

To:
All members of the
Council

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Date: 19 March 2021

Supplementary Agenda

Extraordinary Council - Thursday, 25 March 2021

Dear Councillor

I enclose the following items which were marked 'to follow' on the agenda for the Extraordinary Council meeting to be held on Thursday, 25 March 2021:

- | | | |
|-----------|--|------------------|
| 3. | Change to a Committee System of Governance | 3 - 42 |
| | To consider a report on implementing a Committee System model of governance to take effect from the Annual Council Meeting on the 27 May 2021. | |
| 4. | Recommendation from the Members Code of Conduct Committee | 43 - 144 |
| | To consider the recommendation from the Members Code of Conduct Committee from its meeting held on 17 March 2021, on the adoption of proposed changes to the Constitution required to operate a Committee System. | |
| 5. | Asset Programme Board/ Development Sub-Committee | 145 - 154 |
| | To consider a report on membership of the Asset Programme Board and a proposal for the Terms of the Reference of the Sub-Committee of the Corporate Policy and Resources Committee, to take effect from the Annual Council meeting on 27 May 2021. | |

Yours sincerely

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To the members of the Council

Councillors:

C.F. Barnard (Mayor)
M.M. Attewell
C.L. Barratt
R.O. Barratt
C. Bateson
I.J. Beardsmore
J.R. Boughtflower
A. Brar
S. Buttar
R. Chandler
J.H.J. Doerfel
J.T.F. Doran
S.M. Doran

R.D. Dunn
S.A. Dunn
T. Fidler
N.J. Gething
M. Gibson
K.M. Grant
A.C. Harman
H. Harvey
I.T.E. Harvey
N. Islam
T. Lagden
V.J. Leighton
M.J. Madams

J. McIlroy
A.J. Mitchell
L. E. Nichols
R.J. Noble
O. Rybinski
D. Saliagopoulos
J.R. Sexton
R.W. Sider BEM
V. Siva
R.A. Smith-Ainsley
B.B. Spoor
J. Vinson

Council

25 March 2021



	Change to a Committee System of Governance
Purpose of the report	To make a decision
Report Author	Victoria Statham Group Head of Corporate Governance
Recommendations	<p>To resolve to cease operating the existing Leader and Cabinet form of governance and implement a Committee System model of governance to take effect from the Annual Council Meeting on the 27 May 2021</p> <p>To adopt the transitional arrangements as set out in this report</p> <p>To authorise the Group Head of Corporate Governance to make the necessary changes to those parts of the Constitution not presented in the recommendations from the Member's Code of Conduct Committee references from the Cabinet to the relevant Committee and from the Leader and Deputy to the Committee Chair and Vice Chair as appropriate.</p>
Reason for Recommendation	To ensure that the Council can take forward the paving motion for a change in the Council's governance arrangements.

1. Background

- 1.1 On 30 July 2020 this Council resolved: "to implement a change in decision-making governance arrangements, comprising the cessation of the current Leader and Cabinet model of governance and the implementation of a Full Committee model of governance. This is to be developed during 2020 with a view to the arrangements taking effect at the earliest opportunity, but no later than the commencement of the next Council Municipal Year in May 2021, subject to a legally and constitutionally robust process. The changes are to be debated and agreed by the Council."
- 1.2 The statutory requirements for the change are set out in the Localism Act 2011. To change from a cabinet system to a committee system, a local authority must:
 - (a) Pass a resolution to change the governance arrangements;
 - (b) As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection by the public;

- (c) Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation; and
 - (d) Once the resolution to change the governance arrangements has been passed and the publicity requirements complied with the authority is required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place at the first annual meeting or later annual meeting as specified in that resolution. Transitional arrangements may be required to bridge any gap between the previous arrangements ending and the new structure beginning.
- 1.3 At the Council meeting on the 22 October 2020, the Council resolved to (1) adopt the objectives to achieve the desired change; (2) recognise this as a flagship project; (3) to allocate the indicative budget; and (4) to proceed with the timetable to ensure public consultation and adoption at the 2021 Annual Council Meeting. The report presented to that Council meeting is at Appendix A.
- 1.4 The objectives adopted are



- (a) **Accountability** – responsibilities and accountability about who does what should be clear, within the Council and to residents;
- (b) **Credibility** – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals;

- (c) **Transparency** – the decision-making process should be open and transparent to Members, officers and to the public;
 - (d) **Collaboration** - decision making should be collaborative across parties and less combative;
 - (e) **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision-making.
- 1.5 In order to progress the move to a Committee System form of governance in line with the objectives, a Committee System Working Group was established with membership of all the group leaders for all groups within the Council. Since the establishment of that working group, that group and officers have worked extensively to produce recommendations on the key issues to give properly informed consideration to formally resolve to move to a Committee System with effect from the next Annual Council Meeting.
- 1.6 On the 10 December 2020 an update was presented by the Working Group to the Council on progress to date and it was resolved by the Council to (1) approve the proposed committee system structure; and (2) approve the content of the public consultation questionnaire. The report to the Council is at Appendix B.
- 2. Proposed Committee structure**
- 2.1 On the 10 December 2020 the Council approved a proposed committee structure of:
- (a) 5 service committees comprising of Corporate Policy and Resources, Environment and Sustainability, Planning Strategy and Economic Development, Community Wellbeing and Housing and Neighbourhood Services.
 - (b) 4 Regulatory/administrative committees being Audit and Standards, Planning, Licensing and Administrative.
- 2.2 Attached at Appendix C is the proposed structure approved at the 10 December 2020 Council meeting. Since that approval the Working Group has further considered the structure and agreed that the Audit and Standards Committees should not be combined but kept separate in acknowledgment of their differing remits and to ensure that members on each committee have the relevant skills. It was agreed that an Independent Member should be appointed to the Audit Committee. Additional areas of responsibility that had not been allocated to a committee in December 2020 were identified for inclusion in the remit of the Administrative Committee.
- 2.3 Attached at Appendix D is the revised Committee System structure recommended for adoption.
- 3. Role of Leader and Deputy Leader**
- 3.1 The roles of the Leader and Deputy Leader in a Committee System of governance are different to those which apply to an executive system of governance. The Leader and Deputy Leader will be appointed annually at the Annual Council Meeting. The revised role is set out in the amended Article 6 of the constitution.
- 4. Constitutional amendments**

- 4.1 A report is to be presented to the Member's Code of Conduct Committee on the 17 March 2021 seeking a recommendation to the Council for the adoption of the changes to the Constitution required to operate a Committee System.
- 4.2 The proposed changes to the Constitution detail the terms of reference of the new committees and the procedures for the operation of that system. This is based on the decisions taken by the Committee System Working Group.
- 4.3 The amendments to the Constitution are a separate item on the Council meeting agenda.
- 4.4 Due to the short project timetable the constitutional changes recommended by the Members Code of Conduct Committee are restricted to the amendments required to enable the Committee System to operate. A further review of all the other provisions of the constitution will take place in due course and will be presented to Council for consideration. It is therefore requested that the Council authorise the Group Head of Corporate Governance to amend references from the Cabinet to the relevant Committee in those sections of the constitution not being presented to the Council under this report.

5. Transitional Arrangements

- 5.1 Transitional arrangements are made under Section 9L(3) of Schedule 2 of the Localism Act 2011. The following transitional arrangements are proposed to ensure the smooth transition from the Cabinet System to the Committee System:
 - (a) The final meeting of the Cabinet will take place on the 19 May 2021, after which the decisions will be published in accordance with existing practice.
 - (b) The call-in period as set out in the Constitution will apply to the decisions not deemed urgent or which are not subject to the approval of the Council.
 - (c) If required, a one-off call-in scrutiny committee will be held on the 27 May 2021 (at 13:30) constituted under the current arrangements.
 - (d) In the event that a decision is referred back to its decision maker at the one-off call-in scrutiny committee the decision maker is required to make the decision at an extraordinary Cabinet meeting which, if required, is scheduled for 14:30 on the 27 May 2021.

6. Publication requirements

- 6.1 The Local Government Act 2000 provides that as soon as practicable after the Council has passed a resolution to change the form of its governance arrangements, it must:
 - (a) Secure that copies of the document, setting out the provision that are to have effect following the resolution, are available at its principle office for inspection by members of the public; and
 - (b) Publish in one or more newspaper circulating in the area, a notice which:
 - i) States that the authority has resolved to make a change in its governance arrangements;
 - ii) States the date on which the change is to have effect;

- iii) Describes the main features of the change;
 - iv) States that copies of the document setting out the provisions of the arrangements that are to have effect following the resolution are available at the council's principle office for inspection by members of the public; and
 - v) Specifies the address of the Council's principle office.
- 6.2 Due to the Council's offices being closed due to the pandemic the documents will be placed at the Council's principle office as required by the legislation and will be published on the Council's website.
- 6.3 Appendix F is the document setting out the provisions to have effect and the newspaper notice to be published.
- 7. Financial implications**
- 7.1 These were set out in the October 2020 Council report. The recruitment for the resources within Committee Services have been finalised and the team is in place to operate this system.
- 7.2 The consultancy requirements have been obtained within budget.
- 8. Timetable for implementation**
- 8.1 Following the resolution the Local Government Act 2000 provides that the earliest date by which a change in governance form may be implemented is following the Annual Council Meeting.

Background papers: There are none

Appendices:

Appendix A – Council report dated 22 October 2020

Appendix B – Council report dated 10 December 2020

Appendix C – Proposed structure as at 10 December 2020

Appendix D – Proposed structure for adoption

Appendix E – Document setting out provisions to have effect and newspaper notice

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Council**22 October 2020**

Title	Changing to a Committee System
Purpose of the report	To make a decision
Report Author	Victoria Statham
Recommendations	It is recommended that: <ul style="list-style-type: none"> • the objectives as set out in paragraph 4 of this report are adopted to achieve the desired change • this is recognised as a flagship project for the Council • the indicative budget is allocated for this flagship project and on-going structure as set out in this report • this project proceeds in-line with the timetable for a change in arrangements to take place at the ACM in May 2021 and without a public consultation exercise.
Reason for Recommendation	To ensure that the Council can take forward the paving motion for a change in the Council's Governance arrangements.

1. Background

- 1.1 Prior to the Local Government Act 2000 local authorities had taken decisions through a committee-based structure whereby most policy and operational decisions were taken by service-based committees. Representation on the committees was on a politically proportionate basis. Some decisions were reserved to full Council and delegated to officers.
- 1.2 The change away from the committee system and the growth of the Cabinet and Leader arrangements began around the 1990's. The Widdicombe Committee conducted an enquiry into the conduct of Local Government Business (1985) which concluded 'that (in common with politics) generally there has been a decline in public confidence in democracy over the preceding twenty years'.
- 1.3 The Government White Paper 'Modern Local Government: In touch with the People' (1998) a precursor to the 2000 Act, was very critical of the committee system. The following comment was made: 'Councils must have political management structures which are effective and command respect. The current committee system is confusing and ineffective, with significant decisions usually taken elsewhere. Many councillors have little influence over Council decisions yet spend a great deal of time at council meetings. The result is that people do not know who is running their council'.

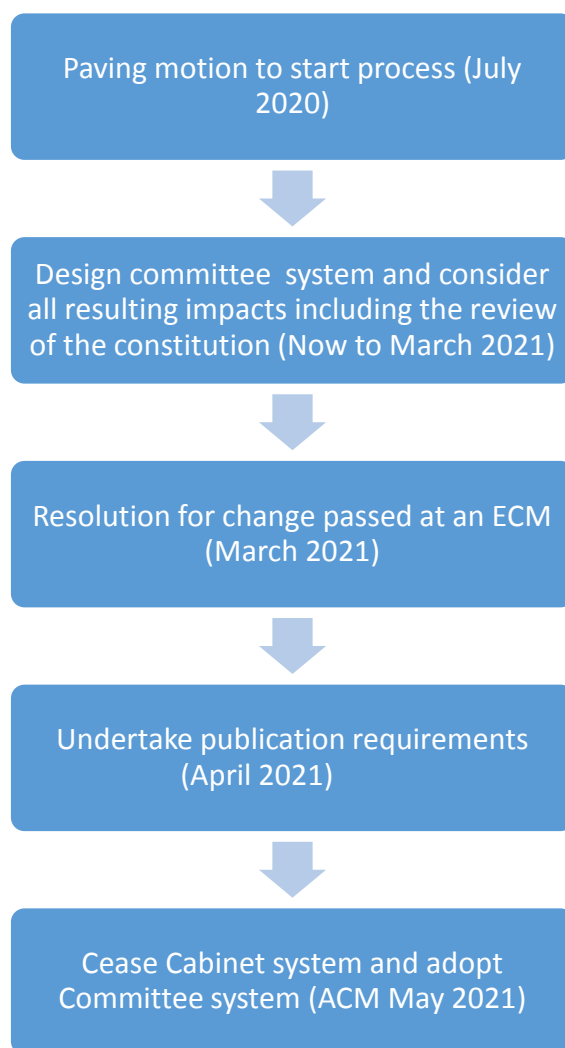
- 1.4 The Local Government Act 2000 then enacted fundamental reform. All council's (except for small authorities who were able to continue with a committee system) had to adopt either the leader and cabinet model, executive mayor or mayoral models. The explanatory notes which accompanied the act explained: "the objectives of the policy underlying Part II is to deliver greater efficiency, transparency and accountability of local authorities. The new arrangements are intended to ensure that decisions can be taken more quickly and efficiency than the existing committee system, that the individuals or bodies responsible for decision making can be more readily identified by the public and that those decision makers can be held account in public by overview and scrutiny committees."
- 1.5 In recent years there has been a rethink on the governance arrangements for local authorities. In the Coalition Agreement of May 2010 the Prime Minister and Deputy Prime Minister stated, "The time has come to disperse power more widely in Britain today." The Localism Act 2011 set out a series of measures with the ambition to achieve a substantial and lasting shift in power away from central government and towards local people. As part of this the act gives councils a choice on their governance arrangements, including the ability to revert to a committee system.
- 1.6 It is clear that there was thinking that one form of governance is not suitable for all. The Localism Act gives a council the ability to choose from three main models of governance:
 1. **The Leader and cabinet system** – This is currently operated by the Council along with the majority of Councils in England, although several councils have moved away from this system. Council's with this system must have one or more overview and scrutiny committees.
 2. **Mayoral system** – There is a directly-elected executive mayor with wide decision-making powers. The mayor appoints a cabinet made up of other councillors. These Councils must have one or more overview and scrutiny committees.
 3. **Committee system** – Councils make most decisions in committees, which are made up of a mix of councillors from all political parties, politically balanced according to the overall composition of the Council. These councils may have one or more overview and scrutiny committees but are not required to. As with other models the full Council retains some decision-making powers, such as to approve the annual budget, Council Tax and borrowing.
- 1.7 There are variations for each of these models that can lead to councils having a hybrid approach; the most common hybrid is between a leader/cabinet and the committee system; which is legally a modified version of the leader/cabinet model.
- 1.8 The Local Government Association (LGA) and the (newly named) Centre for Governance and Scrutiny (formally Centre for Public Scrutiny) comment "No one governance system is intrinsically better than another and no system is more or less expensive to operate; however some systems allow more members to be directly involved in voting on decisions. It is important to note that activity at committee level is not the same as member involvement in

policymaking. Member involvement in policy making is a longer-term more involved process and can happen under any governance option.”

- 1.9 There has been a trend of councils moving to the committee system. A guide on governance change, published jointly by the LGA and Centre for Governance and Scrutiny in January 2014 identified nine authorities that had changed in 2012/13 with an additional seven adopting hybrid models. An additional 4 went over to the committee structure in 2014 and although not being able to establish the full number of authorities that have now changed, the Centre for Governance and Scrutiny have stated that the trend slowed in 2015 but since 2019 with a number of authorities being in no overall control the numbers were again increasing. Many of these authorities communicate that the catalyst for change was the desire to improve general councillor participation and involvement in decision making.
- 1.10 On 30 July 2020 this Council resolved: “to implement a change in decision-making governance arrangements, comprising the cessation of the current Leader and Cabinet model of governance and the implementation of a Full Committee model of governance. This is to be developed during 2020 with a view to the arrangements taking effect at the earliest opportunity, but no later than the commencement of the next Council Municipal Year in May 2021, subject to a legally and constitutionally robust process. The changes are to be debated and agreed by the Council.”

2. Process for changing governance arrangements

- 2.1 The process for moving to a committee system can be summarised as:



- 2.2 The bulk of the work is in that second step. Many a decision will need to be made by Councillors to ensure that a committee system is implemented that fulfils all the objectives of moving to such a system.
- 2.3 The statutory requirements for the change are set out in the Localism Act 2011. To change from a cabinet system to a committee system, a local authority must:
1. Pass a resolution to change the governance arrangements;
 2. As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection by the public;
 3. Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation; and
 4. Once the resolution to change the governance arrangements has been passed and the publicity requirements complied with the authority is required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place at the first annual meeting or later annual meeting as specified in that resolution. Transitional arrangements may be required to bridge any gap between the previous arrangements ending and the new structure beginning.

- 2.4 There is no requirement for public consultation in relation to governance system change under the Localism Act 2011. However, several authorities have chosen to do so to ensure engagement of the residents and partner organisations. The London Borough of Barnet for example undertook a two-phase consultation process. Phase 1 comprised a survey to residents, community and voluntary groups, businesses and other organisations who they work in partnership with on their experience of the current governance system and the principles behind the new governance arrangements. Phase 2 comprised of two events (Elected member consultation meeting & a public consultation meeting) these were to present the findings from phase 1 and to test the proposed structure options with the public and councillors.
- 2.5 Public consultation does not need to be as detailed as that done by Barnet. However, the Council are asked to consider to what extent they want to undertake public consultation and so what form it should take.
- 2.6 If it was considered that public consultation and consultation with partner organisations and business was necessary to ensure wider buy in to this change, this may impact upon the timetable. The more detailed the consultation – for example a two to three month consultation period – the more likely it would mean that the change would not be able to take place in May 2021 and would move to May 2022 (due to the legal requirement to change at an ACM, there is not the statutory ability to move the date of the ACM earlier than March 2022). More limited consultation could be done – for example a short exercise twin-tracked with the final stages of development of the constitution with the results discussed at the ACM. That might allow the Council to achieve May 2021 implementation but runs the risk of any significant consultation outcomes either being in affect ignored or having to put a brake on proceedings for further consideration at a later stage.
- 2.7 Although a public consultation exercise may therefore not be the most appropriate way forward due to the time constraints, officers could ensure that the public are kept informed of the Council's objectives in changing the system and progress on this change via the Council's website and usual social media platforms.
- 2.8 Any change to a new governance arrangement must by law be a minimum five-year commitment to that model.

3. Project Management

- 3.1 Moving from one system to another is within the definition of a flagship project for the Council and it is recommended that this is acknowledged as such.
- 3.2 An internal project manager (Siraj Choudhury - Deputy Group Head Commissioning and Transformation) has been assigned to this flagship project.
- 3.3 A team of officers are required to work on this project including the Chief Executive, the Section 151 Officer, the Monitoring Officer, the newly created post of Committee Services Support Officer, the Principal Solicitor and the appointed project manager. This will have an impact on their current workloads.

- 3.4 A Committee Services Support Officer will be in post for a year to support the transition to a new Committee Services team and to support this project.
- 3.5 To ensure that this flagship project can progress to the desired timetable, external consultants also need to be called upon. Hoey Ainscough Associates Ltd have been appointed. They were set up in April 2012 to support local authorities in managing their arrangements for handling councillor conduct issues. The company was co-founded by Paul Hoey, who had been Director of Strategy at Standards for England from 2001 until its closure in 2013, and Natalie Ainscough who had worked as his deputy. Paul previously worked as a civil servant where he was responsible for overseeing work on council constitutions before joining the Standards Board. They have now worked with over 400 authorities in one form or another through provision of training, investigative support and wider governance advice.
- 3.6 They are supported in this project by John Austin. John has over 40 years' experience of local government in the UK. John is founder chair of the Association of Democratic Services Officers (ADSO) and is a qualified advisor for its qualifications. He was Borough Secretary and then Assistant Director, Corporate Governance in the London Borough of Enfield. He was also the Council's Monitoring Officer for 10 years until October 2014.

4. Objectives

- 4.1 Hoey Ainscough Associates Ltd have advised that the Council sets objectives to achieve the change. With objectives being set this focuses the detailed changes that need to be made to ensure these objectives are achieved.
- 4.2 Having objectives for the change ensures that the committee system put in place reflects the reasons for the change expressed at the Council meeting on the 30 July 2020.
- 4.3 The proposed objectives are:



1. **Accountability** – responsibilities and accountability about who does what should be clear, within the Council and to residents;
 2. **Credibility** – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals;
 3. **Transparency** – the decision-making process should be open and transparent to Members, officers and to the public;
 4. **Collaboration** - decision making should be collaborative across parties and less combative;
 5. **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision-making.
- 4.4 All of these objectives are achievable with a committee system of governance.
- 4.5 It is recommended that these objectives are adopted by the Council to steer this project to achieve the desired results of change. If adopted by the Council will need to assess whether, and how far, these objectives have been met by any new arrangements. In terms of each objective a very simple measure should be that for each objective things are at least the same if not better than under the current arrangements. Where that test is not met for some objectives the Council would then need to consider whether that is offset by another objective having improved arrangements significantly or whether any

changes are needed to the arrangements to improve performance against the objective.

- 4.6 The LGA and Centre for Governance and Scrutiny recommend that the Council assess whether its objectives have been met after 12 months of operation. If this is done prior to the Annual Council Meeting at the end of the first year, any required changes to the constitution can then be made.

5. Cabinet v Committee System

- 5.1 There are inevitably advantages and disadvantages to any governance model. Taking the words of the Centre for Governance and Scrutiny “there is no ‘best system’ and it isn’t really possible to talk about, and weigh up, the ‘pros and cons’ of each system in isolation – pros and cons will and should look different for each Council”. This change needs to focus on the best system for this Council to achieve the objectives set out above.
- 5.2 Below is a generalised view of the comparison of the systems. The cabinet system is seen as a less consensual system as it does not involve all councillors in key decision-making as it concentrates ownership of the decisions in any ruling group through the cabinet or individual portfolio holders rather than dissipating accountability across a committee which may not have all agreed with the decision. However it is seen as more efficient in terms of timeliness of decision making, for example as it allows for decisions to be made by individual portfolio holders and is not tied to a committee cycle. That is not to say that ownership and efficiency cannot be built into a committee system, hence objectives of accountability and timeliness being included as key drivers of any new arrangements.

Committee System	Cabinet System
more consensus	less consensus
decision making	decision making
less ownership of	more ownership
Decision making	decision making

6. Risks and mitigation measures

- 6.1 For the purposes of this report the risks and criticisms of the cabinet system have not been addressed as the focus is on how to make a committee system work. This next section therefore concentrates on the risks associated with the committee system and possible mitigations needed.
- 6.2 Some of the criticisms that have been made about a committee system and therefore some of the dangers to be guarded against in designing the arrangements are:

1. **Slowing down of decision making.** Under the committee system councillors cannot be given 'executive' authority – you cannot delegate decision making to a committee chair. The design therefore needs to deal with how decisions will be made, particularly including how urgent ones can be taken quickly. For example, this may be achieved through smaller sub-committees which can meet at shorter notice or greater or more specific delegation to officers (after say consultation with the relevant chair).
2. **Increased Bureaucracy.** A committee system can, if not designed correctly, lead to more meetings and require greater officer capacity which can be expensive to resource. Thought therefore needs to be given as to the optimal number of committees and meetings cycle and, wherever possible, the avoidance of duplication of efforts so there needs to be clear demarcation as to which committee is responsible for what, how frequently they meet and the size of the committees.
3. **No mechanism for holding decision makers to account.** Because there is a greater involvement by all members in formal decision-making processes there can be a reduced mechanism for holding decision-makers to account. Similarly, if an overview and scrutiny function is reduced or removed altogether there may not be as effective a mechanism for holding such to account. It is important therefore to look at how decision-making power is distributed, where the balance lies between policy and operational committees and the effective use of Full Council and how to make best use of any continuing role for scrutiny. Care should be given to ensure that Full Council's role is broadly strategic and should not be used as a body to refer committee decisions and responsibilities to unless absolutely necessary (for example as reserved powers) under the Council's scheme of delegation.

6.3 The following mitigations will need to be designed in:



6.4 In further detail:

1. To be effectively embedded the arrangements must have cross party support for a proportionate system so that all Members and political groups feel engaged in the democratic process and take responsibility collectively both for decisions made and constructive scrutiny of those decisions.
2. Council would continue to be recognised as the “supreme” decision-making body – that ensures that all Members therefore play a part in key strategic decisions.
3. There must be effective separation in delegations between decisions that are regulatory, operational, policy formulation and policy setting. The remit of each committee should be defined without overlap with effective delegation to officers.
4. All Members can be involved in key decision making, with enhanced openness and transparency, but this should not be at the expense of efficient and timely operational or business decisions.
5. It should not be seen simply as a ‘nostalgic’ return to the traditional committee system and the arrangements should also identify what has worked effectively in the cabinet system. Arrangements must ensure decisions are accountable but also are quickly reactive and commercial where they need to be.

6. Appropriate use should be made of call-in on overview and scrutiny principles so that, while there is greater collective responsibility for decisions, they are still robustly tested and reviewed.

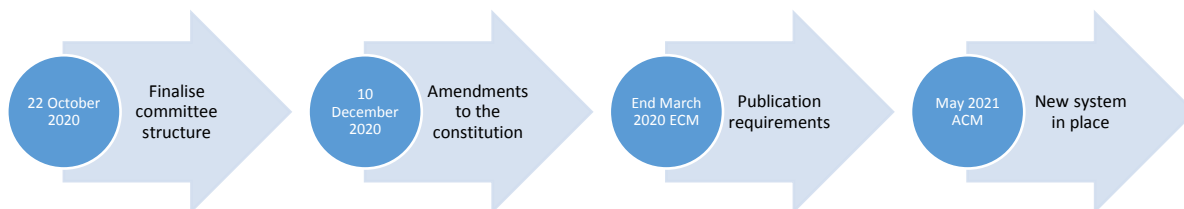
7. Overview and Scrutiny

- 7.1 MHCLG's Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities May 2019 emphasizes the importance - "The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps to secure the effective delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure."
- 7.2 One characteristics of a committee system is that a scrutiny function is only required for health and community safety matters. This does not need to be in the form of a full Overview & Scrutiny Committee, but it can be and can be built into the committee remit.
- 7.3 The Council needs to consider what type of scrutiny it wants within the new committee structure. This will be considered as part of the design principles.

8. Timetable for change

- 8.1 The motion carried on the 30 July 2020 is a paving motion. This has started the ball rolling for the change in governance arrangements. There are a numerous decisions to be made to move from where we are now to a new system. The Constitution Working Party will have to undertake a considerable amount of work, and hence the suggested requirement to meet every three weeks. All Councillors will need to fully engage in the process in their consideration of the responses to the councillor consultation(s) which will be issued to all Councillors in during this process and in the Council meetings on this subject. All decisions made during the process need to be ratified by full Council at the meetings set out in the timetable.
- 8.2 It is a tight timetable to make the change in arrangements for the Annual Council Meeting in May 2021. The following indicative timetable is proposed (please note this does not include any public consultation phase):
 1. October – December – finalise committee structure
 - i) Councillor consultation issued end October to gain views from all members on how they see the new arrangements working and their personal key objectives
 - ii) Constitutional Working Group to meet as often as necessary and at least every three weeks during this period
 2. 10 December 2020 – Council report to agree design principles
 3. December 2020 – Recruitment of Committee Managers
 4. December – March 2021 – work on amendments to the constitution
 5. 17 March 2021 – Members' Code of Conduct meeting

6. ECM at end March 2021 – Resolution to amend governance arrangements presented to Council
7. April 2021 – Publication requirements to be fulfilled
8. April 2021 – Member and Officer training
9. May 2021 – ACM changes made including appointments to all committees.



- 8.3 Due to the statutory requirement that the new system has to be adopted at an Annual Council Meeting, if public consultation is required then this timetable may have to slip with the end date being May 2022. If public consultation was included in the timetable and the change being scheduled for May 2022 this would provide more time in which to develop the constitution and the working mechanics of the system.
- 8.4 To ensure that the deadline of May 2021 is met, it's important that there are minimal delays to the process between now and then. Cheshire East for example announced in January 2020 that although they were looking to change in May 2020 this has been postponed until 2021. They have cited that there was more work than anticipated to implement the change and that they were using the additional time for the outstanding details of the committee system to be agreed and for extensive training and awareness for both officers and members.

9. Design Principles and confirming the structure

- 9.1 When the objectives are set, the next stage would be to agree the more detailed design principles. The LGA and Centre for Governance and Scrutiny have emphasised that the design principles should be based on assessing the strengths and weaknesses of the current system at the authority and ensuring that they are addressed and measured against the agreed objectives.
- 9.2 To agree the design principles the Constitution Working Party will need to meet every three weeks to discuss and bring forward ideas on the design. A survey or series of surveys will be issued to all Councillors requesting their feed-in on the design of the system and how they consider the new system should operate.
- 9.3 A considerable amount of work will need to go into that design to achieve the Council's objectives. How the system is structured will impact on how decisions are taken and where responsibilities lie.
- 9.4 At the principle design stage, members will be asked to agree the new system's broad structure and outline. For example:
1. How many committees would seem appropriate?

2. Would the broad approach to committees be cross-cutting policies, thematic or supporting the current service areas?
3. What matters would be reserved to full Council?
4. What is the role of overview and scrutiny?

10. Constitution

- 10.1 The principles of the new system need to be agreed prior to a new constitution being developed as the constitution will flow from that structure. The development of a new constitution can be a major and costly piece of work, it is going to be resource-intensive both in terms of officer time and member time. This needs to be completed in time for adoption at the ACM when the new system is adopted.
- 10.2 The draft constitution will need to set out the format of the new arrangements, any amendments to delegations to officers and the terms of reference for each committee. The terms of reference of each committee and their financial responsibilities are key decisions to make. Amendments to the rules of debate will also need to take place.
- 10.3 As per the requirements of the Constitution the amendments will be presented to the Members' Code of Conduct Committee for consideration.

11. Staffing

- 11.1 Committee Services are currently working above their resourcing needs. A recruitment process is underway for a Principal Committee Manager and a Committee Manager/Trainee. Based on research into staffing levels of other authorities operating a committee system. The current resource level will not be adequate. As the new system will need to be fully operational from the date of change at the ACM, any additional staff requirement needs to be in place before that date. The recruitment process will therefore need to commence in December 2020 once the broad outline of the proposed structure has been agreed.
- 11.2 Based on the staffing levels of a similar size local authority operating an average 5-7 committees it is suggested that 2 additional Committee Managers are required.
- 11.3 From the research into other authorities, a return to a committee system is likely to require more support from management, service leads and legal services as there will be more decision making committees where reports will be required to be written and presented and there will be additional pre-meetings and briefings.

12. Member Allowances

- 12.1 A change to a committee system will also necessitate a review of the Members' Allowances Scheme by the Independent Remuneration Panel (IRP). The role of a chairman of a committee is different to that of a cabinet member and the leader has a different function. There could be an increase in the number of member-level meetings and a wider spread of responsibilities and this may well impact on the allowances. An increase in budget has been included in this report as a contingency in case the timescales mean that the IRP will not be able to make any recommendations prior to the appropriate budget cycle.

- 12.2 The contingency has been included but it is acknowledged that the IRP might recommend allowances which are cost neutral to the present or in fact might represent a saving.

13. Impact of potential unitary status

- 13.1 Local government reorganisation requires the passing of a statutory instrument (SI) which provides an underpinning framework for that reorganisation. This SI (mostly) comes into being before the creation of the unitary. It designates the newly created unitaries as “shadow authorities” until they are formally established. The SI will direct how the shadow authorities will operate and will prescribe the obligations that they must undertake including agreeing the new governance arrangements for the new unitary.
- 13.2 There is the possibility that any change to a committee system put in place by the Council could very quickly be superseded by the requirements within any statutory instrument. It might be the case that under any statutory instrument direction that a committee system is adopted for any unitary created but this will be a differing structure to that for a borough council and it may be the case that considerable time and resources are used for this then to have to be reviewed again in a short time period.

14. Financial implications

- 14.1 The financial implications can be divided into 2 sections. The implementation of the system and the on-going operation of the system.
- 14.2 In terms of the implementation budget provision will need to be made for £75,000. A contingency has been added to the estimated costs which are set out. As these costs will need to be incurred in the current financial year this will require a supplemental revenue estimate to be funded from unspent balance on the Project Delivery Fund.
- 14.3 This is broken down as follows:

Item of expenditure	Amount
Training	£5,000
Recruitment costs	£1,000
Committee Service Support Officer costs	£40,140
Consultancy	£27,000
Total	£73,140

- 14.4 The additional resources to operate the system could amount to £73,000. This will need to be incorporated into the base budget as part of the 2021/2022 Revenue Budget process and will in turn increase the budget gaps for 2021/2022 and for the Outline Budget period.
- 14.5 This is broken down as follows:

Item of expenditure	Amount
---------------------	--------

2 x Committee Managers	£58,400
Members allowances	£12,000
Additional committee allowance	£3,000
Total	£73,400

- 14.6 There would be no additional costs for the Modern.Gov system, but there may be additional costs for the training of new staff on the system therefore a contingency has been included.

15. Other Considerations

- 15.1 As part of the project an Equalities Impact Assessment will be undertaken to ensure that all impacts are considered.
- 15.2 The change to a committee system and the resulting changes to the constitution need to ensure that high levels of governance filter through the system in all the Council seeks to achieve.

16. Recommendations

- 16.1 The recommendation within this report are:
1. the objectives as set out in paragraph 4 of this report are adopted to achieve the desired change
 2. this is recognised as a flagship project for the Council
 3. the indicative budget is allocated for this flagship project and on-going structure as set out in this report
 4. this project proceeds in-line with the timetable for a change in arrangements to take place at the ACM in May 2021 without a public consultation exercise.
- 16.2 These recommendations are there to ensure that this flagship project has clear objectives and to commence the focused work which needs to be undertaken to achieve a form of governance which is fit for Spelthorne Borough Council to fulfil the Corporate Plan and to provide excellent services to the residents.

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Title	Changing to a Committee System
Purpose of the report	To make a decision
Report Author	The Committee System Working Group
Cabinet Member	Not applicable
Confidential	No
Corporate Priority	Not applicable
Recommendations	<p>It is recommended that:</p> <p>the proposed committee system structure (Appendix 1) be approved; and</p> <p>the content of the proposed public consultation questionnaire be approved</p>
Reason for Recommendation	To ensure that the Council can take forward the resolution for a change to the committee system model of governance.

1. Background

At the Council meeting on 30 July 2020, Members approved a motion as the first step of moving to a change in the governance arrangements of the Council.

A move to a committee system of governance has been proposed and (if adopted) this would mean that the decisions which are currently taken by the Cabinet would be taken by a number of Committees.

At the Council meeting of the 22 October 2020, Members agreed the clear objectives they want the new system of governance to achieve:

- Accountability – responsibilities and accountability about who does what should be clear, within the Council and to residents
- Credibility – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals
- Transparency – the decision-making process should be open and transparent to councillors, officers and to the public
- Collaboration - decision making should be collaborative across parties and less combative
- Timeliness – decision making should be both quick and effective and, when necessary, allow for urgent decision-making

2. The Committee System Working Group

This working group consists of the leaders of all political groups who make up the Council being:

Councillor Ian Beardsmore

Councillor John Boughtflower

Councillor Jan Doerfel

Councillor Sandra Dunn

Councillor Joanne Sexton

Councillor Veena Siva

The working group have met on three occasions in the last few weeks so as to expedite progress with the design stage. The working group has worked collaboratively with the shared intention of improving the Council's model for decision-making and to promote the agreed objectives. Members have also consulted with their own group colleagues as they have moved forward. All working group members agreed the proposed structure and consultation approach and documents.

The working group is working at pace to ensure that the project moves forward so that the changes can be implemented at the Annual Council Meeting in May 2021.

3. Designing a new model

The proposed committee system structure is included as Appendix 1 and shows a model formed of Full Council, 5 main committees and 4 other quasi-judicial / administrative committees.

The role of Full Council (though not an exhaustive list) includes: -

- Approves/adopts the policy framework and the budget/Council Tax
- Appoints the Leader (must be done annually under committee system rather than for 4 years)
- Agrees the Terms of Reference for Committees
- Agrees the cycle of Council and Committee meetings
- Appoints members to Committees
- Adopts and agrees changes to the Constitution
- Considers and determines any matters referred by Council Committees (by exception)

The working group agreed that there should be 5 main committees (the blue boxes on the diagram) based on the key corporate strategic themes rather than the existing groupings of services and functions.

On the structure diagram at Appendix 1, each of the main committees has functions listed below them to give an indication of the purpose of that committee. The functions listed are illustrative only and are not exhaustive. As the working group makes progress on this project and works through the detail and terms of reference for each committee, the allocations of functions will be finalised for Council consideration and it should be noted that some of the listed functions may move to a

different committee. Indeed, even after the new system has been launched, it may be that experience of it working in practice will determine changes to the assignment of functions. It is within the remit of the Council to make any future changes to the terms of reference if required.

The Corporate Policy and Resources Committee will handle cross-cutting issues. It will include the chairs and vice-chairs of the other main committees as well as other councillors. That committee will be chaired by the Leader of the Council.

It was agreed by the working group that there should be 4 other decision-making committees to carry out regulatory/quasi-judicial and administrative functions (the green boxes on the diagram). These will include Planning, Licensing, Audit & Standards and Administrative. The Administrative Committee will cover a mix of other operational and regulatory areas of work as required such as health & safety, constitutional reviews and member support.

All members of the working group strongly advocated that there should be a strong level of overview and scrutiny. It is acknowledged that this is fundamentally important to the successful functioning of local democracy. It must be made clear to residents that these changes are designed to increase overview and scrutiny. In the proposed new structure, there will not be a standalone Overview & Scrutiny Committee (as there is with the current Cabinet system). Instead, each of the 5 main committees will carry out the overview and scrutiny function for its own areas. Overview and scrutiny is often carried out in this way in a committee system as this check and balance is built into the individual committee. This is reflected in the remit for each committee on the diagram at Appendix 1. Any high-profile issues which are currently considered by the Overview & Scrutiny Committee (e.g. Heathrow expansion) will (under the new system) be standing items under the main committees or could be subject of individual Task Groups set up for that specified purpose. Alternatively, joint Task Groups could be set up to look at cross-cutting high-profile issues.

In a committee system a Council is only required to have a scrutiny function for health, flood prevention and crime and disorder. This requirement will be met by the appropriate main committee.

It is recommended that Council approve the proposed new committee structure as at Appendix 1.

4. Public Consultation

The working group agreed that the public consultation should not be on a detailed model but on the principles (the agreed objectives) of the system. This should identify how the residents feel the Council performs currently against the agreed design principles. This will help the working group ensure that the new system addresses any public concerns about how the Council currently operates.

The working group agreed that the public consultation would be in the form of a questionnaire supported by a publicity and information campaign.

The content of the questionnaire (included as Appendix 2) has been agreed by the working group and it is intended that the questionnaire will be launched on 14 December 2020 and will run to 15 January 2021.

The publicity and information campaign will include FAQs, social media content, a press release and an e-News item. Particular attention will be paid to residents who may not be digitally connected. There will be posters on Borough noticeboards and

other locations across the Borough and a Surrey Advertiser article. Residents' groups and other key stakeholders will be provided with information for direct dissemination. Paper copies of the questionnaire with an SAE will also be available for those who contact the Council to request them.

It is recommended that Council approve the proposed content of the questionnaire as at Appendix 2.

5. Timetable for implementation

It is an exceptionally tight timetable in terms of making the changes required to be ready for adoption at the Annual Council Meeting in May 2021. The working group and project team have made sound progress during the design stage.

- 1.1 There is extensive work to be undertaken to implement the new committee structure, install appropriate staffing to support it and make the required amendments to the Council's constitution.
- 1.2 The principal components of the new system need to be agreed prior to a new constitution being developed as the constitution will flow from that agreed structure. The draft constitution will need to set out the format of the new arrangements, any amendments to delegations to officers and the terms of reference for each committee. The terms of reference of each committee and their financial responsibilities are key decisions to make. Amendments to the rules of debate will need to take place. As per the requirements of the Constitution the amendments will be presented to the Members' Code of Conduct Committee for consideration on 17 March 2021.
- 1.3 The required recruitment to the Committee Services Team has been undertaken, with two additional committee managers joining the team in January who will be trained and ready to assist with any new governance system from adoption.
- 1.4 The following timetable sets out key dates:-

Date	Item
Thursday 10 December	Council Meeting: Update on progress. Seek approval of proposed new structure and public consultation content.
Monday 14 December	Public Consultation will start
Monday 14 December	Working Group Meeting: To discuss the constitutional changes and workplan (January – March)
Friday 15 January	Public Consultation will close
Monday 25 January	Working Group Meeting: To consider the results of Public Consultation and any revisions. Constitutional work.

Mondays 8, 15, 22 Feb (as required TBC)	Working Group Meeting
Thursday 25 February	Council Meeting – Update on progress
Monday 15 March	Working Group Meeting: Update in advance of ECM
Wednesday 17 March	Member Code of Conduct Meeting: To consider the proposed changes to the Constitution
Thursday 25 March	Extraordinary Council Meeting: Resolution to amend the Council's governance arrangements
Thursday 1 April	Publication requirements to be fulfilled
Thursday 8 April (AM)	Training for Officers
Thursday 8 April (PM)	Training for all Councillors

Background papers: There are none.

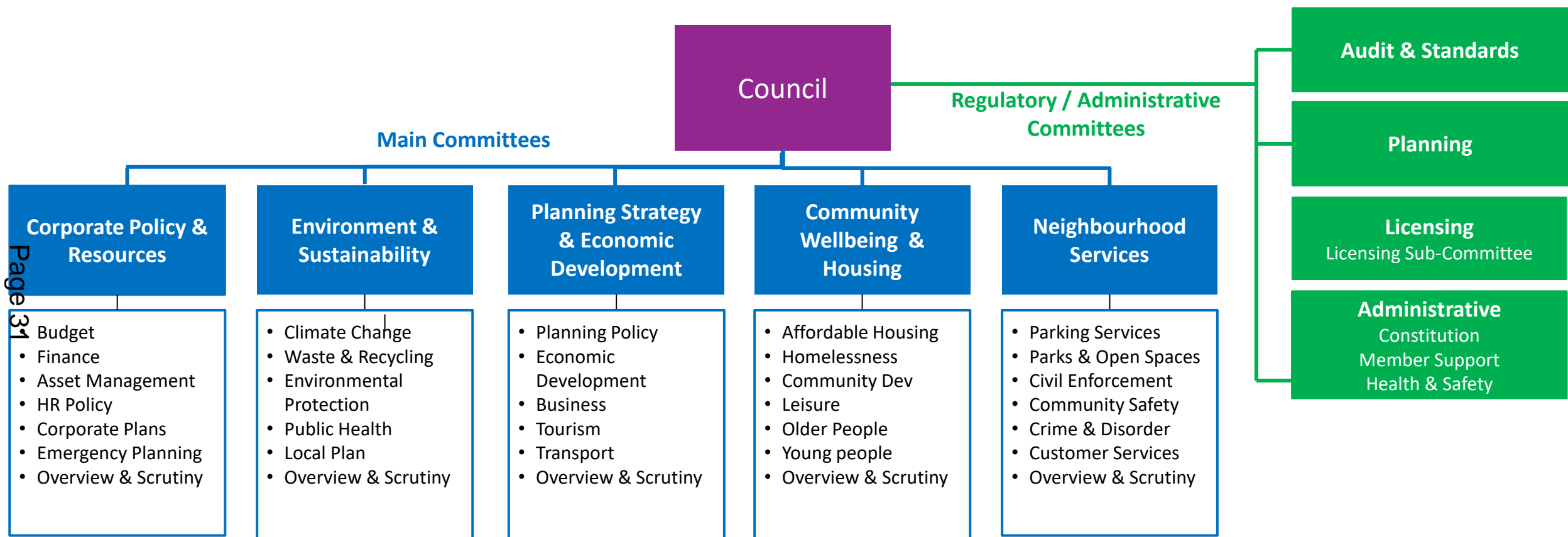
Appendices:

Appendix 1 – Proposed new committee structure

Appendix 2 – Proposed content for public consultation questionnaire

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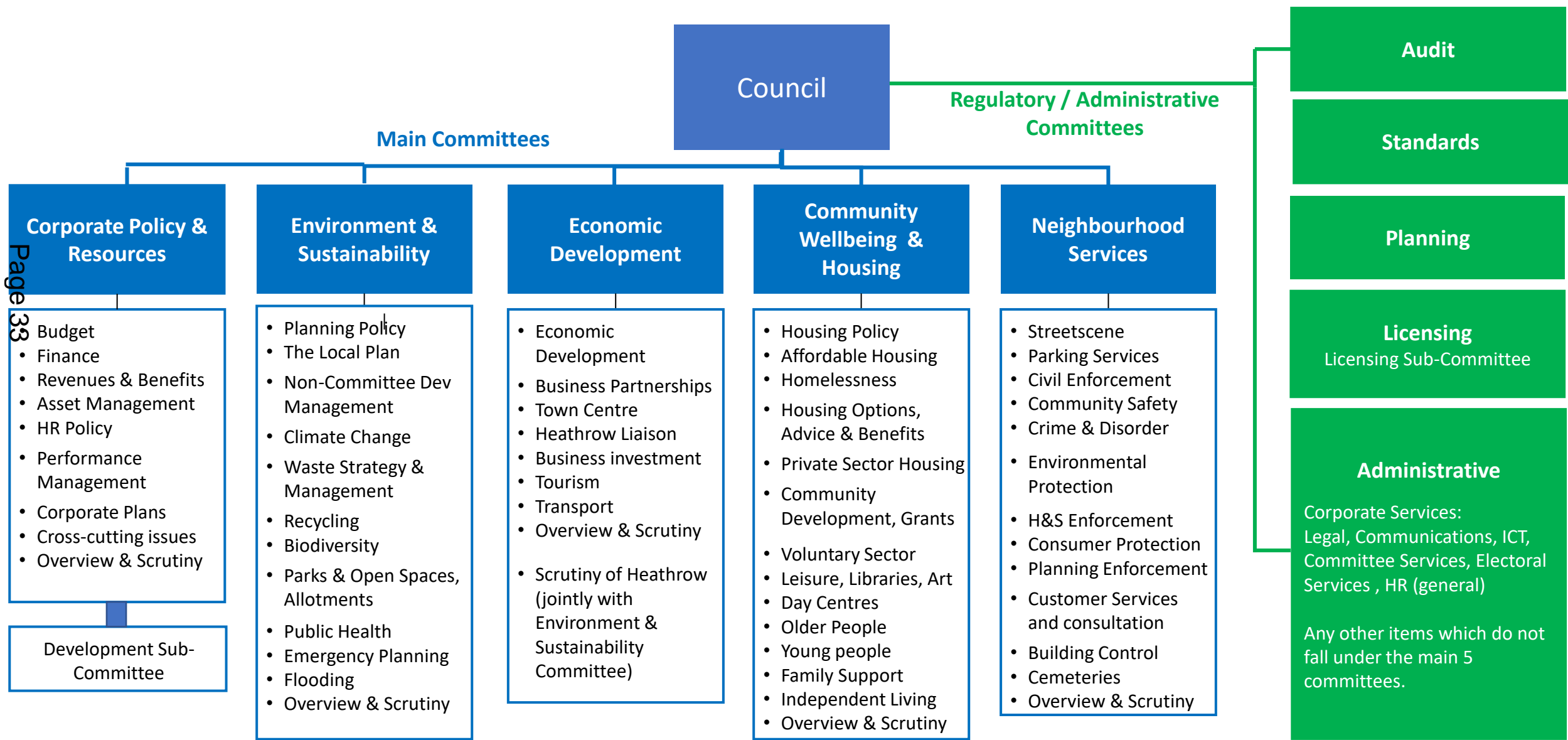
Appendix 1: Proposed Committees System Structure



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New Committee System Structure

Appendix D



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Newspapers notice and provisions to have effect document

Newspaper notice

SPELTHORNE BOROUGH COUNCIL CHANGE IN GOVERNANCE ARRANGEMENTS

Spelthorne Borough Council resolved at an Extraordinary Council Meeting held on 25 March 2021 to make a change in its governance arrangements, with effect from the Annual Council Meeting on the 27 May 2021.

As a result of the resolution it will be necessary for significant changes to the Council's Constitution to be made. The main feature of the change is to remove the 'Leader & Cabinet' form of governance that the council has operated since 2001 and replace it with a 'Committee System' form of governance. This new form of governance will result in most decisions on council functions being dealt with by politically balanced committees subject to the general oversight of Council. No individual member of the council has decision making powers.

A document setting out the provisions of the arrangements that are to have effect following the resolution are available at the council offices for inspection by members of the public at the Council Offices, Knowle Green, Staines-upon-Thames, TW18 1XB and on the council's website at www.spelthorne.gov.uk

Provisions to have effect document

CHANGE IN THE COUNCIL'S FORM OF GOVERNANCE NEW ARRANGEMENTS

CONTEXT

The Local Government Act 2000 required that local authorities (except for smaller local authorities) cease to operate a Committee System form of governance and instead operate a Leader and Cabinet form of governance. This system of governance has accordingly been in place at Spelthorne Borough Council since 2001. The Local Government Act 2000 (as amended by the Localism Act 2011) made provisions for a local authority to operate one of the following forms of governance: -

- Elected Mayor and Cabinet
- Leader and Cabinet
- Committee System

A local authority can accordingly change its form of governance by resolution of the Council. At an Extraordinary Council Meeting held on 25 March 2021 the Council resolved to cease to operate the "Leader and Cabinet" form of governance and start to operate a "Committee System" form of governance from the earliest permitted time, which is the Annual Council Meeting to be held on 27 May 2021.

The Council cannot change its form of governance again for a period of 5 years, unless approved in a referendum. This document sets out the main provisions of the new arrangements for the Council's Committee System form of governance.

KEY PROVISIONS OF THE COMMITTEE SYSTEM

Detailed below is a summary of the key provisions of the Council's Committee System form of governance:

Full Council

No significant change to existing frequency of meetings or role and functions of Full Council.

Committees

Most decisions on council functions are dealt with by politically balanced committees subject to the general oversight of Council. The main committees are:

- Corporate Policy and Resources
- Environment and Sustainability
- Economic Development
- Community Wellbeing and Housing
- Neighbourhood Services

The Council will have procedural rules for review of decisions made by the above committees in certain circumstances. The Chairman of the Corporate Policy and Resources Committee, who is appointed annually by Council at the Annual Council Meeting, fulfils the role associated with the Leader of the Council. The Vice-Chairman of the Corporate Policy and Resources Committee assists and deputises as necessary. The above committees are supported by other committees and sub-committees.

The other committee which are more specialist in nature are:

- Planning Committee
- Licensing Committee

The Council will also have an Audit Committee, Administrative Committee and a Standards Committee.

Role and Remit of Service Committees.

The following are classed as the 'service committees':

- Corporate Policy and Resources
- Environment and Sustainability
- Economic Development
- Community Wellbeing and Housing
- Neighbourhood Services

The remit of these committees are:

- All Committees will have the following functions in respect of their respective areas:
- To develop the Council's policy, strategy and budget proposals
- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To encourage performance improvement in relevant services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To develop a full understanding of the functions and services within the Committee's remit
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to the Committee.
- To support positive relationships and practices through co-operative working with staff.
- To commission studies or the collection of information relating to policy issues (Policy and Resources Committee) or service delivery (Service Committees).

Corporate Policy & Resources Committee

Membership

15 members reflecting political balance, comprising the Chairs and Vice-Chairs of the Service Committees and with the Leader and Deputy Leader appointed as Chair and Vice-Chair of this Committee

Functions

This committee has responsibility for the following functions of the Council:

- Formulation of the Council's annual budget, including the capital and revenue budgets, prudential controls and council tax, and to recommend to Council
- Overseeing and managing the Council's financial strategies plans, and regulations
- Formulating the Council's community and corporate plans and to recommend to Council
- Formulating and co-ordinating the Council's Policy Framework and to recommend to Council accordingly

- Revenues and benefits
- Human Resources Policy
- Performance management, Project management & service delivery options/transformation
- Property asset management including investment, purchases and disposals, and compulsory purchases
- Matters that cross the remits of two or more 'service' committees and/or to resolve conflict
- To monitor and review relevant Council policies and strategies.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community

Environment & Sustainability Committee

Membership

15 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Planning policy
- The Local Plan
- Waste strategy & management
- Recycling
- Biodiversity
- Climate change – including air quality, carbon management, mitigation and adaptation measures
- Public Health
- Parks, open spaces and allotments
- Emergency planning
- Review and scrutiny of the exercise by the relevant authorities of the flood risk management functions which may affect the Council's area. (dependant on O&S inclusion)
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Policy and Resources Committee.

Economic Development Committee

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Economic development, business partnerships and town centre viability & regeneration
 - Heathrow liaison +
 - Business transformation, support and inward investment
 - Tourism
 - Transport
 - To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Policy and Resources Committee.
 - To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
 - To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
 - To review and scrutinise budget proposals and make recommendations to the Policy and Resources Committee.
- + The scrutiny of Heathrow to be carried out jointly with Environment & Sustainability Committee

Community Wellbeing & Housing Committee

Membership

13 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Leisure, libraries, arts, sports and culture
- Community development and engagement
- Voluntary sector strategy and liaison
- Housing policy & strategy
- Housing options, advice and benefits
- Affordable housing and homelessness
- Private sector and social housing enforcement
- Home Improvement Agency
- Grants to outside bodies
- Education and young people
- Services for older people

- Day centres
- Supported living independently – including meals on wheels
- Family support
- Disability issues and grants
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Policy and Resources Committee.

Neighbourhood Services Committee

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Street cleansing services
- Street Scene
- Parking Services
- Customer Services and consultation
- Building Control
- Cemeteries
- Community safety and crime & disorder (dependant on O&S inclusion)
- Civil Enforcement (JET)
- Environmental protection – including food safety & enforcement
- Health & Safety enforcement
- Consumer protection, licensing, trading standards and environmental health matters
- Planning enforcement
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Policy and Resources Committee.

Administrative Committee

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Corporate Services including Communications, Legal Services, ICT, Democratic Services and Electoral Services
- Human Resources, personnel, pensions and administrative arrangements

The frequency of ordinary scheduled meetings is to be as follows:

- Corporate Policy and Resources – 7 times a year
- Environment and Sustainability – 5 times a year (Bi-monthly)
- Economic Development - 5 times a year (Bi-monthly)
- Community Wellbeing and Housing - 5 times a year (Bi-monthly)
- Neighbourhood Services - 5 times a year (Bi-monthly)

In addition, committees to have the ability to:

- establish sub-committees and working groups.
- convene additional committee meetings if necessary

Members of the public have the right to attend meetings of the Council, its Committees and sub-committees except that part of a meeting where, for example, personal or confidential matters are being discussed

Sub-Committees

Sub-Committees can be established by the Council on the following basis:

- Terms of reference of any such Sub-Committee its membership and the appointment of a Chairman and Vice-Chairman shall be settled at the time the sub-committee is established
- Membership must be politically proportional.
- Membership of a sub-committee does not have to be from the parent committee

The following sub-committees of the Policy and Resources Committee is proposed to be established:

- Development Sub-Committee

The size of the sub-committees, membership and appointment of Chair and Vice Chair of Committees is to be approved at the Annual Council Meeting

Chairman and Vice-Chairman of Policy and Resources Committee

The Chair of the Policy and Resources Committee will be the Leader of the Council. The Vice-Chair of the Policy and Resources Committee will be the Deputy Leader of the Council.

Chairmen and Vice-Chairmen of Committees

The Chairmen and Vice-Chairmen of Committees are appointed annually at the Annual Council Meeting.

FURTHER INFORMATION Further information regarding the new arrangements can be obtained from: Committee Services, Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames, TW18 1XB Email: committeeservices@spelthorne.gov.uk Tel: (01784) 446337 Further information is also available on the Council's website at www.spelthorne.gov.uk

Recommendation of the Members' Code of Conduct Committee

Council – 25 March 2021

Amendments to the Constitution

1. At its meeting on 17 March 2021 the Members' Code of Conduct Committee considered a report on revisions to the Council's Constitution which were required to operate a Committee system of governance from the Annual Council in May 2021.
2. The Committee noted that the focus for amendments had been on those parts of the Constitution which were needed to operate a Committee system and that other policies and protocols able to operate as currently written would come forward for revision in due course.
3. The Committee proposed an amendment to Standing Orders in respect of questions from the public and councillors, to change the limit from one question (Sections 15.4 and 16.2 of Part 4a) to two questions.
4. **The Members' Code of Conduct Committee recommends Council:**
 - (i) **to agree the proposed amendments to the Constitution (as appended to the report dated 17 March 2021) for adoption with a move to a Committee system of governance; and**
 - (ii) **to agree to amend Sections 13.4 and 14.2 of Part 4a Council Standing Orders from a limit of one question to two questions.**

Note: The following documents attached to this recommendation have been amended:

- i) Part 3b Terms of Reference - to add clarification on the membership of the Corporate Policy and Resources Committee
- ii) Part 4a Rules of Debate flowchart – to align with Part 4a Standing Orders, Section 18.

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Member's Code of Conduct Committee

17 March 2021



	Revisions to the Constitution required to change to a Committee System
Purpose of the report	To make a recommendation to Council
Report Author	Victoria Statham
Confidential	No
Recommendations	Committee is asked to: Recommend the amendments to the constitution to the Council for adoption with a move to a committee system of governance.
Reason for Recommendation	To ensure that the Council has a fit for purpose constitution which enables the committee system to take effect and operate.

1. Key issues

- 1.1 On 30 July 2020 this Council resolved: “to implement a change in decision-making governance arrangements, comprising the cessation of the current Leader and Cabinet model of governance and the implementation of a Full Committee model of governance. This is to be developed during 2020 with a view to the arrangements taking effect at the earliest opportunity, but no later than the commencement of the next Council Municipal Year in May 2021, subject to a legally and constitutionally robust process. The changes are to be debated and agreed by the Council.”
- 1.2 Since that paving motion in July 2020 there has been a considerable amount of work undertaken by Committee System Working Group and officers on the structure of the committees and processes. These decisions have enabled the constitution to be updated (as necessary) to enable the system to operate.
- 1.3 The amendments to the constitution could not be made until key decisions had been made by the Committee System Working Group. The turnaround time for the amendments to the constitution has been short and therefore the focus has been on those parts that need to be amended to operate the committee system. The policies and protocols which can operate as is, have not been amended yet and will come forward for revision in due course.
- 1.4 Attached at appendix A is the summary of the changes to the constitution. Also appended to this report are the updated version of the relevant sections and parts of the constitution. Please note that the numbering and formatting will be updated on final production.

- 1.5 The statutory requirements for the change of governance arrangements are set out in the Localism Act 2011. To change from a cabinet system to a committee system, a local authority must:
- (a) Pass a resolution to change the governance arrangements;
 - (b) As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection by the public;
 - (c) Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation; and
 - (d) Once the resolution to change the governance arrangements has been passed and the publicity requirements complied with the authority is required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place at the first annual meeting or later annual meeting as specified in that resolution. Transitional arrangements may be required to bridge any gap between the previous arrangements ending and the new structure beginning.
- 2. Options analysis and proposal**
- 2.1 The option is to recommend the amendments as drafted to the Council for adoption to enable the committee system to operate or to recommend any amendments to that which is proposed.
- 2.2 The amendments have been provided to the Committee System Working Party prior to this meeting and there has been a meeting of that group since to discuss.
- 3. Financial implications**
- 3.1 The financial implications for the change have already been reported to the Council.
- 4. Timetable for implementation**
- 4.1 The amendments to the constitution will be presented to the Council on the 25 March 2021 for adoption as part of the resolution to move to the committee system.
- 4.2 If the resolution is passed to move to the committee system this has to be adopted at the Annual Council Meeting and will come into effect thereafter.

Background papers: There are none.

Appendices:

Appendix A – Summary of changes to the constitution
Updated constitution sections

Summary of proposed changes to the Constitution

17 March 2021

Part 1 - Introduction

- 1.1 Constitution summary and explanation – revisions to remove reference to Cabinet and Overview and Scrutiny Committee, ensure that the section reads easily and that the explanation of the Committee style of governance is as simple as it can be.

Part 2 - Articles of the Constitution

- 1.2 Article 1 – The Constitution - removal of a purpose of the Constitution, to 'ensure no-one will review or scrutinise a decision in which they were directly involved' as the Committees will undertake their own scrutiny.
- 1.3 Article 2 – The Council and its members - no change.
- 1.4 Article 3 – The Public - removal of references to Cabinet, Leader and Overview and Scrutiny
- 1.5 Article 4 – The Council - removal of references to Cabinet and executive functions.
- 1.6 Article 5 – The Mayor - removal of references to Cabinet.
- 1.7 Article 6 – The Leader - re-written role of the Leader under the Committee system.
- 1.8 Article 7 – Service and Regulatory Committees - updated to include the Service and other committees under the new arrangements.
- 1.9 Article 8 – Standards Committee - amended to reflect change of name to Standards Committee. Added the function of managing a programme of member development
- 1.10 Article 9 – Joint Arrangements - removal of references to Cabinet and Leader.
- 1.11 Article 10 – Officers - removal of references to Cabinet and Leader.
- 1.12 Article 11 – Decision making - Inclusion of objectives for establishing Committee system. Updated level at which a matter is defined as a Key Decision to £250k from £164k. This has not been increased for some years and previously reflected old EU procurement levels. It would be in the discretion of the Council to raise it higher if considered appropriate. Removed references to executive arrangements and Cabinet.
- 1.13 Article 12 – Finance, Contracts and Legal matters - amendment to officer title and removal of reference to Cabinet functions.
- 1.14 Article 13 – Review and Revision - amended references from Members Code of Conduct Committee to Standards Committee. Removal of reference to Standards.
- 1.15 Article 14 – Suspension and Interpretation - change to officer title.

Part 3 - Responsibility for Functions

- 1.16 (a) Scheme of Delegation general introduction – removal of reference to functions delegated to the Leader, which are now delegated to Committees. Changes to improve the clarity of information on how and to whom delegations are made under the Committee system. Included additional requirements on officers when exercising delegated powers. Redefined urgent decisions by Chief executive to be taken in consultation with both Chair and Vice-Chair of a Committee. Removal of references to Cabinet.
- (b) Terms of reference of Committees – these have been entirely re-written to address the new Committee structure.
- 1.17 (c) Delegated functions in consultation with Cabinet Members or the Leader – have been amended to be in consultation with the relevant Committee Chair and Vice-Chair.
- 1.18 (f) Roles of different councillors - updated to reflect new role of Leader, Deputy Leader, Committee Chairs and Vice-Chairs. Many of the removed executive duties of portfolio holders have been included as standard terms of reference for all Committees in Part 3b, at the request of the Working Group.

Part 4 - Procedural Rules

- 1.19 (a) Council Standing Orders – these have been extensively re-written
- i) replacement throughout of references to Cabinet and Leader with Chair and Vice-Chairs
 - ii) Change to procedures at Annual and ordinary Council meetings
 - iii) Inclusion of procedures for Committees
 - iv) Change to requirement for notifying questions from public and councillors from 5 days to 7 days before the meeting. This will enable all questions to appear on the agenda, even if it is necessary to clarify the question with the questioner and avoid the need for a supplement.
 - v) Inclusion of a number limit on questions
 - vi) Ward issues to now be dealt with at Committee meetings
 - vii) Clarification on number of speakers allowed for motions without Notice
 - viii) Some further clarity on the rules around amendments, right of reply and closure motions
 - ix) Clarity on voting at regulatory Committees
 - x) Inclusion of reference to audio/visual recording of meetings
- 1.20 (b) Reservation Scheme – this is a new procedure in the Constitution which allows Committees to refer determination of matters to Council.
- 1.21 (c) Substitution Scheme – this is a new procedure in the Constitution which sets out how substitutions may be made for Committee meetings

CONSTITUTION OF SPELTHORNE BOROUGH COUNCIL

PART 1 – Summary and explanation

The Council's Constitution

This introduction, together with all the documents that follow, make up the Constitution of Spelthorne Borough Council. The Constitution is the governance framework within which the Council operates. It is approved at a meeting of the Borough Council and kept under review. It sets out how decisions are made and the procedures which are followed. Some of these processes are required by the law, while others are a matter for the Council to choose. Nothing in this Constitution supersedes legislation.

What's in the Constitution?

The Constitution is divided into 15 articles (Part 2) which set out the basic rules governing the Council's business. These are followed by three sections:

Part 3 - Decision Making - this section includes details of the Council's decision-making mechanisms and a scheme of delegation setting out who is responsible for taking which decision;

Part 4 - Procedure Rules – this section details how decisions are to be taken;

Part 5 - Codes and Protocols – this section sets out the expected standards of behaviour for Officers (employees of the Council) and Elected Members (councillors) and the corporate Management of the Council.

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Article 1 of the Constitution sets out the Council's key aims in preparing the Constitution. Articles 2-15 explain the rights of the public and how the key parts of the Council operate. These are:

- The Council and its Members (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- The Mayor (Article 5)
- Leader of the Council (Article 6)
- The
- Service, Regulatory and Other Committees (Article 7)
- The Standards Committee (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)

- Review and revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

How the Council operates

Councillors

The Council is composed of 39 councillors elected every four years. Councillors are democratically accountable to residents of their Ward. Only registered electors of the borough or those living, working or owning property in the borough are eligible to seek election for the office of Councillor. Their overriding duty is to the whole borough, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. All councillors receive training and ongoing advice on complying with the code of conduct.

Council meetings

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. It is at Council meetings that councillors decide the Council's overall policies and set the budget each year. The Council appoints a councillor as its Leader, sets up and makes appointments to its Service and other Committees and confirms the appointment of the Chief Executive (also referred to as the Head of Paid Service).

The Council has agreed procedures to enable the public to take part in Council meetings by asking questions of councillors, presenting petitions and also commenting on matters being discussed by the Council before it makes decisions. The procedures are set out in Standing Orders (See Part 4).

The Mayor

The Mayor and Deputy Mayor will be elected by the Council annually from amongst the councillors.

The Mayor is the First Citizen of the Borough and acts as an ambassador on behalf of the Borough. As a symbol of the Council and its area, the Mayor gives encouragement and shows appreciation for the many groups and organisations who also serve the residents of the Borough. The Mayor will attend such civic and ceremonial functions as the Council and he or she determines appropriate. The Mayor will act in a non-partisan manner and in the interests of the whole Council.

The Leader

The Council will appoint a Leader annually, who will hold the most significant elected Member role within the Council. The Leader will be the political head of the Council and the focus for policy direction and community development. The

Leader will also be the chief advocate and spokesperson for the whole of the Borough.

The Council will also appoint the Deputy Leader at its Annual Meeting, who is able to exercise the functions of the Leader when he or she is unavailable.

The Leader will chair meetings of the Policy and Resources Committee.

How decisions are made

The Service Committees

The Council will establish a number of Service Committees to be responsible for most day-to-day decisions. The terms of reference of the Committees are set out in Part 3 of this Constitution. The Service Committees are made up of a Chairman and a vice-Chairman and a committee membership determined by the Council.

Appointments to the Service Committees will be made at the Annual Meeting each year.

The Regulatory and other Committees

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of any of the Service Committees; for example: Planning Committee, Licensing Committee, Audit Committee and Standards Committee.

Joint Committees

In conjunction with other authorities and public bodies the Council may establish and participate in Joint Committees. These joint arrangements are described in Article 10 of this Constitution.

Statutory Scrutiny functions

Statutory requirements mean that the Council must make arrangements for scrutiny of certain matters, namely:

- matters relating to the health of the authority's population. Recommendations may be made to health bodies or other relevant authorities;
- the power to scrutinise the activities of those responsible for crime and disorder strategies.

In addition, the Council will also scrutinise the exercise by relevant authorities of flood risk management functions which may affect the local authority's area.

The Council's scrutiny functions will be undertaken by the appropriate Service Committee.

Responsibility for the statutory scrutiny functions relating to health will be undertaken by Surrey County Council.

The Council's Staff

The Council employs people (called 'officers' or staff) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and councillors. Officers will comply with the Staff Code of Conduct set out in Part 5 of this Constitution.

The Public's Rights

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

Where members of the public use specific Council services, they may have additional rights. These are not covered in this Constitution. The Council welcomes participation by the public in its work. For further information on your rights as a citizen, please contact the Group Head of Corporate Governance.

Definitions

The headings in this Constitution are inserted for convenience only and shall not affect its construction.

A reference to a particular law is a reference to it as it is in force for the time being, taking account of any amendment, extension or re-enactment and includes any subordinate legislation for the time being in force made under it.

Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

Unless the context otherwise requires, words in the singular shall include the plural and in the plural, shall include the singular.

Part 2 – Articles of the Constitution

Article 1 – The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of Spelthorne Borough Council.

1.3 Purpose of the Constitution

The Council's overall aim is to deliver quality, best value for money services that matter most to our residents and its approach to achieving this is based on the following values:

- Community – developing strong, thriving, cohesive communities
- Opportunity - providing equality of opportunity for all; and
- Self-Reliance – focusing on those most disadvantaged and in need
- Accountability - taking responsibility for our own actions
- Tradition - recognising the importance of our heritage, history and tradition.

The Council has tried to embody its values in this Constitution.

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the Spelthorne community and work in partnership with residents, businesses and other organisations to make Spelthorne a place where people are fully engaged and are both respected and respectful, promoting an environment that is healthy, safe, inclusive, prosperous and sustainable;
2. support and encourage the active involvement of the Spelthorne community in the decisions which affect them;
3. help councillors represent their constituents more effectively;
4. help councillors to carry out their civic duties effectively;
5. enable decisions to be taken efficiently and effectively;
6. create an effective means of holding decision-makers to public account;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
8. provide a means of improving the delivery of services to the Spelthorne community; and

9. ensure that high standards of probity and ethics are evident in all aspects of the Council's decisions and activities.

1.4 Interpretation and Review of the Constitution

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

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

Article 2 – The Council and its Members

2.1 Composition and eligibility

- (a) **Composition.** The Council will comprise 39 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Boundary Commission for England and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of Spelthorne or those living or working here will be eligible to hold the office of councillor.

2.2 Election and terms of councillors

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

2.3 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) participate constructively and effectively in the good governance of the Borough;
 - (ii) contribute actively to the formation, development and review of the Council's policies, priorities, plans, strategies, budget and service delivery;
 - (iii) ensure the Council in all its activities is aware of and takes into account the differing needs and views of all sections of the community in Spelthorne;
 - (iv) participate actively in supporting the interests of the community and improving the quality of life in the Borough;
 - (v) represent the interests of their ward effectively;
 - (vi) raise awareness of the Council and its activities within the community and particularly in their wards;
 - (vii) participate effectively and actively when a member of any committee, sub-committee or working group;
 - (viii) participate in appropriate training, development and learning opportunities to carry out their role;
 - (ix) participate constructively and effectively in civic duties, whether they are Council or ward events, as and when required or by invitation of the Mayor.

(b) Rights and duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than to those councillors and/or members of staff entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules set out in Part 4 of this Constitution.

2.4 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on councillor/staff relations set out in Part 5 of this Constitution.

2.5 Allowances

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

Article 3 – The Public and the Council

3.1 The Public's rights

The public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules (set out in Part 4 of this Constitution):

(a) Voting and Petitions

Residents on the electoral roll for Spelthorne have the right to:

- (i) vote at local elections.
- (ii) sign a petition to request a referendum for an elected mayor form of Constitution.
- (iii) submit petitions in accordance with the Council's Petition Scheme set out on the Council's website.

(b) Information

The public have the right to:

- (i) obtain a copy of this Constitution;
- (ii) attend meetings of the Council (and its committees and sub-committees) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) see reports and background papers, and any records of decisions in accordance with the Council's Access to Information Rules; and
- (iv) inspect the Council's Accounts and make their views known to the Council's external auditor.

(c) Participation

The public have the right to

- (i) contact their local councillor about any matters of concern to them;
- (ii) ask a question at a meeting of the Council;
- (iii) report on any meeting, which is not being held in private, by means of any medium available to them and share the results of such reporting by any communication method at their disposal without causing undue interference to the proceedings of the meeting;
- (iv) address the Council before it makes any decision on a recommendation to it from a Committee
- (v) sign a petition in accordance with the Council's Petition Scheme set out on the Council's website;

- (vi) speak at meetings of the Planning Committee in accordance with the Council's protocol on public speaking at Planning Committees contained in Part 5 of the Constitution;
- (vii) speak at meetings of Licensing Sub-Committees in accordance with the rules and procedures adopted by the Council under the provisions of the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

(d) Complaints

The public have the right to complain to:

- (i) the Council itself under its complaints procedure;
- (ii) the Ombudsman after using the Council's own complaints scheme; and
- (iii) the Standards Committee about a breach of the Members' Code of Conduct.

3.2 Responsibilities of the Public

The public must not be violent, abusive or threatening to councillors or staff and must not willfully harm things owned by the Council.

Article 4 – The Council

4.1 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:-

- The Council's Corporate Plan;
- Spelthorne Community Plan;
- Spelthorne Safer, Stronger Partnership [SSSP] – Partnership Plan;
- Core Strategy and Policies Development Plan Document [DPD] February 2009, Allocations DPD December 2009, Spelthorne Borough Local Plan – Saved Policies - December 2009. Design of Residential Extensions and New Residential Development SPD – April 2011, Flooding SPD – July 2012, Housing Size and Type SPD – July 2012, Parking Standards - September 2011. Housing Strategy incorporating the Housing Investment Programme;
- Statement of Licensing Policy;
- Gambling Act 2005: Statement of Principles;
- Treasury Management Strategy Statement and Annual Investment Strategy
- Capital Strategy and
- Pay Policy Statement.

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, and the setting of virement limits.

4.2 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution
- (b) making proposals and fulfilling any duties to change the Council's governance arrangements, determine whether a referendum is required and pass a resolution to make any such change; approving the Council's budget as defined in Article 4.1(b) of the Constitution and setting the Council Tax;
- (c) adopting, amending, revoking or replacing any plan or strategy falling within the Council's policy framework;
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules (set out in Part 4 of this Constitution),

making decisions in respect of any Committee decision which is not in accordance with the agreed budget and policy framework;
adopting, revising or replacing the code of conduct for councillors and co-opted members;

- (e) election of the Mayor and Deputy Mayor;
- (f) appointment and removal of the Leader of the Council;
- (g) appointment and dissolution of committees, approval and/or amendment of their terms of reference and size
- (h) determining allocation of seats on the Council's committees and making appointments to them (a request by a Group Leader to amend the political membership of a committee may be made to the Chief Executive under Part 3(d));
- (i) appointment of representatives to outside bodies
- (j) making all necessary arrangements for the discharge of functions through joint arrangements, including the establishment of joint committees, area committees or delegation to another local authority;
- (k) determining matters relating to the failure of a councillor to attend meetings for a period of six months;
- (l) approval, amendment, revocation or replacement of the Members' Allowances scheme set out at Part 6 of the Constitution and to determine the levels of all allowances payable to councillors;
- (m) those relating to local government pensions;
- (n) determination of those matters in relation to elections and electoral registration which it is required to do by legislation;
- (o) changing the name of the Council area or its wards;
- (p) conferring the title of honorary alderman or honorary freeman;
- (q) appointment and dismissal of the Chief Executive
- (r) designating members of staff as the Head of Paid Service, the Monitoring Officer and the Chief Finance (Section 151) Officer;
- (s) appointment of proper officers for particular purposes;
- (t) making, amending, revoking, re-enacting or adopting byelaws
- (u) promoting or opposing the making of local legislation or personal Bills;
- (v) determining all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting (at which the Mayor is elected);
- (b) ordinary meetings (on dates agreed annually); and

(c) extraordinary meetings (to deal with urgent or special business).
and they will be conducted in accordance with the Council Standing Orders (set out in Part 4(a) of this Constitution).

4.4 Responsibility for functions

The Council will maintain the information in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

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Article 5 – The Mayor

5.1 Election of Mayor

The Mayor and Deputy Mayor will be elected by the Council annually from amongst the councillors.

5.2 Role and function of the Mayor

1. The Mayor will have the following responsibilities
 - a. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - c. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which all members are able to hold decision makers to account;
 - d. to promote public involvement in the Council's activities;
 - e. to be the conscience of the Council;
 - f. to attend such civic and ceremonial functions as the Council and he/she determines appropriate;
 - g. to support other councillors to enable them to carry out their civic duties effectively.
2. In the absence of the Mayor, the Deputy Mayor will assume the responsibilities of the Mayor.
3. The Mayor will not be a member of any committee appointed by the Council.

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Article 6 – The Leader of the Council

6.1 Role

The Council will appoint a Leader annually. He/she will be the political head of the Council and the focus for policy direction and community development. The Leader will also be the chief advocate and spokesperson for the whole of the Borough and will chair the Council's Corporate Policy & Resources Committee.

If the Council does not appoint a Leader, the Leader of the largest political group becomes the Leader. Should a vacancy arise for the position of Leader, the Head of Paid Service will convene a meeting of Council at the earliest opportunity so that a new Leader may be appointed.

The Council will also appoint at its Annual Meeting the Deputy Leader(s), who is/are able to exercise the functions of the Leader when he or she is unavailable, or where in the opinion of the Head of Paid Service, the Leader is incapacitated for such a period of time that the efficient operation of the Council would be significantly impaired.

Once appointed, the Leader and Deputy Leader(s) will hold office until the next Annual Meeting unless he or she:-

- (a) resigns from office;
- (b) is no longer a member of the Council;
- (c) is removed from office by resolution of the Council

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Article 7 – Service, Regulatory and other Committees

7.1 Service Committees

The Council will appoint the following service committees to discharge those functions described in Part 3 of the Constitution:

- Corporate Policy and Resources Committee
- Environment and Sustainability Committee
- Economic Development Committee
- Community Wellbeing and Housing Committee
- Neighbourhood Services Committee

7.2 Regulatory Committees

The Council will appoint the following committees to discharge its quasi judicial and regulatory functions described in Part 3 of the Constitution:-

- Planning Committee
- Licensing Committee/Licensing Sub-Committees
- Audit Committee

7.3 Other Committees

- (i) The Council will appoint the following committees to discharge those functions described in Part 3 of the Constitution:
 - Standards Committee
 - Administrative Committee
- (ii) The Council may appoint other committees from time to time to discharge specific functions of the Council or to advise it on specific issues.

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Article 8 – The Standards Committee

8.1 Appointment

The Council will appoint a Standards Committee at its Annual Meeting.

8.2 Membership

The Standards Committee will be composed of:

- nine councillors who shall be representative of all political groups as far as practical and in accordance with political proportionality, and shall not include the Mayor; and
- two persons who are not a councillor or a member of staff (an Independent Member);

The Independent Members are advisory and will not be entitled to vote at meetings.

8.3 Chairing the Committee

The Chairman and Vice Chairman of the committee shall both be Independent Members.

8.4 Role and Functions

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and any co-opted members (Members);
- (b) the establishment of a Hearings Panel (comprising three councillors drawn from the membership of the Standards Committee and chaired by an independent member) to assess and determine complaints against Members under the Code of Conduct;
- (c) to support the Monitoring Officer in exercising his/her delegated authority, in consultation with the Chairman of the Standards Committee, to select councillors to serve on the Hearings Panels above on a case by case basis;
- (d) assisting the Members to observe the Members' Code of Conduct;
- (e) assisting the councillors in carrying out their civic duties effectively through promoting, managing and agreeing a programme of member development;
- (f) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (g) monitoring the operation of the Members' Code of Conduct;
- (h) advising on training Members on matters relating to the Members' Code of Conduct;

- (i) granting dispensations to Members from the requirements relating to interests set out in the Members' Code of Conduct;
- (j) keeping an overview of and advising the Council on its Planning Code;
- (k) keeping an overview of and advising the Council on its Councillor and Staff Protocol;
- (l) keeping an overview on the operation of, and advising the Council on, any changes to its Constitution;
- (m) To appoint such independent person(s) as necessary pursuant to Section 28 Localism Act 2011;
- (n) keeping an overview on the operation of, and advising the Council on, the Staff Code of Conduct; and,
- (o) any other responsibilities which may be delegated to it by the Council.

Article 9 - Joint Arrangements

9.1 Arrangements to promote well being

In order to promote the economic, social or environmental well-being of Spelthorne, the Council may:

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

9.2 Joint arrangements

- (a) **The Council may establish joint arrangements with one or more local authorities to exercise functions.** Such arrangements may involve the appointment of a joint committee with these other local authorities.

9.3 Appointments to a Joint Committee

- (a) The Council may appoint members to a joint committee and those members need not reflect the political composition of the Council as a whole where such joint committee was established under the Local Government Act 1972.
- (b) Details of any joint arrangements which have been made, including any delegations to joint committees, are in the Council's scheme of delegations in Part 3 of this Constitution.

9.4 Access to information

The Access to Information Rules in Part 4 of this Constitution apply (Part VA of the Local Government Act 1972 refers).

9.5 Delegation to and from other local authorities

- (a) The Council may delegate functions to another local authority
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

9.6 Contracting out

Provided there is no delegation of the Council's discretionary decision making, the Council may contract out to another body or organisation, functions:-

- which may be exercised by a staff member and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or
- under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles.

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Article 10 – Officers

10.1 Management Structure

(a) General

The Council may engage such staff as it considers necessary to carry out its functions.

(b) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council) governance support, public relations.
Deputy Chief Executives (2)	Responsibility for the service areas of the Council identified in the Council's management structure.
Chief Finance Officer	Responsibility for the proper administration of the Council's financial affairs. Responsible for reporting to the Council if councillors or staff make or are about to make a decision involving unlawful expenditure, loss or deficiency, or if proposed expenditure is likely to exceed available resources.
Monitoring Officer	Standards, lawfulness, the Council's Constitution, advice and assistance.

(c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Group Head of Corporate Governance	Monitoring Officer
Deputy Chief Executive (Terry Collier)	Chief Finance Officer

Such posts will have the functions described in Article 12.2–12.4 below

(d) Deputy Monitoring Officer and Deputy Chief Finance Officer

A Deputy Monitoring Officer and Deputy Chief Finance Officer will be appointed from the Council's staff to perform the functions of the Monitoring Officer and Chief Finance Officer respectively, where the Monitoring Officer or Chief Finance Officer, as appropriate, is unable to act.

10.2 Functions of the Head of Paid Service

The Head of Paid Service will:-

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

10.3 Functions of the Monitoring Officer

The Monitoring Officer will:-

- (a) maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, staff and the public;
- (b) after consulting with the Head of Paid Service and Chief Finance Officer, report to the Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- (c) contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee
- (d) conduct investigations into complaints and matters arising under the Members' Code of Conduct ;
- (e) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (f) ensure that Committee decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- (g) The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

10.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:-

- (a) after consulting with the Head of Paid Service and the Monitoring Officer, report to the Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully;
- (b) have responsibility for the administration of the financial affairs of the Council;
- (c) contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
- (d) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles;
- (e) provide financial information to the media, members of the public and the community.

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

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

10.6 Conduct

Officers will comply with the Staff Code of Conduct and the Protocol on Councillor-Staff Relations set out in Part 5 of this Constitution.

10.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

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Article 11 – Decision-Making

11.1 Responsibility for decision-making

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

11.2 Principles of decision-making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from staff;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and reasonableness

11.3 And in accordance with the Council's objectives for establishing a Committee system:

- (a) Accountability – responsibilities and accountability should be clear within the Council and to residents
- (b) Credibility – governance should assist good decision-making which involves proper and early scrutiny
- (c) Transparency – the decision-making process should be open and transparent to members and the public
- (d) Collaboration – decision-making should be collaborative across parties and less combative
- (e) Timeliness – decision-making should be both quick and effective and where necessary allow for urgent decision-making.

11.4 Types of decision

(a) Decisions reserved to Council.

Decisions relating to the functions listed in Article 4.2 will be made by the Council and not delegated.

(b) Key Decisions

A key decision is a decision which, in the view of the Head of Paid Service, is likely:

- (i) to result in significant expenditure or savings of £250,000 or more; and/or

- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

NOTE - Whilst it is recognised that 'key decision' is a term required under executive arrangements, the term has been retained as it continues to provide a useful definition under committee system governance arrangements.

11.5 Decision-making by the Council

Subject to Article 13.6, the Council meeting will follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

11.6 Decision-making by Committees and Sub-Committees established by the Council

Subject to Article 13.6, Council Committees and Sub-Committees will follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

11.7 Decision-making by Council bodies acting as tribunals

The Council, a councillor or a member of staff, acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights and the Human Rights Act 1998.

Article 12 – Finance, Contracts and Legal Matters

12.1 Financial management

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

12.2 Contracts

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution.

12.3 Legal proceedings

The Group Head of Corporate Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Group Head of Corporate Governance considers that such action is necessary to protect the Council's interests.

12.4 Authentication of documents

Where any document is necessary for any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive, Group Head of Corporate Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £100,000 entered into on behalf of the Council shall be made in writing and made under the Common Seal of the Council attested by at least one member of staff.

12.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Group Head of Corporate Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Group Head of Corporate Governance should be sealed. The affixing of the Common Seal will be attested by the Group Head of Corporate Governance, Chief Finance Officer or Chief Executive or some other person authorised by him/her or the Council.

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Article 13 – Review and Revision of the Constitution

13.1 Duty to monitor and review the constitution

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

13.2 Changes to the Constitution

- (a) Subject to (b) below, changes to the constitution will only be approved by Council after considering a report on the proposal by the Monitoring Officer and, as appropriate, any advice from the Standards Committee.
- (b) The Monitoring Officer may make minor changes to the constitution to reflect new legislation or changes to officer titles under a restructure providing that when he does so, information is subsequently provided to the Council to explain the effect of those changes.
- (c) Any councillor or any Committee may submit proposals for changes to this Constitution to the Council for consideration.
- (d) The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change its governance arrangements

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Article 14 – Suspension, Interpretation and Publication of the Constitution

14.1 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The rules specified below may be suspended by a meeting of the Council to the extent permitted within those rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice, unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following rules may be suspended in accordance with Article 16.1:
 - Standing Orders for Council
 - Financial Regulations
 - Contract Standing Orders

14.2 Interpretation

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

14.3 Publication

The Group Head of Corporate Governance will ensure that a copy of the Constitution is available in the Members' Room, available for inspection at the Council offices and on the Council's website.

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INTRODUCTION TO THE SCHEME OF DELEGATIONS

Introduction

1. Under section 101 of the Local Government Act 1972 the Council may delegate its functions to a committee of the Council or to a member of staff, other than those matters reserved to the full Council meeting.
2. This document sets out the functions which have been delegated to staff in consultation with relevant Chair and Vice-Chair as set out in Part 3 (c). The references to staff are to the posts as currently titled but these will equally apply to the holder of an equivalent post in the future.
3. This document deals only with the standard delegations made by the Council and Committees and does not cover temporary delegations for a particular purpose.

General Conditions and Limitations

4. The functions, powers and duties in this scheme are delegated to staff as set out. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions.
5. All staff exercising these delegations are to act in accordance with the Council's Constitution, Contract Standing Orders, Financial Regulations and any other protocols or other arrangements approved in pursuance to them.
6. The following are not delegated to any member of staff:
 - a. Any matter reserved to Council, or any Committee or a member body having decision making powers.;
 - b. Any function which by law cannot be delegated to a member of staff; and
 - c. The adoption of new policy or significant variation to existing policies and any matter which is contrary to the policy framework and budget of the Council.
7. The Council, relevant committee or other member body with decision making powers may at any time resume responsibility for the function and may therefore exercise the function despite the delegation.
8. A member of staff may decide not to exercise any function in relation to a particular matter and invite the Council, or relevant Committee or sub-Committee having decision making powers, as appropriate, to do so instead. It is open to a member of staff to consult with appropriate councillors on the exercise of delegated powers or in deciding whether or not to exercise any delegated powers where the matter is likely to be controversial or contentious.

Part 3 section (a)

9. A member of staff with line management responsibility for the member of staff named in the delegation may exercise the power instead of the member of staff so designated and may direct or negate any course of action proposed. In absence of a Deputy Chief Executive with line management responsibility, the Chief Executive may exercise that power.
10. A decision delegated to a member of staff by Council or Committee can be taken by a staff member with line management responsibility for that staff member in his/her absence.
11. A member of staff to whom a power, duty or function is delegated may nominate or authorise another member of staff to exercise that power, duty or function, provided that such delegation is recorded in writing.
12. A decision delegated to a member of staff in consultation with the Chair and Vice-Chair of a Committee may be taken in consultation with either the Chair or Vice-Chair where only one is available.
13. With respect to any reference to a delegation being exercised following consultation with any councillor, the decision is vested with the member of staff so delegated who shall be responsible and accountable for the decision. The member of staff so delegated is required to bring independent judgement to bear on the decision and the decision shall be his/hers alone and not the members being consulted. If those councillors disagree with the member of staff, the matter should be referred to the body or person from whom the delegation arose for decision.
14. In exercising any delegated powers, officers must ensure that their decisions are consistent with Council policy, within approved spending limits and in the best interests of residents and the Council as a whole. Relevant councillors should also be informed/consulted as appropriate depending on the nature and sensitivity of the decision.
15. Each officer is responsible for ensuring that decisions which they take are adequately recorded, and that the record of that decision is available to other Officers, to councillors and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment.
16. Every officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.
17. Every officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other officer, councillors and statutory regulators.

Part 3 section (a)

18. The Group Head of Corporate Governance shall have the power to amend delegations to reflect re-organisations, changes in job titles and vacancies, where the changes result in redistributing existing delegations and not the creation of new ones.
19. The Group Head of Corporate Governance shall have the power to amend delegations to reflect changes in legislation, or references to legislation where such changes do not alter the nature of the existing delegation.

Interpretation

20. All enquiries about this scheme of delegations should be made to the Group Head of Corporate Governance and all matters of interpretation will also be determined by the Group Head of Corporate Governance.
21. Any reference to a statute or statutory instrument shall be deemed to include and be construed as if it contained a reference to any subsequent statute or statutory instrument for the time being replacing, amending or extending the same or containing related provisions.
22. The expressions 'officer', 'staff' or 'employee' includes any person employed by the Council irrespective of the particular National Scheme of Conditions of Service under which they are employed.
23. The expression Chief Officer shall mean the Chief Executive, the relevant Deputy Chief Executive, the Monitoring Officer and the Chief Finance Officer.
24. The expression Head of Service shall mean the following job titles:
 - Group Head of Corporate Governance
 - Group Head Commissioning and Transformation
 - Group Head Community Wellbeing
 - Deputy Group Head Customer Services
 - Group Head Neighbourhood Services
 - Group Head Regeneration and Growth
 - Senior Environmental Health Manager
 - Planning Development Manager
 - Strategic Planning Manager

Urgent Decisions

25. In order to enable an urgent decision to be made, the Chief Executive has delegated power to take any decision which is so urgent that it cannot wait until the next scheduled meeting of the Council or relevant Committee and where the decision is not in contravention of established policies.

Part 3 section (a)

26. In following this procedure, the Chief Executive is required to consult with the relevant Committee Chair and Vice-Chair
27. The use of such urgent action must be reported to the next relevant Committee meeting.

General Delegations to Chief Officers

28. Subject to all specific delegations contained in this scheme, Chief Officers may take action on behalf of the Council where the proposed action conforms to any policy, strategy or development plan approved by the Council or one of its committees and there is a budget provision.
29. To delegate further, in writing, all or any of their delegated functions to other members of staff to exercise in their own name.
30. To advise on policy development and formulation.

Emergencies

31. The Chief Executive and all Chief Officers have power to take all necessary actions including incurring expenditure with regards to any emergency involving serious danger to life, property and public welfare. Any action taken under this provision shall be reported as soon as practicable to the Council or relevant Committee as appropriate. If necessary and where legally possible Contract Standing Orders and Financial Regulations shall be suspended during such emergencies. All expenditure incurred should be reported to the Chief Finance Officer who will report such expenditure to the Council or relevant Committee where necessary under Financial Regulations.

TERMS OF REFERENCE

All Committees will have the following functions in respect of their respective areas:

- To develop the Council's policy, strategy and budget proposals
- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To encourage performance improvement in relevant services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To develop a full understanding of the functions and services within the Committee's remit
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to the Committee.
- To support positive relationships and practices through co-operative working with staff.
- To commission studies or the collection of information relating to policy issues (Policy and Resources Committee) or service delivery (Service Committees).

CORPORATE POLICY & RESOURCES COMMITTEE

Membership

15 members reflecting political balance, comprising the Chairs and Vice-Chairs of the Service Committees and with the Leader and Deputy Leader appointed as Chair and Vice-Chair of this Committee

Functions

This committee has responsibility for the following functions of the Council:

- Formulation of the Council's annual budget, including the capital and revenue budgets, prudential controls and council tax, and to recommend to Council
- Overseeing and managing the Council's financial strategies plans, and regulations
- Formulating the Council's community and corporate plans and to recommend to Council
- Formulating and co-ordinating the Council's Policy Framework and to recommend to Council accordingly
- Revenues and benefits
- Human Resources Policy
- Performance management, Project management & service delivery options/transformation
- Property asset management including investment, purchases and disposals, and compulsory purchases
- Matters that cross the remits of two or more 'service' committees and/or to resolve conflict
- To monitor and review relevant Council policies and strategies.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community

Development Sub-Committee

To be added

ENVIRONMENT & SUSTAINABILITY COMMITTEE

Membership

15 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Planning policy
- The Local Plan
- Waste strategy & management
- Recycling
- Biodiversity
- Climate change – including air quality, carbon management, mitigation and adaptation measures
- Public Health
- Parks, open spaces and allotments
- Emergency planning
- Review and scrutiny of the exercise by the relevant authorities of the flood risk management functions which may affect the Council's area. (dependant on O&S inclusion)
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Policy and Resources Committee.

ECONOMIC DEVELOPMENT COMMITTEE

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Economic development, business partnerships and town centre viability & regeneration
 - Heathrow liaison +
 - Business transformation, support and inward investment
 - Tourism
 - Transport
 - To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Policy and Resources Committee.
 - To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
 - To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
 - To review and scrutinise budget proposals and make recommendations to the Policy and Resources Committee.
- + The scrutiny of Heathrow to be carried out jointly with Environment & Sustainability Committee

COMMUNITY WELLBEING & HOUSING COMMITTEE

Membership

13 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Leisure, libraries, arts, sports and culture
- Community development and engagement
- Voluntary sector strategy and liaison
- Housing policy & strategy
- Housing options, advice and benefits
- Affordable housing and homelessness
- Private sector and social housing enforcement
- Home Improvement Agency
- Grants to outside bodies
- Education and young people
- Services for older people
- Day centres
- Supported living independently – including meals on wheels
- Family support
- Disability issues and grants
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Policy and Resources Committee.

NEIGHBOURHOOD SERVICES COMMITTEE

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Street cleansing services
- Street Scene
- Parking Services
- Customer Services and consultation
- Building Control
- Cemeteries
- Community safety and crime & disorder (dependant on O&S inclusion)
- Civil Enforcement (JET)
- Environmental protection – including food safety & enforcement
- Health & Safety enforcement
- Consumer protection, licensing, trading standards and environmental health matters
- Planning enforcement
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Policy and Resources Committee.

ADMINISTRATIVE COMMITTEE

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Corporate Services including Communications, Legal Services, ICT, Democratic Services and Electoral Services
- Human Resources, personnel, pensions and administrative arrangements

POLICE AND CRIME COMMISSIONER'S PANEL

The Panel is a joint committee, made up of both appointed and co-opted members. All county, district and borough councillors are eligible to be Panel members.

In Surrey, there are 12 appointed members equating to the 12 councils. One councillor from Spelthorne Borough Council (appointed annually by Council) is a member of the Panel. In addition, there must be at least 2 co-opted members on the Panel (co-opted by the Panel itself, not the constituent councils) but the size of the Panel must not exceed 20 members in total. Surrey County Council is the lead authority administering the work of the Panel.

The Panel is established as an Overview and Scrutiny body and therefore has the legal powers to:

- Require any papers in the Police and Crime Commissioner's (PCC) possession (except those that are operationally sensitive).
- Require the PCC (and his staff) to attend the Panel to answer questions.
- Request the Chief Constable attends to answer questions where the PCC has been required to appear before the Panel.
- Make reports and recommendations on any action or decision of the Commissioner.

The Police Reform and Social Responsibility Act 2011 details the functions that the Panel exercises as follows:

- Review the draft police and crime plan, or draft variation, given to the Panel by the PCC and make a report or recommendations on the draft plan or variation to the PCC.
- Review the PCC's annual report and make a report or recommendations on the report to the PCC.
- Review or scrutinise decisions made or other action taken by the PCC in connection with the discharge of the PCC's functions.
- Publish any report and recommendations made to the PCC.
- Review certain senior appointments made by the PCC.
- Review Chief Constable appointments, with the power to veto the appointment with a two-thirds majority.
- Review and report on the PCC's proposals to remove a Chief Constable.
- Review the PCC's level of precept, with the power to veto the proposed precept with a two-thirds majority.
- Suspend the PCC if he or she is charged with certain criminal offences.
- Appoint an acting PCC if necessary.
- Initial handling and informal resolution of complaints about the conduct of the PCC or his Deputy.

REGULATORY COMMITTEES

AUDIT COMMITTEE

(7 councillors and one independent member)

1. 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:
 - To approve (but not direct) the internal audit's strategy plan and performance.
 - To review summary internal audit reports and the main issues arising and to seek assurance that action has been taken where necessary.
 - To consider the reports of external audit and inspection agencies.
 - To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud, bribery and anti corruption arrangements.
 - Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
 - To be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and to take actions required to improve it.
 - 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.
 - To review the financial statements, external auditors' opinion and reports to councillors, and monitor management action in response to the issues raised by external audit.

LICENSING COMMITTEE

(13 members)

1. Subject to staff delegations, In relation to the Licensing Act 2003:

- a. The determination of an application for a premises licence where relevant representations have been made and not withdrawn;
- b. The determination of an application for a club premises certificate where relevant representations have been made and not withdrawn;
- c. The determination of an application for a provisional statement where relevant representations have been made and not withdrawn;
- d. The determination of an application for variation of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;
- e. The determination of an application to vary the designated premises supervisor following objections from a Responsible Authority;
- f. The determination of an application for the transfer of a premises licence following objections from a Responsible Authority;
- g. Consideration of an objection from a Responsible Authority made to an interim authority notice;
- h. The decision to give counter notice following objections from a Responsible Authority to a temporary event order;
- i. The determination of an application for the grant of a personal licence following objections from the Responsible Authority;
- j. The determination of an application for a review of a premises licence.

2. In relation to the Gambling Act 2005:

- a. The determination of an application for a licence where relevant representations have been made and not withdrawn;
- b. The determination of an application for a variation of a licence where relevant representations have been made and not withdrawn;
- c. The determination of an application for the transfer of a licence where relevant representations have been received from the Gambling Commission;
- d. The determination of an application for a provisional statement where relevant representations have been received and not withdrawn;
- e. The determination of an application for a review of a licence;
- f. The determination of an application for club gaming / club machine permits where objections have been made and not withdrawn;

- g. The cancellation of club gaming / club machine permits where relevant representations have been received and not withdrawn;
- h.

The decision to give a counter notice to a temporary use notice.

- 3. In relation to Part II Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982:
 - a. To grant or refuse applications for the grant, renewal or transfer of licences for sex establishments;
 - b. To grant or refuse applications for variations;
 - c. To attach such terms, conditions and restrictions to licences as is seen necessary and appropriate;
 - d. To revoke licences

In relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to revoke, refuse, to grant or renew, hackney carriage and private hire drivers and operators licences in circumstances where staff consider it appropriate to refer the matter to the Sub-Committee.

The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.

And the adoption of all policies relating to taxi and private hire licensing.

All members of the Licensing Committee may serve on a Sub-Committee and delegated authority is given to the Monitoring Officer, in consultation with the Chairman of the Licensing Committee, to select members to serve on a Sub-Committee on a case by case basis.

PLANNING COMMITTEE

(15 Members)

Subject to staff delegations, any applications for planning permission under Part III of the Town and Country Planning Act 1990 to which any of the following below apply AND subject to no decisions being issued within 21 days of the application's appearance on the Publicity Schedule;

- 1 Where councillor representations are received in writing within the specified "call in" period within the approved scheme.
- 2 Where the Head of Planning and Housing Strategy decides, after consultation with the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern or where it is very contentious.
- 3 Where the application is submitted by the Council or by the Council with another person (individual or corporate).
- 4 Where the application is submitted by an officer of the Council (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 5 Where an application is submitted by a councillor (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 6 Approval of over **5 (five)** net additional residential units whether by change of use or new build (minor application).
- 7 Approval of over 1,000m² net additional floor space by new build (major application) or over 2500m² net additional floorspace by change of use
- 8 Recommendation of no objection for over 1,000m² net additional floor space or 2500m² net additional land area in connection with Surrey County Council minerals and waste applications (gravel extraction/restoration).
- 9 Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications where the net additional land area is over 2500m².
- 10 The confirmation of Tree Preservation Orders (TPO's)
- 11 Planning enforcement action which relates to potential loss of a home (Human Rights Act)
- 12 Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)
- 13 For the local listing of any building

STANDARDS COMMITTEE

(9 Councillors + 2 Independent Members)

Promoting the maintenance of high standards of conduct by councillors and any co-opted members of the Council.

In addition to the broad functions of the Committee set out in Article 8 it is also delegated to undertake the following work on behalf of the Council:

- to keep an overview on the arrangements for dealing with complaints under the code of conduct, making alterations and publishing them where it considers necessary;
- to devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a hearings panel;
- to consult with the Independent Person on any matters which have broad implications for the promotion of high standards by the Council;
- to make recommendations to Council on standing orders for the registration and declaration of Disclosable Pecuniary Interests and other interests; and,
- to make recommendations to Council on any revisions to the Members' Code of Conduct and the registration of interests.
- To promote, manage and agree a programme of member development.

Hearings Panels (comprising three councillors drawn from the membership of the Standards Committee and chaired by an independent member) established under the Council's published arrangements for dealing with complaints may:

- require the Member to apologise either privately or in public;
- require the Member to attend training;
- censure the Member;
- send a report to Council to censure the Member;
- require the Monitoring Officer to publish a report in the newspaper or on the Council's website about the councillor's conduct;
- withdraw privileges provided by the Council such as computer equipment, internet or email access;
- recommend to the councillor's group leader that the councillor be removed from a Committee, or an outside body (as appropriate); or,
- a combination of any of the above.

INVESTIGATING AND DISCIPLINARY COMMITTEE

MEMBERSHIP

A panel of five councillors. All councillors form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit.

RESPONSIBILITIES

1. To conduct an initial assessment of allegations against the Chief Executive, Chief Finance Officer or Monitoring Officer (together known as Statutory Officers), or other issues under investigation.
2. To consider whether it is appropriate to suspend a Statutory Officer if an allegation is such that if proven it would amount to gross misconduct or if the continuing presence at work of the Statutory Officer might compromise the investigation or impair the efficient exercise of the council's functions.
3. The Chairman of the IDC may suspend the Statutory Officer immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the Statutory Officer are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.
4. To agree or authorise any protocols which are necessary to manage the suspension of the Statutory Officer and the investigation.
5. To review the suspension of the Statutory Officer after a period of two months has elapsed.
6. To decide whether to appoint an Independent Investigator to undertake a more detailed investigation of an allegation against the Statutory Officer or other issues under investigation.
7. To appoint an Independent Investigator selected from the list maintained by the National Joint Secretaries, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.
8. To consider the report of the Independent Investigator, and also give the Statutory Officer the opportunity to state his / her case and to question witnesses, where relevant, before making a decision.

INDEPENDENT PANEL

MEMBERSHIP

A Panel shall comprise of independent persons (at least two in number) who have been appointed by the Council, or by another Council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011.

Invitations for membership of the Panel shall be issued in accordance with the following priority order, as and when the Panel is required to sit:

- (a) an independent person who has been appointed by the Council and who is a local government elector in the authority's area
- (b) any other independent person who has been appointed by the Council and
- (c) an independent person who has been appointed by another council or councils

RESPONSIBILITIES

1. In a case where the Investigating and Disciplinary Committee (IDC) is proposing dismissal of a Statutory Officer:
 - to receive any oral representations from the Statutory Officer
 - to invite any response on behalf of the IDC to the points made
 - to review the decision and prepare a report for Council offering any advice, views or recommendations it may have to the council on the proposal for dismissal

Appropriate training should be provided for Independent Panel members.

Members of an Independent Panel may claim out of pocket expenses in relation to their work on the Panel.

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DELEGATED RESPONSIBILITIES IN CONSULTATION WITH THE CHAIRS AND VICE-CHAIRS OF COMMITTEES

FUNCTION	OFFICER IN CONSULTATION WITH THE CABINET MEMBER/LEADER
PH1 To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100,000 per transaction.	Chief Finance Officer in consultation with the Chair and Vice-Chair of P&R
PH2 To authorise the transfer of expenditure from one financial year to another.	Chief Executive, after consultation with the Chief Finance Officer and the Chair and Vice-Chair of P&R
PH3 To approve grants not exceeding £3000 from the Good Causes Fund.	Chief Finance Officer in consultation with the Chair and Vice-Chair of Community, Wellbeing and Housing Committee and the Ward Councillors.
PH4 The allocation of names of new streets.	The relevant Deputy Chief Executive, in consultation with Chair and Vice-Chair of Neighbourhood Services Committee.
PH5 To respond to the consultations from the Local Government Association, DCLG and other Departments or other bodies which are other than routine or technical consultations.	Chief Executive or the relevant Deputy Chief Executive in consultation with the Chair and Vice-Chair of P&R Committee.
PH6 To seek and undertake works for other public bodies in accordance with the policy established by the Cabinet.	The relevant Deputy Chief Executive and Group Head Neighbourhood Services after consultation with the Chair and Vice-Chair of Neighbourhood Services Committee.

PH7	In regard to termination on grounds of redundancy and efficiency under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 to award compensation in line with the Council's policies	Chief Executive in consultation with the Chair and Vice-Chair of P&R Committee. .
PH8	Authority to make decisions/grant discretions to staff under the Local Government Pensions Scheme (Benefits, Membership and Contributions) Regulations 2007	Chief Executive in consultation with the Chair and Vice-Chair of Administration Committee. .
PH9	Under Sections 30-36 of Part 4 of the Anti-Social Behaviour Act 2003, to agree to the designation of areas within the Borough where the Police could disperse groups causing intimidation.	Chief Executive in consultation with the Chair and Vice-Chair of Neighbourhood Services Committee.
PH10	To issue, revoke and renew Street trading permits under the Local Government (Miscellaneous Provisions Act 1982	Senior Environmental Health Manager and Building Control in consultation with Chair and Vice-Chair of neighbourhood Services.
PH11	To finalise detailed budget proposals to cover areas of funding settlement if late notification is made by the Government	Chief Finance Officer in consultation with the Chair and Vice-Chair of P&R Committee.

Roles of Different Councillors

The Council has recognised that councillors appointed to certain roles have additional responsibilities and these are set out below.

Leader of the Council

- To act as the political head of the Council and the focus for policy direction and community development.
- To chair the Council's Corporate Policy & Resources Committee
- To lead in the development of the Council's policy, strategy and budget proposals
- To lead on the implementation of effective service delivery and the Council's approved policies and strategies
- To act as the Council's chief advocate and principal spokesperson at local, County, regional and national level
- To ensure good working relationships are established with external public and private sector networks which affect the Borough
- To provide leadership to the Council as a whole
- To lead in the development of good working relationships between political group leaders
- To lead in ensuring that the Council's strategies, plans, objectives and targets are monitored, implemented and achieved.
- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate.
- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.
- To develop and maintain a good relationship with the Chief Executive of the Council and other staff, providing a contact point between the majority political group and staff, and setting an example to the whole organisation.
- To nominate councillors from his/her political group to serve on all appropriate councillor bodies including, as appropriate, other Outside Bodies.

Deputy Leader of the Council

- To deputise for the Leader of the Council in his/her absence, undertaking those duties expected of the Leader.
- To share and support in general the full workload of the Leader.
- To act as vice-chair on the Council's Corporate Policy & Resources Committee

Other Group Leaders

- To ensure their party contributes effectively, positively and constructively to the Council's activities
- To act as the principal political spokesperson for their group
- To provide leadership to the party group
- To nominate councillors from his/her political group to serve on all appropriate councillor bodies including, as appropriate, other Outside Bodies.

Chairs of Committees

- To chair the committee and ensure its overall effectiveness
- To have a working knowledge of the Council's relevant policies and strategies and ensure he/she is sufficiently and effectively briefed on matters coming before the committee
- To coordinate and manage the work of their committee
- To act as the Council's spokesperson on the work of his/her Committee, Sub-Committees, Panels and Groups in accordance with the Council's communications protocol.
- To enable the smooth and orderly conduct of business within the Council's Constitution.
- To provide leadership and direction for the committee.
- To determine priorities in light of the volume of work presented to the Committee.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of his/her Committee, Sub-Committees, Panels or Working Groups to the Council, and to present, where appropriate, recommendations to the Council.
- To allow proper consideration of any item.
- To ensure that their Committee, Sub-Committees, Panels or Working Groups take balanced decisions based on all relevant evidence, with impartiality and fairness.
- To ensure, with the Chief Executive, that Committee decisions are recorded with full justifications/reasoning.
- To develop a thorough understanding of the subject area of the Committee, including relevant legislation and policies.
- To bring, where appropriate, the views of co-opted members (if any) to the attention of the Council.
- To liaise with staff in formulating agendas and future work plans, and to attend any meetings with staff to discuss matters relevant to the business of the Committee, Sub-Committees, Panels or Working Groups.

- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangements.
- Where applicable, to lead such site visits that may assist councillors arriving at a considered decision.

To undertake specific training including updates in the law pertaining to the work of the Committee.

Committee Vice-Chairs

- To fully support the Chair in the execution of his/her duties as agreed between the two postholders.
- To deputise for the Chair in his/her absence, undertaking those duties expected of the Chair and encompassed in the role description for that position.
- To act as the Committee's spokesperson on relevant issues in the absence of the Chair in accordance with the Council's communications protocol.

Committee member

Key duties

- To participate in Committee discussions.
- To give proper consideration to items before and during meetings.
- To consider before each meeting any possible conflicts of interests arising from the agenda items and register/declare those interests as appropriate in accordance with the Council's Members Code of Conduct
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the Committee of constituents' opinions (if appropriate).
- To take into consideration a range of views and issues when reaching a decision and to keep an open mind before reaching a decision.
- To be clear as to reasons for taking decisions and be ready and able to articulate those reasons if required.
- To be accountable for decisions taken
- To conduct oneself with dignity and decorum when offering views which differ from those of other councillors.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

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COUNCIL STANDING ORDERS

CONTENTS

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2. [NOTICE OF AND SUMMONS TO MEETINGS](#)
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BOOKMARKS TO BE COMPLETED

These Standing Orders are the rules which apply to meetings of the Council and should be read in conjunction with the Access to Information Procedure Rules and the Budget and Policy Framework Procedure Rules

1. TIME AND PLACE OF MEETINGS

Meetings of the Council and Committees will normally take place at 7.00pm in the Council Chamber at the Council Offices, Knowle Green, Staines unless otherwise notified by the proper officer in the summons to the meeting.

Meetings of Sub-Committees, Panels, Working and Task Groups will normally take place during the daytime, subject to councillors' availability.

2. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons signed by him/her to every councillor giving the date, time and place of the meeting and specifying the business to be transacted, and will be accompanied by any reports which are available.

The Chief Executive may cancel a meeting of the Council or its Committees where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor or the Committee Chair (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.

3. CHAIRING OF MEETINGS

The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the councillors present will elect any past Mayor present to take the Chair for the meeting.

The references to the Mayor also include the Chair of any Committee or Sub-Committee and references to Deputy Mayor also include the Vice-Chair of any Committee or Sub-Committee, unless the matter relates to Council meetings only.

The person presiding at the meeting may exercise any power of duty of the Mayor.

4. QUORUM

- (a) The quorum of the Council is one quarter of the total number of councillors and no business shall be considered unless a quorum is present.
- (b) If there is no quorum present at the time set for the start of a meeting, the start will be delayed for 30 minutes and if a quorum

is still not present the meeting will stand adjourned to another day.

- (c) If, during the meeting, the Mayor declares that there is no quorum, the meeting will adjourn immediately for up to 10 minutes. If the meeting is not quorate after 10 minutes the meeting will stand adjourned.
- (d) Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council.

5. DURATION OF MEETING

- 5.1 The Chief Executive or his representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3 hours.
- 5.2 Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meeting.

6. ORDINARY MEETINGS

- 6.1 Ordinary meetings of the Council will take place in accordance with a programme decided at, or before, the Council's annual meeting or as otherwise agreed from time to time by the Council.
- 6.2 The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.
- 6.3 The agenda at an ordinary Council meeting will normally be to:-
 - (a) Elect a person to preside if neither the Mayor or Deputy Mayor are present; (see Standing Order 3.1)
 - (b) Receive any apologies for absence;
 - (c) Approve the minutes of the last meeting;
 - (d) Receive any declarations of interest from councillors;
 - (e) Receive any announcements from the Mayor, Leader (or his nominated spokesperson), Committee Chairs and/or the Chief Executive;
 - (f) Receive questions from members of the public and hear the Leader or other appropriate councillor provide answers;
 - (g) Receive petitions; (See Standing Order 16)
 - (h) Deal with any business from the last Council meeting;
 - (i) Deal with referrals from Service Committees in accordance with the Reservation Scheme (Part 4c)

- (j) Deal with any recommendations from the Committees,
- (k) Receive reports from the Committee Chairs and any questions arising from those reports;
- (l) Receive reports about and hear questions and answers on the business of joint arrangements and external organisations.
- (m) Consider motions;
- (n) Hear the Leader or his nominee or appropriate Committee Chairs answer any questions from councillors on matters generally affecting the Borough or for which their committee has responsibility; and
- (o) Consider any other business specified in the summons to the meeting.

7. EXTRAORDINARY MEETINGS

7.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:

- (a) The Council by resolution;
- (b) The Mayor;
- (c) The Monitoring Officer; and
- (d) Any five councillors if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

7.3 Date of Extraordinary meeting

When considering a requisition, the Mayor shall decide, in consultation with the Chief Executive whether the meeting should be called on the same date as the next scheduled ordinary meeting of the Council or an alternative date in wholly exceptional circumstances.

7.4 Business

The business at an extraordinary meeting will be confined to consideration of the specific issue(s) for which it was called.

8. ANNUAL MEETING

8.1 Timing and business

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

- 8.2 The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.

The Annual meeting will:

- (a) Elect a person to preside if the Mayor is not present;
- (b) Elect a councillor to be the Mayor of the Council;
- (c) Elect a councillor to be Deputy Mayor of the Council;
- (d) Approve the minutes of the last ordinary meeting;
- (e) Receive any declarations of interest;
- (f) Receive announcements from the Mayor;
- (g) Elect councillors to be the Leader and Deputy Leader for the next municipal year;
- (h) Approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- (i) Consider any business set out in the notice convening the meeting.

8.3 Selection of Councillors on Committees and Outside Bodies

At the Annual meeting, the Council will:

- (a) Decide which committees and sub-committees to establish for the municipal year;
- (b) Decide the size and terms of reference for those committees;
- (c) Decide the allocation of seats to political groups in accordance with the political balance regulations;
- (d) Appoint the Leader and Deputy Leader to be the Chair and Vice-Chair respectively of the Policy and Resources Committee;
- (e) appoint the Chairs and Vice-Chairs of the other Service committees on a politically proportionate basis; and where feasible these positions on any one Committee being filled by members from different political groups.
- (f) Appoint the Chairs and Vice-Chairs of sub-committees, where necessary;
- (g) receive nominations of Councillors to serve on each committee and those councillors to stand as substitute members on each Committee,
- (h) Appoint to outside bodies

The Council may however decide at subsequent meetings to dissolve committees, alter their terms of reference or appoint new committees.

9. SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

- 9.1 [A Councillor may nominate another Councillor of his or her own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c)]

10. MINUTES

10.1 Signing the Minutes

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

10.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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

10.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

11. DECLARATIONS OF INTEREST

11.1 Where in relation to an item on the agenda, a councillor has a **Disclosable Pecuniary Interest**, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. The councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.

11.2 Where in relation to an item on the agenda, a councillor has

(a) a **Non-Pecuniary interest** arising under paragraphs 15 and 16 of the Code of Conduct for Councillors and Co-opted Members (the "Members' Code of Conduct") (membership of outside bodies etc.), or,

(b) any other **Conflict of Interest**;

then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. A councillor is not required to leave the room when the item is debated but may do so if, in the opinion of the councillor concerned, it is advisable in all the circumstances of the case. A councillor with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

12. REPORTS OF COMMITTEES

12.1 Where the Committee is reporting a matter which is reserved to Council the relevant Committee Chair (or a member of the relevant committee nominated by the chair of that committee) will introduce the

report. The normal rules of debate will apply to any debate on the recommendations.

- 12.2 A Councillor may ask a question on any recommendation from Committees in accordance with standing order 14.1.

13. PUBLIC INVOLVEMENT IN COUNCIL

13.1 General

Meetings of the Council will allow for a period not exceeding 30 minutes during which time members of the public may ask the Leader or Committee/Sub-Committee Chairs questions relating to matters over which the Council has powers or duties or which affect the Borough. The purpose of such questions is to obtain information or press for action; they should not be framed primarily so as to convey information or a particular point of view.

13.2 Order of Questions

Questions will be asked in the order received, except that the Mayor may group together similar questions.

13.3 Notice of Questions

A question may only be asked if notice has been given by delivering the question in writing or by email to the Chief Executive and/or Committee Services no later than 5pm seven working days prior to the day of the Council meeting.

Each question must give the name and address of the questioner..

13.4 Number of Questions

At any one meeting no person or organisation may submit more than one question. No question shall exceed 100 words.

13.5 Scope of Questions

The Chief Executive may reject a question if it:

- (a) Is not about a matter for which the Council has a responsibility or which specifically affects the Borough;
- (b) Is defamatory, frivolous or offensive;
- (c) Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) Relates to a specific planning or licensing application; or
- (e) Requires the disclosure of confidential or exempt information.

13.6 Record of Questions

The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

Questions and the answers given will be recorded in the minutes of the meeting.

13.7 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

Supplementary Question

No supplementary questions will be allowed.

13.9 Written Answers

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

Reference of Question to a Committee or Sub-Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to a Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

14. QUESTIONS BY COUNCILLORS

14.1 Questions on notice at Council

Subject to standing order 14.3, a Councillor may ask the relevant Chair of any Committee or Sub-Committee a question on any matter in relation to which the Council has powers and duties or which specifically affects the Borough.

Where the matter does not fall within the remit of a Committee, the Leader may respond.

Councillors' question time will be limited to 30 minutes (although the Mayor will have the discretion to extend this to allow supplementary questions to be asked and answered in respect of a question within the 30 minutes.)

14.2 Notice of questions

A Councillor may only ask a question under Standing Order 14.1 if they have given notice of the question in writing or by email to the Chief Executive and/or Committee Services by no later than 5pm seven working days before the day of the meeting.

No Councillor may give notice to ask more than one question at any one meeting. No question shall exceed 100 words. The Councillor may subsequently give notice, in writing or by email, received by the Chief Executive and/Committee Services no later than the scheduled start time of the meeting that he/she wishes to withdraw the question.

The purpose of the question under Standing Order 14.1 and 14.2 is to obtain information or a press for action; they should not be framed primarily so as to convey information or a particular point of view.

The Chief Executive shall reject a question if it is substantially the same as a question which has been answered at a meeting of the Council in the past 6 months.

The Chief Executive may also reject a question if it contains arguments and/or expressions of opinion that are offensive, defamatory or frivolous.

The ability contained within these Standing Orders for councillors to ask questions at Council should be used in conjunction with appropriate engagement with officers, in order to ascertain such information as is required, or discuss and address concerns with any necessary action taken promptly, to help individual councillors undertake their role effectively.

14.3 Response

Every question shall be put and answered without discussion. An answer to a question or supplementary question may take the form of:

- (a) A direct oral answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) A written response provided at the meeting; or
- (d) Where the reply to a supplementary question, cannot conveniently be given orally, a written answer will be circulated later to the questioner within 7 days of the date of the meeting.

The answer should address the points contained in the question.

In the absence of the Committee Chair to whom the question is to be put or for any other reason, the Vice-Chair will reply or will nominate another Committee or Sub-Committee member to provide an oral response.

14.4 Supplementary Questions

If clarification of a reply is required, the questioner may ask one supplementary question. The supplementary question must arise directly out of the answer given or is required to clarify some part of the answer.

14.5 Record

The original question and the reply will be recorded in full in the minutes. A summary will be given of any supplementary questions and replies.

14.6 Written Answers

Where the Mayor considers that any question cannot be dealt with:

- (a) because of lack of time; or

- (b) because of non-attendance of the Councillor who was to answer the question

then the Mayor may direct that any question and answer shall be given in writing without being read aloud at the meeting.

Where the Mayor directs written questions and answers in advance of the meeting, the question and answer shall be made available in writing at the meeting and shall be incorporated within the minutes of the meeting.

Nothing within Standing Order 14.6 shall prevent a councillor from putting a supplementary question at the meeting, except that the Mayor may direct any supplementary question to be answered in writing at a later date to enable a properly considered response to be given.

14.7 The Order of Questions

Questions will be listed on the agenda in the order in which they were received by the Chief Executive and/or the Monitoring Officer.

14.8 Ward Concerns

Ward concerns will be addressed in accordance with standing order 34.2

15. PRESENTATION OF PETITIONS TO THE COUNCIL

- 15.1 If a petition is presented and relates to a matter in respect of which the Council has powers or duties or which affects the Borough, and it contains more than 4,500 signatures (1,000 for a single ward issue), it will automatically be referred to Council for debate in accordance with the Petition Scheme.

- 15.2 Presentation of a petition on the following business will not be allowed, as set out in the Petition Scheme:

- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; or
- (b) planning applications
- (c) licensing applications
- (d) statutory petitions

- 15.3 A petition organiser may present the petition to the Council meeting for no more than 3 minutes, provided that confirmation has been given to the Council’s Committees Section at least 10 working days before the meeting.

- 15.4 The Mayor will request any Councillor present at the meeting to move a motion to:

- (a) take the action the petition requests; or
- (b) not to take the action requested for reasons put forward in the debate; or

- (c) note the petition and keep the matter under review; or
 - (d) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
 - (e) the petition be referred to the relevant Committee for further consideration
- 15.5 Once the motion is seconded the petition will be discussed in accordance with the rules of debate. Any Councillor can move an alternative motion stated in 15.4 which will be seconded and debated as any amended motion.
- 15.6 The petition organiser will receive written confirmation of the decision.

16. MOTIONS ON NOTICE

- 16.1 Any councillor may give notice of a motion for consideration at any ordinary meeting of the Council.

16.2 Notice

These will be recorded in a book, open to public inspection.

- 16.3 Notice of any motion, except one which under these Standing Orders can be moved without notice, must be given in writing or email to the Chief Executive at least seven clear working days prior to the day of the Council meeting. (This will enable the information to be published with the Council agenda)

16.4 Motion Set Out In the Agenda

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

16.5 Scope of Motion

Every Motion must relate to matters in which the Council has powers or duties and must not include declaratory statements relating to matters outside the ambit of the Council. Motions should be about something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be in the opinion of the Chief Executive defamatory, frivolous, offensive or otherwise out of order.

No motion shall exceed 100 words in length.

16.6 Motion Not Moved

If a motion set out in the summons is not moved, either by the councillor who gave notice or by some other councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.

17. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice, and will then be followed by no more than the number of speakers in brackets:

- (a) To appoint a Chairman of the meeting at which the motion is moved (none);
- (b) In relation to the accuracy of the minutes (no limit);
- (c) To change the order of business on the agenda (none);
- (d) To refer something to an appropriate Committee or Sub-Committee (no limit);
- (e) To appoint a committee or councillor arising from an item on the summons for the meeting (no limit);
- (f) To withdraw a motion (none);
- (g) To extend the time limit for speeches (none);
- (h) To amend a motion (no limit);
- (i) To proceed to the next business (none, except a right of reply in accordance with standing order **);
- (j) That the question be now put (none, except a right of reply in accordance with standing order **);
- (k) To adjourn a debate (none);
- (l) To adjourn a meeting (none);
- (m) To suspend a particular Standing Order (two);
- (n) To exclude the public and press in accordance with the Access to Information Procedure Rules (two);
- (o) To not hear further a councillor named under Standing Order 24.3 or to exclude them from the meeting under Standing Order 24.4 (none);
- (p) To give the consent of the Council where its consent is required by the Constitution (no limit)
- (q) To continue the meeting beyond 3 hours (none).

18. RULES OF DEBATE

18.1 No Speeches until Motion Seconded

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

18.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to the Chief Executive before it is discussed.

18.3 Seconders's Speech

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

18.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

No speech may exceed FIVE minutes without the consent of the Mayor and may only exceed ten minutes with the consent of the Council.

18.5 When a Member May Speak Again

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

- (a) In exercise of a right of reply;
- (b) On a point of order; or
- (c) By way of personal explanation.

18.6 Amendments To Motions

An amendment to a motion must be relevant to the motion and either be:

- i) To refer the matter to an appropriate Committee or Sub-Committee for consideration or reconsideration;
- ii) To leave out words;
- iii) To leave out words and add others; or
- iv) To add words.

An amendment which forms the negative of the motion will not be allowed. Councillors should aim to keep the length of the amendment in line with that of the motion, which shall not exceed 100 words in length.

18.8 The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed.

18.9 Only one amendment may be moved and discussed at any one time.

No further amendment may be moved until the amendment under discussion has been voted on or withdrawn by the mover and seconder. Amendments to motions must be moved at the earliest possible opportunity during the debate.

18.9.1 If an amendment is not agreed, other amendments to the original motion may be moved.

18.9.2 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

18.9.3 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there

are none, or if no member indicates they wish to speak, he/she will put it to the vote.

*A diagram showing how decisions can be made is **at Appendix 1.***

Alteration of Motion

(a) A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion;

(b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

Withdrawal of Motion

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

Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.
- (d) The mover of an amendment has no right of reply to the debate on his or her amendment.

Motions which May Be Moved During Debate

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

- (e) To withdraw a motion;
- (f) To amend a motion;
- (g) To proceed to the next business;
- (h) That the question be now put (if an amendment is being debated, the amendment will be voted on);
- (i) To adjourn a debate;
- (j) To adjourn a meeting;

- (k) To exclude the public and press in accordance with the Access To Information Procedure Rules; and
- (l) To not hear further a councillor named under Standing Order 24.3 or to exclude them from the meeting under Standing Order 24.4; and
- (m) That the meeting continue beyond 3 hours in duration.

Closure motions

A councillor may move, without comment, the following motions at the end of a speech of another councillor:

- (n) To proceed to the next business;
- (o) That the question be now put;
- (p) To adjourn a debate; or
- (q) To adjourn a meeting.

If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote.

If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote.

If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Mayor will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of Order

A councillor may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The councillor must indicate the Standing Order or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

Personal Explanation

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

19. ANNOUNCEMENTS

The Mayor, the Leader, Chairs of Committees and the Chief Executive may make announcements of which notice is not required.

20. PREVIOUS DECISIONS AND MOTIONS

20.1 Motion to Rescind A Previous Decision

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

20.2 Motion Similar to One Previously Rejected

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

21. VOTING

21.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

21.2 Voting at Regulatory Committees

No member at a Regulatory Committee may vote unless they have been present for the entire consideration of the item under discussion.

21.3 Chairman's Casting Vote

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

21.4 Show of Hands

Unless a recorded vote is requested, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

21.5 Recorded Vote

- (a) If any councillor present at the meeting requests it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- (b) Where the Council makes a budget decision either (i) a calculation in accordance with the Local Government and Finance Act 1992 or (ii) issues a precept under Chapter 4 of Part 1 of that Act then a recorded vote shall be held. For the avoidance of doubt this applies to proposed amendments as well as to the original and any substantive motion.

21.6 Right to Require Individual Vote To Be Recorded

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

21.7 Voting on Appointments

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

In relation to the appointment of Chairs of Committees and in the event of deadlock, the Chair will be elected by drawing lots.

22. OFFICERS SPEAKING DURING DEBATES

22.1 Any Chief Officer or his representative may signify his wish to speak. The Mayor shall then use his discretion to call upon the Officer at an appropriate point during the debate. The subject matter on which an Officer may speak shall be confined to:

- i) providing relevant information; or
- ii) explanation or interpretation of any law, regulation, protocol or procedure.

22.2 The Mayor may, at his discretion, permit a councillor to seek, through the Chair, the opinion of any Officer present at the meeting on a particular point.

22.3 Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.

22.4 Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply, in relation to the presentation

23. COUNCILLORS' CONDUCT

23.1 Role of the Mayor

The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.

23.2 Standing to Speak

When councillors speak at Council they must stand and address the meeting through the Mayor, unless the Mayor's permission has been obtained for the relevant Councillor to remain seated. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

23.3 Mayor Standing

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

23.4 Member Not to Be Heard Further

If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

23.5 Member to Leave the Meeting

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

23.6 General Disturbance

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

24. DISTURBANCE BY THE PUBLIC

24.1 Removal of Member of the Public

If a member of the public interrupts or intrudes upon proceedings or otherwise prevents the orderly business of the meeting, the Mayor will warn the person concerned. If they continue to interrupt etc., the Mayor will order their removal from the meeting room.

24.2 Clearance of Part of Meeting Room

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

25. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or under Standing Order 26 (Disturbance by public).

26. RECORD OF ATTENDANCE

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

27. PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS

Audio/visual recording at Council meetings is permitted in accordance with the Openness of Local Government Bodies Regulations 2014 and in accordance with the Council's protocol in part 5 of the Constitution.

28. SUSPENSION AND AMENDMENT OF COUNCIL STANDING ORDERS

28.1 Suspension

All of these Standing Orders except for Standing Orders 23.6 (enabling a councillor to record their vote) or 12.1 (signing of minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

28.2 Amendment

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council to which the Monitoring Officer shall submit a report. Unless prior notice of the proposal has been the subject of consideration and report by the Monitoring Officer and has been placed on the agenda of the meeting.

29. APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES

All of these Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where different rules apply.

ADDITIONAL RULES APPLYING TO COMMITTEES

30. Calling of meetings

Each service Committee shall meet in accordance with the Calendar of Meetings approved by the Council and meetings will normally commence at 7.00pm.

A Committee Chair may agree to a scheduled Committee meeting date being moved if it is evident that a majority of Councillors on the Committee would be unable to make the original date.

The relevant Chair or any five Councillors on a Committee or Sub-Committee may call an extraordinary meeting of that Committee or Sub-Committee to consider any matter requiring consideration, which cannot wait until the next ordinary meeting.

The Monitoring Officer or the Section 151 Officer may require the Chief Executive to convene an extraordinary meeting of any Committee or Sub-Committee in pursuance of their statutory duties.

31. Public or private meetings of Committees

- 31.1** All Committee and Sub-Committee meetings will normally be held in public as set out in the Access to Information Rules unless the consideration of a specific item of business warrants the exclusion of the press and public because it contains exempt or confidential information.

32. How are decisions taken?

- 32.1 Formal decisions that have been delegated by the Council to Committees and Sub-Committees will be taken at a meeting convened in accordance with the Access to Information Rules. All Committee and Sub-Committee decisions are collective decisions. No formal decisions may be taken by the Chair of a Committee or Sub-Committee on behalf of the Committee or Sub-Committee.
- 32.2 In taking decisions, Committees and Sub-Committees will accord with the plans and strategies set out in the Council's Budget and Policy Framework and will abide by the protocols in the Constitution.

33. Who presides?

- 33.2 The appointed Chair of a Committee or Sub-Committee will preside at any meeting of the relevant Committee or Sub-Committee at which he is present. In the absence of the Chair, the Vice Chair will preside. In the absence of both the Chair and Vice Chair, the meeting will elect a Chair for that meeting only.

34. Business to be transacted.

- 34.1 At each meeting of a Committee or Sub-Committee, the following business will be conducted:
- (a) Election of a Chair, if necessary;
 - (b) Consideration of the minutes of the previous meeting;
 - (c) Declarations of interest, if any;
 - (d) Representations by members of the public in respect of any matters set out in the agenda will be dealt with using the public speaking rules outlined in this Constitution;
 - (e) Matters arising from the relevant Committee's section of the Council's Forward Plan;
 - (f) Matters requested by any member of the relevant Committee or Sub-Committee or referred to it by the Council
 - (g) Any other matter set out on the agenda requiring a decision or consideration as determined by the relevant Committee or Sub-Committee Chair
- 34.2 At each ordinary meeting of a service committee, two Councillors (who are not members of the Committee) may speak for up to three minutes each on matters specific to their wards.

- a) A Councillor may only speak under this procedure rule if they have given notice in writing or by email to the Monitoring Officer and/or Committee Services by no later than 12 noon, five working days before the meeting, indicating the issue on which they wish to speak and the nature of any proposal(s) to be made, and giving sufficient information to enable the relevant Committee Chair or Vice-Chair to provide a considered response.
- b) If by the deadline, more than two Councillors have indicated a wish to speak, the Monitoring Officer will draw lots to determine which two should be allowed to do so.
- c) At the end of each Councillor's speech, the relevant Committee Chair or Vice-Chair (or the nominated spokesperson) will reply, addressing in particular any specific proposals that may have been made.
- d) In the absence of the Councillor who had given due notice, either of the other ward councillors may present the issue. If neither is willing/able to do so, a written answer will be produced (based on the information provided in accordance with this Standing Order) and included in the minutes of the meeting.
- e) No more than one ward concern item may be presented by any one councillor at any meeting of a committee where ward concerns are listed on the agenda. It is expected that presentation of ward concerns will be shared between councillors representing the ward and that no subject presented as a ward concern may be presented again to the relevant committee within a period of six months.

35. Attendance of elected Members not appointed to a particular Committee or Sub-Committee.

- 35.1 Any Councillor may attend a Committee or Sub-Committee of which he is not one of the appointed members. With the permission of the relevant Committee or Sub-Committee Chair, he/she may speak once on each item they request to speak on. The relevant Committee or Sub-Committee must agree for the Councillor to speak more than once on any particular item or to participate in the ensuing debate. The Councillor attending a meeting under this rule is not entitled to vote on any item. Any Councillor wishing to speak at a meeting under the provisions of this standing order must give the relevant committee chair at least 24 hours' notice of their intention to do so.

36. Attendance by others

- 36.1 Following consultation with the relevant Deputy Chief Executive/Group Head, the Chair of the Committee or Sub-Committee may agree to invite individuals other than Councillors and Officers to attend their meetings to discuss issues of local concern or provide expert opinion.

37. Appointment of Sub-Committees.

- 37.1 All Committees will recommend to the Council the appointment of one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.
- 37.2 Membership of Sub-Committees does not need to be restricted to Members of the relevant parent Committee.

38. Duration of Committee and sub-committee meetings

- 38.1 Committee and sub-committee meetings will be scheduled to last a maximum of three hours. In exceptional circumstances, a majority of Members present, and voting may agree to continue the meeting for up to an 30 additional minutes.
- 38.2 If at the expiration of three hours or any extended period of time, there are any other formal recommendations on the agenda that have not been dealt with, they will be deemed to be formally moved and seconded and the vote will be taken in the usual way, with no speeches allowed.

39. Public Participation in Committee and Sub-Committee meetings

- 39.1 Members of the public who either live or work in the borough are able to participate in Committee and Sub-Committee meetings in accordance with the policies and rules established by the Council from time to time, including the ability to submit written questions

40. Planning Committee – speaking by the public and ward Councillors

- 40.1 The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.
- 40.2 Any councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to his ward provided he/she has notified the Chairman, before the start of the meeting, of his wish to speak on the item.

41. LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS

Any councillor may attend meetings of the Licensing Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to his ward provided he has notified the Chairman, before the start of the meeting, of his wish to speak on the item.

42. AUDIT COMMITTEE – ATTENDANCE BY NON-COMMITTEE COUNCILLORS

Any councillor may attend meetings of the Audit Committee of which he/she is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. A councillor in attendance at such meetings may, when invited to do so by the Chairman, speak at the meeting in relation to an issue being discussed provided he/she has notified the Chairman before the start of the meeting of a wish to speak on an item.

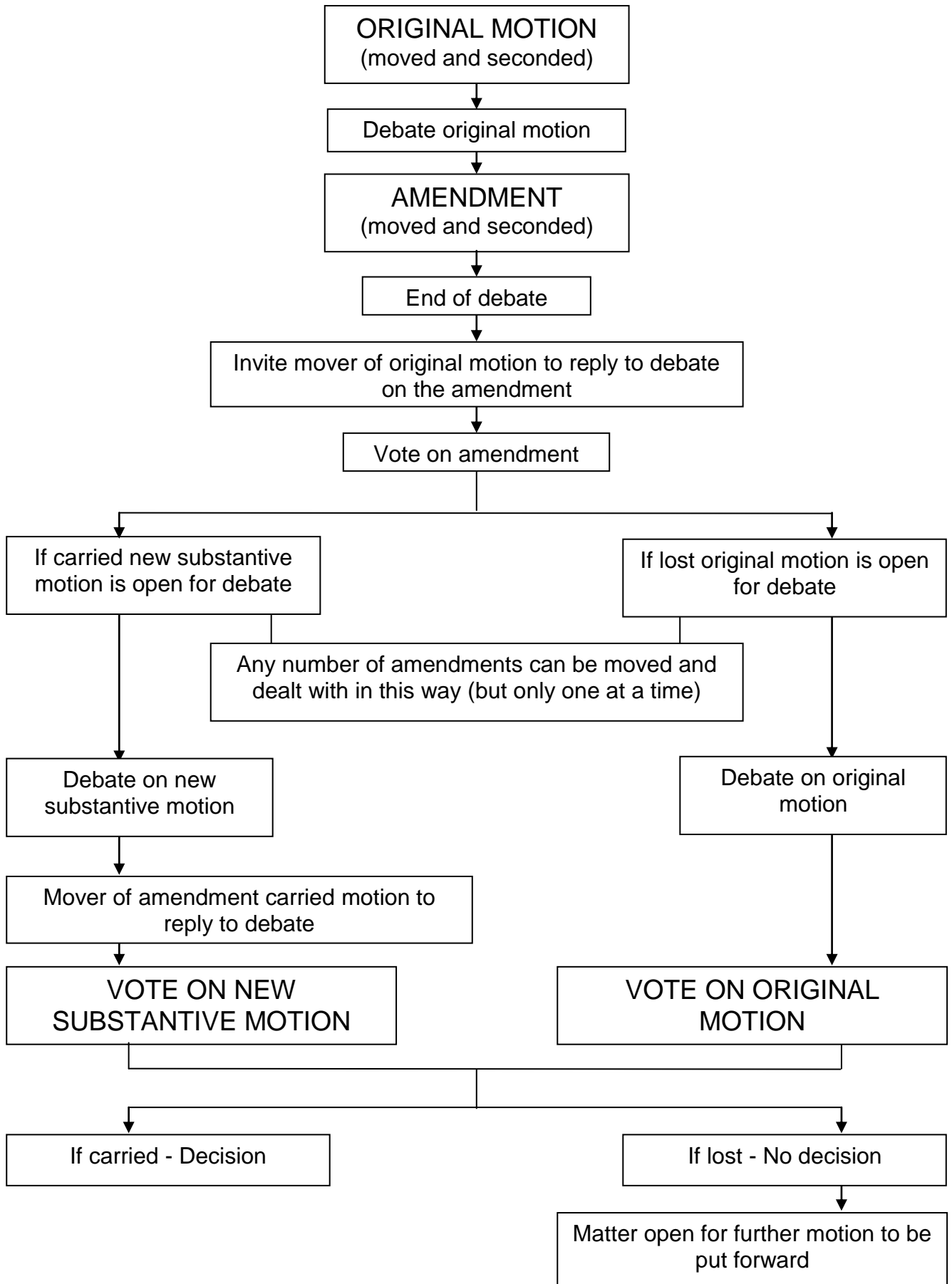
43. Chairing of committees

No councillor shall hold more than one Chair's position at any time and in this Standing Order "chairing" means the office of Chairman or Vice-Chairman of a Committee.

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RULES OF DEBATE

(Diagram showing how decisions can be made)



REFERRAL OF DECISIONS OF COMMITTEES TO FULL COUNCIL

Key Principles

1.
 - (a) In relation to a matter before a Committee, the Committee may pass a resolution at the relevant meeting that it wishes to refer determination of the matter in question to the Council; or
 - (b) In relation to a decision taken by a committee or an officer key decision, a minimum of three members from two or more political groups by written notice or e mail may ask for that decision to be referred to the next Council meeting for review and final determination. This notice must be received by the Proper Officer by 5pm three working days after publication of the decision.
 - (c) Non-aligned members may ask for a decision to be referred to the next Council meeting as in 1 (b) above, providing they receive the support of two other members from one or more political groups.
2. The written notice or e-mail in 1(b) above requesting the referral must clearly
 - (a) set out the decision/matter which the members exercising the right of reservation require to be reserved
 - (b) specify the names of the members who have exercised the right of reservation
 - (c) the reasons why the decision should be referred to Council
3. In the case of a decision already having been taken by a committee or officer in 1(b) above, it must not be implemented until at least 5pm three working days after the publication of the decision.
4. Once the request for 'reservation' has been deemed valid by the Proper Officer the matter will be suspended unless and until it has been approved at the meeting of the Council to which it was referred.

5. The right to reserve such matters does not apply to urgent decisions. In this context, urgent decisions are those which:

- (a) cannot wait until the next scheduled meeting' or
- (b) are defined as 'cannot reasonably be deferred

The need and reasons for urgency must be included in the report to the Committee or as part of the officer decision record.

6. The right to reserve a matter will also not apply to decisions:

- reserved to full Council
- on regulatory matters
- on member conduct issues.

7. A request for a reservation made under 1 (a) may only be withdrawn by the referring Committee or the Chair of that Committee with the approval of the Council meeting to which it was referred.

A request under 1(b) and (c) above can be withdrawn prior to the Council meeting through written notice by the 3 or more members who made the referral initially.

8. The right to reserve a decision may only be exercised once in respect of the same decision.

Use of Substitutes on Council Committees

Key Principles

1. The Council (at its Annual Meeting) will appoint specified substitutes for its committees and sub-committees on the nomination of political group leaders and in accordance with political proportionality rules. See 3 below. See also 11 below for exceptions to the substitute arrangements.
2. For the purposes of this arrangement, the member being substituted is referred to as the “Ordinary Member” and the replacement as the “Substitute Member”.
3. In accordance with 1 above, the allocation of members within each political group available to act as substitutes will be in accordance with the political balance on the committee concerned on the following basis:
 - (a) More than 5 seats on the committee – 3 substitutes
 - (b) Between 2 - 5 seats on the committee – 2 substitutes
 - (c) 1 seat on the committee – 1 substitute
4. The exception to 3 above will be any non-aligned members who may also nominate substitutes from one of the political groups. In this situation, Council has agreed to disapply political proportionality requirements in s15(5) of the Local Government and Housing Act 1999.
5. Written notice of the substitution must be delivered by the Ordinary Member to the Monitoring Officer and notified to Committee Services, no later than 5pm on the day of the meeting for which the change in membership is required. This notice must set out the meeting in question, the name of the ordinary member and the name of the substitute member. The substitution will not be valid unless this procedure is followed.
6. With the exception of the arrangement for non-aligned members in 4 above, the substitute member must be a member of the Council drawn from the same political group as the ordinary member who is unable to attend the meeting and must not already be a member of the Committee concerned.

The substitute arrangement must be announced at the beginning of the meeting and recorded in the minutes.

7. If the ordinary member attends after the substitution has been announced at the meeting, the substitute member will continue as the appointed voting member. If the substitute member fails to attend and the ordinary member is present, then the ordinary member may take their place on the committee with full voting rights.
8. Once a meeting has started with the ordinary member in place, no substitution can then be made during the course of the meeting to replace that member.
9. Where a substitute member has attended a meeting which is adjourned, the ordinary member may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue.
10. A member acting as a substitute for the Chair or Vice-Chair of a committee will not, by virtue of that substitution, be entitled to act in either capacity. In the absence of both the Chair and Vice-Chair from a meeting (and the appointment of substitute members to attend in their place) the meeting shall appoint a Chair for the meeting who may be drawn from any members (including any substitute member) present and with voting rights.
11. Substitutes will not be permitted at the following meetings:
 - (a) Asset Programme Sub-Committee
12. The substitute member may speak and vote in their own capacity and is not constrained by the views of the ordinary member they are replacing.
13. No substitute member at Regulatory Committees may vote unless they have been present for the entire consideration of the item under discussion.

14. Only members who have received the appropriate training may be appointed to act as substitutes on the Regulatory Committees.
15. Substitute members must receive copies of agendas and reports of the committees they are assigned to at the same time as ordinary members.

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Council

25 March 2021



	Programme Board/Development Sub-Committee
Purpose of the report	To make a decision
Report Author	Victoria Statham Group Head of Corporate Governance
Recommendations	<p>To extend the membership of the current Programme Board Cabinet Sub-Committee to include additional Councillors.</p> <p>To resolve to adopt the terms of reference for a Development Sub-Committee from the Annual Council Meeting as set out in this report.</p>
Reason for Recommendation	To put into effect the Council motion and to ensure the arrangements are in place for the adoption of the Committee System

1. Background

- 1.1 At the Extraordinary Council meeting of the 21 January 2021 it was resolved by the Council that the development projects would be included in the Capital Programme (and were subsequently reflected in the Capital Programme approved by Council in February) and that the progress of these schemes will be reviewed by a properly constituted sub-committee of the Corporate Policy and Resources Committee and a cross-party entity agreed in the interim by the full Council.
- 1.2 Subsequently, on 24 February 2021 Cabinet resolved to appoint a sub-committee, the Assets Programme Board (Investments and Development) with the Terms of Reference as set out in Appendix A. There is a desire to move forward the motion of the 21 January 2021 to make this Cabinet sub-committee cross-party for the interim period prior to the move to a Committee System.
- 1.3 At this Council meeting the Council will make the decision on whether to move from a Leader and Cabinet governance model to a Committee system. The terms of reference of the proposed committees form part of the recommendation from the Member's Code of Conduct Committee. The terms of reference for the Development Sub-Committee did not form part of the report to the Member's Code of Conduct Meeting due to time constraints and therefore forms part of this report to Council for approval.

2. Programme Board – Cabinet Sub-Committee

- 2.1 Under Section 101 of the Local Government Act 1972 the Council has the power to appoint Councillors to a sub-committee of the authority.

- 2.2 In order to fulfil the requirements of the motion of the Council of the 21 January 2021 it is proposed that the membership of the Cabinet Sub-Committee be extended and that the following additional Councillors be appointed to that sub-committee: Cllr R Smith-Ainsley, Cllr L Nichols and Cllr I Beardsmore. This sub-committee will cease upon the move to the Committee system with the new Development Sub-Committee taking effect.

3. Terms of reference for a Development Sub-Committee

- 3.1 Council and a committee can appoint a sub-committee. The proposed constitution sets out the proposed position on the appointment of sub-committees:
- (a) All Committees will recommend to the Council the appointment of one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.
 - (b) Membership of sub-committees does not need to be restricted to Members of the relevant parent Committee.
 - (c) At the Annual Council Meeting the Council will decide which committees and sub-committees to establish for the municipal year.
- 3.2 There are no restrictions in the Local Government Acts which restricts the membership of a sub-committee to members of the 'parent' committee, in this case the Corporate Policy & Resources Committee.
- 3.3 In order to prepare for a move to a Committee System (if resolved), amendments to the relevant parts of the Constitution have been considered by the Member's Code of Conduct Committee and a recommendation has been put forward by that committee. The terms of reference for the other committees were presented to that committee however the terms of reference for this sub-committee could not be included as the terms were to be finalised.
- 3.4 It is proposed that this sub-committee be called the Development Sub-Committee to reflect the terms of reference.
- 3.5 The proposed terms of reference for a Development Sub-Committee are at Appendix B. The wording used in these proposed terms of reference have been amended from those of the current Cabinet Sub-Committee to fit with the committee system of governance and to ensure they are clear. These are recommended for adoption.

4. Timetable for implementation

- 4.1 Following the resolution, the Local Government Act 2000 provides that the earliest date by which a change in governance form may be implemented is following the Annual Council Meeting. The new Development Sub-Committee will take effect at this time. Until that time the cross-party Cabinet Sub-Committee have the remit as set out in the current terms of reference.

Background papers: There are none

Appendices:

Appendix A – Terms of reference of Cabinet Sub-Committee (Assets Programme Board (Investments and Development))

Appendix B – Proposed Terms of Reference of Development Sub-Committee

Development Sub - Committee

Draft Terms of Reference

Development Sub-Committee

Objective:

Within the overall policies and strategies set by the Council, to provide leadership, decision making and accountability for the implementation of the Council's planned programme of capital works, both housing and large - scale non-housing schemes.

Membership

7 members appointed by the Policy & Resources Committee drawn from all members of the Council and reflecting political balance

Functions

1. Acquisitions

- (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to possible new property acquisitions
- (b) Following (a) above, to give an initial steer on whether to investigate further those potential acquisitions
- (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Policy & Resources Committee to proceed with particular acquisitions in accordance with relevant Council procedure rules.

2. Disposals

- (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential freehold disposal of property assets
- (b) Following (a) above, to give an initial steer on whether to investigate further those potential disposals
- (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Policy & Resources Committee to proceed with particular freehold disposals in accordance with relevant Council procedure rules.

3. Management of Strategic Investments

- (a) To approve leasehold disposals (lettings) in residential developments, investment and retail properties ((where officer/member delegation financial limits are exceeded)
- (b) To approve the transfer of residential property assets from Knowle Green Estates Ltd if deemed necessary for the appropriate and effective management of the estate
- (c) To receive quarterly reports on the management of the investment assets, including rental income, potential letting opportunities, significant assignments and any other estate management issues based on officer recommendations.

4. Management of Municipal Portfolio

To approve leasehold disposal (lettings) of municipal properties which exceed officer/member financial delegation limits

5. Development

- (a) To fully review the business case for all potential development projects including scheme detail, build costs, risks and issues and financial performance including viability
- (b) To oversee the budget for each approved project and the effective implementation of the council's development programme
- (c) To approve the award of development contracts over the Public Contracts Regulations threshold or where the requirement is strategic/critical in accordance contract standing orders
- (d) To receive reports from officers and make decisions as set out on the Development-Gateway stages - Appendix A to this document. This includes instances (at any point in the Gateway stage process) where there has been any variance of projected costs over and above the agreed budget (whether the budget was set by the P&R Committee in a specific report, or in the Capital Programme).
- (e) To receive bi-monthly "Red, Amber and Green" rating reports on all approved development projects. To include high-level finance projections, risk registers and project timeline.
- (f) To receive bi-annual presentations of the longer-term expenditure plan across the development portfolio which is to indicate future funding streams and expectations.
- (g) To receive an annual report on progress and success, setting out performance against any targets (including projected expenditure and costs).

Appendix A – Development-Gateway stages

Five stages of sign off:

1. Acquisition/Feasibility
2. Outline design
3. Detailed design prior to planning permission application
4. Construction
5. Transfer to business as usual

Stage	Decision	Reference back to P&R	Documentation required
Acquisition/feasibility	To undertake initial design development up to feasibility stage. Appointment of consultants if	For actual purchase if appropriate.	Project brief

	decision at committee level is under contract standing orders.		
Outline design	To progress to Concept design (RIBA stage 2) up to planning submission	If supplementary expenditure required	Outline design and project progress report
Detailed design	To sign off detailed design (RIBA stage 3-4) post grant of planning permission. Sign off tender for contractor if required under CSOs.	If supplementary expenditure required	Detailed design and project progress documentation
Construction	To award the contract for the contractor if required under CSOs. To progress to construction	If supplementary expenditure required	Tender report and project progression documentation
Transfer to business as usual	To make any transfer to KGE. Project sign off	Report to note on outcome	Project completion documentation.

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DRAFT TERMS OF REFERENCE

For the period up to Annual Council Meeting (at which point it will be reviewed by the Corporate Policy and Resources Committee)

ASSETS PROGRAMME BOARD (INVESTMENT AND DEVELOPMENT)

Cabinet Sub-Committee

Membership

4 Members of Cabinet

Members: - Usually the Leader as Portfolio Holder for Strategic Assets, the Portfolio Holder for Finance, one of the Deputy Leaders and Portfolio Holder for Planning and Economic Development, or as selected by the Leader.

Members from across the Chamber are able to attend and observe (as is the case with Cabinet).

Substitutes: - In the case where any member of the Sub Committee gives apologies for a meeting or is otherwise indisposed, the Leader may substitute any other member of Cabinet to attend in place of that Member.

Attendance: - Members are not obliged to attend in person and may attend the meeting by electronic means via conference call or similar.

Quorum. Notwithstanding Council Standing Orders Part 4 Section (a), the quorum for this meeting is two Members.

Officers in attendance: - Chief Executive, Deputy Chief Executive (s 151), Group Head of Corporate Governance, Property and Development Manager and any other officer by invitation (including Development Project Officer and Head of Communications).

Responsibilities

Acquisitions

Where officer/member delegation financial limits are exceeded, to receive recommendations from officers with regards to potential new property acquisitions and give initial steer on whether to further investigate property investment opportunities. To approve and make recommendations when a new acquisition opportunity should be referred to Cabinet for decision.

Disposals

Where officer/member delegation financial limits are exceeded, to receive recommendations from officers with regards to potential freehold disposals of assets and give initial steer on whether to further investigate. To approve and make

recommendations when a disposal opportunity should be referred to Cabinet for decision.

Management of Strategic Investments

- 1) To approve leasehold disposals (lettings) in respect of the residential developments, Investment and retail properties which exceed the officer/member delegation financial limits.
- 2) To approve the transfer of residential assets to or from Knowle Green Estates Limited if deemed necessary for the appropriate and effective management of the asset.
- 3) To receive quarterly reports on the management of investment assets to include details on rental income, potential new letting opportunities, significant assignments and any other estates management issues officers consider necessary for discussion.
- 4) To receive reports at key stages on individual assets when tenancies are coming up for review.

Management of Municipal Portfolio

To approve leasehold disposals (lettings) in respect of municipal properties which exceed the officer/member delegation financial limits.

Development

- 1) To fully review the business case, scheme detail, build costs, risks and issues and financial performance (including viability) for all existing development projects
- 2) To oversee the budget and the effective implementation of the Councils development programme in line with an approved defined project management methodology.
- 3) To authorise the award of contracts over £100,000 in line with contract standing orders and to have and receive updates on the budget position
- 4) To receive reports from officers and make decisions and make recommendations to Cabinet as set out in the Development - Gateway stages at the end of the Terms of Reference
- 5) Notwithstanding the above, to receive a report at any point in the gateway process where there is any variance over and above the agreed budget (whether such budget was set via a specific Cabinet report or via the Capital Programme)
- 6) Receive bi-monthly RAG rating reports on all developments. This will include high-level finance projections, major risks and issues log, timeline for stages and expected decision points. There will be exception reporting only on variances

- 7) Receive bi-annual presentation of the longer-term expenditure plan across the portfolio. This should indicate the future funding streams and expectations. These should align with capital monitoring reports (to ensure consistency and minimise duplication)
- 8) Receive an annual report on progress and success
- 9) Report decisions as required up to Cabinet (should aim not to be confidential)

Frequency

Fortnightly meetings (dates agreed in advance in the Council's calendar of meetings). Where meetings are not necessary for lack of business they will be cancelled.

Decisions

Decisions of this Sub Committee are Executive decisions and are subject to the call-in procedure of the Overview and Scrutiny Committee

All councillors will have access to minutes which will remain confidential in accordance with the Access to Information Regulations.

Relevant decisions of the Board at the key gateway stages will be publicised

Development - Gateway stages

	Gateway	Documentation provided	Board decision
1	Initiation	Initiate a project brief, for any potential acquisition/development/lettings	Approval required
2	Acquisition	Report and present project brief, business plan/feasibility scheme/planning policy context and residual valuation	Approval required prior to agreement of terms
3	Purchase	Report and due diligence presentation	Approval prior to exchange/completion Acquisition to be formally agreed by Cabinet
4	Post Purchase or Feasibility stage	Report and present project brief and business plan (if the site has not been acquired) progressed feasibility options, build costs, programme/risk/financial performance	Approval to move to next stage Budget to be formally agreed by Cabinet (if not in Capital Programme)

5	Pre-Public Consultation	Report and present preferred feasibility option	Approval of preferred feasibility option
6	Pre-Planning Submission	Report and present iterations as a result of above stakeholder engagement and any cost/financial changes	Approval of any iterations
7	Planning Determination	Report and present any material changes required post submission	Approval of material changes
8	Construction Tenders	Report and present tender reports	Approval of works/costs and appointment of preferred bidder or recommendation to Cabinet or Council if not in capital programme
9	Construction works	Bi-monthly update reports on the basis of standard project reporting with a RAG rating –. (exception reporting)	Noting progress/risks/issues
10	Handover	Final report confirming practical completion Report on transfer of the asset (including valuation report)	Agree practical completion (PC) Agree transfer to KGE if appropriate

Notes:

Reports required to ensure an audit trail but should be tight (no more than 1 -2 sides max)

Project brief should define purpose and objectives of the project. The document should be strategic and made public subject to any commercially sensitive elements being removed.

Feasibility option should include outline design, including unit mix and purposes i.e. housing, offices

Business case should be updated and re-approved for each gateway stage, and should reflect in greater detail the key areas related to the phase for which approval is being sought. The business case should include the latest estimates (time and cost) for the complete project.

Where changes are requested by Members after the project brief and initial business case have been agreed, Officers will be expected to make the costs and other implications associated with any change explicit.

The most up to date estimate of total project cost is to be made explicit at each stage and agreed as affordable in principle when a stage budget is authorised