivery
		To serve Direction Notices <i>Criminal Justice and Public Order Act</i>	Assistant Director Operational Delivery
		To take any appropriate action <i>Water Industry Act 1991</i>	Assistant Director Operational Delivery
Executive Support and Democracy	Electoral Services Member Services	To make any decision regarding an issue within the stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations	Executive Support and Democracy Lead Member
		To act as spokesperson for the Council, within the Council's media strategy for matters falling within the designated portfolio topics	Executive Support and Democracy Lead Member
		To prepare responses to consultation papers issued by the Government and other organisations in consultation with the relevant Officers. Such responses to be agreed by Cabinet	Executive Support and Democracy Lead Member
		All duties relating to Electoral Services including elections. <i>Electoral Administration Act 2006</i> <i>Representation of the People Act 1983 (as amended)</i>	Electoral Services Manager
Corporate Support and Performance	Complaints FOI Data Protection Corporate Management Corporate Improvement Performance Management Press & Media	To make any decision regarding an issue within the stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations	Performance and Corporate Support Lead Member
		To act as spokesperson for the Council, within the Council's media strategy for matters falling within the designated portfolio topics	Performance and Corporate Support Lead Member

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
		To prepare responses to consultation papers issued by the Government and other organisations in consultation with the relevant Officers. Such responses to be agreed by Cabinet	Performance and Corporate Support Lead Member
		To deal with all press enquiries and media communication	Media and Communications Officer
Energy Infrastructure	Hinkley Point A Hinkley Point B Hinkley Point C National Grid Hinkley Point C Connection Project Tidal Energy Generating Projects	To make any decision regarding an issue within the stated portfolio topics which is not a key decision, does not introduce a new policy or change an existing policy and is not delegated elsewhere within the Scheme of Delegations	Energy Infrastructure Lead Member
		To act as spokesperson for the Council, within the Council's media strategy for matters falling within the designated portfolio topics	Energy Infrastructure Lead Member
		To respond to relevant Government consultations	Assistant Director Energy Infrastructure in consultation with Energy Infrastructure Lead Member
		To respond to informal consultations from Developers / Agencies	Assistant Director Energy Infrastructure
		To provide day to day advice to Developers and partner Councils	Assistant Director Energy Infrastructure
		To negotiate Planning Performance Agreements with Developers	Assistant Director Energy Infrastructure

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Energy Infrastructure contd.		To respond to consultations on Statements of Community Consultation	Assistant Director Energy Infrastructure
		To respond to requests from the Planning Inspectorate regarding scoping opinions for Environmental Statements	Assistant Director Energy Infrastructure
		To negotiate development consent obligations (s106 agreements)	Assistant Director Energy Infrastructure in consultation with Leader, Energy Infrastructure Lead Member and Chief Executive
		To negotiate content of Development Consent Orders and their Requirements	Assistant Director Energy Infrastructure
		To negotiate content of and submission of Statement(s) of Common Ground	Assistant Director Energy Infrastructure
		To respond to requests for comments on the Adequacy of Consultation by the Planning Inspectorate	Assistant Director Energy Infrastructure
		To submit Relevant Representations; Written Representations; written evidence; and verbal evidence during NSIP Examinations	Assistant Director Energy Infrastructure
		To determine applications to discharge Requirements	Assistant Director Energy Infrastructure

West Somerset District Council
Scheme of Delegations

Portfolio Name	Topics	Delegated Action	Post delegated to undertake the Action
Energy Infrastructure contd.		To determine applications to discharge non-financial Development Consent Obligations	Assistant Director Energy Infrastructure

SECTION 2 **NON-EXECUTIVE DECISIONS**

This section provides information on decision-making which is not within the remit of the Cabinet.

Who can make a decision?

A committee can make a decision acting within its Terms of Reference. Officers can also make a decision in accordance with this Scheme of Delegations. Individual Councillors have no authority to make decisions.

Can someone other than the officer stated in the Scheme of Delegations make a decision?

If the Officer to whom a decision/action is delegated is not available the decision / action may be taken by that Officer's Line Manager or an Officer of equivalent standing.

An Officer can delegate further any of the non-executive decision making powers allocated to them in Section 2 of this Scheme of Delegations, but if that power is to be delegated for more than a period of six consecutive months the Monitoring Officer should be informed in writing. The Monitoring Officer will keep a register of all such further delegations which will be a public document.

What advice will be sought or consultation undertaken before a decision is made?

Officers will where appropriate consult with any relevant committee chairman, ward member or other relevant officers, this is in addition to any statutory consultation required. Particular attention will need to be given to financial and legal matters and cross-team issues as well as existing Council policies, procedures and codes of practice – especially the Council's Corporate Plan.

What records will be kept of non-executive decisions?

Records will be kept of officer decisions to comply with any legislative requirements.

Table 5 below gives information about the service areas (non executive) within which decisions are delegated to Officers. All decisions / actions must be within the law and in accordance with agreed council policy particularly taking into account the Council's Corporate Plan. Each named post is authorised to take any action or make any decision regarding the implementation of operational issues or day to day management in regard to the service areas stated; such actions or decisions must be in accordance with current legislation, agreed Council policy - with particular attention to the Council's Corporate Plan and the Council's agreed codes of practice. Where appropriate there is also a description of any specific detailed power and information about the relevant legislation.

Table 5

Service Area	Delegated Actions	Post delegated to undertake the action
Corporate Issues	To authorise officers, in writing, to enter any premises or land in pursuant of any statutory power	Member of LT
Road Closure Orders Planning Enforcement Planning Obligations/ Section 106 Agreements	To take any action or make any decision regarding the implementation of operational issues or day to day management	Member of LT
	To authorise officers to undertake negotiations in respect of planning obligations/Section 106 Agreements in accordance with the current agreed framework and procedure	Assistant Director Planning and Environment
	Possession Proceedings	Member of LT
	To make Tree Preservation Orders where there is perceived an urgent need to do so, following consultation with the Chairman of the Planning Committee and the appropriate ward member(s) <i>Town and Country Planning Act 1990, Sections 198 – 201</i>	Assistant Director Planning and Environment

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	<p>To take enforcement action (including instructions to serve breach of condition notices/Planning Contravention Notices/ Enforcement notices/Stop Notices/Default Powers) and subsequent prosecution / injunction proceedings where appropriate, following consultation with the Chairman of the Planning Committee and the appropriate ward member(s) <i>Town and Country Planning Act 1990 and the Planning and Compensation Act 1991</i></p>	<p>Member of LT Assistant Director Planning and Environment</p>
	<p>To determine applications to make Orders relating to temporary road closures, following consultation with the appropriate ward member(s). <i>Town and Police Clauses Act 1847 Section 21</i></p>	<p>Member of LT</p>
	<p>(a) To approve or refuse applications for certificates of lawfulness of development <i>Sections 191 and 192</i> (b) To serve notices requiring the provision of details in land / premises <i>Section 330</i> (c) The service of notice and institution of proceedings in regard to the proper maintenance of land <i>Section 215</i> <i>Town and Country Planning Act 1990</i></p>	<p>Member of LT</p>
<p>Health and Safety (external) Food Safety</p>	<p>To take any appropriate action <i>European Communities Act 1972</i> and relevant regulations</p>	<p>Assistant Director Operational Delivery</p>
	<p>To take any action or make any decision regarding the implementation of operational issues or day to day management in regard to the service areas stated;</p>	<p>Assistant Director Operational Delivery</p>

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
Private Sector Housing Dog and Pest Control Pollution Control	To take any action or make any decision regarding the implementation of operational issues or day to day management in regard to the service areas stated;	Assistant Director Operational Delivery
House to House Collections Street Collections Premises Licences Club Premises Certificates Temporary Event Notices	To take any action or make any decision regarding the implementation of operational issues or day to day management in regard to the service areas stated;	Assistant Director Operational Delivery
Personal Licences Caravan site Licensing Dangerous and Wild Animal Licensing Game Licences Guard Dog Licences	To waive the required fee in regard to applications from charitable/non-profit making organisations to operate loudspeakers in streets and roads within the district	Assistant Director Operational Delivery
Hackney Carriage Licensing Pet Animal licences	To determine new applications and renewals of street trading licences	Assistant Director Operational Delivery
Private Hire Vehicles and Operator Licensing Riding Establishment Licences	To issue licences <i>Animal Boarding Establishments Act 1963 Section 1</i>	Assistant Director Operational Delivery
Street Trading Zoo Licensing Gaming Licences	To take any appropriate action <i>Animal Health Act 1981 and the Animal Health and Welfare Act 1984</i>	Assistant Director Operational Delivery
	To grant caravan site licences <i>Caravan sites and Control of Development Act 1960</i>	Assistant Director Operational Delivery
	(a) Power to ensure owners make their animals wear collars and identification. (b) Power to seize dogs not wearing collars and means of identification <i>Control of Dogs Order 1992</i>	Assistant Director Operational Delivery
	The power to licence dangerous and wild animals <i>Dangerous and Wild Animals Act 1976</i>	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	To take any appropriate action <i>Food Hygiene (Docks, Carrier, etc) Regulations 1960</i>	Assistant Director Operational Delivery
	Carry out duties in accordance with statutory guidance issues under HSC Section 18 Mandatory Guidance Implement duties in accordance with regulations made under the Health and Safety at Work etc Act 1974	Assistant Director Operational Delivery
	To carry out duties relating to pollution control to include inspection and granting of permits for installations, statutory nuisances, contaminated land and air quality <i>Environmental Protection Act 1990/Environment Act 1995 and regulations made thereunder</i>	Assistant Director Operational Delivery
	The issue of licences to deal in game <i>Game Act 1831</i>	Assistant Director Operational Delivery
	To issue licences for guard dog kennels <i>Guard Dogs Act 1975 Sections 3 and 6</i>	Assistant Director Operational Delivery
	Authorise individual Officers under the Health and Safety at Work etc Act 1974 and Regulations made thereunder to carry out specified duties <i>Health and Safety at Work etc Act 1974 and Regulations made thereunder</i>	Member of LT Head of Paid Service

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	<p>Authorise individual officers under the smoke free legislation and regulations made thereunder to carry out specified duties</p> <p><i>Health Act 2006</i> <i>The smoke-free (premises and enforcement) regulations ,</i> <i>The smoke-free (signs) regulations,</i> <i>The smoke-free (exemptions and vehicles) regulations,</i> <i>The smoke-free (penalties and discounted amounts) regulations, and</i> <i>The smoke-free (vehicle operators and penalty notices) regulations</i></p>	Member of LT
	<p>To take any appropriate action <i>Imported Food Regulations 1997</i></p>	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	<p>To authorise the District Councils of Sedgemoor, Mendip and South Somerset and the Borough Council of Taunton Deane, together with the Unitary Authorities in the former County of Avon to discharge within the district of West Somerset the functions conferred upon West Somerset, relating to the detainment, examination and seizure of food under the <i>Food Safety Act 1990</i> and of meat under the <i>Meat (Sterilisation) Regulations 1969</i> on the understanding that the seizing Authority in each case would deal with any resulting claims for compensation; that such Officers, who are the duly authorised Officers of the aforesaid Authorities, within the meaning of <i>Regulation (EC) 882/2004</i>, from time to time be and duly authorised Officers for similar purposes within the district of West Somerset; to extend these arrangements to other specific local authorities within England and Wales and be empowered to authorise the duly authorised Officers of such Authorities to act within the district of West Somerset <i>Local Government Act 1972 Section 101 & Regulation (EC) 882/2004</i></p>	Assistant Director Operational Delivery
	To take any appropriate action <i>The Meat (Sterilisation and Staining) Regulations 1982</i>	Assistant Director Operational Delivery
	To take any appropriate action <i>Milk and Dairies (General) Regulations 1959</i>	Assistant Director Operational Delivery
	To take any appropriate action <i>Milk (Special Designation) Regulations 1977</i>	Assistant Director Operational Delivery
	To grant licences and inspect premises <i>Riding Establishments Acts 1964 and 1970 Section 1</i>	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	To issue and transfer Hackney Carriage and Private Hire Vehicle Licences; <i>Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976</i>	Assistant Director Operational Delivery
	To issue Hackney Carriage and Private Hire Vehicles Driver Licences <i>Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976</i>	Assistant Director Operational Delivery
	To issue Private Hire Vehicles Operators Licences <i>Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976</i>	Assistant Director Operational Delivery
	In instances where there is reasonable cause to suspect that there has been a material breach of the Authority's Hackney Carriage or Private Hire Vehicle Licensing Regulations (for vehicles, drivers or operators), to suspend the licence following consultation with the Chairman of the Licensing and Committee pending the completion of enquiries. Upon the completion of such enquiries a report will be submitted to the Committee for decision on what action is to be taken	Assistant Director Operational Delivery
	Undertake duties under Food Law made under the European Communities Act 1972 with due regard to centrally issued Food Law Code of Practice (England), practice guidance and relevant regulations such as the <i>Food Hygiene (England) Regulations 2006</i> .	Assistant Director Operational Delivery
	Undertake duties in pursuance of Food Law requirements <i>The Food Hygiene (England) Regulations 2006</i> .	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	Carry out inspection of 'approved' premises; issue approvals in accordance with guidance; carry out sampling <i>Regulation 853/2004</i>	Assistant Director Operational Delivery
	Register food premises <i>Regulation 852/2004 and The Food Hygiene (England) Regulations 2006.</i>	Assistant Director Operational Delivery
	Carry out relevant duties <i>Various regulations made under Food Law: Regulations 178/2004, 852/2004, 853/2004, The Food Hygiene (England) Regulations 2006 & Official Feed and Food Control (England) Regulations 2006</i>	Assistant Director Operational Delivery
	Carry out inspections of food premises and apply provisions <i>The Food Hygiene (England) Regulations 2006 and Regulation 852/2004</i>	Assistant Director Operational Delivery
	To grant licence renewals <i>Zoo Licensing Act 1981 sections 6,7</i>	Assistant Director Operational Delivery
	The granting of permits for the provision of amusements with prizes <i>Gaming Act 1968 Section 34</i>	Assistant Director Operational Delivery
	Undertake duties in pursuance of the Licensing Act 2003 as detailed in the Statement of Licensing Policy	Assistant Director Operational Delivery
	To register societies wishing to undertake lotteries etc <i>Lotteries and Amusements Act 1976, Section 5 & Schedule 1</i>	Assistant Director Operational Delivery
	The determination of house to house and street collections in accordance with Council policy <i>House to House Collections Act 1939 and the Police, Factories (Miscellaneous Provisions Act) 1916</i>	Assistant Director Operational Delivery

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
Conservation Areas Hedgerows Listed Buildings Planning Applications	To take any action or make any decision regarding the implementation of operational issues or day to day management in regard to the service areas stated	Assistant Director Planning and Environment
Tree Preservation Orders Village Design Statements	Following consultation with the Chairman of the Planning Committee and the appropriate ward members(s) to consider and make appropriate recommendations <i>Goods Vehicles (Operators Licences, Qualifications and Fees) Regulations 1984</i>	Assistant Director Planning and Environment
	To determine applications for Hedgerow Removal Notices <i>Hedgerow Regulations 1997</i>	Assistant Director Planning and Environment
	To formulate and transmit representations on behalf of the authority <i>Pastoral Measure 1968</i>	Assistant Director Planning and Environment
	To determine all householder planning applications (and make consultation responses to the Exmoor National Park Authority) except where the application is from serving West Somerset District Councillors or members of staff	Assistant Director Planning and Environment

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	<p>All applications for planning permission, listed building consent, conservation area consent, tree works consent, advertisement consent and all other matters of determination, formal approval or comment of the Council as local planning authority under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning Act 2008 and associated legislation should be determined under delegated powers other than where one of the criteria set out below are met.</p> <p>(a) In the opinion of the Assistant Director for Planning and Environment or the relevant Area Planning Manager (or Chairman of the Planning Committee), the application is considered to be of a significant, controversial or sensitive nature.</p> <p>(b) The application is from an elected Member or a member of staff (or partner thereof) and is recommended for approval.</p> <p>(c) The application is accompanied by an environmental statement (EIA Development).</p> <p>(d) The application is a significant departure and is recommended for approval.</p> <p>(e) There are views (giving clear planning reasons) which conflict with the proposed determination of the application from a town/parish council, parish meeting or ward member.</p> <p>Where any application is not automatically referred to committee under the above criteria but where conflicting representations have been received, it will be referred to the Chair and Vice Chair of the Planning Committee before a decision is made as to whether the matter should be referred to Committee.</p> <p>Applications will be delegated to the Assistant Director for Planning and Environment or the relevant Area Planning Manager to refuse if section 106 agreements are not signed within 8, 13 or 16 week timescales.</p>	<p>Assistant Director Planning and Environment or the relevant Area Planning Manager</p>

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	To serve building preservation notices in case of emergencies <i>Planning (Listed Buildings and Conservation Areas) Act 1990 Section 3</i>	Assistant Director Planning and Environment
	Service of article 3(2) directions requiring re-submission of reserved matters in support of an outline planning application <i>Town and Country Planning (General Development Procedure) Order 1992</i>	Assistant Director Planning and Environment
	(a) Determination of notifications for agricultural and forestry schemes / demolition of buildings (b) To respond / determine notifications relating to development by telecommunications system operators <i>Town and Country Planning (General Permitted Development) Order 1995</i>	Assistant Director Planning and Environment
	(a) To determine applications to hold motor rallies over footpaths and bridleways following consultation with the appropriate ward member(s) (b) To make Tree Preservation Orders in instances where there is perceived an urgent need to do so following consultation with the Chairman of the Planning Committee and the appropriate ward member(s) Delegated by CMT <i>Town and Country Planning Act 1990 Sections 198-201</i>	Assistant Director Planning and Environment
	To provide “screening” and “scoping” opinions in relation to Environmental Impact Assessment development <i>under the</i> <i>Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999</i>	Assistant Director Planning and Environment

West Somerset District Council
Scheme of Delegations

Service Area	Delegated Actions	Post delegated to undertake the action
	<p>Action to secure the removal or obliteration of placards or posters displayed in contravention of advertisement regulations including the service of notices and, where appropriate, the institution of proceedings against fly-posters <i>Town and Country Planning 1990 Section 225 and the Town and Country Planning (Control of Advertisements) Regulations 1992</i></p>	Assistant Director Planning and Environment
	<p>Following consultation with the Chairman of the Planning Committee and any appropriate ward member(s) to serve Enforcement Notices / Stop Notices / Default Powers /Section 215 Notices and subsequent prosecutions /injunction proceedings where appropriate <i>Town and Country Planning Act 1990, the Planning and Compensation Act 1991 and The Planning (Listed Buildings and Conservation Areas) Act 1990</i></p>	Assistant Director Planning and Environment
	<p>To serve Breach of Condition Notices, Planning Contravention Notices, and Section 330 Notices <i>Town and Country Planning Act 1990</i></p>	Assistant Director Planning and Environment
	<p>To serve Breach of Condition Notices, Planning Contravention Notices, and Section 330 Notices <i>Town and Country Planning Act 1990</i></p>	Assistant Director Planning and Environment
Local Plan and other Planning Policy Documents	To take any action or make any decision regarding the implementation of operational issues or day to day management in regard to the service area stated	Assistant Director Planning and Environment
Energy Infrastructure	Applications for Major Requirements which in the opinion of the Planning Manager, in consultation with the Chairman and Vice Chair of Planning Committee, are deemed to be potentially controversial and likely to be of significant public interest	Assistant Director Energy Infrastructure

SECTION 3

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

	Function or Activity	Who Takes the Decision	Delegation
1.1	Adopting and changing the Constitution.	The Council	No delegation permitted.
1.2.	<p>Approving or adopting the Council's budget and the following plans and strategies (called 'the budget and policy framework')</p> <ul style="list-style-type: none"> • Corporate Plan (incorporating the Budget and Financial Plan) • Community Strategy • Crime and Disorder Reduction Strategy • Local Development Framework • Local Plan • Housing Strategy • Statement of Licensing Policy <p>And any other policy required by legislation to form part of the Council's policy framework.</p>	The Council	As above but the Council will consider these matters on a recommendation from Cabinet and may refer issues back to Cabinet for their formal response to Council objections regarding the original proposal.
1.3.	Decisions which are the responsibility of the Cabinet but where the Cabinet or other Executive decision maker wishes to take a decision which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.	The Council	No delegation permitted.
1.4.	Appointing the Leader of the Council.	The Council	No delegation permitted.
1.5.	The Annual Council shall establish the Council committees and panels for the municipal year, agree their terms of reference, decide on their membership giving effect to the wishes of the political parties, as appropriate, in making appointments to these bodies.	The Council	Where a vacancy occurs during the municipal year, appointments to committees and panels are delegated to the Corporate Director who will give effect to the wishes of the political group with nomination rights to the vacancy.
1.6.	Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council.	The Council	The Cabinet (through the Lead Members) make appointments to bodies within their remit.

West Somerset District Council
Scheme of Delegations

	Function or Activity	Who Takes the Decision	Delegation
1.7.	Adopting a Scheme for the payment of allowances to council members, subject to consideration of recommendations from the Independent Remuneration Panel.	The Council	No delegated permission.
1.8.	Confirming the appointment of the Head of Paid Service.	The Council	The Council will make the appointment after considering a recommendation from its Appointments Committee.
1.9.	Changing the name of the area, the Council, any parish council in the area and conferring the title of honorary alderman.	The Council	No delegation permitted.
1.10	Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills (proposed legislation).	The Council	No delegation permitted.
1.11	The determination of an appeal against any decision made by or on behalf of the authority relating to business rates.	The Council	No delegation permitted.
1.12	All other matters which, by law, must be reserved to Council.	The Council	No delegation permitted.

SECTION 4



Health Protection Agency

South West (South)

Richmond Court
Emperor Way
Exeter Business Park
Exeter
Devon
EX1 3QS

Tel +44 (0) 844 225 3557
Fax +44 (0) 1392 367 356
www.hpa.org.uk

Dear Colleague,

Re: Appointment of Port Medical Officers

I am writing to you about the appointment of Port Medical Officers for the port for which you are responsible. At the present time it is the policy of the Health Protection Agency to appoint its entire medical staff as Port Medical Officers and I would be grateful if you could appoint the following to act as Port Medical Officers for your Port Authority;

Dr Babafemi Oshin (based in the Cornwall Office)
Dr Brian Guttridge (based in the Cornwall Office)
Dr Mark Kealy (based in the Devon Office)
Dr Geoffrey Thould (based in the Devon Office)
Dr Sarah Harrison (based in the Devon Office)
Dr Kalyanaraman Kumaran (based in the Devon Office)
Dr Mark Salter (based in the Dorset Office)
Dr Adrian Dawson (based in Bournemouth and Poole NHS)
Dr David Phillips (based in Dorset NHS)
Dr Jane Horne (based in Dorset NHS)
Dr Nicola Cleave (based in Dorset NHS)
Dr Victoria Fearne (based in Dorset NHS)
Dr Caroline Gamlin (based in Somerset NHS)
Dr Ulrike Harrower (based in Somerset NHS)

Yours sincerely

A handwritten signature in black ink, appearing to read "M. Kealy", written over a light blue horizontal line.

Dr Mark Kealy

Consultant for Communicable Disease Control, and acting Unit Director, South West South HP

