

TO THE MEMBERS OF SPELTHORNE BOROUGH COUNCIL

SUMMONS TO MEETING

You are hereby summoned to attend a Special Meeting of the Council of the Borough of Spelthorne to be held in the Council Chamber, Council Offices, Knowle Green, Staines on Thursday 10th May, 2001, beginning at 7.30pm, for the purpose of transacting the business specified in the Agenda set out on the next page.

MICHAEL TAYLOR

Chief Executive

Please Note:-

EMERGENCY PROCEDURE

In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the Green adjacent to Broome Lodge. Members of the Public present should accompany the Officers to this point and remain there until the Senior Officer present has accounted for all persons known to be on the premises.

THE LIFT MUST NOT BE USED.

A G E N D A

1. APOLOGIES FOR ABSENCE

2. MINUTES

To confirm as a correct record the Minutes of the Meeting of the Council held on 26th April, 2001. (**APPENDIX 1 [pages 2-5]**)

3. RECOMMENDATIONS OF THE DEMOCRACY COMMITTEE

To consider the recommendations of the Democracy Committee on New Executive Arrangements Under the Local Government Act 2000.
(Attached at **APPENDIX 2 [pages 6-24]**)

4. URGENT BUSINESS

To consider any urgent business.

**MINUTES OF THE COUNCIL MEETING HELD ON 26TH APRIL, 2001
BOROUGH OF SPELTHORNE**

**At the Meeting of the COUNCIL of the Borough Of Spelthorne, held in the
Council Chamber, Council Offices, Knowle Green, Staines
on Thursday 26th April, 2001 at 7.30pm**

Agarwal V	Forsbrey G E	Paton J M
Appleyard M A	Grant Mrs D L	Ponton Mrs J E
Ayers F	Hermes A W	Read E I J
Beardsmore I J	Hirst A P	Searancke E J
Blampied G G	Hyams Mrs M	Sider R W
Burrell L J W	James P R	Smith J E H
Ceaser G S	Leedham Ms A	Smith Mrs P A
Crabb T W	Martin Mrs M J	Smith-Ainsley R A
Culnane E K	Mellett Mrs H E L	Stubbs T
Davies F (Leader)	Norcross Mrs G A	Trussler G F
Drinkwater H V (Deputy Mayor)	O'Hara E	Weston Mrs P
Fisher C M	Packman J D (Deputy Leader)	Wood-Dow Mrs J M (Mayor)

Councillor Mrs J.M. Wood-Dow, Mayor, in the Chair

189/01 APOLOGIES

Apologies for absence was received from Councillors Mrs P. Amos, Mrs M. Hartley and Mrs I. Napper.

190/01 MINUTES

The Minutes of the Meeting held on 22ND February, 2001 were approved as a correct record.

191/01 PRESENTATIONS BY THE MAYORS

a) Civic Pride Environmental Awards

The Mayor, Councillor Mrs Wood-Dow, reported that the Civic Pride Environmental Awards were made to individuals and groups who had contributed to enhancing the environment of the Borough, with sponsorship for the schemes being received from both local and national Companies. Since the beginning of the Group in 1991 the total number of hours worked on community projects by dedicated volunteers was 10,000 hours.

The Mayor introduced Jill Stephens, the Chairman of the Spelthorne Civic Pride Steering Group who together with the Mayor presented the Senior Environmental Award to the Church of Jesus Christ of Latter-Day Saints and the Junior Environmental Award to 12 year old Marc Nixey.

b) Staines Brass Band

The Mayor, reported on the success of the Staines Brass Band who were runners up in the regional heats of the National Brass Band Championships of Great Britain held in Stevenage Southern England for the second year running. She presented the Cable and Wireless trophy to Bob Hawkins and congratulated all members of the Band on their achievements and wished them every success in the National Championship being held in Preston. In view of their continued success, the Band would be promoted to the Championship section from 2002.

192/01 MAYOR'S ANNOUNCEMENTS

The Mayor reminded members that the Charity dinner at Shepperton Film Studios would be held on 12th May and the Garden Party would be held in Shepperton on 26th May. Full details and tickets for both events could be obtained from Pam Cross.

193/01 APPLICATIONS FOR WORK TO TREE PRESERVATION ORDER (TPO) TREES BY THE COUNCIL

The Council considered the recommendation of the Executive on the need to alter the Scheme of Delegations to Officers, to enable applications by the Council for work to trees covered by a Tree Preservation Order, in the ownership of the Council, to be approved by the Director of Resources and not the Director of Community Services.

RESOLVED:-

1. to approve an amendment to the Council's Scheme of Delegation to Officers, in order that the Director
2. of Resources be delegated to take decisions on applications for work to preserved trees (under TPO's)
3. made by the Council on its own land; and
4. that any site Notices in relation to such applications should be in the name of the Director of Resources.

194/01 APPOINTMENT OF HONORARY ALDERMEN AND FREEMEN OF THE BOROUGH

The Council considered the recommendations of the Executive on nominations received from the Conservative Group for the appointment of Honorary Aldermen and Honorary Freemen of the Borough. The Leader reported that at this stage one of the nominations had been withdrawn.

Councillors G.G. Blampied, J.D.Packman and F. Davies proposed that Mr Ian Allan be made an Honorary Freeman of the Borough Of Spelthorne. In supporting the nomination the Leader of the Council, Councillor

Frank Davies reported that Ian Allan had been nominated, in recognition of the eminent services which he had rendered to the Borough over a number of years through his publication of a unique range of books, various businesses which employ a number of local

people, charitable work, both nationally and locally, particularly for people with disabilities and for the part he played in creating the Bradbury Centre in Shepperton.

Councillors G.S. Ceaser, J.D. Packman and F.Davies proposed that former Councillor P. C. Williamson be appointed as an Honorary Alderman of the Borough of Spelthorne. In supporting the nomination the Leader of the Council, Councillor Davies, reported that Peter Charles Williamson JP, a resident of Sunbury, and a former Member and Chairman of the Sunbury Urban District Council was pre eminent in the formation of the Borough of Spelthorne, following the merging of Staines and Sunbury Urban District Councils. He was the first elected Leader of the newly formed authority and served in that capacity from 1974 to 1987.

Arrangements for a special meeting of the Council to be held to make the formal appointments to Ian Allen and Peter C. Williamson were reported.

RESOLVED:

1. That approval, be given in principle, to the nominations of former Councillors P.C. Williamson as Honorary
2. Alderman of the Borough and of Mr Ian Allan for admission as an Honorary Freeman of the Borough; and
3. That a Supplementary Estimate of £2,000 be approved to cover the cost of the Honorary Aldermen/Honorary
4. Freeman presentations to be made at a special Council meeting being arranged for Tuesday 26th June,
5. 2001 at 7.00pm in the Council Chamber.

195/01 SOUTH STREET/THAMES STREET, STAINES – DUALLING – TOTAL COST OF WORKS

RESOLVED that as recommended by the Executive a Supplementary Estimate of £416,400 be approved to cover the costs of the Staines Town Centre Dualling works, to be met from the New Schemes Fund.

195/01 EXECUTIVE

The Leader of the Council, Councillor F. Davies, presented his report which outlined the various matters the Executive had dealt with since the last Council meeting and responded to a number of questions raised by Members.

196/01 ECONOMIC COMMITTEE

The Chairman of the Economic Committee, Councillor Mrs D.L. Grant, presented her report which outlined the matters the Economic Committee had dealt with since the last Council meeting.

197/01 ENVIRONMENT COMMITTEE

The Chairman, Councillor G.E. Forsbrey, presented his report which outlined the matters the Environment Committee had dealt with since the last Council meeting.

198/01 PLANNING COMMITTEE

The Chairman, Councillor G.S. Ceaser, presented his report which outlined the matters the Planning Committee had dealt with since the last Council meeting and responded to a number of questions raised by Members.

199/01 GENERAL QUESTIONS

Under Standing Order 13 Councillor P.R. James asked the Leader of the Council, Councillor F. Davies, the following question: -

“Why are the utility services not made to re instate the paving blocks in the areas that we as a Council paid for? The practice of not making good is wide spread throughout the Borough Temporary fillings of cement and tarmac become permanent fillings. The High Street in Staines is a good example. From the old Police Station to the old cinema. What happens to the bricks that we as an authority paid for? Are they lost by the utilities?”

The Leader of the Council, Councillor Davies replied, as follows: -

“The New Roads and Street Works Act require the Utility Companies to repair areas with like for like materials. Utilities have to make an immediate temporary reinstatement to their works. They then have six months from the completion of their works to permanently reinstate. It is usual practice for the companies to replace the extracted blocks with the “originals” which they store or provide new. The only exception is where obsolete materials are not able to be replaced and the only obligation is to replace with as near a match as possible i.e. colour/shape. The High Street in Staines has some temporary repairs by our contractors which will be covered by our new scheme to pedestrianise the High Street.”

200/01 APPOINTMENT TO OUTSIDE BODIES - ST ANNE'S PRIMARY SCHOOL, CLARE ROAD, STANWELL

RESOLVED that Mrs Nora Farrar of 33 Diamedes Avenue, Stanwell be appointed to serve on the Governing Body of St. Anne's Primary School, Stanwell until 26th April, 2005 in place of the existing representative Mr John Offord who had resigned.

Council Minutes and Agendas Page

**NEW EXECUTIVE ARRANGEMENTS UNDER THE LOCAL GOVERNMENT ACT 2000
(RESOLUTION REQUIRED)**

Report of the Democracy Committee

1. PURPOSE OF REPORT

- 1.1. To consider the recommendations of the Democracy Committee on the adoption of new executive arrangements under the Local Government Act 2000 in the light of the outcome of public consultation on the three options available under the Act.

2. BACKGROUND

- 2.1. The Council appointed the Committee to develop and recommend to the Council proposals for executive arrangements under the Local Government Act 2000. The Committee has met seven times since December 2000 and the agendas, reports and minutes of the meetings have been available to all members and the public. This report does not repeat the information in the reports etc but reflects the Committees conclusions and recommendations for change in the light of the outcome of the public consultation exercise on the three possible forms of executive. In reaching its recommendations the Committee has considered carefully the Guidance on various aspects of new arrangements issued by the Secretary of State which is statutory guidance to which all local authorities must have regard.

3. PUBLIC CONSULTATION ON THE OPTIONS

- 3.1. An extensive public consultation exercise has been undertaken to seek the views of the local community. This involved both quantitative and qualitative consultation.
- 3.2. The main publicity medium was the Borough Bulletin, delivered to every home and business in the Borough in early February. This explained the options and invited views via a freepost reply form. The article was reprinted as a separate leaflet and this was distributed at area forums and made available in libraries and at the offices. Information and a request for views also appeared on the Council's web site. Presentations and a question and answer session on the options took place at four of the area forums. We wrote to all the bodies and organisations invited to the Spelthorne Community Strategy visioning day in February and residents associations, and contacted voluntary organisations through Voluntary Action in Spelthorne (VAIS). The views of the Spelthorne Student Council were also sought.
- 3.3. We commissioned NOP to carry out independent opinion research using focus groups and a survey of the Spelthorne Residents Panel. They made a presentation to Members on their findings and copies of the slides used outlining the responses are attached to the agenda for the Committee meeting on 4th April.
- 3.4. We received views from 470 individuals in response to the article in the Borough Bulletin and the separate leaflet. Of these 74% (346) favoured the leader/cabinet model, 17% (80) an elected mayor and cabinet and 8% (39) an elected mayor and council manager. A number of individuals made comments and these were

circulated with the agenda papers for the meeting on 4th April. The Spelthorne Student Council supported an elected mayor and cabinet (7 students) with a minority (3) supporting a leader with cabinet.

- 3.5. NOP held 6 focus groups of residents giving a representative spread of the different segments of the Borough population. The aim was to explore their awareness of and attitudes towards the Council, their reactions to the different options and current arrangements and to evaluate which option had greatest appeal in terms of transparency, efficiency, effective decision making, reflecting local views and increasing electorate involvement.
- 3.6. This research showed that residents had little knowledge of the Council's current operations or structure and perceived the Council as an anonymous, undynamic body. The research identified six principles which summarised residents' priorities for any new structure. These were - accessibility, efficiency, accountability, transparency, fairness and personal commitment by councillors (described as devotion to role on the slides). None of the options was preferred overall, all being seen to have benefits and disadvantages. They were each assessed against the above six principles.
- 3.7. In addition to the qualitative work members of the Spelthorne Residents Panel were surveyed. The leaflet outlining the three options was posted to all members of the Panel (excluding those who had been involved in the focus groups) in advance of the survey. 403 interviews were conducted and members were asked how much they had read about the subject and which of the three options they preferred. This research showed that a majority of those consulted preferred the Leader/cabinet model. The better informed that residents claimed to be then the more likely they were to support this model. 65% of the residents who had read about the different options preferred the cabinet/leader model, 21% supported an elected mayor and cabinet and 14% a mayor and council manager.
- 3.8. After considering and balancing all the responses to the different elements of the consultation exercise, the Committee recommends that
- 3.9. **The Council should adopt executive arrangements under the Local Government Act 2000 based on the Leader and cabinet model; and .**
- 3.10. **In agreeing and developing the details of its executive arrangements the Council should adopt the six principles which emerged as important to residents from the research with focus groups of residents, namely – accessibility, efficiency, accountability, transparency, fairness and personal commitment by councillors.**

4. **BROAD OUTLINE OF EXECUTIVE ARRANGEMENTS**

- 4.1. The Committee considered the general form of executive arrangements and the different committees which might be appointed. It took as its starting point for new arrangements the Council's current arrangements and how these needed to be adapted to reflect the statutory requirements and the outcome of the public consultation exercise. It considered in particular the arrangements for overview and scrutiny and invited the chairmen of the current three overview and scrutiny committees to contribute to the discussion on how this might be developed. So far as the executive was concerned it worked from the basis that members of this would in future be from one single party only.

4.2. **The Committee recommends that the Council's arrangements should be based on:-**

- (a) **An Executive comprising the Leader and five other members;**
- (b) **Three Overview and Scrutiny Committees covering respectively economic, community and environmental well being issues;**
- (c) **A Planning Committee;**
- (d) **A Licensing Committee;**
- (e) **A Standards Committee; and**
- (f) **A Staff Appeals Committee.**

5. **THE ROLE AND FUNCTIONS OF THE COUNCIL**

5.1. The Committee considered the role of the Council and Council meetings in detail, recognising the importance of Council meetings as the forum in which all councillors played a part in setting the Council's policy and direction. In particular it considered the frequency and format of meetings and ways to ensure that all Members could raise issues and bring forward proposals for consideration.

5.2. **The Committee recommends that**

- (a) **all the current arrangements enabling all Members to raise issues and bring forward proposals be carried forward into the new constitution;**
- (b) **the Council should adopt a formal procedure for receiving petitions/representations from any organisation at Council meetings;**
- (c) **the Council should trial a different more informal style of Council meeting to discuss specific topics by holding one or two meetings in this way and**
- (d) **the chairmen of the Licensing and Standards Committee should report to each Council meeting on the work of their Committees in the same way as the chairmen of the Economic, Community, Environment and Planning Committees do now;**

5.3. The Local Government Act 2000 and regulations made under it contain specific provisions as to what must be the responsibility of the Council under new arrangements and what must be the responsibility of the Executive. Very broadly the Council will be responsible for approving the budget and policy framework, a number of quasi legislative functions (such as elections and making byelaws), members' allowances and most day to day issues relating to development control, licensing, registration and health and safety. Many of these such as development control, licensing etc would for practical purposes be delegated to and discharged by a committee. Most other functions, including implementation of the policies and budget plans, are the responsibility of the Executive, although there are a few functions which the Council can choose to either the Council or the Executive.

5.4. The Committee considered what should constitute the policy framework to be decided by the Council and the extent of the flexibility, particularly in relation to budget, which should be allowed to the Executive. It recognised that if there was insufficient flexibility there would need to be constant reference back from the Executive to the Council, which it felt would be inefficient.

- 5.5. **The Committee recommends that the budget and policy framework to be the responsibility of the Council should be**
- (a) **the adoption of the budget and any plan or strategy for controlling the Council's borrowing or capital expenditure (ie the capital budget);**
 - (b) **the Best Value Performance Plan;**
 - (c) **the Community Strategy;**
 - (d) **the Crime and Disorder Reduction Plan;**
 - (e) **the Local Plan (ie the plans and alterations which together form the Council's Development Plan);**
 - (f) **the Housing Investment Programme Strategy and Plan;**
 - (g) **the local Agenda 21 Strategy;**
 - (h) **the Corporate Plan; and**
 - (i) **the Leisure and Cultural Strategy.**

Items (a) to (e) are required by the Regulations to be part of the budget and policy framework, items (f) to (h) are suggested for inclusion by the statutory guidance and the Committee felt item (i) should be included.

- 5.6. **The Committee further recommends in relation to this framework that**
- (a) **any dispute or uncertainty as to whether a decision taken or to be taken by the Executive falls within the budget or policy framework should be referred to the Monitoring Officer or Chief Executive and if either advise that the decision appears to be outside the budget or policy framework it should be treated as such and referred to the Council; and**
 - (b) **the flexibility currently available to the Executive, namely to incur supplementary expenditure not exceeding 5% of the net revenue budget (amounting this year to £12.48 m) and £20,000 or 5%, whichever is the greater, on any scheme within the approved capital budget for the year without reference back to the Council, should continue in relation to the functions of the Executive under the new arrangements.**

5.7. The Committee considered how the Council could best discharge those functions which cannot be executive functions. Many of these are day to day operational matters, which are currently delegated to officers, and there is no proposal to alter this or other current officer delegations. However some functions may need Member decisions or there may be a need for officers to refer issues to Members from time to time.

5.8. **The Committee recommends that the functions detailed in the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 which cannot be executive functions should be addressed by**

- (a) **The delegation by the Council to the Planning Committee of responsibility for all the planning and development control functions listed in Part A of Schedule 1 of the Regulations and the powers relating to the preservation of trees and to protect important hedgerows listed in part I of the same schedule;**

- (b) **The delegation by the Council to the Licensing Committee of the licensing and registration functions listed in Part B of Schedule 1 of the Regulations and the functions relating to health and safety at work listed in Part C of the Schedule; and**
- (c) **The retention by the Council of responsibility for those functions listed in Schedule 1 not referred to above**

5.9. As mentioned above there are a number of issues which can, but need not be, the responsibility of the Executive and these are listed in Schedule 2 of the Regulations referred to above. **In relation to these the Committee recommends that**

- (a) **where appointments are being made to outside bodies which relate to functions of the Executive, the appointments be made by the Executive, but all other appointments to outside bodies be made by the Council; and**
- (b) **the conduct of Best Value reviews should be the responsibility of the Executive as should all the other functions listed in Schedule 2 of the Regulations.**

5.10. **OVERVIEW AND SCRUTINY ARRANGEMENTS**

5.11. The Committee considered overview and scrutiny arrangements generally in the light of experience to date and the requirements in the Local Government Act 2000 and the Secretary of State's Guidance. The Committee recognised that there needs to be overview and scrutiny of all the Council's functions (eg planning and licensing functions), not only the decisions and activities of the Executive, and that overview and scrutiny involves both developing and reviewing policy as well as holding the Executive to account. In particular the Committee considered how to encourage and develop new ways of working to achieve effective overview and scrutiny and ensure it was, and was seen to be, member led.

5.12. **The Committee recommends that in respect of overview and scrutiny arrangements**

- (a) **The current arrangements with three overview and scrutiny committees covering economic, community and environmental wellbeing be continued;**
- (b) **The committees should continue with a membership of 11 members each;**
- (c) **The committees should continue to set their own work programme and agenda as at present;**
- (d) **The committees should meet five times a year but this be kept under review;**
- (e) **The chairmen of the three committees should meet together with support officers to co-ordinate the work of the committees, consulting with the chairman of the Planning Committee, as appropriate, where planning issues and topics are involved;**
- (f) **In future where officers make written reports to overview and scrutiny committees it should be assumed members have read the reports and**

officers should not normally speak to the reports other than to add new information;

- (g) **Where a committee agrees an issue should be reviewed, clear terms of reference for the review should be agreed at the outset to include**
 - i) **A definition of the area/issue to be looked at and the purpose of the review;**
 - ii) **The background information and performance or other data which the committee would like;**
 - iii) **The people the committee would like to interview (eg members of the executive, officers, representatives from other organisations, local residents, outside experts etc) and the issues to be explored with them;**
 - iv) **A realistic timescale including projected meeting dates; and**
 - v) **A budget for any external costs.**
- (h) **The terms of reference for reviews should be agreed by the chairman of the committee with the committee support officers and sent to all members of the committee and the chairman of the committee (or the working group if one is set up) should then manage the review with the assistance of the committee support officers;**
- (i) **Where reviews are cross cutting the chairmen should consider and decide whether to hold joint meetings of the relevant committees;**
- (j) **In principle meetings be held at appropriate venues outside the Council Offices and further consideration be given to suitable venues and more informal types of meetings**
- (k) **In principle there should be a small discrete budget for overview and scrutiny committees to use and that if necessary monies be found from within existing budgets for 2001/2 and the position be considered further when the budget for 2002/3 is prepared;**
- (l) **Officers below the level of Head of Service should not normally be called formally before an overview and scrutiny committee to answer questions (although this is not intended to preclude other officers assisting a Director or Head of Service) and the arrangements be covered in a revised protocol for officer/member relations;**
- (m) **Political Groups recognise and agree that political group whipping, as described in the modular constitution document in the Secretary of State's Guidance, is not appropriate and will not apply in relation to overview and scrutiny committees and this be reflected in the Council's new Constitution;**
- (n) **No changes be made to the current "call in" procedures other than to make it clear that the procedure will not apply to urgent executive decisions ie a decision which has been taken without the normal period of notice being given after consultation with and the agreement of the chairman of the relevant overview and scrutiny committee that the decision is urgent.**

- 5.14. The Committee considered the form the executive should take and particularly issues of accountability, fairness, efficiency and transparency both from the point of view of the public, the Council and other councillors. It felt accountability, in particular, was best served by the Council, rather than the Leader, appointing other members to the executive and both the Leader and other executive members being appointed annually rather than for a longer period.
- 5.15. It considered in some detail the issue of portfolios, what these might cover and the extent to which individual members of the executive should be able to take decisions. It felt the extent to which authority might be delegated to individual members of the executive to take decisions should be a matter for the Council to decide rather than the Leader, although he might be authorised to agree amendments.
- 5.16. The Committee considered the requirement to take key decisions, as defined in the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000, in public and the Secretary of State's Guidance on this, including a consultation document issued in April. It discussed in detail what this meant in local terms and noted the definition of a key decision is one which is likely
- (a) To result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - (b) To be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough.
- 5.17. The Committee felt that to enhance accountability and transparency the Executive should meet in public to take decisions, whether or not they were actually key decisions.
- 5.18. **The Committee recommends that**
- (a) **The Leader should be appointed annually by the Council as at present and he should chair the Executive;**
 - (b) **A deputy Leader should be appointed annually by the Council and he should act as vice chairman of the Executive;**
 - (c) **In the absence of the Leader, the deputy Leader should be authorised to exercise all the powers of the Leader;**
 - (d) **Four other members should be appointed annually by the Council and they together with the Leader and deputy Leader should form the Executive;**
 - (e) **All meetings of the Executive to take decisions, whether or not they are key decisions within the meaning of The Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000, should be in public except when considering exempt business;**
 - (f) **The quorum for a meeting of the Executive should be 3 members;**
 - (g) **All members of the Executive other than the Leader should have portfolios which should cover the cross cutting areas of Elderly**

Services, Youth Services, Corporate Services, Environment and Planning, and Community Safety and Community Liaison;

- (h) The primary role of portfolio holders should be to act as champions for the areas they represented, taking the lead publicly in relation to the Executive's activities in those areas both inside and outside the Council;**
- (i) The Council, not the Leader, should decide the extent to which individual members of the Executive are authorised to take executive decisions;**
- (j) The Council should be responsible for deciding initially the extent to which powers to take executive decisions are delegated to officers and the Leader be authorised to agree amendments to this approved scheme of delegation;**
- (k) The Council confirm that the existing scheme of delegation to officers in force as at 10th May 2001 should continue to have full effect with any amendments necessary to reflect the recommendations contained in this report;**
- (l) Members who are portfolio holders should be authorised to take decisions on matters within their portfolio area which involve expenditure up to a maximum of £10,000 and which would otherwise come to the Executive for decision (ie are not delegated to officers) Provided That before doing so the portfolio holder considers a written report on the matter from the Council's Management Team, a copy of which should also be sent at the same time to the Leader;**
- (m) Where, before exercising powers delegated to them, officers are currently required to consult the Leader, they should in future consult the relevant portfolio holder;**
- (n) In the absence of a portfolio holder, the Leader should be authorised to take any decision which that portfolio holder has power to take**
- (o) If a matter falls or could fall within more than one portfolio area the Leader should be consulted and is authorised to decide which portfolio holder should be consulted or take a delegated decision;**
- (p) The arrangements in relation to portfolios should be reviewed in 12 months time;**
- (q) On giving notice to the Leader that they wish to do so prior to the start of the meeting, the leader of any minority political group shall be entitled to attend any meeting of the Executive at which a key decision is to be taken and speak, at a point during discussion of the matter considered appropriate by the Leader, to put forward their view on that decision before the decision is made;**
- (r) The requirement for the Executive to publish a forward plan of key decisions in accordance with The Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000 be noted and that, subject to review on the receipt of any further Guidance from the Secretary of State, in deciding whether a decision is a key decision the Executive bear in mind the Council's view that,**

having regard to its budget provisions for different services and functions, expenditure or savings of less than £100,000 on any one issue is unlikely to be significant, and that if a decision were significant in terms of its effect on communities living or working in an area of more than one ward the Council would normally expect it to be one which either had Borough wide significance or one on which the Spelthorne community would expect to be notified or consulted; and

- (s) **The Executive should refer proposals relating to the policy framework or budget to the relevant overview and scrutiny committee for consideration before making its proposals to the Council.**

5.19. A further issue which has arisen on which a decision is needed in relation to portfolios is who should make the decision on which member of the Executive should hold which portfolio. This could be decided either by the Council itself, when appointing members of the Executive, or by the Executive.

5.20. **The Council need to decide who should appoint to the portfolios.**

5.21. **STANDARDS COMMITTEE**

5.22. The Committee considered the position of the Council's existing Standards Committee in the light of the Government Consultation Paper on the introduction of such committees under the 2000 Act and on draft regulations. The Committee noted that the process the Council had followed to find and appoint independent members to the committee were very similar to those now being proposed.

5.23. **The Committee recommends that**

- (a) **No changes be made to the Council's current arrangements in relation to its Standards Committee and the Council take advantage of the proposed transitional arrangements whereby the reappointment of independent members can be delayed for up to two years;**
- (b) **In future both the chairman and vice chairman of the Committee should be an independent member.**

5.24. **AREA FORUMS**

5.25. The five ward based area forums introduced two years ago were used as one way of consulting local residents about new executive arrangements. At the same meetings (in February/March) the public attending were asked for their views on the general operation of the forums and how they might be improved. A number of suggestions were made and the Committee considered these together with how the forums might be used more effectively to contribute to developing and delivering Spelthorne's Community Strategy.

5.26. **In relation to area forums the Committee recommends that**

- (a) **Dates for area forums should be set at the start of each year and regular advance publicity be given to them in the Borough Bulletin;**
- (b) **There should continue to be two forum meetings in each area per year;**

- (c) **Further consideration be given to how forums might be publicised more widely through local residents associations, neighbourhood watch committees etc;**
- (d) **Ways of improving feedback to those attending forums about the issues raised should be explored;**
- (e) **In view of the request for both afternoon and evening meetings, on a trial basis during the coming year, one meeting in each area should be held in the evening at 7.30pm and the other in the afternoon and the use of different venues, perhaps Day Centres, explored;**
- (f) **Other organisations should be invited to become involved in the forums including Surrey County Council, Surrey Police and Health Service representatives ; and**
- (g) **The forums should continue to be chaired by a Borough Councillor but further consideration should be given to this being a local ward councillor for the area concerned.**

5.27. **SPECIAL INTEREST PANELS**

5.28. The Committee considered the position in relation to the four Special Interest Panels which cover arts and heritage, environment, health and community care, and sports and leisure. The Panels were designed as an opportunity to bring together all the organisations in the Borough working in similar fields. Support and interest in them varied.

5.29. **The Committee recommends that the four Special Interest Panels be retained but that the level of member representation on them be reviewed to ensure the Council is not over represented given the number of other organisations involved.**

5.30. **MEMBERS' ALLOWANCES**

5.31. The Committee considered the position on Members' Allowances in the light of the Local Authorities (Members' Allowances)(England) Regulations 2001 due to come into force on 4th May 2001. These require that, after that date, before making any decision to amend or make a new scheme of allowances the Council must have regard to the recommendations of an independent remuneration panel established for the purpose.

5.32. The Council's current scheme does not include attendance allowance (the payment of which will no longer be possible shortly) and is based on the advice of the independent panel which reported in January last year and reflects the current arrangements. There is therefore no immediate need for the Council to amend its current scheme unless members wish to do so.

5.33. **The Committee recommends that the current Member's Allowance scheme be continued until March 2002 and steps be taken before then to appoint an independent remuneration panel in accordance with the Local Authorities (Members' Allowances)(England) Regulations 2001.**

5.34. **ACCESS TO INFORMATION**

5.35. The Committee considered the Consultation Document on issues relating to Access to Information issued by DETR on 10th April. This sought views on the definition and approach to exempt information, the extension of the period of three

days notice before publication of agendas to five days and financial limits for key decisions.

5.36. **The Committee recommends that as from the AGM on 31st May the Council should publish agendas for all meetings five clear days in advance.**

5.37. **SUMMARY OF COMMITTEE RECOMMENDATIONS**

5.38. The practical effect of the Committee's recommendations is that the Council's new arrangements under the Local Government Act 2000 should be based on our current arrangements with the various amendments outlined above. As Members are aware under the Local Government Act 2000 the Council is required to prepare, publish and keep up to date a constitution covering all aspects of its operations. The Secretary of State has issued a direction as to what it must contain and arrangements are in hand to prepare this. Draft terms of reference for the Executive and the various committees are attached at [Appendix A](#) and [Appendix B](#) outlines the scope envisaged for the different portfolios and what is expected of portfolio holders.

5.39. **IMPLEMENTATION AND MONITORING OF NEW ARRANGEMENTS**

5.40. The Government in its Guidance urged local authorities to implement executive arrangements involving the Leader and cabinet model as soon as practicable after sending the required details to the Secretary of State. It had been our intention to do so from the AGM. It now appears that the Government has yet to make the modification orders needed to amend many pieces of existing legislation to bring them into line with the new executive structures. DETR has indicated that it now expects to make these orders sometime in June 2001.

5.41. Whilst legally there is no reason why the Council should not operate new executive arrangements under the Local Government Act 2000 from the AGM there is a risk, albeit believed to be small, that some decision made by the Executive or an individual member could be in conflict with other legislation yet to be amended. This is because the Executive, when appointed under the new arrangements, will not be a committee under the Local Government Act 1972 and much legislation refers directly or indirectly to the decisions/action of committees. There is also the potential risk, considered even more slight, that the Secretary of State might exercise his power to require the Council to hold a referendum about the possibility of an elected mayor. DETR have recently indicated that they would expect to make any decision on whether there would be any exercise of this power within two months of details being sent to them.

5.42. Given our current position it would seem sensible to implement as much as possible of the new executive structure from the Annual Meeting rather than have some interim arrangement which might only need to last for a couple of months. The two main points which arise are that

- (a) it would not be advisable for individual members of the Executive to take individual executive decisions as envisaged under portfolios until the legal position is quite clear; and
- (b) if the Executive is to take decisions during this interim period, it must be a Committee of the Council under the Local Government Act 1972, and as such its membership would need to be politically proportionate, unless the Council agrees otherwise with no member voting against this.

5.43. **I would recommend that**

- (a) **The Council confirm the new executive arrangements as set out in the recommendations of the Democracy Committee and resolve to implement them so far as possible under existing legislation but resolve that full implementation of a new Constitution based on the arrangements be deferred, to enable DETR to complete the necessary legislative modifications, until a date to be determined by the Chief Executive, and then be implemented by the Chief Executive giving 5 clear days notice in writing to all members of the Council of the date from which the new arrangements should operate.**
- (b) **From the Annual Meeting until the date the new arrangements are implemented, the new arrangements should operate under the Local Government Act 1972 with the following amendments:**
- i) **The Executive shall be a Committee of the Council constituted under Section 102 of the Local Government Act 1972 as follows:**
 - ii) **The Executive shall comprise the Leader and deputy Leader of the Council and 4 other members appointed by the Council;**
 - iii) **The proportionality rules contained in Section 15 of the Local Government and Housing Act 1989 shall not apply, but the Committee shall be made up of members of one party group (*Note that this particular part of the recommendation requires to be approved with no Councillor voting against it*);**
 - iv) **The Leader and deputy Leader shall be chairman and vicechairman respectively of the Executive ;**
 - v) **The Council shall delegate to the Executive the discharge of all powers which under the new arrangements would be Executive Functions;**
 - vi) **The existing scheme of delegations to officers shall continue in force, but the Executive may additionally delegate the discharge of any of its functions to an officer;**
 - vii) **The Executive shall not delegate the discharge of any of its functions to a single Member;**
 - viii) **A Forward Plan shall be approved by the Executive;**
- (c) **The Council delegates to the Overview and Scrutiny Committees and to the Standards Committee all the powers which are accorded to Overview and Scrutiny Committees and to Standards Committees by the Local Government Act 2000 in so far as these are within the existing powers of the Council.**
- (d) **The Council delegates to the Planning and Licensing Committees all the functions proposed for those committees under the new arrangements.**
- (e) **The Council recognises there may be a need to amend the new arrangements in the light of experience and in any event to review them before the Annual meeting in 2002.**

Contact: Ann Davey (01784 446246 or a.davey@spelthorne.gov.uk)

Background Papers

There are none

-[Council Agenda & Reports 10/5/01](#)