

**MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 10TH MAY, 2001
BOROUGH OF SPELTHORNE**

**At the Special Meeting of the COUNCIL of the Borough of Spelthorne, held in the
Council Chamber, Council Offices, Knowle Green, Staines
on Thursday 10th May, 2001 at 7.30pm**

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

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

224/01 APOLOGIES

Apologies for absence were received from Councillors F. Ayers, Mrs. H.E.L. Mellett and R. Watkins.

225/01 MINUTES

The Minutes of the Meeting held on 26th April, 2001 were approved as a correct record.

226/01 NEW EXECUTIVE ARRANGEMENTS UNDER THE LOCAL GOVERNMENT ACT 2000

The Council considered 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. In reaching its recommendations, the Committee had considered carefully the statutory Guidance on various aspects of new arrangements issued by the Secretary of State and the responses to the different elements of the extensive public consultation exercise to seek the views of the local community. Draft terms of reference for the Executive and the various committees were presented at Appendix A to the report to the Council and Appendix B outlined the scope envisaged for the different portfolios and what was expected of portfolio holders. The Committee had taken as its base the Council's current arrangements and its recommendations were concentrated on procedures where change was being proposed.

The Council considered and adopted amendments tabled to some of the recommendations of the Democracy Committee and these are reflected in the resolution of the Council set out below. These amendments were in relation to the distribution of portfolios being considered

by the Executive and being recommended to the Council, the portfolio holder for Environment and Planning being authorised until March 2002 when the Highway Agency would terminate, to deal with unresolved objections to Traffic Orders in consultation with the Director of Community Services and Ward Members and the five Area Forums continuing to be chaired by a Borough Councillor. A further amendment adopted unanimously by the Council was the deletion of the recommendations in relation to having an Executive of six members made up of members of one party group.

The Council considered the timing of the introduction of new arrangements in view of the delay in the making of regulations to amend existing legislation. It considered it sensible to adopt as much as possible from the Annual Meeting. The only arrangements which could not be put into practice then would be decision making by portfolio holders and an Executive of one political group only.

RESOLVED that:-

Public Consultation on the Options

1. The Council adopt executive arrangements under the Local Government Act 2000 based on the Leader and Cabinet model.
2. In agreeing and developing the details of its executive arrangements the Council 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.

Broad Outline of Executive Arrangements

3. The Council's arrangements be based on:-
 - An Executive comprising the Leader and five other members.
 - Three Overview and Scrutiny Committees covering respectively economic, community and environmental well-being issues.
 - A Planning Committee.
 - A Licensing Committee.
 - A Standards Committee.
 - A Staff Appeals Committee.

The Role and Functions of the Council

4. The current arrangements enabling all Members to raise issues and bring forward proposals be carried forward into the new constitution.
5. The Council adopt a formal procedure for receiving petitions/representations from any organisation at Council meetings.
6. The Council trial a different more informal style of Council meeting to discuss specific topics by holding one or two meetings in this way.

7. The Chairmen of the Licensing and Standards Committee 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.

8. The Budget and Policy framework to be the responsibility of the Council be, as follows:-

The adoption of the budget and any plan or strategy for controlling the Council's borrowing or capital expenditure (ie the capital budget).

The Best Value Performance Plan.

The Community Strategy.

The Crime and Disorder Reduction Plan.

The Local Plan (i.e. the plans and alterations which together form the Council's Development Plan).

The Housing Investment Programme Strategy and Plan.

The local Agenda 21 Strategy.

The Corporate Plan.

The Leisure and Culture Strategy.

9. In relation to the above Budget and Policy framework :-

Any dispute or uncertainty as to whether a decision taken or to be taken by the Executive falls within the budget or policy framework 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 be treated as such and referred to the Council.

The flexibility currently available to the Executive, namely to incur supplementary expenditure not exceeding 5% of the net revenue budget 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, continue in relation to the functions of the Executive under the new arrangements.

10. The functions detailed in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which cannot be executive functions be addressed by:-

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;

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

The retention by the Council of responsibility for those functions listed in Schedule 1, not referred to above.

11. In relation to the issues listed in Schedule 2 to the Regulations:-

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.

The conduct of Best Value reviews be the responsibility of the Executive as should all the other functions listed in Schedule 2 of the Regulations.

Overview and Scrutiny Arrangements

12. In respect of overview and scrutiny arrangements:-

The current arrangements with three overview and scrutiny committees covering economic, community and environmental well-being be continued.

The committees continue with a membership of 11 members each.

The committees continue to set their own work programme and agenda as at present.

The committees meet five times a year, but this be kept under review.

The Chairmen of the three committees 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.

In future where officers make written reports to overview and scrutiny committees, it be assumed that members have read the reports and officers would not normally speak to the reports other than to add new information.

Where a committee agrees an issue should be reviewed, clear terms of reference for the review be agreed at the outset to include:-

A definition of the area/issue to be looked at and the purpose of the review;

The background information and performance or other data which the committee would like;

The people the Committee would like to interview (e.g. members of the executive, officers, representatives from other organisations, local residents, outside experts etc) and the issues to be explored with them;

A realistic timescale including projected meeting dates; and

A budget for any external costs.

The terms of reference for reviews 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) would then manage the review with the assistance of the committee support officers.

Where reviews were cross cutting the Chairmen would consider and decide whether to hold joint meetings of the relevant committees.

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.

In principle there would be a small discrete budget for overview and scrutiny committees to use and that, if necessary, monies be found from within existing budgets for 2001/2002 and the position be considered further when the budget for 2002/2003 was prepared.

Officers below the level of Head of Service would not normally be called formally before an overview and scrutiny committee to answer questions (although this

was 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.

Political Groups recognise and agree that political group whipping, as described in the modular constitution document in the Secretary of State's Guidance, was not appropriate and would not apply in relation to overview and scrutiny committees and this be reflected in the Council's new Constitution.

No changes be made to the current "call in" procedures other than to make it clear that the procedure would not apply to urgent executive decisions i.e. 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 was urgent.

The Executive

13. In relation to the Executive:-

The Leader be appointed annually by the Council as at present and he should chair the Executive.

A deputy Leader be appointed annually by the Council and he should act as vice chairman of the Executive.

In the absence of the Leader, the deputy Leader be authorised to exercise all the powers of the Leader.

Four other members be appointed annually by the Council and they together with the Leader and deputy Leader form the Executive.

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, be in public, except when considering exempt business.

The quorum for a meeting of the Executive be 3 members.

All members of the Executive, other than the Leader, would have portfolios which cover the cross cutting areas of Elderly Services, Youth Services, Corporate Services, Environment and Planning, and Community Safety and Community Liaison.

The primary role of portfolio holders would 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.

The Council, not the Leader, would decide the extent to which individual members of the Executive were authorised to take executive decisions.

The Council would be responsible for deciding initially the extent to which powers to take executive decisions were delegated to officers and the Leader be authorised to agree amendments to this approved scheme of delegation.

The Council confirm that the existing scheme of delegation to officers in force as at 10th May 2001 would continue to have full effect, with any amendments necessary to reflect those recommendations of the Democracy Committee adopted by the Council.

Members who were portfolio holders would be authorised to take decisions on matters within their portfolio area which involved expenditure up to a maximum of £10,000 and which would otherwise come to the Executive for decision (i.e. were not delegated to officers), Provided That before doing so the portfolio holder would consider a written report on the matter from the Council's Management Team, a copy of which would also be sent at the same time to the Leader. In particular until March 2002, when the Council's Highway Agency is terminated, the portfolio holder for Environment and Planning shall be authorised to deal with unresolved objections to Traffic Orders in consultation with the Director of Community Services and Ward Members.

Where, before exercising powers delegated to them, officers were currently required to consult the Leader, they would in future consult the relevant portfolio holder.

In the absence of a portfolio holder, the Leader would be authorised to take any decision which that portfolio holder had power to take.

If a matter falls or could fall within more than one portfolio area, the Leader would be consulted and was authorised to decide which portfolio holder would be consulted or would take a delegated decision.

The arrangements in relation to portfolios would be reviewed in 12 months time.

On giving notice to the Leader that they wished 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 was 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 was made.

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 was a key decision the Executive would 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 was 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.

The Executive would 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.

The Executive would consider the distribution of Portfolios and would make recommendations to the Council, who would make the appointments.

Standards Committee

14. 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 could be delayed for up to two years;

In future both the Chairman and vice Chairman of the Standards Committee should be an independent co-opted member.

Area Forums

15. Dates for area forums be set at the start of each year and regular advance publicity be given to them in the Borough Bulletin.

There continue to be two forum meetings in each area per year.

Further consideration be given to how forums might be publicised more widely through local residents associations, neighbourhood watch committees etc.

Ways of improving feedback to those attending forums about the issues raised be explored.

In view of the request for both afternoon and evening meetings, on a trial basis during the coming year, one meeting in each area be held in the evening at 7.30pm and the other in the afternoon and the use of different venues, perhaps Day Centres, be explored.

Other organisations be invited to become involved in the forums including Surrey County Council, Surrey Police and Health Service representatives.

The Area Forums continue to be chaired by a Borough Councillor.

Special Interest Panels

16. The four Special Interest Panels be retained, but the level of member representation on them be reviewed to ensure the Council was not over represented given the number of other organisations involved.

Members' Allowances

17. 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.

Access to Information

18. As from the Council AGM on 31st May, 2001, the Council publish agendas for all meetings five clear days in advance.

Implementation and Monitoring of New Arrangements

19. The Council confirm the new executive arrangements, as set out in the recommendations of the Democracy Committee and as amended by the Council, and agree to implement them, so far as possible, under existing legislation, but agree that full implementation of a new Constitution based on the arrangements

be deferred, to enable the 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 would operate

From the Annual Meeting on 31st May, 2001 until the date the new arrangements were implemented, the arrangements operate under the Local Government Act 1972 with the following amendments:-

The Executive shall be a Committee of the Council constituted under Section 102 of the Local Government Act 1972 as follows:-

For the avoidance of doubt, it be made clear that until the new arrangements are implemented the current arrangements should continue with an Executive of nine members with seats allocated on a politically proportionate basis and a Cabinet of six members of the majority group.

The Leader and deputy Leader shall be chairman and vice-chairman respectively of the Executive.

The Council shall delegate to the Executive the discharge of all powers, which under the new arrangements would be Executive Functions.

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.

The Executive shall not delegate the discharge of any of its functions to a single Member.

A Forward Plan shall be approved by the Executive.

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 were within the existing powers of the Council.

The Council delegates to the Planning and Licensing Committees all the functions proposed for those committees under the new arrangements.

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 Council meeting in 2002.