



**Spelthorne
Borough Council**

Council Meeting
Thursday, 15 July 2021



7 July 2021

Please reply to:

Contact: Michelle Beaumont
Direct line: 01784 446337
E-mail: m.beaumont@spelthorne.gov.uk

To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held at Spelthorne Leisure Centre, Knowle Green, Staines-upon-Thames on **Thursday, 15 July 2021** commencing at **7.00 pm** for the transaction of the following business.

Daniel Mouawad
Chief Executive

Councillors are encouraged to wear their badge of past office at the Council meeting.

Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.

AGENDA

Description	Page nos.
<p>1. Minutes silence in remembrance of Alderman John Packman, past Leader of Spelthorne Borough Council</p> <p>To observe a minutes silence in remembrance of Alderman John Packman, past Leader of Spelthorne Borough Council.</p>	
<p>2. Apologies for absence</p> <p>To receive any apologies for non-attendance.</p>	
<p>3. Minutes</p> <p>To confirm as a correct record the minutes of the Annual Council meeting held on 27 May 2021 and the Extraordinary Council meeting held on 10 June 2021.</p>	9 - 22
<p>4. Disclosures of Interest</p> <p>To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.</p>	
<p>5. Announcements from the Mayor</p> <p>To receive any announcements from the Mayor.</p>	
<p>6. Announcements from the Leader</p> <p>To receive any announcements from the Leader.</p>	
<p>7. Announcements from the Chief Executive</p> <p>To receive any announcements from the Chief Executive.</p>	
<p>8. Questions from members of the public</p> <p>The Leader, or his nominee, to answer any questions raised by members of the public in accordance with Standing Order 13.</p>	

Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 8 July 2021.

At the time of publication one question had been received as follows:

Question from Mr A. McLuskey

In the light of the utter pointlessness of the Esso pipeline about to be laid from Southampton to Heathrow and the tarnished reputation of the organisation's parent company will Spelthorne Council agree to press for a cancellation of this deeply disruptive and anti-environmental project?

- 9. Allocation of seats and appointments of members to the Development Sub-Committee** 23 - 24
- To agree the representation of the different political groups and the appointment of members to the Development Sub-Committee as found at Appendix A (attached).
- Please note, the Corporate Policy and Resources Committee were unable to nominate to all of the available seats but the Development Sub-Committee can still be formed and is able to carry out its functions providing there is a quorum present at the meeting.
- The Quorum for the Sub-Committee is one quarter (two members).
- 10. Appointments to Outside Bodies** To Follow
- To appoint councillor representatives to serve on the following Outside Bodies:
- 1. South West Middlesex Crematorium Board**
(1 representative and 1 deputy)
- 2. Surrey Police and Crime Panel**
(1 representative)
- At the time of publication the following nominations were received:
- South West Middlesex Crematorium Board Representative:**
Councillor R. Noble
- South West Middlesex Crematorium Board Deputy:**
Councillor R. Dunn
- Surrey Police and Crime Panel Representative:**
B. Spoor
- 11. Appointment of Substitutes to Committees** 25 - 26
- In accordance with the Council's Constitution, to appoint the Substitute members to serve on the Council's Committees as detailed in Appendix B, attached.
- 12. Recommendations of the Corporate Policy and Resources Committee** 27 - 28
- To consider the recommendations of the Corporate Policy and Resources Committee from its meeting on 5 July 2021 on the following items;
- a) Exempt Report - Ashford Victory Place - Key Decision
b) Exempt Report - Proposed Award of Leisure Centre Contractor contract - Key Decision

13. Amendments to the Council's Constitution

To agree the amendments to the Council's Constitution as detailed in the report.

29 - 214

14. Appointment of a representative Trustee

To consider the appointment of a representative Trustee to the Staines Parochial Charity following confirmation from the Charity of the below nomination:

Mrs Daphne Harman, for a four year period ending in July 2025.

15. Amendments to the Spelthorne Joint Committee constitution following implementation of the committee system

Council is asked to approve the amendments to the Spelthorne Joint Committee Constitution as set out in this report.

215 - 238

16. Appointment of Chairman to the Spelthorne Joint Committee for a two year term to May 2023

Council is asked to appoint a Chairman to the Spelthorne Joint Committee, from the members listed below, for a two year term to May 2023.

The members of this Committee are:

Jim McIlroy
Naz Islam
Chris Bateson
Lawrence Nichols
Olivia Rybinski
Richard Smith-Ainsley

17. Motions

To receive any motions from Councillors in accordance with Standing Order 16.

Note: The deadline for motions to be considered at this meeting was Monday July 5 2021 and three were received.

Motion 1

To appoint a member "Mental Health Champion" to:

- advocate for mental health issues in council meetings and policy development and reach out to the local community to raise awareness of mental health issues and challenge stigma.
- listen to people with experience of mental health note their perspective on local needs and priorities.
- scrutinise areas that have an impact on people's mental health.
- foster local partnerships between agencies to support people with mental health problems more effectively.

- identify at least one priority each year for focused work.
- have access to advice, support and other member champions to share information, experience and ideas.

Proposer: Cllr D. Saliagopoulos

Seconder: Cllr T. Lagden

Motion 2

To appoint, when possible, an existing officer of the Council to act as a lead officer for mental health to:

- Advise the member Champion on current issues and priorities;
- Support implementation of strategies initiated by the member champion;
- Raise awareness within the council's staff about mental health issues;
- Seek external support for activities led by the council to promote mental health and wellbeing;
- Liaise with mental health challenge national partners to secure information and advice;
- In conjunction with the member champion, look to support positive mental health in our community, including in local schools, neighbourhoods etc.

Proposer: Cllr D. Saliagopoulos

Seconder: Cllr T. Lagden

Motion 3

This Council resolves to establish the principle that a permanent memorial be created to recognise those in the Borough of Spelthorne who have sadly lost their lives during the unprecedented Covid 19 pandemic.

If that is agreed, we request that Officers begin a consultation process with the desired aim to establish the form and location of such a memorial no later than the annual Council meeting in May 2022.

The consultation should primarily include the families of those who lost their lives due to the virus and other community and voluntary organisations that provided, and continue to provide, support to those most affected.

Proposer: Cllr R. Noble

Seconder: Cllr M. Gibson

18. Report from the Leader of the Council

To receive the report from the Leader of the Council on the work of the Corporate Policy and Resources Committee at its meeting on 5 July 2021.

239 - 240

- 19. Report from the Chairman of the Environment and Sustainability Committee**
- To receive the report from the Chairman of the Environment and Sustainability Committee on the work of his Committee. 241 - 244
- Please note, there will be a further report to follow as the Environment and Sustainability Committee will be convening for an Extraordinary meeting on 13 July 2021.*
- 20. Report from the Chairman of the Community Wellbeing and Housing Committee**
- To receive the report from the Chairman of the Community Wellbeing and Housing Committee on the work of her Committee. 245 - 246
- 21. Report from the Chairman of the Neighbourhood Services Committee**
- To receive the report from the Chairman of the Neighbourhood Services Committee on the work of her Committee. 247 - 248
- 22. Report from the Chairman of the Economic Development Committee**
- To receive the report from the Chairman of the Economic Development Committee on the work of his Committee. 249 - 250
- 23. Report from the Chairman of the Planning Committee**
- To receive the report from the Chairman of the Planning Committee on the work of his Committee. 251 - 252
- 24. Report from the Chairman of the Licensing Committee**
- To receive the report from the Chairman of the Licensing Committee on the work of his Committee. 253 - 254
- 25. Report from the Chairman of the Administrative Committee**
- To receive the report from the Chairman of the Administrative Committee on the work of his Committee. 255 - 256
- 26. General questions**
- The Leader, or his nominee, to answer questions from Councillors on matters affecting the Borough, in accordance with Standing Order 14.
- Note: the deadline for questions to be considered at this meeting is 12 noon on Thursday 8 July 2021.*

At the time of publication no questions had been received.

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MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

**Minutes of the Annual Council Meeting of Spelthorne Borough Council
held in the Spelthorne Leisure Centre, Knowle Green, Staines-upon-
Thames on Thursday, 27 May 2021 at 6.00 pm**

Present:

Councillors:

M.M. Attewell	T. Fidler	S.C. Mooney
C.L. Barratt	N.J. Gething	L. E. Nichols
R.O. Barratt	M. Gibson	R.J. Noble
C. Bateson	K.M. Grant	O. Rybinski
I.J. Beardsmore	A.C. Harman	D. Saliagopoulos
J.R. Boughtflower	H. Harvey	J.R. Sexton
A. Brar	I.T.E. Harvey	R.W. Sider BEM
S. Buttar	N. Islam	V. Siva
R. Chandler	T. Lagden	R.A. Smith-Ainsley
J.T.F. Doran	V.J. Leighton	B.B. Spoor
S.M. Doran	M.J. Madams	J. Vinson
R.D. Dunn	J. McIlroy	
S.A. Dunn	A.J. Mitchell	

Councillor C.F. Barnard, The Mayor, in the Chair

Apologies: Councillor J.H.J. Doerfel

140/21 Election of the Mayor

The retiring Mayor, Councillor C. Barnard, welcomed all members and guests to the Annual Meeting of the Council and invited Rev. J. Samadi, to say a word of prayer.

The Mayor thanked the officers of the Council, his Mayoress, the Deputy Mayor, Deputy Mayoress, Spelthorne residents and the Mayor's secretary, Mrs. Sheila Kimpton, for their hard work and support during his Mayoral year.

Reflecting on his year in office the Mayor announced that a considerable sum had been raised for his nominated charities. The Mayor explained that whilst his Mayoral year had been different to most due to the pandemic, he had been fortunate to experience some of the normal Mayoral events whilst standing in for former Mayor, Councillor Mary Madams, during a period of ill health. The Mayor wished Councillor Mary Madams a full recovery.

The Mayor thanked Councillor R.W Sider BEM for inviting him to the opening of a new venture at Trio pharmacy, Shepperton. He also thanked Councillor Saliagopoulos for inviting him to open a visiting facility, and tea in the garden at Ashford House nursing home, and Councillor Sue Doran for inviting him to visit the Stanwell allotment project and to the ancient Stanwell fair on the village green.

The Mayor reflected on the many visits he had made to the District Scout and Guide groups and to local schools and listed some of the awards he had had the pleasure to deliver including, Spelthorne in Bloom awards, presenting over 100 litter picking certificates to children and Civic awards and commendations.

It was moved by Councillor O. Rybinski and seconded by Councillor A. Brar that Councillor I.T.E. Harvey be appointed Mayor for the Municipal Year 2021-2022.

It was moved by Councillor A.J. Mitchell and seconded by Councillor M. Gibson that Councillor A.C. Harman be appointed Mayor for the Municipal Year 2021-2022.

A recorded vote was conducted, as requested by Councillor R.A. Smith-Ainsley with the results as follows.

FOR Councillor I.T.E Harvey (20)

Councillors: Bateson, Beardsmore, Brar, Doran J, Doran S, Dunn R, Dunn S, Fidler, Grant, Harvey H, Harvey I, Lagden, Nichols, Rybinski, Saliagopoulos, Sexton, Siva, Smith-Ainsley, Spoor and Vinson.

FOR Councillor A.C Harman (18)

Councillors: Attewell, Barnard, Barratt C, Barratt R, Boughtflower, Buttar, Chandler, Gething, Gibson, Harman, Islam, Leighton, Madams, McIlroy, Mitchell, Mooney, Noble and Sider.

Resolved that Councillor Ian Harvey be appointed Mayor for the Municipal Year 2021-22.

A short adjournment took place to hand over the robes and badge of Office to the new Mayor, during which a short video highlighting moments from Councillor Barnard's Mayoral Year was shown.

Councillor Ian Harvey made the Declaration of Acceptance of Office as Mayor of the Borough of Spelthorne and took the Chair. He thanked his proposer and seconder and the Council for supporting him in his election as Mayor. He presented Councillor C.F. Barnard with the past Mayor's badge.

The outgoing Mayoress, Mrs. Barbara Barnard, presented the Mayoress badge to Councillor Mrs. Helen Harvey who in turn presented Mrs. Barnard with a past Mayoress badge.

The Mayor, Councillor Ian Harvey paid tribute to the outgoing Mayor and Mayoress, and commended Councillor A.C. Harman and Mrs. Daphne Harman for their dedicated support of Councillor Barnard throughout his Mayoral year.

The Mayor expressed his desire to connect with young people and encourage them to engage with their borough and stated that it was his intention to support charities that worked with young people and families who had children with additional needs.

The Mayor announced that he had appointed a Chaplain for his Mayoral Year, the Reverend Andrew Downes, Vicar of St Mary's, Sunbury, and stated that he would invite him to receive his Chaplain's badge at the next full Council meeting.

141/21 Minutes

The minutes of the Council meeting held on 22 April 2021 were agreed as a correct record.

142/21 Disclosures of Interest

There were no disclosures of interest.

143/21 Election of the Deputy Mayor

It was moved by Councillor O. Rybinski and seconded by Councillor J. Doran that Councillor Sue Doran be appointed Deputy Mayor for the municipal year 2021-2022.

It was moved by Councillor V.J Leighton and seconded by Councillor R.J Noble that Councillor Sati Buttar be appointed Deputy Mayor for the municipal year 2021-2022

A recorded vote was conducted, as requested by Councillor R.A. Smith-Ainsley with the results as follows.

FOR Councillor S. Doran (20)

Councillors: Bateson, Beardsmore, Brar, Doran J, Doran S, Dunn R, Dunn S, Fidler, Grant, Harvey H, Harvey I, Lagden, Nichols, Rybinski, Saliagopoulos, Sexton, Siva, Smith-Ainsley, Spoor and Vinson.

FOR Councillor S. Buttar (17)

Councillors: Attewell, Barratt C, Barratt R, Boughtflower, Buttar, Chandler, Gething, Gibson, Harman, Islam, Leighton, Madams, McIlroy, Mitchell, Mooney, Noble and Sider.

ABSTAIN (1)

Councillor Barnard.

Resolved that Councillor Sue Doran be appointed Deputy Mayor for the Municipal Year 2021-2022.

Councillor Sue Doran made the Declaration of Acceptance of Office as Deputy Mayor of the Borough of Spelthorne.

The Mayoress, Councillor Helen Harvey, presented the Deputy Mayor's Consort Badge to Councillor John Doran.

The Deputy Mayor, Councillor Sue Doran, briefly addressed the Council and thanked her proposer and seconder for their support. She said it was a great honour to be elected as Deputy Mayor and looked forward to supporting the Mayor in his Mayoral year.

144/21 Announcements from the Mayor

The Mayor thanked Councillor R.W Sider BEM for presenting the Council with the Defence Employer Recognition Silver Award.

145/21 Election of the Leader of the Council

It was moved by Councillor S.A. Dunn and seconded by Councillor T. Fidler that Councillor L.E. Nichols be appointed Leader of the Council for the Municipal Year 2021-2022.

It was moved by Councillor M.M. Attewell and seconded by Councillor R.W Sider BEM that Councillor J.R. Boughtflower be appointed Leader of the Council for the Municipal Year 2021-2022.

A recorded vote was conducted, as requested by Councillor R.A. Smith-Ainsley with the results as follows.

FOR Councillor L.E Nichols (20)

Councillors: Bateson, Beardsmore, Brar, Doran J, Doran S, Dunn R, Dunn S, Fidler, Grant, Harvey H, Harvey I, Lagden, Nichols, Rybinski, Saliagopoulos, Sexton, Siva, Smith-Ainsley, Spoor and Vinson.

FOR Councillor J.R Boughtflower (18)

Councillors: Attewell, Barnard, Barratt C, Barratt R, Boughtflower, Buttar, Chandler, Gething, Gibson, Harman, Islam, Leighton, Madams, McIlroy, Mitchell, Mooney, Noble and Sider.

Resolved that Councillor Lawrence Nichols be appointed Leader of the Council for the Municipal Year 2021-2022.

146/21 Announcements from the Leader

The Leader paid tribute to Councillor J. Boughtflower, stating that Councillor Boughtflower was an honourable man and he had enjoyed working with him and trusted him.

The Leader made several announcements as follows:

Spelthorne, along with the rest of the country, continues along the Government's roadmap out of lockdown. From 17 May, indoor hospitality reopened, and our officers have been working with these businesses to ensure they remain COVID secure. We have been supporting the borough's 'non-essential' retail businesses since they were given the green light to reopen on 12 April. As a Council, we continue to monitor developments regarding the variant originally discovered in India, as 21 June draws near.

This Council recognises how difficult and challenging the last 15 months have been for businesses and have looked to support those affected, in particular the retail, leisure, and hospitality sector. To date, more than £50 million in relief and grants have been provided to businesses in the Borough during the ongoing pandemic. The Council have held a public consultation with businesses about what support is most needed. The consultation closed on 16 May and responses are currently under review to help determine how discretionary grant funds can be best spent to boost the local economy. Businesses are also being consulted on how they can benefit from the Welcome Back Fund.

The Council ran a successful set of elections on Thursday 6 May and delivered a COVID-safe environment for voters, volunteers, and staff. On behalf of all Members, I want to thank all those who were involved. Your hard work is very much appreciated. The full results can be found on our website.

The first consultation on the Staines Town Centre Development Framework began at 9am on Tuesday 18 May and will run for six weeks until Tuesday 29 June. The Council is asking people who live, work, study, shop and spend leisure time in Staines to respond. This Objectives and Options consultation is the first stage of consultation on the Staines Development Framework and is open to all.

This Council will be eliminating 5.7 tonnes of annual carbon dioxide emissions with the installation of solar panels at the Council's depot in Ashford. The works, which have been supported by an £11,000 grant by the Enterprise M3 Clean Growth Programme, took place in March this year.

Nominations are open for the Spelthorne Youth Awards. These are for special young people aged between 5 and 19 years living or receiving education within Spelthorne who deserve recognition. The deadline for nominations this year is tomorrow, Friday 28 May, with the awards evening taking place in July.

A decision has been taken to implement a Borough-wide Public Space Protection Order (PSPO) for psychoactive substances. A public consultation took place between 18 January and 28 February 2021 and 97.3% of respondents were in favour of adopting a PSPO. The objective of the order is to reduce the possession and use of psychoactive substances for recreational consumption, to increase public health awareness of potentially dangerous substances, to reduce dangerous littering and to help provide a safe and clean environment for all.

The Council has given approval to pursue a planning application to build the new leisure centre in Knowle Green, Staines. It is hoped that the application for this development will go to the June Planning Committee with the aim of starting construction of the new centre in December this year. As part of Spelthorne's commitment to become a carbon neutral council, this planned new leisure facility would be the first multipurpose leisure centre in the UK, incorporating swimming pools and a large sports hall, to be designed and built to fully meet the ultra-low energy Passivhaus standard.

The Spelthorne Hub will be launching next month. This business incubator, based in Sunbury, will provide a co-working environment for new start-ups and early-stage businesses to develop their ideas by offering a choice of hot desks, permanent desks, and serviced office facilities. Open days will be held soon, and we very much look forward to welcoming new businesses to the Borough.

The Leader explained that he was looking forward to starting a new chapter for Spelthorne Borough Council as the Committee system governance model came into effect. The new structure will allow for a broader involvement of all Councillors in decision making on policies. The Leader concluded that he was eagerly anticipating working with all members to continue to make Spelthorne a great place to live and work.

147/21 Election of Deputy Leader of the Council

It was moved by Councillor R.W Sider BEM and seconded by Councillor A.J. Mitchell that Councillor J. McIlroy be appointed Deputy Leader of the Council for the Municipal year 2021-2022.

It was moved by Councillor I.J. Beardsmore and seconded by Councillor R.A Smith-Ainsley that Councillor J.R. Sexton be appointed Deputy Leader of the Council for the Municipal Year 2021-2022.

A recorded vote was conducted, as requested by Councillor A.J. Mitchell with the results as follows.

FOR Councillor J.R. Sexton (20)

Councillors: Bateson, Beardsmore, Brar, Doran J, Doran S, Dunn R, Dunn S, Fidler, Grant, Harvey H, Harvey I, Lagden, Nichols, Rybinski, Saliagopoulos, Sexton, Siva, Smith-Ainsley, Spoor and Vinson.

FOR Councillor J. McIlroy (18)

Councillors: Attewell, Barnard, Barratt C, Barratt R, Boughtflower, Buttar, Chandler, Gething, Gibson, Harman, Islam, Leighton, Madams, McIlroy, Mitchell, Mooney, Noble and Sider.

Resolved that Councillor Joanne Sexton be appointed Deputy Leader of the Council for the Municipal Year 2021-2022.

148/21 Minor amendments to the Constitution for implementation of the Committee system

Council considered the report of the Monitoring Officer on minor amendments to Parts 3b (Terms of Reference) and 4a (Standing Orders) of the Constitution to facilitate the implementation of the Committee System.

It was moved by Councillor L.E Nichols and seconded by Councillor J.R Sexton that Council agree the proposed amendments to the Constitution, as appended to the report, for adoption.

A recorded vote was conducted, as requested by Councillor A.J. Mitchell with the results as follows.

FOR (20)

Councillors: Bateson, Beardsmore, Brar, Doran J, Doran S, Dunn R, Dunn S, Fidler, Grant, Harvey H, Harvey I, Lagden, Nichols, Rybinski, Saliagopoulos, Sexton, Siva, Smith-Ainsley, Spoor and Vinson.

AGAINST (18)

Councillors: Attewell, Barnard, Barratt C, Barratt R, Boughtflower, Buttar, Chandler, Gething, Gibson, Harman, Islam, Leighton, Madams, McIlroy, Mitchell, Mooney, Noble and Sider.

Resolved to agree the proposed amendments to the Constitution, as appended to the report for adoption.

149/21 Establishment of Committees 2021-22

Details of the Committees and their size and the political allocation of seats (Appendix A) and the members to serve on the various Committees (Appendix B) were circulated at the meeting on a supplementary agenda.

The Mayor explained that it had not been possible for the Group Leaders to agree the nominations for the Chairs and Vice Chairs to the committees and sub-committees or the substitutes, in respect of parts (4) and (5) of this item in advance of this meeting, and called on the Monitoring Officer to give her advice.

The Monitoring Officer advised that there was no statutory requirement to agree part (4), in respect of appointments of Chairs and Vice-Chairs of

Committees and Sub-Committees, and part (5), in respect of appointments of substitutes to Committees, of this item at the Annual Council Meeting.

In view of the inability of the Group Leaders to agree the nominations for parts (4) and (5) in advance of this meeting the Monitoring Officer advised that, under standing order 28.1, Standing Orders 8.3 (e), (f) and (g) (with reference to appointments of substitutes), be suspended. These matters could then be withdrawn and considered at an Extraordinary Council Meeting on 10 June 2021.

It was moved by Councillor J.R. Boughtflower and seconded by Councillor L.E. Nichols to suspend Standing Orders 8.3 (e), (f) and paragraph (g) with reference to the appointment of substitutes.

A recorded vote was conducted, as requested by Councillor A.J. Mitchell with the results as follows.

FOR (36)

Attewell, Barnard, Barratt C, Barratt R, Bateson, Beardsmore, Boughtflower, Brar, Buttar, Chandler Doran J, Doran S, Dunn R, Dunn S, Fidler, Gibson, Grant, Harman, Harvey H, Harvey I, Islam, Lagden, Leighton, Madams, McIlroy, Mooney, Nichols, Noble, Rybinski, Saliagopoulos, Sexton, Sider, Siva, Smith-Ainsley, Spoor, Vinson.

AGAINST (1)

Mitchell.

ABSTAIN (1)

Gething.

Resolved to suspend Standing Orders 8.3 (e), (f) and (g) (with reference to appointments of substitutes). With the suspension of the relevant standing order, parts (4) and (5) were withdrawn.

Councillor A.C. Harman left the meeting at this point in the proceedings.

After a short adjournment Council proceeded to consider parts (1) to (3), to agree the Committees for the next municipal year, their size, the political allocation of seats and councillors to serve on them.

It was moved by Councillor L.E Nichols, and seconded by Councillor J.R Sexton that Council agree the establishment of the Committees, shown at Agenda Item 11 (1), the size indicated and with the terms of reference and functions set out in Part 3b of the Council's new Constitution.

A recorded vote was conducted, as requested by Councillor R.A Smith-Ainsley with the results as follows.

FOR (20)

Councillors: Bateson, Beardsmore, Brar, Doran J, Doran S, Dunn R, Dunn S, Fidler, Grant, Harvey H, Harvey I, Lagden, Nichols, Rybinski, Saliagopoulos, Sexton, Siva, Smith-Ainsley, Spoor and Vinson.

AGAINST (17)

Councillors: Attewell, Barnard, Barratt C, Barratt R, Boughtflower, Buttar, Chandler, Gething, Gibson, Islam, Leighton, Madams, McIlroy, Mitchell, Mooney, Noble and Sider.

ABSTAIN (0)

Resolved to agree the appointment of the Committees, shown at Agenda Item 11(1), the size indicated and with the terms of reference and functions set out in Part 3 of the Council's Constitution.

It was moved by Councillor J.R Boughtflower and seconded by Councillor J. McIlroy that parts (2) and (3) be deferred to the Extraordinary Council meeting on 10 June.

The Monitoring officer advised members that, as with parts (4) and (5) above, under Standing Order 28.1, Standing Orders 8.3 (e), (f) and (g) (with reference to appointments of substitutes), parts (2) and (3) be suspended. These matters could then be withdrawn and considered at an Extraordinary Council Meeting on 10 June 2021.

A recorded vote was conducted, as requested by Councillor R.A Smith-Ainsley with the results as follows.

FOR (37)

Councillors: Attewell, Barnard, Barratt C, Barratt R, Bateson, Beardsmore, Boughtflower, Buttar, Chandler, Brar, Doran J, Doran S, Dunn R, Dunn S, Fidler, Gething, Gibson, Grant, Harvey H, Harvey I, Islam, Lagden, Leighton, Madams, McIlroy, Mitchell, Mooney, Nichols, Noble, Rybinski, Saliagopoulos, Sexton, Sider, Siva, Smith-Ainsley, Spoor and Vinson.

AGAINST (0)

ABSTAIN (0)

Resolved to suspend Standing Orders 8.3 (e), (f) and (g) (with reference to appointments of substitutes). With the suspension of the relevant standing order, parts (2) and (3) were withdrawn.

150/21 Members Allowances

Council considered the recommendations of the Independent Remuneration Panel on the Members Allowance Scheme for 2021/22.

The Mayor drew members attention to a typographical error in the recommendations of the Independent Remuneration Panel on page 51 of the

agenda. The recommendation stated the payment for travel allowance for cycles would be Nil but should have been 20p per mile as stated at Paragraph 64 of the Panel's report.

It was moved by Councillor L.E. Nichols and seconded by Councillor J.R. Sexton that Council approves the recommendations of the Independent Remuneration Panel on the Members' Allowances Scheme for 2021-22, as set out in full in the attached report, subject to the payment of travel allowances for cycles being 20p per mile.

The motion FELL.

During the debate on this item, it was moved, seconded and

Resolved to suspend Standing Order 5, Duration of Meeting, to allow the meeting to continue until the completion of this item of business.

It was moved by Councillor V.J. Leighton and seconded by Councillor R. Noble that the Members Allowances Scheme for 2021/22 be agreed but that the Independent Remuneration Panel must investigate the possibility of including an allowance for electric cars and report their findings back to Council.

An amendment to the motion was proposed by Councillor A.J. Mitchell and seconded by Councillor R. Barratt to defer the Members Allowances Scheme for 2021/22 in its entirety to be considered at the Extraordinary Council Meeting on 10 June 2021.

A vote was held, and the amendment was CARRIED.

A voted was held on the substantive motion and it was

Resolved to defer the Members Allowances Scheme for 2021/22 in its entirety to enable the Independent Remuneration Panel to investigate the possibility of including an allowance for electric cars, to be considered at the Extraordinary Council Meeting on 10 June 2021.

MINUTES OF THE SPELTHORNE BOROUGH COUNCIL

Minutes of the Extraordinary Council Meeting of Spelthorne Borough Council held at the Spelthorne Leisure Centre, Knowle Green, Staines-upon-Thames on Thursday, 10 June 2021 at 6.00 pm

Present:

Councillors:

S.M. Doran	R.D. Dunn	A.J. Mitchell
C.F. Barnard	S.A. Dunn	S. Mooney
M.M. Attewell	T. Fidler	L. E. Nichols
C.L. Barratt	N.J. Gething	R.J. Noble
R.O. Barratt	M. Gibson	O. Rybinski
C. Bateson	K.M. Grant	D. Saliagopoulos
I.J. Beardsmore	A.C. Harman	J.R. Sexton
J.R. Boughtflower	H. Harvey	R.W. Sider BEM
A. Brar	N. Islam	V. Siva
S. Buttar	T. Lagden	R.A. Smith-Ainsley
R. Chandler	V.J. Leighton	B.B. Spoor
J.T.F. Doran	J. McIlroy	J. Vinson

Councillor I.T.E. Harvey, The Mayor, in the Chair

Apologies:

Apologies were received from Councillors M.J. Madams and Dylan Price

151/21 Disclosures of Interest

There were no disclosures of interest.

152/21 Motions

The two motions that had been published with the agenda were withdrawn by the proposer.

153/21 Establishment of Committees 2021-22

The Committees established at the Annual Council meeting on 27 May 2021 were noted.

154/21 Allocation of seats on Committees and Sub-Committees - Appendix A

Councillor Saliagopoulos sought clarification on the voting procedure for items 4A-C and asked if the Chairs and Vice Chairs (item 4C) could be voted on individually.

The Monitoring Officer advised that the Council had a statutory duty under section 15 of the Local Government and Housing Act 1989 to allocate seats to Committees on a politically proportionate basis therefore item 4A had to be voted on block.

She further advised that item 4B, the allocation of members to seats, was governed by section 16 of the Local Government and Housing Act 1989 and it was the duty of Council to put into effect the wishes of the political groups and it was the Council's duty to effect those wishes which had been put forward.

Lastly she confirmed that it was usual practice for the Group Leaders to agree the allocation of members to Chair and Vice Chair positions and for the nominations to be presented to the Council for adoption.

The Mayor requested that the Council indicate by show of hands if they were in favour of voting on items 4A-C on block.

Resolved that Council agreed to vote for items 4A – C on block.

It was moved by Councillor L. Nichols and seconded by Councillor J. Sexton and

Resolved to agree the political allocation of seats as set out in Appendix A.

155/21 Appointment of members to Committees and Sub Committees – Appendix B

Councillor Saliagopoulos requested that her name be removed from the Community Wellbeing and Housing Committee as she had not agreed to take up that allocation.

Councillor Saliagopoulos left the meeting at 6.20pm.

It was moved by Councillor L. Nichols and seconded by Councillor J. Sexton and

Resolved to appoint the members to serve on the Committees as shown in Appendix B including Mr. Ian Winter as the non-elected Chairman of the Standards Committee and Mr. Dylan Price as the non-elected Vice-Chairman of the Standards Committee and excluding Councillor Saliagopoulos from the Community Wellbeing and Housing Committee.

156/21 Appointment of Chairs and Vice-Chairs to Committees and Sub-Committees – Appendix C

It was moved by Councillor L. Nichols and seconded by Councillor J. Sexton and

Resolved to appoint the Chairs and Vice-Chairs to Committees and Sub-Committees as set out in Appendix C.

157/21 Appointment of Substitutes to Committees – Appendix D

The Mayor explained that it had not been possible for the Group Leaders to agree the appointment of Substitutes to Committees.

It was moved by Councillor L. Nichols and seconded by Councillor J. Sexton and

Resolved to defer this item until the next ordinary Council meeting scheduled for 15 July 2021.

158/21 Members Allowances

Council considered the updated report of the Independent Remuneration Panel on the Members' Allowance Scheme for 2021-22 which included travel allowances for electric vehicles.

It was proposed by Councillor Siva and seconded by Councillor Vinson that the Vice Chair of the Administrative Committee receive a special responsibility allowance of 10% of the Leaders allowance, which equated to £1,100 per annum.

The amendment was voted upon and carried. The substantive motion was put to the vote.

Resolved to adopt the Members' Allowances Scheme for 2021-22, as set out in full in the report and with the inclusion of a special responsibility allowance of 10% of the Leaders allowance for the Vice Chair of the Administrative Committee which equated to £1,100 per annum.

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Appendix A.

ALLOCATION OF SEATS FOR DEVELOPMENT SUB-COMMITTEE

Membership of the Development Sub-Committee will consist of:

5 members nominated by the Corporate Policy and Resources Committee and **2 members nominated by the Environment and Sustainability Committee** drawn from all members of the Council and reflecting political balance.

The Political allocation will be:

Conservatives	3 seats
Liberal Democrats	1 seat
USG	1 seat
Other Groups	2 seats
	(7)

The **Environment and Sustainability Committee** considered their nominations at their meeting on 30 June 2021.

The **Corporate Policy and Resources Committee** considered their nominations at their meeting on 5 July 2021.

The nominations were as follows:

Political Group	Councillor	Nominated by
Conservatives	Councillor R. Noble	Corporate Policy and Resources
Conservatives	None received	Corporate Policy and Resources
Conservatives	None received	Corporate Policy and Resources
Liberal Democrat Green Group	Councillor L. Nichols	Corporate Policy and Resources
USG	Councillor H. Harvey	Corporate Policy and Resources
Labour (Other Group)	Councillor J. Doran	Environment and Sustainability Committee
Independent Spelthorne Group (Other Group)	Councillor R. Smith-Ainsley	Environment and Sustainability Committee

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Corporate Policy & Resources (15 seats)	Environment & Sustainability (15 seats)	Community Wellbeing & Housing (13 seats)	Economic Development (9 seats)	Neighbourhood Services (9 seats)	Administrative (9 seats)	AUDIT {8 members} (7 seats)	+LICENSING (13 seats)	++PLANNING (15 seats)	Standards ^{**} [11 members](9 seats)	SPELTHORNE JOINT COMMITTEE (7 seats)
Con	Con	Con	Con	Con	Con	Con	Con	Con	Con	Con
Con	Con	Con	Con	Con	Con	Con	Con	Con	Con	Con
Con	Con	Con	Chris Bateson	Chris Bateson	Con	Bernie Spoor	Con	Con	Tom Fidler	Tom Fidler
Tom Fidler	Richard Dunn	Richard Dunn	Bernie Spoor	Kathy Grant	Kathy Grant	Chris Bateson	Richard Dunn	Sandra Dunn	Chris Bateson	Tom Lagden
Chris Bateson	Bernie Spoor	Kathy Grant	Olivia Rybinski	Olivia Rybinski	Sandra Dunn	Amar Brar	Sandra Dunn	Lawrence Nichols	Helen Harvey	Helen Harvey
Helen Harvey	Helen Harvey	Helen Harvey	Susan Doran	Jenny Vinson	Ian Beardsmore	Susan Doran	USG Vacant	Olivia Rybinski	Denise Saliagopoulos	Joanne Sexton
USG (vacant as IH is Mayor)	Susan Doran	John Doran					John Doran	USG (vacant as IH is Mayor)	Joanne Sexton	
John Doran	.Ian Beardsmore	VACANT# Ind Group				**1 independent non-councillor	Denise Saliagopoulos	Susan Doran		
.Denise Saliagopoulos	Jenny Vinson						Veena Siva	Veena Siva		
Jenny Vinson	Richard Smith-Ainsley						Joanne Sexton	Joanne Sexton		
Richard Smith-Ainsley										
SUBS Con 3 Lib Dem 2 USG 2 Lab 1 Ind Group 1 Ind Lab 1 ISG 1	Con 3 Lib Dem 2 USG1 Lab 1 Ind Group 1 Ind Lab 1 ISG 1	Con 3 Lib Dem 2 USG 1 Lab 1 Ind Group 1	Con 2 Lib Dem 2 USG 2 Lab 1	Con 2 Lib Dem 2 USG 1 Ind Lab 1	Con 3 Lib Dem 2 Ind Group 1	Con 2 Lib 2 USG 1 Lab 1	Con 3 Lib Dem 2 USG 1 Lab 1 Ind Group 1 Ind Lab 1 ISG 1	Con 3 Lib Dem 2 USG 2 Lab 1 Ind Lab 1 ISG 1	Con 2 Lib Dem 2 USG 1 Ind Group 1 ISG 1	Con 2 Lib Dem 2 USG 1 ISG 1

- +Licensing members and Substitute members must have received training to sit on Licensing Sub-Committee hearings.
- ++Planning Committee members and Substitute members must have received training to sit on the Planning Committee.
- #The Independent Group have yet to nominate a member to sit on the Committee hence the Substitute has been listed as vacant as the actual committee place needs to be filled first.
- No Conservative nominations were received at the time of publication (7 July 2021)

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**Recommendations of the Corporate Policy and Resources Committee
meeting held on 5 July 2021**

1. Exempt Report - Ashford Victory Place - Key Decision

- 1.1 The Committee considered an exempt report on Ashford Victory Place.
- 1.2 Members noted the specification changes sought by Planning Committee prior to revisions being submitted to the Local Planning Authority (LPA).
- 1.3 The Committee agreed that option A, the preferred option, was the most appropriate and resolved to recommend this to Council.
- 1.4 The Committee noted that the Assets team would finalise contract terms and build costs with the contractor and that execution of their contract would be subject to planning, and Full Council approval due to the value of the specification enhancements agreed above.
- 1.5 **The Corporate Policy and Resources Committee recommends that Council approve the specification changes (option A) sought by Planning Committee prior to submitting revisions to the Local Planning Authority (LPA).**

2. Exempt Report - Proposed Award of Leisure Centre Contractor contract - Key Decision

- 2.1 The Committee considered a report on the Proposed Award of Leisure Centre Contractor contract.
- 2.2 The Committee noted that a Public Contracts Regulations (PCR) 2015 compliant tender process had been undertaken, inviting bids on a Joint Contracts Tribunal (JCT) two stage Design and Build basis. This process had concluded, and a preferred contractor had been identified
- 2.3 **The Corporate Policy and Resources Committee recommends that Council approve the award of a Pre-Construction Services Agreement (PCSA) to the preferred bidder identified in the report as the main contractor for the construction of the proposed new leisure centre; and the expenditure for this appointment.**

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Council

15 July 2021



Title	Amendments to the Constitution consequential to the change to the Committee System
Purpose of the report	To make a decision
Report Author	Victoria Statham, Group Head of Corporate Governance
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision
Recommendations	Council is asked: To approve the amendments to the Constitution as set out in this report and attachments.
Reason for Recommendation	To ensure that the Constitution is an effective document for the operation of a Committee system.

1. Key issues

- 1.1 On the 27 May 2021 the Council moved to a committee system of governance and is now fully operational in that system.
- 1.2 Since it was resolved to move to a committee system work has been undertaken to amend the Constitution. Council agreed changes to those Parts of the Constitution which were needed in order to operate the Committee system on 25 March 2021.
- 1.3 Officers have now had the opportunity to look at the remaining Parts of the Constitution which did not need amending to implement the system in May 2021, but still required review.
- 1.4 Having undertaken a full cycle of committee meetings some further amendments are required to ensure the smooth operation of the system. The proposed changes to Council and Committee Standing Orders were discussed with the Committee System Working Group on 1 July. The Working Group agreed those changes in principle.
- 1.5 To ensure the timely introduction of the amendments, as with the other reports on the amendments to the Constitution to implement the committee system, these are presented directly to Council for decision.

2. Constitutional amendments

- 2.1 Attached at **Appendix 1** is a summary of all the amendments which are recommended for approval. The amendments relate to a number of the documents which make up the Constitution. Clean copies of the amended documents are attached. Tracked change versions of these documents are available to Members in the Mod.Gov app library.

3. Timetable for implementation

- 3.1 The amendments will take effect upon agreement.

Background papers: There are none.

Appendices:

- Appendix 1 – Summary of proposed amendments
- Part 3 (b) – Terms of Reference of Committees
- Part 3 (d) – Delegations to officers
- Part 3 (d) (Appendix A) – Employment Policies
- Part 3 (e) – Proper Officer Functions
- Part 4 (a) – Council Standing Orders
- Part 4 (c) – Substitution Scheme
- Part 4 (d) – Financial Regulations (To follow)
- Part 4 (e) – Contract Standing Orders
- Part 4 (f) – Budget and Policy Framework Procedure Rules (To follow)
- Part 4 (g) – Access to Information Rules
- Part 5 (b) – Staff Code of Conduct
- Part 5 (c) – Member–Officer Relations Protocol
- Part 5 (d) – Planning Code
- Part 5 (g) – Local Code of Corporate Governance
- Part 5 (h) – Monitoring Officer Protocol
- Part 5 (j) – Policy on Gifts, Hospitality and Sponsorship
- Part 5 (k) – Conflict of Interest Policy
- Part 5 (l) – Protocol for recording and reporting public meetings

Summary of proposed changes to the Constitution

15 July 2021

Part 3 - Responsibility for Functions

Part	Document	Amendments
(b)	Terms of reference of Committees	Clarification as to the responsibility for: <ul style="list-style-type: none"> • various licensing and environmental health functions • Housing benefits
(d)	Delegations to officers	General updates throughout to reflect changes in legislation/names of government departments and officer titles. New delegations: 4.7 to 4.11 in relation to ‘Assets of Community Value.’ Upon receiving an application, SBC has 8 weeks to make a judgement about whether an asset has been properly nominated and meets the definition set out in section 88 of the Localism Act or whether it falls within one of the excluded categories. Moving to an officer led decision making process allows all such applications to be dealt with quickly and efficiently. The chosen officer (Group Head Regeneration and Growth) will adopt a uniform decision making approach in line with Article 13.2 principles of the Council’s constitution. 7.2 xx to mmm in relation to environmental health functions under numerous Acts. 7.9 in relation to those aspects of the European Union Withdrawal Act 2018 as amended, that relate to food and feed. 12.13 in relation to immediate revocation of taxi driver licences 12.15 in relation to suspension of taxi vehicle licences 12.18 to 12.24 in relation to the administration of various Acts under the remit of Environmental Health. 14.5 to 14.13, 14.15-14.16 powers relating to stop notices, planning contravention notices, breach of condition notices and prosecutions, injunctions, taking direct action and rights of entry without warrant under the Town and Country Planning Act 1990. 14.20 relating to Tree Preservation Orders 14.30 relating to Goods Vehicles Operators license applications.
(d)	Appendix A – Employment policies	<ul style="list-style-type: none"> • Replaced ‘Cabinet’ with ‘relevant Committee’ • Service Manager added for services without a Group Head
(e)	Proper Officer functions	<ul style="list-style-type: none"> • Removal of references to Cabinet • Removed functions under Local Authorities (Executive Arrangements) (England) Regulations 2012 as these no longer apply. • Removed functions under Section 4 and 5 of Local Government and Housing Act 1989 as these are Council functions.

Part 4 - Procedural Rules

Part	Document	Amendments
(a)	Council Standing Orders	<ul style="list-style-type: none"> • Further amendments which seek to clarify the procedures for <ol style="list-style-type: none"> i) Public speaking at Committees/sub- committees ii) duration of meetings of Committees/sub-committees, including the introduction of a 10.30pm absolute cut-off time for business. • Amendment of deadline for public and members questions at Council to seven working days prior to the meeting to enable better management of the preparation work for the meeting. • Provision of discretion to Chair of Committees/Sub-Committees to deal with debates other than in accordance with the rules of debate.
(c)	Substitution Scheme	<ul style="list-style-type: none"> • Added clarification that the Mayor may not act as a substitute at a Committee.
(d)	Financial Regulations <i>(to follow)</i>	<ul style="list-style-type: none"> • General updates throughout to reflect changes in legislation, officer titles, references to officers/other bodies/policies and internal financial procedures. • Replacement of Cabinet with Corporate Policy and Resources or other relevant Committee as appropriate • Placement of Cabinet Member with relevant Chairs of Committees. • Replacement of Leader with Chair of Corporate Policy and Resources Committee or Corporate Policy and Resources Committee as appropriate. • Inclusion of Corporate Risk Policy at C5 • Inclusion of ICT equipment at C43
(e)	Contract Standing Orders	<ul style="list-style-type: none"> • Updates to Officer titles and replaced references to Cabinet with relevant Service Committee. • Re-write to address new procedures in relation to contracts or agreements for works, goods or services. • Added authority levels to commence procurements • Inclusion of Contract Management Audits.
(f)	Budget and Policy Framework Procedure Rules <i>(to follow)</i>	<ul style="list-style-type: none"> • Replacement of Cabinet/Leader with relevant Committee. • Removal of references to Overview and Scrutiny Committee
(g)	Access to Information Rules	<ul style="list-style-type: none"> • Includes reference to electronic documents • Removal of references and procedures relating to executive arrangements including those relating to procedures before taking key decisions. • Revisions to publication of Forward Plan • Removal of General exception and Urgency rules required under executive arrangements. • Removal of references to procedures for Overview and Scrutiny and executive decisions by individuals and staff.

Part 5 – Codes and Protocols

Part	Document	Amendments
(b)	Staff Code of Conduct	Updates to staff titles.
(c)	Member - Officer Relations Protocol	<ul style="list-style-type: none"> • Updates to refer to Standards Committee. • Replaced references to Cabinet with Chair/Vice-Chair • Re-write to clearly set out the roles of and expectations on behaviour for councillors and staff. • Clarification on rights of members to access documents and information • Inclusion of section on officer-chair relationships • Inclusion of section on procedures in the event of a breach of the protocol • Update of procedures for press and media releases • Inclusion of Press and Media Protocol as an annex to the protocol
(d)	Planning Code	<ul style="list-style-type: none"> • Clarity on call-in procedure • Removal of call-over • Additional guidance on decision making
(g)	Local Code of Corporate Governance	<p>No changes required to Code.</p> <p>Appendix – replaced reference to Overview and Scrutiny Committee with Corporate Policy and Resources Committee. <i>The links in this document will be reviewed and updated after approval of the revised Constitution.</i></p>
(h)	Monitoring Officer Protocol	<ul style="list-style-type: none"> • Updates to staff names/titles. • Replaced Members Code of Conduct Committee with Standards Committee throughout. • Replaced Cabinet with Committees. • Removal of duplication re interpretation of Constitution.
(j)	Policy on Gifts, Hospitality and Sponsorship	<p>Updated officer title.</p> <p>Increased nominal value of gifts from £35 to £50. <i>This does not affect which gifts need to be recorded in the Register, as this applies no matter what the value of the gift, but affects the action to be taken by the recipient.</i></p>
(k)	Conflicts of Interest Policy	Updated title of officer and Committee to Standards.
(l)	Protocol for recording and reporting public meetings	This is a new protocol to advise the public on their rights to record and report on public meetings.

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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 (Corporate Policy and Resources Committee) or service delivery (Service Committees).
- Each Committee is limited in authority to grant expenditure to £1 million for any particular project without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.

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
- Making appointments to those Outside Bodies which are not reserved to Council
- 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

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

5 members nominated by the Corporate Policy and Resources Committee and 2 members nominated by the Environment and Sustainability Committee drawn from all members of the Council and reflecting political balance.

Updated 15 July 2021

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 Corporate 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 Corporate 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 decision at committee level is under contract standing orders.	For actual purchase if appropriate.	Project brief
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.

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
- Contaminated Land
- Public Health – including pollution
- 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.
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate 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 Corporate 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 Corporate 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 Corporate 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, allocations and support services
- 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 Corporate 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 Corporate 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
- Civil Enforcement (JET)
- Environmental protection – including food safety & enforcement and infectious disease outbreak control
- Workplace Health & Safety enforcement of businesses in the community
- Licensing matters save for those specifically reserved to the Licensing Committee,
- Environmental health matters with the exception of pollution but including general noise nuisance
- Planning enforcement
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate 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 Corporate 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 reflecting political balance 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 reflecting political balance)

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
 - e. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local Government (Miscellaneous Provisions) Act 1982.
 4. In relation to taxi and private hire licensing:
 - a. the adoption of all policies relating to taxi and private hire licensing.
 - b. 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 Committee or Sub-Committee;
 - c. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local government (Miscellaneous Provisions) Act 1976 and the Local Government (Miscellaneous Provisions) Act 1982;
 - d. To determine applications for the revision of the taxi fare tariff pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
 5. The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
 6. To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
 7. To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.

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 reflecting political balance)

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 Planning Development Manager 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 9 (nine) net additional residential units by new build (minor application).
- 7 Approval of over 1,000m² net additional floor space by new build (major application)
- 8 Recommendation of no objection for over 1,000m² net additional building floor space or 1 hectare net additional land area in connection with new 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 5000m².
- 10 Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)
- 11 For the local listing of any building

STANDARDS COMMITTEE

(9 Councillors reflecting political balance + 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.

APPEALS 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. The members chosen to serve on this Committee may not also sit on the Investigating and Disciplinary Committee in respect of the same matter.

RESPONSIBILITIES

To hear appeals against action taken short of dismissal in relation to the Council's chief officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and conduct any further investigation it considers necessary to reach a decision either to confirm the action or to award no sanction or a lesser sanction.

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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DELEGATIONS TO OFFICERS	
Column 1 – Function	Column 2 – Authorised Officer
1. GENERAL	
1.1 To enter land and premises for the purpose of inspections, surveys, testing and examinations as required pursuant to any powers or functions of the Council under any enactment	Any Group Head, the Medical Advisor, the Property Inspector for Council Tax and Business Rates, the Senior Environmental Health Manager or such other officer who maybe authorised in writing by the above named
1.2 To serve notices to obtain particulars of a person's interest in land	Group Head of Corporate Governance, Senior Environmental Health Manager or Planning Development Manager or other such officer who may be authorised in writing by the above named
1.3 To serve notice under any enactment (not separately authorised under this scheme of delegations) and to take follow up action	Group Head of Corporate Governance Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager
1.4 To authorise officers to conduct directed surveillance or the use of covert human intelligence sources in accordance with the Regulation of Investigation Powers Act 2000	Strategic Planning Manager, Planning Development Manager and Senior Environmental Health Manager
1.5 To administer simple cautions	Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager
1.6 To respond to routine and technical consultations from the Local Government Association, the MHCLG, , other Government bodies or departments and any other bodies	Chief Executive, Deputy Chief Executive. Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager or such officer who may be authorised in writing by the above named
1.7 Under the provisions of the Children Act 1989 and the Council's Safeguarding Children and Vulnerable Adults Policy and	Deputy Chief Executive responsible for Safeguarding

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<p>Procedures, to undertake responsibility for making contact with Social Services and for making decisions and referrals, including making Disclosure and Barring Service (DBS) checks on officers or other persons seeking employment with children, young people or vulnerable adults</p>	
<p>1.8 To undertake the function of Company Secretary for Knowle Green Estates Limited and any subsidiary companies</p>	<p>Group Head of Corporate Governance</p>
<p>1.9 To invite members:</p> <p>a) of the Licensing Committee to participate in meetings of Licensing Sub-Committees convened to determine various applications within the responsibility of the Licensing Committee; and</p> <p>b) of the Standards Committee to participate in meetings of Assessment Panels.</p>	<p>Group Head of Corporate Governance</p>
<p>1.10 To amend the membership of a political group's seats on any particular committee, at the request of the Group Leader.</p>	<p>Chief Executive</p>
<p>2 LEGAL AND LEGAL PROCEEDINGS</p>	
<p>Column 1 – Function</p>	<p>Column 2 – Authorised Officer</p>
<p>2.1 To instigate, conduct and settle proceedings or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and anything above this level be referred to the Cabinet.</p>	<p>Group Head of Corporate Governance</p>
<p>2.2 To instigate and conduct legal proceedings for any offence or any matter arising under:</p> <p>a. legislation which gives the Council a right or duty to prosecute</p> <p>b. any order notice or licence issued in</p>	<p>Group Head of Corporate Governance</p>

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<p>pursuance to any legislation under which the Council has powers or duties</p> <p>c. any other order or regulation under which the Council has powers or duties</p>	
<p>2.3 To accept service of proceedings on behalf of the Council</p>	<p>Group Head of Corporate Governance (or Chief Finance Officer in respect of insurance claims)</p>
<p>2.4 To instruct Counsel, Solicitors or relevant agents to represent or advise the Council</p>	<p>Group Head of Corporate Governance (or any Chartered Town Planner in respect of planning matters)</p>
<p>2.5 To take necessary action, including legal proceedings, for the recovery of possession of the Council's land and premises or for protecting the interests of the Council in any land or common land</p>	<p>Group Head of Corporate Governance</p>
<p>2.6 Authority to make a formal complaint at the Magistrates Court and to appear in the Magistrates and County Courts on behalf of the Council for the recovery of Council Tax, non domestic rates, other revenues and penalties, including formal proof of debt in bankruptcy cases, liquidations and debt proceedings</p>	<p>Revenues and Customer Services Manager, Senior Recovery Officer, Recovery Officer or Technical and System Support Officer</p>
<p>2.7 To represent the Council at the Local Valuation Tribunal</p>	<p>Revenues and Customer Services Manager or Technical and System Support Officer</p>
<p>2.8 To appear on behalf of the Council in all proceedings before any Court or Tribunal</p>	<p>All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance</p>
<p>2.9 To appear on behalf of the Council in proceedings in the Magistrates Court in respect of offences in the Council's car parks</p>	<p>All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance, the Group Head Neighbourhood Services and any member of the Car Parks staff authorised in writing by the</p>

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	Group Head Neighbourhood Services.
2.10 To instigate legal proceedings under Section 1 of the Crime and Disorder Act 1998 in respect of anti-social behaviour orders.	Group Head of Corporate Governance
3 AUTHORITY TO SIGN AND SEAL DOCUMENTS	
Column 1 – Function	Column 2 – Authorised Officer
3.1 Authority to sign all legal documents relating to recovery of monies due to the Council	Chief Executive, Chief Finance Officer, Group Head of Corporate Governance, Group Head Community Wellbeing or Deputy Group Head Customer Relations
3.2 Authority to sign all legal documents for the acquisition or disposal of land (unless under seal)	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
3.3 Authority to sign all contracts and agreements (unless under seal) for expenditure within their service budget or for no value within their service area PROVIDED that Contract Standing Orders have been followed including legal advice being obtained for contracts over £20,000	Chief Officers, Group Head of Corporate Governance, other Group Heads, Planning Development Manager, Strategic Planning Manager or Senior Environmental Health Manager
3.4 To affix the Council's common seal	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
4 LAND ISSUES	
Column 1 – Function	Column 2 – Authorised Officer
4.1 In respect of properties leased/licensed to or by the Council: a. to refuse or consent to assignments or sub-lettings, subject to satisfactory references; b. to negotiate, approve and document rent reviews; c. to agree low level less than best value rents/licence fees for community groups where proper justification has been	Group Head – Regeneration and Growth

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<p>acquired and documented;</p> <p>d. to agree to variations to any of the terms or covenants; subject to valuation advice where appropriate;</p> <p>e. to renew leases which have security of tenure under the Landlord and Tenant Act 1954;</p> <p>f. to serve notices for renewals or terminations of leases under the Landlord and Tenant Act 1954;</p> <p>g. to accept or agree a surrender where the property is no longer required by the Council or the landlord or the tenant as appropriate;</p> <p>h. to settle terms of management arrangements and any variations to them.</p>	
<p>4.2 To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £50,000 per transaction</p>	<p>Group Head Regeneration and Growth in consultation with the Chief Finance Officer</p>
<p>4.3 To grant or take miscellaneous licences, wayleaves, easements and other agreements as required</p>	<p>Group Head – Regeneration and Growth</p>
<p>4.4 To enter into a Tenancy at Will</p>	<p>Group Head – Regeneration and Growth</p>
<p>4.5 To determine applications for rights of way or other easements over land</p>	<p>Chief Finance Officer after consultation with Group Head – Regeneration and Growth</p>
<p>4.6 To approve the release of covenants subject to obtaining appropriate legal and valuation advice</p>	<p>Group Head – Regeneration and Growth</p>
<p>4.7 To determine if an asset nominated for inclusion on the list of assets of community value: (i) is within the local authority's area (ii) has been properly nominated (iii) meets the statutory criteria set out in section 88 of the Localism Act 2011 and (iv) does not fall within an excluded category.</p>	<p>Group Head Regeneration and Growth</p>
<p>4.8 To review decisions made regarding the inclusion of assets on the list of assets of</p>	<p>Group Head Corporate Governance</p>

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community value in accordance with section 92 of the Localism Act 2011	
4.9 To maintain the list of assets of community value in accordance with section 87 of the Localism Act 2011	Group Head Regeneration and Growth
4.10 To assess and determine compensation applications to private property owners arising out of listings of assets of community value in accordance with section 99 of the Localism Act 2011 and Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head Regeneration and Growth
4.11 To review decisions made regarding compensation award in accordance with Schedule 2 of The Assets for Community Value (England) Regulations 2012	Group Head Corporate Governance
5 FINANCIAL MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
5.1 To make a formal demand for payment of monies expended in carrying out works in default under statutory powers, including interest payable thereon	Relevant Deputy Chief Executive
5.2 To raise in line with inflation any financial limits specified in these delegations to officers, contract standing orders or financial regulations	Chief Finance Officer
5.3 In connection with the provision of services under their control: a. Expenditure of any type within approved budgets (subject to delegation 3.3 - as to signature of contracts); b. Day to day running and operation of services, including maintenance and repairs of all buildings, land and equipment within the responsibility of the service area, in accordance with the policies set down by the Council or the Cabinet; and c. Control, purchase and disposal of stores or surplus materials d. To enter into any arrangement with a	Relevant budget holders

Part 3 section (d)

	creditor for payment to be made by way of instalment	
5.4	To implement all the Council's borrowing and investment strategies, in accordance with the Treasury Policy Statement and Capital Strategy	Chief Finance Officer
5.5	To determine the tax base, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, as amended	Chief Finance Officer
5.6	To deal with applications for local council tax discounts in very exceptional cases. Such cases to include flooding and where committal action through the courts is not deemed appropriate. The latter will need to be supported by third party reports generally from a social worker or doctor	Chief Finance Officer or Deputy Group Head Customer Relations
5.7	To take all necessary steps relating to the demand, collection and recovery of council tax non-domestic rates and Business Improvement District levy payments and to issue all necessary notices and statements and to sign all relevant documentation	Revenues and Customer Services Manager
5.8	To sign certificates issued under Section 116 of the Social Security Administration Act 1992	Deputy Group Head Customer Relations
5.9	To exercise the Council's responsibilities under Regulation 6 of the Accounts and Audit (England) Regulations 2011, to maintain an adequate and effective system of internal audit of the accounting records and control systems	Chief Finance Officer
5.10	To take decisions in applications under section 44A of the Local Government Finance Act 1988 and subsequent regulations	Chief Finance Officer or Deputy Group Head Customer Relations
5.11	To grant applications for mandatory rate relief under in accordance with section 43 of the Local Government Finance Act 1988	Chief Finance Officer or Deputy Group Head Customer Relations
5.12	To grant application for discretionary rate relief for properties in accordance with	Chief Finance Officer or Deputy

Part 3 section (d)

Council policies provided that element of the relief recoverable from local taxpayers does not exceed £9000 in any one case.	Group Head Customer Relations
5.13 To grant disabled relief under the Local Government Finance Act 1992 and subsequent regulations	Chief Finance Officer or Deputy Group Head Customer Relations
5.14 To serve the Valuation Officer with notice of objection to any proposals for alteration of the valuation banding lists.	Chief Finance Officer or Deputy Group Head Customer Relations
5.15 To make proposals for the alteration of the valuation list for the inclusion of particular properties in the valuation list. To sign valuation agreements and to serve on the Valuation Officer proposals to alter the council tax banding list	Chief Finance Officer or Deputy Group Head Customer Relations
5.16 To pay sums due from the Council	Chief Finance Officer
5.17 To write off debts for non-domestic rates not exceeding £9000 and for Council tax not exceeding £5000.	Deputy Group Head Customer Relations
5.18 To write off debts for Housing Benefits not exceeding £5000	Group Heads Community Wellbeing
5.19 To write off debts not exceeding £5000 and to write off all debts without limit where bankruptcy, liquidation proceedings, administration or receiverships proceedings have been instigated	Deputy Group Head Customer Relations
5.20 To fix interest rates for housing loans in accordance with legislation and Council policy	Chief Finance Officer
5.21 To determine the local average interest rates for local authority mortgages, in accordance with section 438 and schedule 16 of the Housing Act 1985 and Council policy	Chief Finance Officer
5.22 To provide all necessary insurance cover and to settle insurance claims	Chief Finance Officer
5.23 To make determinations under sections 42,50, 56,60 and 63(1) of the Local Government and Housing Act 1989	Chief Finance Officer

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5.24 To serve completion notices for Council Tax and Business Rate proposals	Chief Finance Officer or Deputy Group Head Customer Relations
5.25 To set fees for Local Land Charges services	Chief Finance Officer
5.26 Approval of grants from any funds remaining from the Council's former local lottery	Chief Finance Officer
5.27 To make appropriate staged payments for grants for development	Chief Finance Officer
6 PERSONNEL MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
6.1 To give approval to services to advertise or to fill a staffing vacancy	Chief Executive, Deputy Chief Executive or Group Heads
6.2 Within staffing budgets and overall management structure to approve all matters relating to the organisation, appointment (other than appointments above grade Group Head) and management (including disciplinary action) of staff in accordance with the Council's staff policies and procedures	Chief Executive, Deputy Chief Executive or Group Heads
6.3 To implement national awards affecting wages, salaries and conditions of service	Chief Executive, Relevant Deputy Chief Executive or Group Head Neighbourhood Services for local rate overtime
6.4 To administer the Council's car loan scheme	Chief Finance Officer
6.5 To agree redundancy payments under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 in cases approved by Management Team	Chief Executive in consultation with the Leader of the Council

7. ENVIRONMENTAL HEALTH MATTERS		
Column 1 – Function	Column 2 – Authorised Officer	
<p>7.1 To exercise the Council’s functions in respect of environmental health matters, including, but not limited to the following functions:</p> <ul style="list-style-type: none"> a. Statutory and Public Nuisances; b. Control of Noise; c. Light nuisance; d. Control of Air Pollution; e. Contaminated Land; f. Control of rats and mice; g. Insects; h. Prevention of Damage by Pests; i. The provision, management and control of Cemeteries, Mortuaries and Crematoria and the discharge of the Council’s functions relating to burials and cremation generally; j. Safety of buildings; k. Food, Drinking Water, Food Hygiene and associated matters; l. Functions in connection with the Welfare and Control of Animals; m. Control of Diseases, infectious diseases and General Public Health matters; n. Filthy or verminous premises, articles or persons; o. Accumulations; p. Drains and private sewers and any other environmental health functions in relation to sewerage or, water (by arrangement with the service operators if appropriate); 	<p>Senior Environmental Health Manager; or:</p> <p>In relation to 7.1(i) the Group Head of Neighbourhood Services</p> <p>In relation to 7.1(j) the Building Control Manager</p>	

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<ul style="list-style-type: none"> q. Health and Safety at Work; r. Provisions relating to shops including Sunday trading; s. Hazardous Substances; t. Slaughterhouses, Knackers Yards and Cutting Premises; u. Tattooing, acupuncture, body piercing, semi-permanent skin colouring and electrolysis 	
<p>7.2 To issue any notices, penalties, permits or certificates in respect of environmental health matters, including, but not limited to:</p> <ul style="list-style-type: none"> a. Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982; b. Public Health Act 1936 ss. 45, 48, 49, 83, 84, 275 and 287; c. Public Health Act 1961 ss. 17, 22 and 34; d. Building Act 1984 ss. 59, 64, 66, 67, 70, 72, 76, 84, 95 and 97; e. Environmental Protection Act 1990 f. Food Safety Act 1990; g. Prevention of Damage by Pests Act 1949 h. Health and Safety at Work etc. Act 1974; i. Noise Act 1996; j. Anti-Social Behaviour Act 2003; k. Clean Neighbourhoods and Environment Act 2005; l. Animal Welfare Act 2006; m. Health Act 2006; n. House to House Collections Act 1939; o. Pet Animals Act 1951; p. Riding Establishments Act 1964; q. Riding Establishments Act 1970; 	<p>Senior Environmental Health Manager; and</p> <p>in relation to 7.2 (d) and (II) the Building Control Manager</p>

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<ul style="list-style-type: none">r. Animal Boarding Establishments Act 1963;s. Breeding of Dogs Act 1973;t. Breeding of Dogs Act 1991;u. Dangerous Wild Animals Act 1976;v. Hypnotism Act 1952;w. Smoke-free (Premises and Enforcement) Regulations 2006;x. Smoke-free (Signs) Regulations 2012y. Smoke-free (Exemptions and Vehicles) Regulations 2007z. Smoke-free (Penalties and Discounted Amounts) Regulations 2007;aa. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007;bb. Pollution Prevention and Control Act 1999;cc. Control of Pollution Act 1974;dd. Public Health (Control of Disease) Act 1984;ee. Private Security Industry Act 2001;ff. Meat (Sterilisation and Staining) Regulations 1982;gg. Clean Air Act 1993;hh. Land Compensation Act 1973 s.37;ii. Sunday Trading Act 1994;jj. Criminal Justice and Public Order Act 1994 ss.77 and 78;kk. Working Time Regulations 1998;ll. Building Regulations 2010;mm. Building (Approved Inspectors etc.) Regulations 2010;nn. Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;oo. Land Drainage Act 1991;pp. Scrap Metal Dealers Act 2013;qq. Sunbeds (Regulation) Act 2010;rr. The Caravan Sites and Control of	
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Part 3 section (d)

<p>Development Act 1960;</p> <p>ss. Mobile Homes Act 2013;</p> <p>tt. Water Industry Act 1991;</p> <p>uu. Environmental Protection (Control on Ozone-Depleting Substances) Regulations 2011;</p> <p>vv. Waste (England and Wales) Regulations 2011</p> <p>ww. Tattooing of Minors Act 1969</p> <p>xx. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</p> <p>yy. Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and any subsequent related legislation.</p> <p>zz. The Business and Planning Act 2020</p> <p>aaa. Town Police Clauses Act 1847</p> <p>bbb. Highways Act 1980</p> <p>ccc. Policing and Crime Act 2017</p> <p>ddd. Live Music Act 2012</p> <p>eee. Deregulation Act 2015</p> <p>fff. Police, Factories & c. (Miscellaneous Provisions) Act 1916</p> <p>ggg. Licensing Act 2003</p> <p>hhh. Gambling Act 2005</p> <p>iii. Zoo Licensing Act 1981</p> <p>jjj. Environmental Damage Regulations (Prevention and Remediation) (England) Regulations 2015</p> <p>kkk. Control of Pollution (Amendment) Act 1989</p> <p>lll. Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</p> <p>mmm. Environment Act 1995 (section 108[(1) and (4)a–m])</p> <p>nnn. Noise and Statutory Nuisance Act 1993 (Schedule 2)</p>	
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<p>ooo. Public Health (Control of Disease) Act 1984</p> <p>ppp. Clean Air Act 1993 (section 56)</p>	
<p>7.3 To exercise the Council's functions under the Acts listed in 7.2 to this Scheme of Delegations and any other acts subsequently enacted.</p>	<p>Senior Environmental Health Manager</p>
<p>7.4 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Licensing Act 2003.</p>	<p>Senior Environmental Health Manager</p>
<p>7.5 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Gambling Act 2005</p>	<p>Senior Environmental Health Manager</p>
<p>7.6 Under the Licensing Act 2003 and the Gambling Act 2005 to make a decision on whether a representation is irrelevant, frivolous or vexatious</p>	<p>Environmental Health Manager</p>
<p>7.7 To exercise all powers of the Council under sections 19-22 of the Criminal Justice and Police Act 2001 concerning closure of unlicensed premises</p>	<p>Senior Environmental Health Manager (in consultation with the Chair and Vice-Chair of Licensing Committee)</p>
<p>7.8 Authority under the Food Safety Acts, and any associated Regulations to make application for Emergency Prohibition Orders for appropriate premises and to issue certificates that the measures specified by the Prohibition Orders have been carried out.</p> <p>7.9 European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020 relating to retained EU regulations including numbers 178/2002, 852-854/2004, 2017/625 and 2073/2005, which relate to food and feed</p>	<p>Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds</p>
<p>7.10 To exercise the Council's powers under the Food Safety and Hygiene (England) Regulations 2013 and relevant EU Directives and any associated</p>	<p>All Environmental Health Staff identified for this purpose by the Senior Environmental Health Manager or authorised officers</p>

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	regulations to serve/apply for (as appropriate) hygiene improvement notices, hygiene prohibition orders, hygiene emergency prohibition notices and orders, remedial action notices and detention notices	from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.11	To exercise the Council's powers under the Official Feed and Food Control (England) Regulations 2009, including (but not limited to) detention, destruction, special treatment and the re-dispatch of feed and food, the service of notices, the procurement of samples of food and to take other appropriate measures'	Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.12	Authority in relation to Waste Disposal to pass on to commercial customers the full increased costs of all future Landfill Taxes imposed by Central Government.	Senior Environmental Health Manager, Group Head Neighbourhood Services
7.13	To make minor changes to the Building Control Charges Scheme No. 1.	Building Control Manager
7.14	To issue fixed penalty notices under section 33(1)(a) of the Environmental Protection Act 1990, to persons whom the officer has reason to believe have committed a small scale fly tipping offence	Group Head of Neighbourhood Services and Senior Environmental Health Manager

8. MARKETS	
Column 1 – Function	Column 2 – Authorised Officer
8.1 To operate a market in Staines under the terms of the Staines Town Hall and Market Act 1872	Group Head Neighbourhood Services
8.2 To set and enforce regulations for any markets within the Borough	Group Head Neighbourhood Services

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9. FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION REGULATIONS AND DATA PROTECTION	
Column 1 – Function	Column 2 – Authorised Officer
9.1 To add documents to the Council’s publication scheme	Data Protection Officer/Information Governance Co-ordinator
9.2 To determine whether any requests under the above acts are repeated or vexatious	Data Protection Officer/Information Governance Co-ordinator
9.3 To determine whether any exemptions apply under the above Acts and Regulations	Data Protection Officer /Information Governance Co-ordinator
9.4 To review decisions made to place items in Part II of agendas and to authorise the disclosure of such items where the reasons for confidentiality no longer apply or where it would be in the public interest to disclose of such items.	Group Head of Corporate Governance in consultation with the Leader of the Council
10. HOUSING AND COMMUNITY CARE MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
10.1 To approve mandatory/discretionary grants under the Housing Grants, Construction and Regeneration Act 1996 in accordance with the policies approved from time to time by the Council.	Group Head(s) Community Wellbeing
10.2 To exercise the powers and the functions of the Council under the Housing Grants and Regeneration Act 1996 and any regulations made thereunder.	Group Head(s) Community Wellbeing
10.3 Authority to require repayment of mandatory/discretionary grants in accordance with Government guidelines and within the timescales laid down in the Council’s approved policies.	Group Head(s) Community Wellbeing
10.4 Under the Local Government and Housing Act 1989 repayment of grant provisions, authority to waive the	Group Head(s) Community Wellbeing

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<p>requirement to repay grant in any case where the owner disposes of their property, in order to go to live in sheltered housing or a residential care home, as his/her only or main residence.</p>	
<p>10.5 Pursuant to the Housing Acts and all relevant Orders and Regulations thereunder:-</p> <ul style="list-style-type: none"> a. to serve notices requiring the abatement of overcrowding; b. to serve notices requiring the demolition of houses, subject to Demolition Orders, carry out demolition in default and recover the cost; c. to make a declaration of an area as a slum clearance area subject to legislative requirements for Slum Clearance Declarations d. to revoke Closing or Demolition Orders on the satisfactory completion of works to render the house free from serious hazards; e. to serve statutory notices requiring the execution of repairs, carry out work in default and recover the costs; f. to serve notice requiring the production of documents and for entry into premises for inspection, survey and works. g. to exercise the Council's powers under the Housing Act 2004 for the issue of/application for (as appropriate) Improvement Notices, Prohibition Orders, Hazard Awareness Notices, Emergency Remedial Action Notice, Emergency Prohibition Orders and empty property management orders and in respect of houses in multiple occupation, to: <ul style="list-style-type: none"> i. make interim and final management orders; ii. serve notices requiring compliance with management regulations, the execution of works, including the provision of facilities and fire escapes; iii. make directions to prevent or reduce overcrowding; 	<p>Senior Environmental Health Manager</p>

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<p>iv. v.</p>	<p>carry out works in default of compliance with (e)(i), (ii) and (iii) above and to recover the costs. To determine and issue licences under the Housing Act 2004</p>	
<p>10.6</p>	<p>To discharge the duties or exercise the powers of the Council under the Housing Act 1996 Parts VI and VII with regard to the allocation of housing accommodation, operation of the housing register, provision of housing advice, and matters relating to homelessness and the arrangement of accommodation for households where necessary under the legislation.</p>	<p>Group Head(s) Community Wellbeing</p>
<p>10.7</p>	<p>The placing of homeless persons in bed and breakfast or other temporary accommodation and the fixing, collection and recovering of contributions therefore</p>	<p>Group Head(s) Community Wellbeing</p>
<p>10.8</p>	<p>To make nominations to housing association accommodation of applicants on the Housing Register, in accordance with the Council's bands scheme.</p>	<p>Group Head(s) Community Wellbeing</p>
<p>10.9</p>	<p>To make nomination to housing association accommodation outside the bands scheme to applicants considered as special cases.</p>	<p>Group Head(s) Community Wellbeing</p>
<p>10.10</p>	<p>To make nominations to housing association accommodation of persons nominated by other local authorities/housing associations under any mobility scheme in which the Council agrees to participate.</p>	<p>Group Head(s) Community Wellbeing</p>
<p>10.11</p>	<p>To agree terms for the lease from private landlords of premises to be used for the provision of temporary accommodation for the homeless.</p>	<p>Group Head(s) Community Wellbeing</p>
<p>10.12</p>	<p>Administration of the Spelthorne Personal Alarm Network Scheme ("SPAN") and the negotiation of service charges with other public bodies.</p>	<p>Group Heads Community Wellbeing</p>
<p>10.13</p>	<p>To take any necessary action to deal</p>	<p>Group Head of Corporate</p>

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with illegal encampments on Council owned land and on privately owned land, with the owner's permission.	Governance
10.14 To exercise the Council's power and functions in relation to determination and payment of Housing Benefit, rent allowances and Council Tax benefit and recovery of housing benefit overpayments in accordance with the regulations.	Group Head(s) Community Wellbeing
10.15 The carrying out of such duties necessary for the prosecution, administrative penalties and formal cautioning in cases where housing benefit fraud is detected.	Group Head(s) Community Wellbeing
10.16 The initial decision to decide Discretionary Housing Payments	Appeals and Review Officer and Housing Benefit Manager
10.17 Review of a Discretionary Housing Payments decision	Group Head(s) Community Wellbeing
10.18 The requisition of the supply of water, gas, electricity, telephones and other services necessary for properties provided or to be provided for housing purposes.	Group Heads Community Wellbeing
10.19 To exercise the Council's powers and functions in relation to Community Care and related issues.	Group Heads Community Wellbeing
10.20 To undertake day to day management of Day/Community Centres and the Meals on Wheels Service.	Group Head(s) Community Wellbeing
11. LEISURE AND ASSOCIATED MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
11.1 The management and letting of all sports, recreational and community facilities provided by the Council subject to the Community Lettings Policy, including:- a. the fixing of charges for special events	Group Heads Neighbourhood Services and Community Wellbeing

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<p>not covered by the annual review of fees and charges;</p> <p>b. Negotiation of variations in charges for use of sports, recreational and community facilities within established policy;</p> <p>c. The power to waive fees and charges; and</p> <p>d. The setting of opening hours for facilities and the duration of sports seasons.</p>	
<p>11.2 The promotion of musical, artistic, cultural, sporting and community activities, including negotiation of sponsorship arrangements.</p>	<p>Group Head(s) Community Wellbeing</p>
<p>11.3 The management of allotments, including entering into management agreements for sites, lettings, mal-cultivation notices, notices to quit and decisions on applications for permission to erect structures by tenants or allotment associations.</p>	<p>Group Head Neighbourhood Services</p>
<p>11.4 The management of cemeteries, including the allocation, re-allocation and grant of grave spaces, including the repurchase of grave spaces and other associated matters.</p>	<p>Group Head Neighbourhood Services</p>
<p>11.5 The administration of Leisure Development Grants to be made to Voluntary Organisations, in accordance with the policy guidelines approved from time to time by the Cabinet.</p>	<p>Group Head(s) Community Wellbeing</p>
<p>12. ENVIRONMENT AND PUBLIC AMENITIES MATTERS</p>	
<p>Column 1 – Function</p>	<p>Column 2 – Authorised Officer</p>
<p>12.1 To determine applications made in respect of land under the control of the Council for the following:-</p> <p>a. Placing of structures.</p> <p>b. Erection of directional signs.</p> <p>c. Erection of banners.</p>	<p>Senior Environmental Health Manager or Group Head Neighbourhood Services</p>

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<p>d. Street trading consent under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982.</p> <p>e. Fun runs, marathons, filming and other similar activities.</p>	
<p>12.2 In relation to the Council's Car Parks:-</p> <p>a. to authorise proceedings in respect of offences against any car park regulations; and</p> <p>b. to determine applications by outside bodies or persons for use of the car parks, subject to any consent not prejudicing the normal use of the car park.</p>	Deputy Chief Executive
<p>12.3 To authorise and determine payment of an appropriate commuted sum when taking over private lighting schemes under Section 161 of the Public Health Act 1875.</p>	Relevant Deputy Chief Executive
<p>12.4 The siting of bus shelters, bus stops, seats and other street furniture.</p>	Relevant Deputy Chief Executive
<p>12.5 The numbering and renumbering of premises in streets.</p>	Deputy Chief Executive with responsibility for Environmental Health & Building Control
<p>12.6 All necessary steps in connection with the removal and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.</p>	Group Head Neighbourhood Services
<p>12.7 To make representations to Surrey County Council regarding the provision of tendered bus services under the Transport Act, 1985.</p>	Relevant Deputy Chief Executive
<p>12.8 To exercise the Council's powers under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976:-</p> <p>a. Section 23 (in relation to dangerous trees);</p> <p>b. Section 25 (in relation to dangerous excavations).</p>	Deputy Chief Executive with responsibility for Environmental Health & Building Control
<p>12.9 To institute proceedings in the County</p>	Group Head of Corporate

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<p>Court or High Court to gain possession of highway land occupied by caravans, tents or other residential structures.</p>	<p>Governance</p>
<p>12.10 To make objections on amenity grounds to applications submitted to the Traffic Commissioners for Goods Vehicle Operators Licences.</p>	<p>Relevant Deputy Chief Executive or Group Head Neighbourhood Services</p>
<p>12.11 To issue Private Hire Vehicle and Hackney Carriage licences where applicants comply with the criteria agreed from time to time by the Council or relevant Committee.</p>	<p>Senior Environmental Health Manager</p>
<p>12.12 Immediate revocation of a Hackney Carriage driver and Private Hire driver licenses in accordance with the Council's adopted procedure. Power to revoke is under section 61 Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee</p>
<p>12.13 To suspend Hackney Carriage driver and Private Hire driver Licences in accordance with the Council's adopted procedure. Power to suspend is under section 61 Local Government (Miscellaneous Provisions) Act 1976</p>	<p>Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee</p>
<p>12.14 To suspend Hackney Carriage and private hire vehicle licenses in accordance with the Council's adopted procedure. Power to suspend a vehicle is section 60 of Local Government (Miscellaneous Provisions) Act 1976)</p>	<p>Senior Environmental Health Manager</p>
<p>12.15 To administer the hackney carriage and private hire licensing Penalty Points Scheme and issue penalty points in accordance with the Scheme</p>	<p>Senior Environmental Health Manager</p>
<p>12.16 To determine appeals against penalty points under the Council's Penalty Points Scheme</p>	<p>Senior Environmental Health Manager in conjunction with the Deputy Chief Executive</p>
<p>12.17 To administer the applications for Pavement Licensing</p>	<p>Senior Environmental Health Manager</p>

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12.18 To administer the Licensing Act 2003	Senior Environmental Health Manager
12.19 To administer House to House Collections under the House to House Collections Act 1939	Senior Environmental Health Manager
12.20 To administer Scrap Metal licensing under Scrap Metal Dealer's Act 2013	Senior Environmental Health Manager
12.21 To administer Gambling licensing under Gambling Act 2005	Senior Environmental Health Manager
12.22 To administer Sex Establishments under Local Government (Miscellaneous Provisions) Act 1982	Senior Environmental Health Manager
12.23 To administer Street Collections under Police, Factories & Miscellaneous Provisions) Act 1916	Senior Environmental Health Manager
12.24 To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847	Deputy Chief Executive
12.25 To arrange for the discharge of the Council's statutory functions relating to burials and cremations	Senior Environmental Health Manager or Group Head Neighbourhood Services
12.26 To exercise the Council's functions in respect of investigations and enforcement under the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005)	Joint Enforcement Team and Senior Environmental Health Manager
12.27 To exercise the Council's functions and to serve Notices under the Anti-Social Behaviour, Crime and Policing Act 2014.	Deputy Chief Executive
13. BYELAWS	
Column 1 – Function	Column 2 – Authorised Officer
13.1 To grant authority in writing to any named person (not being a council officer or police constable) to enforce the Byelaws made by the Council	Chief Executive

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14. PLANNING AND DEVELOPMENT MANAGEMENT		
14.1	Subject to the Terms of Reference of the Planning Committee, to exercise all functions relating to town and country planning and development management and the following:	Planning Development Manager
14.2	Agreement for any variation and to determine any application under section 106A of the Town and Country Planning Act 1990 (the "1990 Act").	Planning Development Manager
14.3	Power to serve an enforcement notice under section 172 of the 1990 Act.	Planning Development Manager
14.4	Power to withdraw or vary any enforcement notice issued under section 173 A of the 1990 Act.	Planning Development Manager
14.5	Power to serve a stop notice under s183(1) of the 1990 Act	Planning Development Manager
14.6	Power to withdraw a stop notice under s183(7) of the 1990 Act	Planning Development Manager
14.7	Power to serve a planning contravention notice under s171C of the 1990 Act	Planning Development Manager
14.8	Power to serve a temporary stop notice under s171E of the 1990 Act.	Planning Development Manager
14.9	Power to withdraw a temporary stop notice under s171E of the 1990 Act	Planning Development Manager
14.10	Power to serve a breach of condition notice under s187A of the 1990 Act	Planning Development Manager
14.11	Power to prosecute for demolition in a conservation area under s196D of the 1990 Act	Planning Development Manager
14.12	Power to seek an injunction under s187B of the 1990 Act.	Planning Development Manager
14.13	Power to issue a notice for untidy land under s215 of the 1990 Act.	Planning Development Manager
14.14	Power to issue a requisition for information under section s330 of the 1990 Act to require information as to interests in land.	Planning Development Manager
14.15	Power to take direct action under s178 of the 1990 Act	Planning Development Manager
14.16	Enforcement rights of entry without warrant under s196A of the 1990 Act.	Planning Development Manager

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14.17	Power to authorise the stopping-up or diversion of a footpath, bridleway or restricted byway under s 257 of the 1990 Act.	Planning Development Manager
14.18	Power to extinguish public rights of way over land held for planning purposes under s 258 of the 1990 Act.	Planning Development Manager
14.19	Powers relating to the preservation of trees under s 197 to s214D of the 1990 Act and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.	Planning Development Manager
14.20	Power to confirm a Tree Preservation order where no objections have been raised.	Planning Development Manager
14.21	Power to issue screening and scoping opinions under the Environmental Impact Assessment Legislation.	Planning Development Manager
14.22	Power to issue a decision on the need for an Appropriate Assessment under the Habitats Directive.	Planning Development Manager
14.23	Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997 (S.I. 1997/1160).	Planning Development Manager
14.24	Powers relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003	Planning Development Manager
14.25	To grant relief and exemptions under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager
14.26	To issue all notices, orders and apply surcharges and/or interest under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager or Group Head of Corporate Governance
14.27	To determine reviews of the calculation of a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager

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14.28 To require any owner or relevant person to provide the Council with such further information, documents or materials as considered relevant under regulation 108A of the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager
14.29 Agreement of any amendments to the Local List of Requirements for the validation of planning applications.	Planning Development Manager
14.30 Power to object or make representation against a goods vehicle (operator's) licensing application in accordance with the Goods Vehicles (Licensing of Operators Act 1995 and the Goods Vehicles (Licensing of Operators) Regulations 1995.	Planning Development Manager

Employment policies, procedures and arrangements

In all cases where policies, procedures and guidance refer to 'Management Team' this includes the Chief Executive, and the Deputy Chief Executives.

In all cases where policies, procedures and guidance refer to 'Directors' or 'Strategic Directors' this should be interpreted as being the Chief Executive acting in his line management capacity, and the Deputy Chief Executives.

Employment policies and procedures generally include escalation of responsibility from the immediate manager, through the Group Head to members of Management Team, with responsibility for actions, investigation, hearings and appeals set out.

Appeals should be heard by an independent person at the same or senior level as the person who took the original decision and, if possible, who was not involved in the original hearing or decision. In the case of matters originally considered by the Chief Executive, subsequent stages would be considered by one of the Deputy Chief Executives.

Significant authorisations are listed below:

Policy and responsibility	Authorisation
Management of Absence Policy Responsibility for contractual reviews which may lead to dismissal	Chief Executive, Deputy Chief Executive or Group Heads
Guidelines for Consultation Responsibility for consultation, including with Trades Unions, providing copies of reports to TU representatives, reporting to Management Team/relevant Committee	Chief Executive, Deputy Chief Executive, Group Heads or Service Managers
Guide to Dismissal Who is authorised to dismiss staff (including during probation and end of fixed term contracts)	Chief Executive, Deputy Chief Executive or Group Heads

Policy and responsibility	Authorisation to be
Disciplinary Procedure <ol style="list-style-type: none"> 1. Suspension 2. Nominating independent managers to act as Chair of Disciplinary panel 3. Dismissal 	<ol style="list-style-type: none"> 1. Chief Executive, Deputy Chief Executives and Group Heads 2. Chief Executive, Deputy Chief Executives, Group Heads and Service Manager for services without a Group Head 3. Chief Executive, Deputy Chief Executives and Group Heads
Employment Continuity Policy <ol style="list-style-type: none"> 1. Redundancy selection criteria 2. Appeals against selection 	<ol style="list-style-type: none"> 1. Appropriate Group Head and/or Chief Executive / Deputy Chief Executive 2. Chief Executive or Deputy Chief Executive as appropriate
Grievance procedure Appeals against response to grievances	Chief Executive, Deputy Chief Executives or Group Head as appropriate
Dealing with Harassment and Bullying Nominating a manager to investigate complaints and considering reports after investigation to decide on further action	Chief Executive, Deputy Chief Executives or Group Head as appropriate
Homeworking Policy <ol style="list-style-type: none"> 1. Homeworking 2. Homeworking as regular part of working week 3. Homeworking for Group Head 	<ol style="list-style-type: none"> 1. Group Head or Service Manager for services without a Group Head 2. Group Head or Service Manager for services without a Group Head 3. Chief Executive, Deputy Chief Executive as appropriate

Policy and responsibility	Authorisation
Re-grading Procedure <ol style="list-style-type: none"> 1. Management review of grades 2. Regrading vacant posts to a lower grade 	<ol style="list-style-type: none"> 1. Group Heads or Service Manager to discuss with Chief Executive, or Deputy Chief Executive as appropriate, with report to Management Team if recommending upgrading 2. Chief Executive, or Deputy Chief Executive as appropriate

<p>3. Individual requests for regrading</p> <p>4. Appeals</p>	<p>3. Chief Executive, or Deputy Chief Executive as appropriate, with report to Management Team if recommending upgrading</p> <p>4. Chief Executive, or Deputy Chief Executive as appropriate</p>
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PROPER OFFICERS OF THE COUNCIL

The Council has appointed the following proper officers for the purposes of the statutory provisions set out below.

Subject to the proper officer appointments set out below, the Chief Executive and each Deputy Chief Executive shall be authorised to act as the proper officer for the statutory responsibilities which fall within their area.

Local Government Act 1972	Purpose of Appointment	Proper Officer
Section 83	To witness, and to receive, declarations of acceptance of office.	Chief Executive or the Monitoring Officer
Section 84	To receive notices from Members of resignation from office.	Chief Executive
Section 87	To publish a notice of vacancy	Chief Executive
Section 88	To convene if necessary a meeting of the Council when the office of Mayor is vacant.	Chief Executive
Section 89	To receive notice by local government electors of a casual vacancy in the office of Borough Councillor.	Chief Executive
Section 96	To receive from Councillors general notices of Disclosable Pecuniary interests and to keep a record of such disclosures.	Group Head of Corporate Governance
Section 100B	To take decisions as to whether information is likely to be "exempt" when coming before the Council or a Committee. To decide if other copy documents supplied to councillors should be supplied to the press	Group Head of Corporate Governance
Section 100C	To produce a written summary of proceedings taken by the Council, or a Committee in private (i.e. Minute)	Chief Executive
Section 100D	To compile a list of background papers for a Committee report.	Chief Executive
Section 100F	To decide if a requested document appears to contain exempt information	Group Head of Corporate Governance
Section 115	To receive money due from Officers.	Chief Finance Officer
Section 146	To sign declarations and certificates with regard to securities.	Chief Finance Officer

Section 191	To receive applications made by the Ordnance Survey Office for assistance in determining boundaries	Deputy Chief Executive
Section 210	To exercise any power with respect to a charity exercisable by any officer of a former authority.	Chief Executive
Section 225	To receive and retain any document deposited with the Council for custody.	Chief Executive
Section 228	To keep accounts open for inspection by any member of the Authority.	Chief Finance Officer
Section 229	To certify, for the purpose of any legal proceedings, photographic copies of documents.	Group Head of Corporate Governance
Section 234	To authenticate notices, orders or other documents on behalf of the Council.	Group Head of Corporate Governance
Section 236	To send copies of confirmed byelaws made by the Council to the County Council.	Group Head of Corporate Governance
Section 238	To certify copies of byelaws.	Group Head of Corporate Governance
Section 248	To keep the rolls of Honorary Aldermen and Honorary Freemen.	Chief Executive
Schedule 12(4)	To sign, and send to all Members of the Council, the summons to attend meetings of the Council.	Chief Executive
Schedule 14(25)	To certify resolutions under this paragraph for the purpose of legal proceedings.	Chief Executive
Local Land Charges Act 1975		
Section 9	To act as local registrar for the registration of local land charges and the issue of official certificates of search.	Group Head of Corporate Governance

Representation of the People Act 1983		
Section 24	To be the Acting Returning Officer for the conduct of Parliamentary Elections.	Chief Executive
Section 35	To be the Returning Officer for the conduct of Local Elections.	Chief Executive
Section 67	To receive appointments of Election Agents	Chief Executive
Section 67	To publish a notice of Election Agents	Chief Executive
Local Government And Housing Act 1989		
Section 2	To retain on deposit a list of politically restricted posts.	Head of Human Resources
Section 3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
Section 9, 15 and 16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Chief Executive
Section 34	To publish the verification number of Local Government electors for the purposes of petitions	Chief Executive
The Public Health (Control of Diseases) Act 1984	To take control of all communicable disease functions.	The Consultant in Communicable Disease Control for the time being appointed by the Local Health Protection Agency.
The Public Health (Control of Diseases) Act 1984	To act as the Deputy in the absence of the appointed Consultant, to take control of all communicable disease functions.	The Consultants in Public Health Medicine for the time being appointed by the Local Health Protection Agency.
Section 47 of the National Assistance Act 1948 [as amended by Section 1 of National Assistance (Amendment) Act 1951]	To make Section 47 Orders to secure without delay the necessary care and attention for residents of the Borough who are aged, infirm, or physically incapacitated and are living	The Consultant in Communicable Disease Control for the time being appointed by the Local Health Protection Agency.

	in insanitary conditions.	
Section 47 of The National Assistance Act 1948 [as amended]	To act as Deputy in the absence of the appointed Consultant to make any Section 47 Orders.	Any Consultant in Public Health Medicine for the time being appointed by the Local Health Protection Agency.

GENERAL STATUTORY PROVISIONS

In legislation predating the 1971/1972 Session of Parliament, other than the Local Government Act 1972, and in Statutory Instruments made prior to 26th October, 1972, references to the designations in the left hand column below shall be construed as a reference to the Officers of the Council listed in the right hand column below.

Designation	Officer of the Council
The Clerk of the Council	Chief Executive or the Chief Finance Officer, whichever is most appropriate to their departmental responsibilities.
The Town Clerk	Chief Executive or Chief Finance Officer whichever is most appropriate to their departmental responsibilities.
The Treasurer	Chief Finance Officer
The Surveyor	Deputy Chief Executive
The Engineer	Deputy Chief Executive
The Sanitary Inspector	Deputy Chief Executive
The Public Health Inspector	Deputy Chief Executive

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COUNCIL STANDING ORDERS

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35. ATTENDANCE OF ELECTED MEMBERS NOT APPOINTED TO A PARTICULAR COMMITTEE OR SUB-COMMITTEE
36. ATTENDANCE BY OTHERS AT A COMMITTEE MEETING
37. APPOINTMENT OF SUB-COMMITTEE
38. DURATION OF COMMITTEE AND SUB-COMMITTEE MEETINGS
39. PUBLIC PARTICIPATION IN COMMITTEE AND SUB-COMMITTEE MEETINGS
40. PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS
41. LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS
42. AUDIT COMMITTEE – ATTENDANCE BY NON-COMMITTEE COUNCILLORS
43. CHAIRING OF COMMITTEES

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

- 1.1 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.
- 1.2 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

- 2.1 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.
- 2.2 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

- 3.1 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.
- 3.2 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.
- 3.3 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 15)
 - (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.

7.2 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.

7.3 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 any 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 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 Corporate Policy and Resources Committee
- (e) Appoint the Chairs and Vice-Chairs of the other 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 member on each Committee
- (h) Appoint to such outside bodies not delegated to a Committee, that require a Council decision i.e. Police and Crime Commissioner's Panel and South West Middlesex Crematorium Board

8.4 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 conformed 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 to put them.

11. DECLARATION 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.

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 to the Chief Executive no later than 12 noon seven working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the councillor to whom it is to be put.

13.4 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 affects the Borough;
- (b) Is defamatory, frivolous or offensive; or

(c) Requires the disclosure of confidential or exempt information.

13.5 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.

13.6 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.

13.7 Supplementary Question

No supplementary questions will be allowed.

13.8 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.

13.9 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 General

Provided that the Chief Executive has received a copy of the question to be asked before 12 noon seven working days prior to the day of the Council meeting, a councillor may at any ordinary Council meeting

- (a) ask the Leader or the relevant Chair of any Committee or Sub-Committee, about an issue in the councillor's ward; or
- (b) ask the Leader or the relevant Chair of any Committee or Sub-Committee about some issue in which the Council has powers or duties or which affects the Borough; or
- (c) ask the Chair of a Committee about something for which their Committee has responsibility.

14.2 Procedure on questions

Subject to Standing Order 14.3, every question shall be put and answered without discussion, but the councillor putting the question may ask one supplementary question,

The supplementary question must be one which either directly arises out

of the answer given or is required to clarify some part of the answer.
The person to whom any question has been put may either:

- (a) give a direct answer; or
- (b) where the desired information is in a publication of the Council or other published work, refer the questioner to that publication or
- (c) where the reply cannot conveniently be given orally, give a written answer circulated within 7 days.

14.3 Written Answers

Where the Mayor considers that:

- (a) a question, or the likely answer to a question, is, or is likely to be excessively long, or
- (b) that the number of questions at a meeting is excessive; or
- (c) that the amount of other business to be transacted at the meeting demands it.

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

14.4 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.

14.5 Nothing within Standing Order 14.3 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 where the councillor to whom the question was put cannot reasonably be expected to have the level of information at hand to answer the point without prior notice.

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 withdraw a motion (none);
- (f) To extend the time limit for speeches (none);
- (g) To amend a motion (no limit);
- (h) To proceed to the next business (none, except a right of reply in accordance with standing order **);
- (i) That the question be now put (non, except a right of reply in accordance with standing order **);
- (j) To adjourn a debate (none);
- (k) To adjourn a meeting (none);
- (l) To suspend a particular Standing Order (two);
- (m) To exclude the public and press in accordance with the Access to Information Procedure Rules (two)
- (n) To not hear further a councillor named under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5 (none)
- (o) To give the consent of the Council where its consent is required by the Constitution (no limit)
- (p) 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 Seconded'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 or 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 Amendment 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.

18.6.1 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.

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

18.6.3 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.

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

18.6.5 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.

18.6.6 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**.*

18.7 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.

18.8 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.

18.9 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 not right of reply to the debate on his or her amendment

18.10 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 names under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5; and
- (m) That the meeting continue beyond 3 hours in duration.

18.11 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.

- 18.11.1** 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.
- 18.11.2** 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.
- 18.11.3** 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.
- 18.12** **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.
- 18.13** **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 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 24 (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 these Standing Orders except for Standing Orders 10.1 (signing of minutes), 21.6 (enabling a councillor to record their vote) or 38.2 and 38.3 (continuation of meeting beyond 3 hours up to an absolute cut-off of 11pm) 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 the preceding 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 COMMITTEE MEETINGS

- 30.1** Each service Committee shall meet in accordance with the Calendar of Meetings approved by the Council and meetings will normally commence at 7.00pm.
- 30.2** 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
- 30.3** 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.
- 30.4** 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

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 COMMITTEE 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.
- 32.3** The Chair of any Committee or Sub-Committee has discretion to deal with the debate on any item on an agenda in a manner other than as prescribed in the Rules of Debate (SO18), and which is appropriate for that item.

33. WHO PRESIDES AT A COMMITTEE MEETING

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 AT A COMMITTEE MEETING

- 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

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 AT A COMMITTEE MEETING

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-COMMITTEE

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 The Committee Manager present at the meeting will indicate to the councillors present when any meeting has lasted for 3 hours.

38.2 Unless the majority of councillors present then agree that the meeting should continue, subject to an absolute cut-off of 10.30pm, it will automatically be adjourned. Any business not dealt with will be considered at a time and date fixed by the Chair. If the Chair does not fix a date the remaining business will be considered at the next ordinary meeting.

38.3 Any Committee or Sub-Committee meeting in session at 10.30pm will automatically be adjourned. Any business not dealt with will be considered at a time and date fixed by the Chair. If the Chair does not fix a date the remaining business will be considered at the next ordinary meeting.

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, this includes the ability to submit written questions in accordance with Standing Order 40.

39.2 The following Standing Order does not apply to meetings of Planning Committee or Licensing Sub-Committees, which have separate procedures for public participation.

40. PUBLIC QUESTIONS AT COMMITTEE AND SUB-COMMITTEE MEETINGS

40.1 General

Members of the public may ask Committee/Sub-Committee Chairs questions relating to a public item on the agenda for any meeting, at which the question is to be put.

40.2 Notice of Questions

A question may only be asked if notice has been given by delivering the question in writing to the Committee Services section (committeeservices@spelthorne.gov.uk) and Monitoring Officer (v.statham@spelthorne.gov.uk) no later than 5pm five working days prior to the day of the meeting.

40.3 Each question must give the name and address of the questioner and indicate the agenda item to which it relates.

40.4 Scope of Questions

The Monitoring Officer may reject a question if it:

- a) Is not relevant to an item on the agenda of the meeting to which it is to be put;
- b) Is defamatory, frivolous or offensive; or
- c) Requires the disclosure of confidential or exempt information.

40.5 Number of Questions

The number of questions asked on any one item on an agenda of a Committee/Sub-Committee meeting will be limited to two.

40.6 Questions will be asked on a first come first served basis.

40.7 Questions that exceed this limit will receive a written response from an officer.

40.8 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 Chair of the Committee/Sub-Committee to which it is to be put. Rejected questions will include reasons for rejection.

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

40.10 Asking the Question at the Meeting

The Chair will invite the questioner to put the question at the start of consideration of the relevant agenda item. If a questioner who has

submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair 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.

40.11 Supplementary Question

No supplementary questions will be allowed.

40.12 Duplication of Questions

A question put to a Committee or sub-Committee may not also be asked at a Council meeting, or vice-versa, unless 6 months have elapsed since the question was put.

41. PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS

41.1 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.

41.2 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.

41.3 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.

42. 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.

43. 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.

44. 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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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 Mayor may not act as a substitute at any Committee meeting.

7. The substitute arrangement must be announced at the beginning of the meeting and recorded in the minutes.
8. 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.
9. 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.
10. 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.
11. 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) Development 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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CONTRACT STANDING ORDERS

GENERAL

Introduction

1. These Standing Orders provide basic guidance to anyone making a contract or entering into an agreement (generally, contracts) for the Council. They apply equally to the supply of works, goods, materials and services or other (e.g. utilities). In making such contracts or agreements, the overriding objective is to obtain the best value for the Council in all circumstances.

Compliance

2. Every contract made by or for the Council must comply with these Standing Orders except in the circumstances where exemptions are obtained in advance.
3. Where tenders or quotes have been invited on behalf of any consortium, collaboration or agency arrangement of which the Council is a member, the Standing Orders or requirements adopted by the lead agency can be observed if they differ from these Standing Orders.

PREPARING FOR THE CONTRACT

Contract file to be set up from the start

4. Every procurement over £40,000 must be fully documented on a dedicated contract file, with a complete audit trail recording all significant decisions and actions taken.
5. All contract files should clearly record the specification of requirements and the identity of the staff member undertaking the procurement (the Procuring Officer)

Requirement for a nominated procurement manager

6. The Procuring Officer is responsible for ensuring and recording on the contract file that the relevant authority (Council, the relevant Service Committee delegated or other as appropriate for the type and / or level of spend) has been obtained and there is sufficient budgetary provision in place for the whole life of the procurement before any steps are undertaken.
7. Where stipulated as required in table 1 (Procedural Rules), the Procuring Officer will seek the support from the Procurement Team.

Contractor Suitability

8. The Procuring Officer (with support from the Procurement Manager where necessary) is to ensure that the contractor is sufficiently capable and financially sound to undertake the contract by making enquiries, pursuing references and reviewing the quotes, tender

proposals/method statements as appropriate, during the procurement process. The Procuring Officer is also required to ensure that the contractor has appropriate health and safety policies and procedures in place (as appropriate).

9. The Procurement Manager will advise on the most appropriate procurement route, taking into account relevant factors such as the legal requirement to advertise (depending on the value); the works, goods or services required; the prevailing market conditions, etc.
10. The Procurement Manager will assist the Procuring Officer in developing compliant tender documents which optimise the achievement of value for money.

Specification and Selection Criteria

11. A specification and selection criteria **must** be prepared in advance of tenders or quotations being sought. For lower value procurements, the lowest price may be used as the main selection criterion; however, whole life value for money will also need to be taken into consideration. For larger value procurements, and in particular those which are covered, by virtue of their value, by the Public Contracts Regulations 2015 (as amended), an appropriate split of quality and commercial factors must be used as the selection criteria. Both the specification and the selection criteria must be recorded on the contract file and be used to evaluate tenders/quotations received.
12. If a potential contractor requires information not provided in the specification, such additional information must also be provided to all other bidders, to ensure the equal treatment of all potential contractors.
13. In preparing the specification and selection criteria, the Procuring Officer should consider the opportunities to deliver additional Social Value which the procurement may offer. The Procurement Team will advise on the suitable requirements to be included, relative to the size, type and value of the procurement.

Procurement Board

14. The role of the Procurement Board is to take a strategic approach to the Council's procurement. All contracts likely to exceed £40,000 (other than urgent contracts) should be notified at the planning stage to the Chief Finance Officer. The Procurement Manager will maintain a forward plan of contracts to advise Procurement Board and the appropriate Service Committee where required, on relevant procurement matters.

Electronic Procurement

15. All procurement opportunities likely to exceed £40,000 should be advertised through the Council's electronic procurement system (In-tend).

PROCEDURAL STEPS OF THE PROCUREMENT

Estimated Value of Contracts

16. An estimated value must be prepared and documented for every contract immediately before starting the procurement process to confirm there is adequate budget provision, and to determine the appropriate procurement process to follow.
17. For contracts which continue over a number of years, the estimated value of the contract shall be taken to be the annual value multiplied by the life (number of years) of the contract to allow the Procurement Manager to assess whether the procurement falls under the Public Contracts Regulations.
18. For concession contracts (contracts for which the Council does not pay the provider for any works, goods or services but the contractor receives consideration in other ways, e.g. rights, property or land granted by the Council), the contract value will be based upon the anticipated income which the contractor is likely to receive from any source pursuant to such contract.

Division of Contracts

19. Large scale or high value procurements must not be broken down into smaller units for the purpose of creating lower value contracts unless there are sound operational or management reasons for doing so. Any such action must be authorised by the Chief Finance Officer in writing with the reasons recorded on the contract file. The avoidance of any provision of these Standing Orders is not an acceptable reason for such action.

Special Requirements

20. All contracts must comply with the Public Contract Regulations. Where there is a conflict between these Standing Orders and any statutory provision, the law must prevail. Advice on the tender process and form of contract should be taken from the Procurement Team and Legal Services **at the start** of any procurement project.
21. The procedures outlined below by contract value are the minimum. It is important to remember that we are trying to get the best value for the residents of Spelthorne. Consequently, where better value for the Council might be achieved by seeking more tenders or quotations this should be done. The figures outlined in this document are exclusive of VAT.

Contract Standing Orders Procedural Rules

22. The Procuring Officer and / or Procurement Manager as appropriate must ensure that the procurement procedurally complies with Table 1 below.

Framework Agreements

23. Procuring Officers wishing to let a Framework Agreement must consult with the Procurement Manager for support in doing so.
24. Where the Council has set up Framework Agreements for a particular service, the use of these should be maximised, and in accordance with the stated call-off arrangements.

25. Procurement Managers may purchase works, goods or services from an appropriate external Framework Agreements subject to (i) the agreement of the Chief Finance Officer that the call-off represents good value for money and (ii) the agreement of the Procurement Manager that the proposed Framework Agreement has been procured appropriately, and by following the procedure stated in the Procedural Rules.

TABLE 1 CONTRACT STANDING ORDERS PROCEDURAL RULES

Whole Life Contract Value	Level of Authority to Proceed required	Support Required from Procurement Team?	Procurement Process				Approval to Award Contract	Contract Required?
			Advertising the Opportunity	Approach to Market	Testing Market Capability	Evaluation by		
Under £5000	Budget Holder	No	Opportunity does not need to be advertised.	Local ¹ suppliers must be sought. If no Local supplier can be found, then Regional ² suppliers should be sought. If the selected supplier is not Local or Regional then approval to proceed must be sought from Group Head, and the variation must be added to the Exemption Report	Selected supplier(s) confirms price in writing / email in advance.	Budget Holder	No further approval required	No. Invoices and quotes to be retained in accordance with the retention policy.
£5,000 - £40,000	Procurement Business Case is approved by Group Head	No, except where the opportunity is to be advertised	Advertising of the opportunity is not required but if the value is over £25k	Requirement communicated to supplier(s) and confirmed in writing	A minimum of three written quotes to be obtained and retained on file	Budget Holder	Group Head	Yes. Support from Legal Services required.

¹ Local is defined as within the Borough of Spelthorne.

² Regional is defined as in the wider county of Surrey.

			and <i>is</i> advertised, it must also be placed on Find a Tender Services (FTS)					
£40,000 – PCR 2015 threshold	Procurement Business Case and Procurement process must be approved by Group Head & MAT	Yes. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	Contract advertised on e-sourcing portal and on Find a Tender Services (FTS).	Specification with required outcomes and outputs in Request for Quote (RFQ).	A minimum of three suppliers to be invited to tender, with full tender process	Project Lead with Procurement	Deputy Chief Exec or Service Committee (where the requirement is strategic / critical)	Yes. Support from Legal Services required. Contract made under seal if over £100,000)
Over PCR 2015 threshold ³	Procurement Business Case and Procurement process approved by Group Head, MAT and appropriate Service Committee. Project must be on the Forward Plan.	Yes. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	Opportunity must be advertised with a Contract Notice in Find a Tender Services (FTS) via the e-sourcing portal.	Detailed Specification with required outcomes, outputs and performance indicators in Invitation to Tender (ITT).	Carried out in accordance with Public Contracts Regulations route selected ⁴	Project Lead (and /or subject matter experts) with Procurement	Service Committee	Yes. Support from Legal Services is required. Contract made under seal.

³ The Public Contracts Regulations threshold changes in January every two years (even years)

⁴ Discuss with Procurement the most appropriate procurement process to be followed

Procurement from an internal Spelthorne Framework Agreement	Direct award or mini-competition in accordance with the requirements of the framework agreement.	Yes, where value exceeds £40,000. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	No	Detailed Specification, with required outcomes, outputs and performance indicators in Direct Award or Mini-Competition document	As required by the Framework conditions	Project Lead with Procurement	In accordance with the expected value as above	Yes. Support from Legal Services is required. Contract made under seal where above £100,000).
Procurement from an external Framework Agreement	In accordance with the expected value of the project as above and complying with the requirements of the framework agreement.	Yes, where value exceeds £40,000. Project needs to be discussed at Procurement Board and put on Procurement Project Plan.	No	Detailed Specification, with required outcomes, outputs and performance indicators in Direct Award or Mini-Competition document	As required by the Framework conditions	Project Lead with Procurement	In accordance with the expected value as above	Yes. Support from Legal Services is required. Contract made under seal where above £100,000).
Variations to a Contract over £100,000	Service Committee	Yes	N/A	N/A	N/A	N/A	N/A	Contract variations to be recorded on the contract file

Tendering and Quotation handling procedure

26. All written quotations or tenders, where required, should be received electronically, either via email or via the e-tendering portal.
27. Contracts estimated to be worth £40,000 or over must be tendered electronically (either via the Procurement mailbox or e-tendering portal) with support from the Procurement Team.

Errors and clarifications of tenders

28. Where examination of tenders reveals errors or discrepancies which would affect the tender figure in an otherwise successful tender, the tenderer should be given details and an opportunity to confirm, withdraw or amend his tender to correct genuine errors. The confirmed or amended tender will then be evaluated accordingly.

Post tender negotiations

29. The Procuring Officer should take advice from the Procurement Manager regarding the appropriateness of any post-tender negotiations. No negotiations (as permitted by the Public Contracts Regulations) may be entered into with any tenderers submitting tenders or quotations unless the Chief Finance Officer considers it necessary to obtain best value for the Council, to accommodate unforeseen changes in the specification, or for any other reason the Chief Finance Officer considers is appropriate. In this event, details of the negotiations must be recorded in writing and must be conducted in accordance with the Public Contracts Regulations. The reasons for entering into post tender negotiations must be recorded on the contract file.

CONTENT OF CONTRACTS

Form of Contracts

30. Every contract over £20,000 must be in writing, in a form approved by the Group Head of Corporate Governance. All contracts of £40,000 and over in value (other than for vehicle purchase) must be in writing and over £100,000 must be under seal.³²
31. For contracts over £20,000 where the Council may be obliged to contract on the standard terms and conditions of another organisation, the following minimum requirements must be adhered to:
 - (a) a specification of services required should be produced and sent to the contractor. This is required in all cases where the Council procures goods and services together. It is not required where the Council only procures goods.
 - (b) a copy of the applicable standard terms and conditions should be retained on the contract file.
 - (c) an appropriate letter or other document should be agreed with the contractor which refers to the Council's specification of services required and confirms the terms and conditions on which the supply is to be made.

Public liability insurance and professional indemnity insurance

32. The Procuring Officer must consider the Council's need for appropriate indemnities backed by insurance. In the case of a contract for works or services, the contract must require the contractor to carry public liability insurance to a minimum of £5,000,000, unless otherwise agreed by the Chief Finance Officer.
33. In the case of a contract for professional services, the contract must require the contractor to carry professional indemnity insurance to a minimum of £5,000,000, unless otherwise agreed by the Chief Finance Officer.

Assignment of Contracts

34. Assignment or under letting of contracts is not to be permitted except with the prior consent of the Chief Finance Officer, and then only where the Chief Finance Officer is satisfied that an effective vetting procedure of assignees or subcontractors has been implemented.

Liquidated Damages

35. The Procuring Officer, with support from the Procurement Team, must consider whether the contract should provide for the contractor to pay liquidated damages on failure to complete the contract by the specified completion date. Where considered appropriate by the Group Head of Corporate Governance, the contract must require the contractor to pay damages for any breach of the terms of the contract. Advice on liquidated damages should be taken from Legal Services at an early stage in the procurement project.

Corruption, Bankruptcy & Cancellation

36. Every contract must state that the Council may cancel the contract and recover any resulting losses if the contractor, his employees or anyone acting on his behalf, with or without his knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010
37. Every contract must state that if the Contractor enters into liquidation or administration, the Council is entitled to cancel the contract and recover any resulting losses.

Performance Bonds

38. Where a contract is estimated to be £100,001 or over, the Chief Finance Officer must consider before the procurement whether the Council should require security for its performance. It must be certified on the contract file that no such security is considered necessary or specify in the conditions of tender the nature and amount of security to be given. In the latter event the Chief Finance Officer must ensure the required bond or other security for the due performance of the contract is given at the time the contract is let.

Nominating Subcontractors and Suppliers

39. Where it is decided to be in the Council's interest, that a sub contractor or supplier should be nominated to a main contractor, at least three tenders for the nomination must be invited in accordance with one of the methods described in Table 1 above.
40. The invitation to tender as sub contractors or suppliers must require an undertaking from any tenderer to enter into a contract with the main contractor, including an obligation to indemnify the main contractor in respect of matters included in the sub contract.

Consultants

41. Any consultant employed by the Council to let or manage contracts must comply with these Standing Orders. The contract with any consultant must provide that all records maintained by the consultant in relation to a contract must be made available to the Council on request and handed over to the Council on completion of the procurement.

MANAGING THE CONTRACT

Contract Management

42. Unless prior written approval is given by the Chief Finance Officer to the Procuring Officer and recorded on the contract file, all contracts in excess of £40,000 should nominate a Contract Manager (and include provision for those details to be updated). Where reasonably practicable, the Contract Manager should be part of the procurement project team, and a member of Spelthorne Borough Council staff.

The Procuring Officer must notify the name of the Contract Manager to the contractor prior to letting of the contract.

43. The role of the Contract Manager will be to manage the contract throughout its duration, as well as enforce duties owed to the Council under contract and to be responsible on behalf of the Council for those duties owed to the contractor.
44. The responsibilities of the Contract Manager will include:
 - (a) monitoring the performance of the contractor against the agreed level of service;
 - (b) monitoring the continuing level of operational and financial risk to which the Council is exposed and to institute controls as appropriate;
 - (c) ensuring the contractor's due diligence with all appropriate quality, environmental, health and safety obligations;
 - (d) facilitating the resolution of issues between the contractor and users of the service;
 - (e) ensuring prompt payment of invoices and compliance with all financial regulations and Contract Standing Orders during the lifetime of the contract;
 - (f) providing assurance that the contractor has a long-term, sustainable supply chain, and that there is no evidence of modern slavery;
 - (g) ensuring that appropriate arrangements are made for the termination or re-letting of the contract at the appropriate time.

Variations

45. Where the Contract Manager considers, and the relevant Deputy Chief Executive agrees, that an existing contract needs to be varied (i.e. practical changes are required which do not alter the essential nature of the original contract, as opposed to additional works or supplies not originally envisaged) The Deputy Chief Executive may approve these subject to the proposed variation being contained within the total budget approved for the contract. The reasons for and details of any such variation must be recorded on the contract file. On contracts over £100,000 in value, where the approved budget would be exceeded because of the variation, approval must be obtained from the appropriate Service Committee or Council (according to financial regulations) for any such variation.

Registration of Contracts

46. The Chief Finance Officer will ensure that a register of all contracts of £5,000 and over, placed by the Council is kept. The register must state the name of the contractor, the name of the Council's Contract Manager, the scope of the work to be done or goods to be supplied, the duration and value of the contract. Any Procuring Officer letting a contract must ensure details are supplied to the Chief Finance Officer for entry in the register.
47. The Chief Finance Officer will also ensure that a register of all contracts for building, construction or engineering work and associated Consultants which provide for payment by instalments is kept. This register must show the state of account of each contract between the Council and contractor, together with any other payments and related professional fees. The Procuring Officer letting such a

contract must ensure details are supplied to the Chief Financial Officer for entry in the register.

Contract Management Audits

48. The Procurement Manager shall propose an annual planned schedule of contract management audits (Contract Audit Schedule), to be agreed by the Chief Financial Officer and Group Head of Corporate Governance prior to implementation. The Procurement Team shall undertake such Contract Audits.
49. The Contract Audit Schedule shall include a minimum of ten high value, high complexity, and high-risk projects to be audited, as well as auditing a sample of lower value spends for compliance with these Contract Standing Orders (CSOs).

ACCESS TO INFORMATION RULES

1. SCOPE

These rules allow the public rights of access to meetings and information to reflect the Council's commitment to its residents to be open and accountable. They apply to all meetings of the Council, Committees and Sub-Committees (together called meetings) unless otherwise specified in this Constitution or by legislation.

The public now has the right to report on any meeting, which is not held in private, by means of any medium available to them, and to share the results of such reporting by any communication method at their disposal (The Openness of Local Government Bodies Regulations 2014).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in the Council's Constitution or the law, nor do these Rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council Offices, and on the Council's website, with the exception of any Licensing Sub-Committee meeting called in accordance with Statutory Instrument 2502 of the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007.

Where exceptionally this period of notice cannot be given, the Council will ensure that legal requirements on specifying the special urgent circumstances that apply in particular cases will be met.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available on its website and at the Council Offices, five clear working days before the meeting except:

- a) those which contain exempt or confidential information, the meaning of which is explained later in these rules, or
- b) those in relation to Licensing Sub-committees where a meeting is called in accordance with: -
 - i) section 105(2)(a) (counter notice following police objection to temporary event notice) of the Licensing Act 2003; or
 - ii) SI 2502 - Summary Review of Premises Licences.

If an item is added to the agenda later, the revised agenda will be open to inspection and on the website from the time the item was added to the agenda. Where reports are prepared after the summons to the meeting has been sent out, the Chief Executive will make a copy of the report available to the public as soon as it is completed and sent to councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on request, either electronically, or on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES AND OTHER INFORMATION AFTER THE MEETING

7.1 The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (unless the Proper Officer deems that the exemption no longer applies);
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agendas for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

List of background papers

- 8.1 If there are any background papers relating to the subject matter of a report, these will be listed at the end of that report.
- 8.2 Background papers are those documents which, in the opinion of the Proper Officer:
 - 8.3 (a) disclose any facts or matters on which the report, or an important part of the report is based; and
 - 8.4 (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10 below).

Public inspection of background papers

- 8.5 The Council will make available for public inspection at its offices and on its website for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

- 9.1 A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept at, and be available to the public, at the Council's main Offices.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential Information – requirement to exclude the public

- 10.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Meaning of Confidential Information

- 10.2 Confidential information means information given to the Council by a Government department, service or agency on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order.

Exempt Information – discretion to exclude public

- 10.3 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.
- 10.4 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Act.

Confidential Information and Exempt Information

- 10.5 Nothing in these Procedure Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
- 10.6 Nothing in these Procedure Rules:
- (a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Group Head of Corporate Governance, that document or part of a document contains or may contain confidential information; or
 - (b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Proper Officer, that document or part of a document contains or is likely to contain exempt information.

Meaning of Exempt Information

10.7 Exempt information means information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt information if it is required to be registered under <ol style="list-style-type: none"> 1. Section 2 of the Companies Act 2006 2. the Friendly Societies Act 1974 3. the Friendly Societies Act 1992 4. the Co-operative and Community Benefit Societies Act 2014 5. the Building Societies Act 1986 6. the Charities Act 2011
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
6. Information which reveals that the authority proposes, <ol style="list-style-type: none"> 1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or 2. to make an order or direction of any enactment. 	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is exempt only if, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

- 10.8 As set out in Schedule 12A of the Local Government Act 1972 (as amended): "Information... is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information."
- 10.9 The relevant Committee will periodically review those exempt items it has considered at meetings, as to whether the public interest in maintaining the exemption remains or whether the report can now be made public.
- 10.10 Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992. exclusion of access by the public to reports
- 10.11 The Proper Officer of the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10 above, the meeting is likely not to be open to the public. Such reports will be marked '**Exempt**' on the agenda of that meeting, together with the category of information likely to be disclosed.

11. THE FORWARD PLAN

Contents of Forward Plan

- 11.1 The Council's Forward Plan will be prepared and published monthly. Proposed key and non-key decisions by Committees and Sub-Committees with decision-making powers will be included, with at least 28 clear days' notice being given, where possible.
- 11.2 The Forward Plan will contain matters which the Head of Paid Service believes will be subject of a decision to be taken by the Council, a Committee/Sub-Committee, or under joint arrangements during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
- (a) the matter in respect of which a decision is to be made;
 - (b) the decision maker;
 - (c) the date on which the decision is likely to be taken;
 - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - (e) a list of the documents submitted to the decision taker for consideration in relation to the matter;
 - (f) If the decision to be taken is considered a Key Decision as defined in Article 11 of this Constitution;
 - (g) if the consideration of any item will involve the disclosure of exempt or confidential information.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

12. RECORD OF DECISIONS

- 12.1 After any meeting of the Council, a Committee or Sub-Committee, whether held in public or private, the Proper Officer, will produce a record of every

decision taken at that meeting as soon as practicable and make it available to all members.

- 12.2 The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. It will also include a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body, and where a conflict of interest was declared, a note of any dispensation granted in respect of it.

13. ADDITIONAL RIGHTS OF ACCESS TO INFORMATION FOR COUNCILLORS

- 13.1 All councillors will be entitled to inspect any document (except those available only in draft form) in pursuance of that councillor's official duties. These rights are additional to any other rights he/she may have.
- 13.2 In availing themselves of these rights councillors must abide by the standards set out in Paragraph 4 of the Code of Conduct in Part 5 of the Constitution.

Staff Code of Conduct

1. Introduction

- 1.1 The Code of Conduct is a guide to help give staff advice on some of the problem areas and pitfalls of working in public service. The Code of Conduct is issued to all new staff. The Code of Conduct covers all staff although some aspects may apply only to staff at a senior level.

2. Purpose of code

- 2.1 The Code has been designed to protect and safeguard the position of individual members of staff as much as those of the Council, and to avoid situations where members of staff might be accused of having some potentially conflicting interest in anything they might be involved in through their work with the Council. Its aim is to encourage staff to inform their managers confidentially on certain personal matters that could affect their duties at the Council. Failure to follow the Code could lead to embarrassing and/or difficult situations and ultimately to an investigation under the Council's disciplinary procedure.

3. Responsibility of staff

- 3.1 Staff are required to report to Group Heads and record on the appropriate form, full details of:
- (a) any private financial interests which could conflict with the Council's interests;
 - (b) any interest as a freeholder, lessee, licensee or tenant in any land or property in Spelthorne other than your main residence;
 - (c) a relationship with any councillor, contractor or potential contractor;
 - (d) a relationship with any member of staff or people in partner organisations which could lead to a conflict with your public duties;
 - (e) any paid employment or occupation or business interests outside the Council;
 - (f) membership of any outside organisations or other public appointments which might conflict with the Council's interests, and
 - (g) a conflict of interest involving any other connection to the Council's work which may be relevant (e.g. an interest in a property which may be subject to a planning application, or a family member who may be seeking financial support).
- 3.2 A simple pro forma for recording details of any of these matters is available on Spelnet and should be completed by all members of staff affected and forwarded to the appropriate Group Head, in confidence, as soon as possible. In any event, staff are required to report:
- (a) on entering the organisation during the induction process;
 - (b) annually at appraisal time, or
 - (c) whenever a significant new matter arises under this Code.

- 3.3 Previous declarations need to be resubmitted on a new form so that the current form is comprehensive. It is important that information is updated as and when circumstances change. If there are any problems (e.g. about the extent of details required) staff should consult their Group Head.
- 3.4 Any information given about interests etc. will be maintained in confidence in the Council's Register. It will be available for inspection by the following people:
- (a) Your Group Head
 - (b) Human Resources Manager
 - (c) Group Head of Corporate Governance
 - (d) Management Team
- 3.5 Advice or clarification on any matters covered by the Code of Conduct is available from Human Resources, the Group Head of Corporate Governance or your Group Head.

4. Other rules applicable to employees

- 4.1 The main rules relating to the work of the Council are included within the Council's Constitution. Some of the other documents from the Constitution with which you should be familiar are:
- (a) Contract Standing Orders
 - (b) Financial Regulations
 - (c) Policy on Gifts and Hospitality
 - (d) Anti-Fraud, Bribery and Corruption Strategy
 - (e) Confidential Reporting Code (Whistleblowing policy)
- 4.2 In addition, the Council has numerous other policies for guiding the work of staff and these are available on Spelnet. You should be familiar with these policies because they affect your work, they are relevant to this Code and if you do not abide by them, then they could be disciplinary matters under the Disciplinary Policy, such policies are:
- (a) The Disciplinary Policy
 - (b) Acceptable use policy (for the internet)
 - (c) ICT security policy
 - (d) Data Protection policy
 - (e) Any specific departmental policy about access to restricted data or computer systems

5. Code of conduct - standards

- 5.1 The Council has adopted the Nolan Committee's Seven Principles of Public Life as part of its Member Code of Conduct and this Staff Code of Conduct, hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Accordingly, when employed by the Council -

- (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

6. Disclosure of information and confidentiality

- 6.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. Other information is subject to confidentiality. You must be aware of the types of information which in Spelthorne Borough Council are open and those which are not, and act accordingly.
- 6.2 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. Any particular information received by you from a councillor or a fellow employee which is personal to that person and does not belong to the Council, should not be divulged by you without the prior approval of that person.
- 6.3 If you have any doubts about your ability to share or restrict access to information then you should contact the Council's Information Governance Officer..

7. Political neutrality

- 7.1 You serve the Council as a whole. It follows you must serve all councillors and not just members of any controlling group of councillors and must ensure that the individual rights of all councillors are respected.
- 7.2 Whether or not your post is politically restricted, you must follow every lawful expressed policy of the Council and must not allow your personal or political

opinions to interfere with your work. Information on politically restricted posts can be obtained from the Human Resources Manager or the Group Head of Corporate Governance. Guidance is also available on Spelnet.

8. Relationships

- 8.1 You must never become involved in dealing with or determining any application or request you, or a member of your family or personal friend, make to the Council, for example an application for planning permission or for council tax or housing benefit.

Councillors

- 8.2 You are responsible to the Council through its senior managers. For some, your job is to give advice to councillors and the Council. Mutual respect between staff and councillors is essential to good local government. Close personal familiarity with individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Any close personal friendships with councillors should be declared to your Group Head.

The Local Community and Service Users

- 8.3 You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

Contractors

- 8.4 All personal relationships with contractors or potential contractors (i.e. contractors who could bid for Council work) should be declared to your Group Head.
- 8.5 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.
- 8.6 If you engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship (i.e. working or friendship) in a private or domestic capacity with a contractor or potential contractor, you should declare that relationship to your Group Head.

9. Appointment and other employment matters

- 9.1 If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant or have a personal relationship (including friendship) outside work with him or her. You should declare any such relationship to your Group Head in advance.
- 9.2 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

10. Outside commitments

- 10.1 You are required to obtain written consent from your Group Head to take any other paid employment or occupation in addition to the post held with the Council. This includes directorships, consultancies and sponsorships by any company, organisation or individual. It also includes any other business interests you pursue on your own account. You should be clear about your contractual obligations to the Council and should not take outside employment which conflicts or might conflict in the future with the Council's interests.
- 10.2 You may not carry out work arising from additional employment in office time nor use Council resources or facilities for those purposes.
- 10.3 Payment for personal use of Council facilities, e.g. making telephone calls, using fax or photocopiers, should be dealt with through the Council's Honesty Box scheme.
- 10.4 You should follow the Council's policies on the ownership of intellectual property or copyright created during your employment i.e:
- (a) all creative designs, writings and drawings produced by you in the course of your duties, belong to the Council;
 - (b) all inventions made by you are the property of the Council if made during the course of your duties.

11. Other personal interests

- 11.1 You must declare to your Group Head any financial interests which could conflict with the Council's interests e.g. any pecuniary interest in a business or company within Spelthorne or with which the Council might do business.
- 11.2 You must declare to your Group Head, any interest you have as freeholder, lessee, licensee or tenant in any land or property in Spelthorne except your main residence as recorded in your personnel records.
- 11.3 You must declare to your Group Head all non-financial interests which you consider could bring about conflict with the Council's interests or activities. Examples might be membership of the committee of an organisation seeking or receiving grant aid from the Council, membership of a National Health Service Trust Board operating in Spelthorne or involvement with an organisation or pressure group which may seek to influence the Council's policies. Ordinary membership of organisations whether local or national (e.g. National Trust, RSPB etc) will not usually be relevant.

12. Equality issues

- 12.1 You have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.
- 12.2 You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must

never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.

13. Separation of roles during tendering

- 13.1 You must be clear on the separation of client and contractor roles within the Council. If you are a senior employee with both a client and contractor responsibility, you must be aware of the need for accountability and openness. Regulations for compulsory competitive tendering have particular requirements for ensuring that contractor units are not involved in tender evaluation. If in doubt, please consult Legal Services.
- 13.2 If you are in a contractor or client unit you must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- 13.3 If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.
- 13.4 If you are contemplating a management buyout, you should inform your Group Head as soon as you have formed a definite intent and withdraw from the contract awarding process.
- 13.5 You should ensure that no special favour is shown to work colleagues or former employees of the Council or their partners, close relatives or associates, in awarding contracts.

14. Use of financial resources

- 14.1 You must ensure that you use public funds entrusted to you in a responsible manner, ensuring value for money to the local community and avoiding legal challenge to the Authority. If you are in doubt about your obligations, you must seek advice.

PROTOCOL FOR MEMBER-OFFICER RELATIONS

This protocol forms part of the local framework for standards of behaviour approved by the Standards Committee and Council. Monitoring of compliance with this protocol is the responsibility of the Standards Committee, the Monitoring Officer and the Head of Paid Service.

1. Introduction

- 1.1 The purpose of this protocol is to guide Members (also known as councillors) and Officers (also known as Council staff) in their relations with one another. The relationship between Members and Officers is essential to the successful working of the Council and it is hoped the protocol will help build and maintain good working relationships between Members and Officers as they work together

This relationship within the authority is characterised by mutual respect, informality and trust. Members and Officers should feel free to speak to each other openly and honestly.

- 1.2 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of Local Government and they therefore demand very high standards of personal conduct. 1.3 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any relevant Council policies, procedures and processes.

The following extract from the beginning of the previous national guidance on conduct for Members remains relevant in its description that:

“1. Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council’s work under the direction and control of the council, their committees and sub-committees.

“2. Mutual respect between Members and Officers is essential to good local government.”

2. Members

- 2.1 It is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

Close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers.

- 2.2 In line with the Code of Conduct, as set out in Part 5(a) of this Constitution, a Member must treat others with respect and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 2.3 Officers can expect Members:
- to act within the policies, practices, processes and conventions established by the Council
 - to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
 - to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines
 - to give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision in issues based on advice to treat them fairly and with respect, dignity and courtesy
 - to act with integrity, to give support and to respect appropriate confidentiality
 - to recognise that Officers work to the instructions of their Senior Officers and not to individual Members
 - not to subject them to intimidation, harassment, or put them under undue pressure. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels
 - not to request them to exercise discretion which involves acting outside the Council's policies and procedures
 - not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority
 - not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
 - to comply at all times with the Members Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and conventions agreed by the Council.
- 2.4 It is important that Members of the Authority:
- respect the impartiality of Officers and not undermine their role in carrying out their duties
 - do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party political manner

- do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Managers.
- 2.5 The Head of Paid Service, the Monitoring Officer and the Chief Finance (section 151) Officer and other Statutory Officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council.
- 2.6 Where an Officer is discharging his/her responsibilities under any statutory office a Member or Members shall not:
- improperly interfere with or obstruct the Officer in exercising those responsibilities
 - victimise any Officer who is discharging or has discharged his/her responsibilities of the Statutory Office.
- 2.7 **Officers:**
Officers are responsible for:
- (a) providing professional advice and information and support to Members in developing and implementing lawfully agreed policies and in decision-making;
 - (b) day-to-day administration of the Council;
 - (c) managerial and operational decisions taken within the Council's Scheme of Delegation; Members should avoid inappropriate involvement in such matters;
 - (d) information to and consultation with local people about Council services.
- 2.8 Members and Officers will wish to discuss policy issues and Officers will require political guidance in preparing proposals. In performing their role Officers will act professionally, impartially and with political neutrality. When Officers prepare reports for Member decision, they have a duty to give advice in accordance with their professional expertise and their own professional codes of conduct. In some situations, Officers will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and whilst respecting a Member's view on an issue should not be influenced or pressured to reduce options, withhold information or make recommendations to the Council or a Committee which are contrary to their professional judgement or views.
- 2.9 Members can expect the following from Officers:
- (a) a commitment to the Council as a whole and not to any political group;
 - (b) performance of their duties effectively and efficiently and in the best interests of the Authority;
 - (c) a working partnership;
 - (d) an understanding of respective roles and pressures;

- (e) timely responses to enquiries and complaints in line with the Council's standard protocol;
- (f) impartial professional advice;
- (g) regular and up to date information on matters which are appropriate and relevant to their needs;
- (h) awareness of and sensitivity to the political environment, including the implications for Members, the media or other sections of the public;
- (i) honesty, respect, courtesy and appropriate confidentiality;
- (j) support and learning and development opportunities to help Members carry out their various roles effectively;
- (k) that they will not use their relationship with Members to advance their personal interests to influence decisions improperly;
- (l) compliance with the Staff Code of Conduct and such other Policies or procedures approved by the Council;
- (m) support for the role of Members as the local representatives of the authority, within any scheme for Member support approved by the authority.

2.10 Officers have the right not to support Members in any role other than that of Members and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officer involvement in political activities.

3. Working Relationships

3.1 Mutual trust and respect between Members and Officers is essential, but gives rise to two contrasting requirements. On the one hand, close personal familiarity can damage the relationship and prove embarrassing to other Members and Officers, but on the other hand, Members must bear in mind that Officers cannot respond to personal criticism in the same way that other Members can, and should, temper their remarks accordingly. This is particularly important when Members are dealing with less senior Officers. .

3.2 The normal conduct of business will mean that Members are likely to deal directly with some Officers below senior level. These dealings will be conducted according to the principles outlined in this protocol and any difficulties should be reported to the relevant Line Manager.

3.3 Members should bear in mind that unless there is an on-going relationship with a particular Officer, for example in relation to a case or application they are dealing with, Members are expected to deal in the first instance with the relevant Group Head. This is because:

- (a) Group Heads are in a better position to provide authoritative information or advice;
- (b) they need to be aware of any questions or complaints raised by Members;

- (c) they are able to respond to Members' requests, for example, by making a judgement as to whether action may be taken under Officers delegated authority; and
 - (d) they are able to investigate and deal with any shortcomings there might be at the point of service delivery.
- 3.4 In addition, this avoids the possibility of Officers below the levels identified above being 'intimidated' or even 'bullied' by over-enthusiastic Members.
- 3.5 Where there is a serious breach of this protocol, this may lead to action being taken against a Member for non-compliance with the Members' Code of Conduct.

4. At Meetings

4.1 Officers and Members will most frequently come into contact with each other at the various meetings held to conduct Council business, and at partnership and other consultative bodies. The respective roles of Members and Officers may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. The following basic rule will apply in all situations.

4.2 At all times, Members and Officers will show respect to one another. Although Members are entitled to question Officers at meetings or in any public forum, they should not raise matters relating to the conduct or capability of an Officer or of Officers collectively, in a manner that is incompatible with this Protocol at meetings held in public or in any public forum. This is a long-standing tradition in public service. An Officer has no means of responding to criticisms like this in public.

A Member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is made in private
- ensure that any criticism is well founded and constructive,
- take up the concern with the appropriate Group Head or Deputy Chief Executive.
- If the matter is of a particularly serious nature to inform the Chief Executive.

4.3 Neither should an Officer raise with a Member any staffing matters relating to the conduct or capability of another Officer, or to the internal management of the section or Service in a manner that is incompatible with the objectives of this Protocol.

4.4 Potential breaches of this Protocol are considered at paragraph 12 below.

4.5 Wherever a formal public meeting is organised to consider a local issue, all the Members representing the ward(s) affected should, as a matter of course, be invited to attend the meeting. Similarly when the Council

undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

5. Correspondence

- 5.1 Correspondence between individual Members and Officers should not normally be copied by the Officers to any other Members. However, where such correspondence concerns Council policy or, the interpretation of Council policy, in this instance a copy should be sent to the relevant Chair and Vice-Chair of the Committee and this should be made clear to the original Members. Under no circumstances should 'silent copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the Member involved.
- 5.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Members. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Members, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council, should never be sent out in the name of a Members.

Correspondence to individual Members received from officers concerning regulatory matters such as planning, enforcement, licensing and environmental health matters should not be forwarded to or shared with complainants or other third parties if they are marked "confidential" . In sending such correspondence the relevant officer should make clear what is to be treated as being shared with the Member in confidence only and why that is so.

6. Officer Briefings and Advice To Political Groups

- 6.1 It is common practice for political groups to discuss issues of council business before they are considered by the relevant Council decision making body. Officers may properly be asked to provide information and advice to assist informed discussion at any group meetings.
- 6.2 Any Group Leader may seek a briefing from the Chief Executive, a Deputy Chief Executive or his representative on any item which falls within that Officer's area of responsibility. The Chief Executive or Deputy Chief Executives will provide factual information and advice on possible actions or options but will not and should not be asked to become involved in any political debate or decisions.
- 6.3 If asked to do so by a Group Leader, the Chief Executive or a Deputy Chief Executive will attend a Political Group meeting in order to provide a factual briefing to members of their Group about any aspect of Council business. The Chief Executive will advise other Group Leaders of all such requests received. The Chief Executive or a Deputy Chief Executive will not and should not be asked to become involved in any party political debate and will withdraw from the meeting before Group members start to discuss the decisions they wish to see taken.

- 6.4 Officers will respect the confidentiality of any discussions they have with Group Leaders or Groups generally and will not relay them to members of other Groups. Information or advice given by Officers to Members at political group meetings should not be passed to non- Members unless this is first agreed with the Members concerned.
- 6.5 Officer advice to a political group cannot be a substitute for providing all necessary information and advice to the Leader, relevant Chair/Vice-Chair of a Committee or Council when the matter in question is considered.
- 6.6 Officers will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.
- 6.7 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

Support Services to Members and Party Groups

- 6.8 The only basis on which the Council can lawfully provide support services (e.g. stationery, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes

7. Members' Access to Information and Council Documents

- 7.1 Members are free to approach any Group Head to provide them with such information, explanation and advice (about the relevant service area's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Group Head or Deputy Chief Executive concerned.
- 7.2 Information requested will be provided, subject to any legal constraints (e.g. confidentiality relating to individuals) or unless the Deputy Chief Executive believes it would involve excessive resources to provide it, in which case he/she will seek guidance from the relevant Group Leader.
- 7.3 Members have legal rights to inspect Council documents containing material relating to business to be transacted at Council and Committee or sub-committee meetings. . This right applies irrespective of whether the councillor is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does

not, however, apply to documents relating to certain items which may appear in Part II (exempt) of the Agenda for meetings but in the spirit of openness, such documents are made available to all members.

7.4 Further details are contained in the Access to Information Rules at Part 4(g) of the Council's Constitution. Examples are documents that contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

7.5 Members also have common law rights to inspect documents.

This right is much broader and is based on the principle that any member has a prima facie right to inspect Council documents *so far as his or her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council*. This principle is commonly referred to as the "need to know" principle.

7.6 The exercise of this common law right depends therefore upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the particular Group Head or Deputy Chief Executive who holds the document in question (with advice from the Monitoring Officer).

7.7 Council information provided to Members should only be used for the purpose it is given, i.e. to help the Members discharge their duties as a Member. . The Code of Conduct restricts the disclosure of confidential information provided to Members.

7.8 Any Member encountering difficulty or uncertainty about access to documents should contact the Monitoring Officer.

7.9 For completeness, Members do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

8. Officer - Chair Relationships

8.1 It is clearly important that there should be a close working relationship between the Chair and Vice-Chair of a Committee and the Chief Officers who support that Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other Party Groups.

8.2 Whilst the Chair and Vice-Chair of a Committee (or Sub-Committee) will routinely be consulted as part of the process of drawing up the

agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chair/Vice-Chair and an Officer in this area should be referred to the Chief Executive for resolution.

- 8.3 It is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken only by the Council, a Committee, a Sub-Committee or an Officer.
- 8.4 The Council's delegation scheme and resolutions passed at Committee meetings authorise a named officer to take action, sometimes in consultation with one or more Members such as the Chair and Vice-Chair of a Committee. In these circumstances it is the officer, rather than the Member, who takes the decision or action and it is the officer who is accountable for it.
- 8.5 Finally, it must be remembered that officers within a Service Area are accountable to their Group Head or Deputy Chief Officer and that, whilst officers should always seek to assist a Chair (or indeed any Member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by their senior officer.

9. Involvement of Ward Members

- 9.1 Whenever a public meeting is organised by the Council about a local issue all Members representing the Ward or Wards affected will be advised and invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultation on a local issue, the Ward Members will be notified at the outset. Officers will keep Ward Members advised of significant issues which have an impact in their Ward.

10. Press and Media

- 10.1 The Council frequently issues press releases and has contact with the media to provide information about the Council's activities and policies.
- 10.2 The provision of information in this way is governed by the Local Government Act 1986 and a national Code of Practice for Local Authority Publicity. The Code is statutory guidance and the Council must have regard to it and follow its provisions when making any decision on publicity.
- 10.3 Particular restrictions apply about publicity issued during election periods.
- 10.4 The Leader, Deputy-Leader and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. Press releases on decisions by , the

Council or its Committees will be prepared by Officers and issued by the Communications department. They should be cleared with the Leader, and appropriate, Committee Chair and Vice-Chair before being issued and may include a statement from them (within the limits of statute and the Code of Practice).

- 10.5 Any press release that may be necessary to clarify the Council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the appropriate Group Head or the Monitoring Officer.
- 10.6 Press releases on routine service issues will be authorised by the relevant Deputy Chief Executive and may contain a factual quote from the relevant Officer.
- 10.7 For more detailed information and guidance on the Council's policy towards interaction with the press and media reference should be made to the Press and Media Protocol contained as an annex to this Part of this Constitution.

11. Freedom of Information

- 11.1 Officers are subject to the provisions of the Freedom of Information Act 2000 (FOIA) and Members may also be subject to the Act in respect of work undertaken on behalf of the Council as opposed to the political party. Both are reminded of their duties under the FOIA in respect of requests for information and any questions in this area should be addressed to the Council's Freedom of Information Officer.

12. Breaches of the Protocol

- 12.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Group Head or Deputy Chief Executive. Where the Officer concerned is a Group Head or Deputy Chief Executive, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.
- 12.2 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Members.
- 12.3 Where an officer feels that he or she has not been properly treated with respect and courtesy or is concerned about any action or statement relating to him/herself or a colleague by a Member, they should raise the matter with their line manager, Group Head or the Chief Executive as appropriate. In these circumstances the Chief Executive or Group Head will take appropriate action either by approaching the individual Member and/or the party group leader.

12.4 Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct.

12.5 Breaches of this Protocol by an Officer may be referred for disciplinary action.

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Spelthorne Borough Council

Press and media protocol

Published June 2021

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1. Summary

1.1 This protocol has been produced to establish good practice regarding the management of media relations at Spelthorne Council.

1.2 Given that not all situations can be covered in detail as much depends on a set of circumstances at any one time, this protocol is designed to be as flexible as possible yet retain a trusted and tested workflow.

1.3 The protocol applies to all Councillors, Committee Chairs, Committee Members and Council officers who may be contacted by local, regional, national or specialist media, and includes print as well as broadcast media.

2. Legal Framework

2.1 All press releases and media engagement on behalf of the Council will:

- (a) be in accordance with the Council's agreed Media Guidelines
- (b) be issued or organised through the Council's Communications team
- (c) be concerned only with matters of policy which relate to the Council's functions
- (d) not contain anything of a political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by local authorities, especially around election time, as summarised below.

2.2 Section 2 of the Local Government Act 1986 places a prohibition upon the Council that it:

"shall not publish any material which, in whole or in part, appears to be designed to support a political party. In determining whether material falls within the prohibition, regard shall be given to the content and style of the material, the timing and other circumstances of publication as well as the likely effect on those to whom it is directed. In particular, the following will be considered:

- (a) Whether the material refers to a political party or persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.
- (b) Where material is part of a campaign, the effect which the campaign appears to be designed to achieve.

2.3 The term 'publicity' is defined in the Act as "any communication in whatever form, addressed to the public at large or a section of the public."

2.4 Local authorities are also required by section 4(1) of the Act to have regard to the Code of Recommended Practice on Local Authority Publicity in coming to any decision on publicity.

3. The Publicity Code

3.1 The Code of Recommended Practice on Local Authority Publicity was last issued in 2011 can be found on the website of the Ministry of Housing, Communities & Local Government.

3.2 The Publicity Code is grouped into seven principles for local authorities to follow. The Council's publicity should:

- be lawful
- be cost-effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity

3.3 The Publicity Code gives recommended practice on a number of aspects of publicity covering subject matter, costs, content, dissemination, advertising, recruitment advertising, publicity about individual members of an authority, timing of publicity, elections, referendums and petitions, and assistance to others for publicity. The principles may be summarised as follows.

3.4 The principle of lawfulness is that an authority's publicity should comply with statutory provisions and advises that any paid-for advertising published by a local authority should comply with the Advertising Standards Authority's Advertising Codes.

3.5 The principle of cost-effectiveness is that local authorities should be able to confirm that consideration has been given to the value for money that the publicity is achieving, while recognising that in some circumstances this will be difficult to quantify.

3.6 The principle of objectivity requires local authority publicity to be politically impartial. The Publicity Code acknowledges that a council needs to be able to explain its decisions and justify its policies, but this should not be done in a way that can be perceived as a political statement or a commentary on contentious areas of public policy.

3.7 The principle of even-handedness has the effect that local authority publicity can address matters of political controversy in a fair manner and may contain links to other political sites or contain political logos on material hosted for third parties. But local authorities should ensure that publicity about the Council does not seek to affect support for a single councillor or group. The Publicity Code does, however, recognise that at times it is acceptable to associate publicity with a single member of the Council.

3.8 The principle addressing the appropriate use of publicity is that local authorities should refrain from retaining the services of lobbyists, i.e. political professionals whose job it is to bring their client's message to those in a position to influence policy.

Appropriate use of publicity is also about the frequency, content and appearance of council newsletters to prevent unfair competition with local newspapers. It sets out that generally the frequency of council newsletters should be no more than quarterly.

3.9 The equality and diversity principle is that publicity by local authorities may seek to influence positively the attitudes of local people in relation to matters of health, safety and other issues where publicity can have a positive influence on the behaviour of the public.

3.10 Finally, the principle that local authority publicity should be issued with care during periods of heightened sensitivity gives guidance as to how local authority publicity should be treated during period of elections and referendums, both national and local.

4. Context

4.1 The aim of this protocol is to ensure that Spelthorne Council makes the best use of its communications resources to support open, accessible, and responsive communications, whilst acknowledging that council resources may not be used for party political purposes.

4.2 It clearly sets out the respective roles of all Members and officers in dealing with the media.

4.3 Adherence to the protocol will ensure consistency of standards, accuracy of information and appropriate political and officer input with a view to protecting and enhancing the reputation of the Council.

4.4 The aim of the protocol is to ensure that the Council is seen to communicate in a professional and objective manner. In all cases, the Council's approach to the media should be:

- open and honest
- proactive
- responsive
- timely

4.5 The ability to act as quickly and decisively depends on being fully up-to-date as a Communications team. Councillors and officers should ensure issues which will affect the Council's reputation should be brought to the attention of the Communications team in confidence as soon as possible.

5. Communication Principles

5.1 The Council's Communication and Marketing strategy complies with the following principles:

- i) To support honest, open, two-way communication
- ii) To promote and protect the reputation of the Council
- iii) To regulate the correct use of the corporate identity and style

- iv) To ensure all publicity is produced in an easy to understand and accessible format and style
- v) To practice a proactive and planned approach to media handling, advertising, marketing, and wider communication
- vi) To provide effective communication and marketing support
- vii) To promote the Council's vision, priorities, and policies
- viii) To set standards on communicating with hard-to-reach groups
- ix) To support effective partnership working through developing communication strategies for joint projects

5.2 The Council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code provides statutory guidance, and the Council must have regard to it and follow its provisions when making any decision on publicity. This is explained in sections 2 and 3 above.

6. Communications Team

6.1 The Council's Communications team provides advice and support to all services areas and elected members. Its main roles are to manage and maintain relationships and reputation, as well as to promote pro-active publicity on council policy, local authority partnerships, local initiatives / achievements and other issues affecting the Council and the borough.

6.2 The Communications team should be the first point of contact for all media enquiries and all outgoing publicity or potential promotional opportunities with the press or any other publications. Their expertise and knowledge support elected members and officers to ensure opportunities for proactive positive news are maximised and negativity is mitigated and managed where possible.

6.3 No press releases or publications should be issued on behalf of the Council without the involvement of the Communications team.

6.4 The Council's communication resources may not be used to affect, or be designed to affect, public support for a political party or to provide a political advantage to a councillor.

7. Media Relations

7.1 Spelthorne Council values the media as one of its key partners in communication and aims to forge strong professional links with local, regional, and national media. The Council is committed to being transparent and maintaining a positive working relationship with media. We respect the right of the media to report on any given topic.

7.2 Providing a professional information service to the media is a key responsibility for the Council. The Council takes a proactive approach to working with the media wherever possible.

7.3 The way in which the Council is portrayed in the media has a major influence on how it is perceived, and every opportunity should be taken to publicise the Council's services, decisions, policies, and initiatives.

7.4 All councillors and officers should support the Communications team in responding to media enquiries in a timescale that meets journalists' deadlines. If the Council fails to reply in time, the journalist may source their story elsewhere or record a 'No comment' response, which may not be in the Council's interests.

7.5 The Communications team will never knowingly mislead the media on a story. To maintain a good long-term relationship, the team needs to be trusted by the media and the wider community.

8. Processes

8.1 Media enquiry

8.1.1 All media enquiries should be referred to the Communications team in the first instance. This enables the service to make a judgement about how an enquiry should be answered and by whom. The response can often be handled with a written statement.

8.1.2 The vast majority of Council publicity will include a written quote or interview, which can help to make the content more interesting and provide an authoritative voice on the subject matter. In certain cases, where a press release or statement is simply to provide a brief announcement or notice, this may not be necessary.

8.2 Spokespeople

8.2.1 One of the most important aspects of dealing with and managing media is being able to provide a prompt response to a query, question, or interview request. The sooner we can respond and involve ourselves in the story, the greater the chance to influence it. This is especially important where the Council's reputation might be affected.

8.2.2 We will also work to influence the news agenda proactively by offering people for interview or providing case studies to illustrate topical issues. We will use our forward planning process to identify opportunities in advance but may still want/have to exploit on-the-day stories particularly when there is breaking news or developing stories.

8.2.3 It is important that quotes are attributed to an individual as this demonstrates responsibility and counters perceptions that the Council is a faceless and unaccountable organisation.

8.2.4 The Leader, Deputy-Leader and Committee Chairs can act as spokespeople for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader and Chairs should liaise with the Communications team on all forms of contact with the press and media.

8.2.5 Where a matter has significant implications for policy or the reputation of the Council, the Leader of the Council will be contacted.

8.2.6 Quotes will be attributed to officers on any specific operational issues which requires technical or in-depth knowledge to articulate. Officers will be quoted in circumstances where a member of the public would reasonably expect an operational, officer perspective. Communications staff will advise with recommendations. These situations will be such as when:

- there is a need to respond extremely quickly in changing circumstances to maintain the flow of information to the public (e.g. an emergency road closure or an environmental health investigation)
- specific technical information is being explained
- there is a legal aspect to the comment which would benefit from attribution to a professional officer rather than a politician. The Leader of Council and/or relevant Committee Chairs will be quoted in all other press releases.

8.2.7 Where the appropriate responsible Committee Chair or Vice-Chair is unavailable within media deadlines, and therefore unable to approve comment that would otherwise be attributable to him/her, the Leader of the Council will be quoted or an alternative suitable responsible councillor.

8.2.8 In the event of neither an appropriate Committee Chair/Vice-Chair nor the Leader of the Council being available, an appropriate responsible officer will approve the quote, which will be attributed to a 'council spokesperson'. Whilst this is not best practice from a public transparency or accountability perspective, it does serve to reinforce the clearly defined roles of councillors and officers in the decision-making process.

8.2.9 Quotes, comments and statements will reflect the factual representation of the Council's or Committee's decisions, and not that of the individual and/or political party views.

8.2.10 Party and political group views, decisions and communications are separate from the role of the Council's Communications team and should be conveyed through news releases and publications resourced and issued by their own groups and be clearly endorsed with the name of the political group concerned. The Communications team as a matter of courtesy would appreciate copies of any release which a political group sends out.

8.3 Approval process

8.3.1 For both news releases and press statements relating to a specific service area, sign-off will be required by the relevant service area officer and Committee Chair, prior to issuing. However, where the matter represents a major policy announcement or significant change in direction/resources for the Council, the Leader will be asked for sign-off (Deputy Leader in their absence).

For example, a press release regarding the Community Centres would be signed-off by the Chair for the Community Wellbeing Committee, whereas a press release regarding the Council's response to Covid would be signed-off by the Leader.

8.3.2 Where a quote is required, the Communications team will prepare a narrative, which will be forwarded to the relevant Committee Chair for approval.

8.3.3 In addition, and again prior to the issuing of any news release, statement or channel of communication, Committee Chairs and Group Spokespeople will be fully briefed. Whenever that is not reasonably practicable, such as where time sensitive or response issues may arise, a separate briefing will take place between the Chief Executive/Service Head, relevant Member and the Communications Manager.

8.3.4 In exceptional circumstances, where an urgent response is required to meet a tight deadline, the Assistant Chief Executive, and/or Deputy Head of Service will provide approval in their absence.

8.4 Proactive media

8.4.1 Positive media coverage supports the reputation of the Council.

8.4.2 When issuing proactive media, all content will follow a corporate style appropriate for the media being targeted, and a central record will be maintained. All releases will accurately reflect the corporate view of the Council, contain relevant facts, and include an approved quotation from the appropriate Committee Chair.

8.4.3 All official Council news/press releases will be placed on the Council's website within one working day of issue.

8.4.4 Any officer contacted by a journalist requesting an interview should refer the journalist to the Communications team who will liaise with the appropriate Committee Chair.

8.4.5 Officers should never give their opinion on specific Council policy and should keep to the corporate line and key messages. Their role is to provide expertise and factual knowledge only, in support of the Council's approved and agreed policies.

8.5 Negative media

8.5.1 From time- to-time the Council must respond to negative issues. It is important that these situations are managed carefully to limit the potential for negative publicity.

8.5.2 Members and officers must alert the Communications team as soon as a potentially negative issue which may attract media interest comes to light. They should not wait until contact is made by the media.

8.5.3 Members and officers must be prepared to work together to prepare holding statements and carry out research even if no contact has been received from the media.

8.5.4 When preparing a response, the following strategy will be followed:

i) where the Council has made a substantial mistake, it will explain what went wrong and what it is doing to put it right. It will not be defensive but take the attitude that it can learn from its mistakes.

ii) where the media has made a substantial mistake in reporting the activities of the Council it will quickly and assertively explain the mistake to the media and seek a right of reply.

9. Correcting Inaccurate Reporting

9.1 Should the media publish/broadcast an inaccuracy relating to Council business, policy or process, a quick decision will be taken on any action necessary to correct it.

9.2 The issue will be discussed with the appropriate Committee Chair and Chief Executive and a plan of action agreed.

9.3 It should be noted that in the case of minor inaccuracies which have little or no impact on the message being conveyed, it can sometimes be counterproductive to complain. Each case must be judged individually.

10. Media Ahead of Meetings

10.1 Committee (and other) agendas/ reports are available online 7-10 days prior to a meeting. This provides adequate notice for the media pick up many stories ahead of meetings.

10.2 In the period between the publish date of agenda and reports, the Communications team will draw up a schedule of communications to promote, manage and/or negate any potential outcomes. This can be shared with Members and officers.

10.3 Members of the media are welcome to attend live streamed Council and Committee meetings. During the meetings Members should be mindful that any comments and messages should be put across in a manner which gives the journalist an accurate picture, rather than relying on the journalist's interpretation of what can be a complex issue or report.

11. Timings of Publicity

11.1 The Communications team will make every effort to ensure that officers and Members are informed before they are exposed to significant issues through the media.

11.2 In an increasingly fast and pervasive communications environment this will not always be possible. When holding media briefings or issuing news releases, the Communication team will use a range of methods to inform Councillors and staff including the intranet, Teams and e-mail.

12. Publicity in Election Periods

12.1 In the period between the notice of an election and the election itself, all proactive publicity about candidates or other politicians is halted. This applies to local, national, and European elections.

12.2 During this period Council publicity should not deal with controversial issues or report views, proposals or recommendations in a way that identifies them with individual Members or groups of Members. This is to make sure that no individual Councillor or political party gains an unfair advantage by appearing in corporate publicity.

12.3 In these circumstances, where a quote is required, the relevant officer may be quoted, in accordance with the guidelines in this protocol.

PLANNING CODE

Introduction

1. The purpose of this Code is to give clear guidance to all councillors about how they should carry out their duties in relation to planning and development proposals to ensure openness, impartiality, transparency and consistency in planning decisions.
2. This Planning Code should be read in conjunction with the Members Code of Conduct and the Planning in Probity Guidance issued by the LGA.

General Role of Councillors

3. Councillors have a special duty to their ward constituents, including those who did not vote for them, but their overriding duty is to the whole community.
4. Whilst representing their constituents on planning issues and taking account of their views, councillors must make their decision within the statutory planning framework and base these on material planning considerations and what they believe is best for the Borough as a whole. A councillor is not under any obligation to represent a resident on a specific planning application if, in the opinion of the councillor, there are no issues which have wider significance for the neighbourhood, ward or Borough as a whole.
5. Planning decisions cannot be made on a party political basis in response to any lobbying.

General Role of Staff

6. Staff are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice based on the statutory planning framework, planning policies and procedures, ensuring councillors are aware of all relevant material planning considerations before decisions are made.

Codes of Conduct

7. Both councillors and staff are required to observe codes of conduct and statutory provisions the aim of which is to ensure the integrity of the Council and individual councillors. These codes and procedures require the open disclosure of any pecuniary, non-pecuniary and conflict of interests in matters being considered by the Council or its committees. Councillors and staff are also advised not to accept any gifts or hospitality, which might reasonably be considered to influence their judgement and to record any they do accept in the registers maintained for the purpose. Planning decisions in particular can affect the daily lives of everyone and it is important to ensure there can be no justifiable grounds for suggesting a decision has been biased or influenced in any way.
8. Training and guidance on the Code of Conduct for Members on the declaration of interests, is provided to all councillors by the Council's Monitoring Officer. Members of the Planning Committee must be particularly careful to ensure that they are familiar with this. It is the personal responsibility of individual

councillors to ensure they comply with the code and make all appropriate declarations at Planning Committee. If in any doubt they should seek advice from the Monitoring Officer or the solicitor to the Planning Committee, before the commencement of any meeting, or as soon as possible if it arises during the course of a meeting. Staff with an interest in property in the vicinity of an application or any relationship to an applicant, should disclose this to the Planning Development Manager, who will record the interest and make appropriate arrangements for the handling and supervision of the application to avoid any perception of a conflict of interest.

Lobbying of and by Councillors

9. Lobbying of councillors for or against proposals is a normal part of the planning process. The rules of natural justice mean that planning applications should be determined in an open and fair manner and taking account of relevant information and arguments. It is only at Planning Committee meetings that councillors will have, and be able to consider, all the relevant information and arguments about an application before making a decision.
10. Councillors should feel free to engage in free and frank discussion about all aspects of planning applications in advance of the Committee. Councillors may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. However, it is important to maintain the integrity of individual councillors and the Council as a whole that Members of the Planning Committee should:-
 - a) if lobbied, explain that, whilst they can listen to what is said, they cannot indicate before the relevant Committee meeting which way they intend to vote as it would prejudice their impartiality;
 - b) preface any discussion on a planning application to make it clear from the outset that discussions are not binding and they will only be able to make a final decision at the Committee after hearing all relevant information and arguments;
 - c) declare at the Committee meeting, any contact they have had with applicants or objectors;
 - d) advise Planning Officers of letters/personal lobbying in relation to applications so the issues raised can be taken into account in the professional advice given to the Planning Committee.
 - e) abide by the guidance in this Code with relation to site visits;
 - f) not organise support or opposition to any planning application, lobby other councillors or put pressure on staff for a particular recommendation because this might remove them from the decision making process.
11. Councillors are encouraged to be responsive to all residents about planning matters. Frequently, applications are daunting for residents who need advice and support about the issues which they raise. All councillors are able to have discussions with residents about planning applications even if that councillor is on Planning Committee.

Declarations of interest

12. If a councillor has received advice from the Monitoring Officer with regard to a declaration: a Disclosable pecuniary interest, non-pecuniary or conflict of interest, then he / she may disclose the fact that such advice has been given at the time when the declaration or interest is disclosed.

Predetermination and Predisposition

Predisposition

13. Predisposition is lawful. Councillors may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. The key issue is that the councillor ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the councillor retains an “open mind”.
14. Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or predetermination “just because” a councillor has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a councillor has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought from the Monitoring Officer where this may be the case.

Pre-determination / Bias

15. Predetermination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a councillor has made his/her mind up on a decision before considering or hearing all the relevant evidence.
16. Bias can also arise from a councillor’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, councillors may also consider that a “non-pecuniary interest” or Conflict of Interest under the Code of Conduct also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but councillors who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.
17. Members of the Planning Committee should bear in mind that it would not be appropriate to call-in an application, for consideration for the whole committee if they have already predetermined the matter themselves.

Meetings and pre-application discussions

18. Planning staff frequently hold meetings or have correspondence with applicants to give pre-application advice on their development ideas. Such advice will cover general planning policy applicable to a site, technical design and other requirements and the likelihood of a development being acceptable. Such pre-

application advice, is given is on a confidential basis so as to encourage early contact with the Council which can assist in better planning proposals coming forward or ideas which have no prospect of being acceptable being abandoned at an early stage.

19. These meetings or exchanges of correspondence are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation of Planning officers to the Committee and the decision of the Committee when all information is before it.
20. All applicants are encouraged to carry out pre-application consultation with neighbours to try and resolve issues at an early stage. For larger schemes this may be a more formal public consultation. Where councillors attend such pre-application consultation meetings run by the applicant they should abide by the guidance in this Code. The expectation is that where councillors are invited to attend that the applicant invites all ward councillors.
21. It is important that councillors do not give views to potential applicants either through pre-application consultations or other meetings that could be interpreted by them as giving planning advice and in turn taken as implied support for a proposal if those views are then followed.
22. If a councillor wishes to arrange a meeting with planning staff for themselves and a small number of constituents about a planning application this will be arranged at the Council Offices. If requested to do so staff will try to attend meetings arranged by councillors with their constituents away from Knowle Green provided all ward councillors are invited to attend.
23. If attending public meetings arranged by local groups about a planning proposal the principles outlined above should be followed and, councillors of the Planning Committee should try to maintain an impartial role, listening to what is said but not expressing any opinion which could be construed as a final or fixed position. Planning Officers will not normally attend public meetings unless their attendance has been agreed by the Planning Development Manager and representatives of both the applicant and objector are given the opportunity to be present. Ward Councillors and the Chairman of the Planning Committee will be advised of any public meeting in relation to a planning issue or which Planning Officers have agreed to attend.

Presentations on Likely Major Development Proposals

24. For large or complex schemes the Council may arrange appropriate presentations to Councillors by the applicant. This is seen as beneficial to inform councillors at an early stage and to encourage pre-application discussion and free flow of information on what are often complex or controversial issues. The Council itself will also organise presentations to keep councillors informed generally on matters which appear to have or are likely to have strategic importance for the Borough. The Planning Development Manager may also organise technical briefings on major developments at which developers may be present. At any such presentations councillors should abide by the guidance in this Code, listening to presentations, raising concerns and questions, debating the issues but not coming to fixed or final positions in advance of the full debate at Planning Committee.

Site Visits

25. Formal site visits by the Planning Committee are rare because of the amount of material, including plans and photographs submitted with planning applications included in the Planning Committee agenda and presented at Planning Committee. Where they do occur, they must be undertaken in accordance with the guidelines attached at **Appendix 'A'**. The necessity for such a visit will be agreed between the Chairman of the Committee and the Planning Development Manager in advance. Ward Councillors who are not members of the Committee will be advised of any site visit and invited to attend. Members of the Planning Committee will often wish to make informal visits to an application site prior to Planning Committee to familiarise themselves with the context of the proposal. Such visits are encouraged. Please note that councillors have no right of entry to the application site. Provided that no other persons are present then councillors do not need to declare such a visit at Planning Committee. If other people are present at the site visit (e.g. applicant or objector) then councillors should have regard to the advice in paragraph 7 (lobbying) and are advised to declare such a visit at Committee before consideration of the item.

Planning Officer Reports to Committee

26. All matters requiring a decision by the Planning Committee must be the subject of a written report from Planning Officers which will give an accurate summary of all relevant planning issues. In particular it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the substance of objections. The report will include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is printed will be reported verbally to the Committee at its meeting.

Procedure at Committee Meetings

27. Applicants and objectors will be able to address the Planning Committee in accordance with the protocol attached at **Appendix 'B'**. Further information on how to ask to speak at the Committee and the issues that can be covered are set out in the Planning pages of the Council's website.
28. Where there are major applications which require special consideration because of the large number of people wishing to speak, then the Chairman may, in his or her discretion, make provision for public speaking rights in excess of the usual procedure. The Chairman will be guided by the need to ensure overall fairness in the proceedings within the constraints of the time allowed in the meeting.
29. Where councillors who are not members of the Planning Committee have indicated to the Chairman, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the Committee. Non-members of the Committee should comply with the procedure for declaration of interests and contact with the applicant or objectors if they attend and speak at a Committee meeting in the same way as members of the Committee.

Ward councillors may wish to address Planning Committee on:

- Applications which have caused interest amongst large numbers of residents of the Ward
- Applications which have significance for the character, facilities or environment of the Ward.

Ward Councillors should not usually seek to address Planning Committee on:

- Matters which are the subject of a dispute between two residents of the Ward
- Matters which reflect the concerns of one resident only, unless there is some reason why the resident is not able to speak for himself at the Planning Committee.

Call-in procedure

30. Councillors must take the following into account before 'calling-in' a planning application for consideration by the Planning Committee:

- a) Subject to the terms of reference of the Planning Committee and these rules a planning application other than those identified in the weekly Planning Publicity Schedule can be called in by a Councillor for determination by the Committee;
- b) A councillor may only call-in an application which is in his or her ward. If the councillor considers that there is a matter of public interest arising in an application situated in another ward, then early contact should be made with the relevant ward councillors;
- c) The guiding principle of 'Call-In' is that there is a material planning concern, in the application being considered by the Committee. The decision to refer an application to the Planning Committee rests with the Planning Development Manager.
- d) Prior to a councillor calling in an application, he/she must inspect the submitted plans and is advised to discuss the application with the relevant case/planning officer.
- e) The 'call-in' will be activated by an email to the Planning Development Manager **and** the case officer which must give a material planning reason why it should be determined by the Committee;
- f) The email must be received by Planning Officers no later than one day after the end of the public consultation period for that application. The date of which is set out on the weekly Publicity Schedule in which it was publicised;
- g) The Committee report will identify the councillor who called in the application along with the reason given;
- h) Councillors who 'call-in' an application are expected to attend and speak at the Planning Committee setting out their concerns and issues. This will inform the general debate of the committee;
- i) If a councillor is unable to attend for any reason, they should send a statement to the Chairman setting out their issues and concerns so that they can be read out at the committee meeting.

- j) Where the councillor who 'Called-in' an application is a member of the Planning Committee, that councillor will be given three- minutes to speak following the public speakers and may then speak again as a member of the Committee during its debate on the item.

Decision Making

31. A decision on a planning application cannot occur before the Committee meeting when all available information is to hand. All Councillors should bear in mind the need to keep an open mind about all the available evidence on a planning application.
32. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. If the Planning Officer's report recommends a departure from the development plan the justification for this must be included in the report.
33. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application should always be minuted as should any conditions attached to an approval.
34. Members are reminded that the Planning Committee meeting is held in public and should therefore ensure that the seven principles of public life are observed.
35. Members of the Planning Committee who require information which is not contained within the Planning Committee report should submit a request in writing to the Planning Development Manager at least one working day before the Planning Committee meeting.
36. The purpose of the Planning Committee meeting is to fully explore all relevant matters and concerns of councillors pertaining to an application before a decision is made. Councillors should prepare in advance of the meeting.
37. Where a councillor decides to vote against a recommendation, this should only arise once:
 - (a) The concerns have been articulated by the councillor to allow other members of the Committee to comment on them and officers to advise on them; or
 - (b) Where another member has spoken in the debate and articulated those concerns and the councillor concerned has indicated that he or she is of the same mind as that councillor.
38. If the Committee wishes to make a decision contrary to the Planning Officers' advice, a member of Planning staff present at the meeting should be given the opportunity to explain the implications of such a decision. If the Committee wish to refuse an application the reasons for doing so must be clear, cogent and comprehensive. They must also be based on planning policies, and provide a clear account of members' rationale for not accepting the Officer recommendation. Similarly, any additional planning conditions must be properly justified and expressed. The decision and reasons for it as agreed by the Committee must be minuted.

39. Members of the Planning Committee who are minded to propose an outcome against Planning Officer advice should first seek advice from the Planning Development Manager prior to the application being determined at a Planning Committee, at least one working day before the Planning Committee meeting. Any motion contrary to Planning Officer advice must be formulated in writing with material planning reasons.. Councillors should be prepared to explain in full their material planning reasons for not agreeing with the Planning Officer's recommendation prior to making any decision. Councillors should not rely on staff to produce the material planning reasons for their motion at the meeting.

Applications Involving Councillors, Staff or the Council

40. Any planning application made by a councillor, member of staff or the Council itself should be determined by the Planning Committee and not by the Planning Development Manager under delegated powers, unless they relate to types of 'application' which do not relate to planning merits but are a legal determination as to whether permission is required or are otherwise forms of notification to the Council including that 'permitted development' is proposed under what are called 'prior approval' procedures – in these cases the Planning Development Manager will determine the application after discussion with the Chairman of the Planning Committee or, if unavailable, the Vice Chairman.
41. Councillors and Planning Officers must inform the Monitoring Officer of any proposals to submit an application, prior to their submission.
42. Members of the Planning Committee and staff should not act as agents for another person or body pursuing a planning matter with the Council and, if they do, any planning decision must be made by the Planning Committee and not under delegated powers.
43. Whenever possible a councillor making a planning application should appoint an agent to act on their behalf. The councillor must take no part in making a decision on the application and should leave the room for that item if in attendance.

Involvement of Councillors in Appeals

44. Where a councillor wishes to play a part in any appeal, he/she should seek first the advice of the Planning Development Manager and as a courtesy, inform the relevant Ward Councillors.

Training of Councillors in Planning Issues and Procedures

45. No councillor should be appointed to the Planning Committee without having agreed to undertake suitable induction training and familiarisation in planning procedures and the Code of Conduct. The Planning Development Manager, with the support of the Monitoring Officer, and after consultation with the Chairman of the Planning Committee, will arrange suitable ongoing opportunities as required and will supplement this with written guidance. It is expected that such induction should take place within three months of appointment to the Committee.
46. It is also envisaged that all members of the Council will engage in induction and familiarisation about planning matters and this Planning Code so that as Ward Councillors, they can effectively represent residents and promote the interests of the Borough as a whole.

Substitutions to Planning Committee

47. Substitutions to Planning Committee will be permitted in accordance the Council's Scheme for Substitutions as set out in the Constitution.

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How Spelthorne Borough Council intends to meet the Principles of Good Corporate Governance

This Appendix sets out how Spelthorne Council aims to work to the principles of good Corporate Governance.

What is Corporate Governance?

Corporate Governance is about the systems, processes and values by which Councils operate and by which they engage with, and are held accountable to, their communities and stakeholders.

Spelthorne Borough Council is committed to the principles of effective corporate governance and has therefore adopted a Code of Corporate Governance which follows the latest guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE), entitled "Delivering Good Governance in Local Government (2016)".

The guidance defines the seven core principles, each supported by subprinciples that should underpin the governance framework of a local authority.

- A - Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rules of law.
- B - Ensuring openness and comprehensive stakeholder engagement.
- C - Defining outcomes in terms of sustainable economic, social and environmental benefits.
- D - Determining the interventions necessary to optimise the achievement of the intended outcomes.
- E - Developing the Council's capacity, including the capability of its leadership and the individuals within it.
- F - Managing risks and performance through robust internal control and strong public financial management.
- G - Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.

What are the benefits of having a Code of Corporate Governance?

Good governance leads to good management, good performance, good stewardship of public money, good public engagement and ultimately good outcomes for citizens and service users. It enables the Council to pursue its vision effectively as well as underpinning that vision with mechanisms for control and the management of risk.

The Council has a robust governance framework in place. The documents and arrangements which comprise the framework demonstrate that the Council continually seeks to ensure it is and remains, well governed, through integration of its processes and structures with the core principles of the CIPFA/SOLACE framework into all aspects of the Council's conduct and operation.

The Monitoring Officer is responsible for ensuring the Code is reviewed regularly, and the outcome of the review, along with any required amendments is reported to the Corporate Policy and Resources Committee for approval.

Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

Summary:

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Behaving with integrity</p>	<p>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation</p> <p>Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)</p> <p>Leading by example and using the above standard operating principles or values as a framework for decision making and other actions</p> <p>Demonstrating, communicating and embedding the standard operating principles or values through</p>	<p>Maintain shared values between the Council and its officers. These are defined in the Constitution and reflect public expectations about the conduct and behaviour of individuals.</p> <p>Use shared values as a guide for decision making and as a basis for developing positive and trusting relationships within the Council. We demonstrate this by adherence to the Constitution.</p> <p>Have adopted formal codes of conduct defining standards of personal behaviour for Members and Officers</p> <p>Maintain a Committee to support the Members' Code of Conduct to raise awareness and take the lead in ensuring high standards of conduct are embedded within the Council's culture.</p>	<ul style="list-style-type: none"> • The Constitution which includes: <ul style="list-style-type: none"> ○ Financial procedure Rules ○ Contract Standing Orders ○ Anti-Fraud and Corruption Policy ○ Anti-Bribery Policy ○ Rules relating to members external interests (Register of Interests) • Human Resources Policies • Staff Induction Procedures

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.		
Demonstrating strong commitment to ethical values	<p>Seeking to establish, monitor and maintain the organisation's ethical standards and performance</p> <p>Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation</p> <p>Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</p> <p>Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation</p>	<p>Have put in place arrangements to ensure that Members and officers of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders. We have put in place appropriate processes to ensure that these arrangements are workable including declaration of interests and anticorruption policies.</p> <p>Ensure that systems and processes for financial administration and control together with protection of the Council's resources and assets comply with ethical standards; and are subject to monitoring of their effectiveness.</p>	<ul style="list-style-type: none"> • Members' Induction Procedures • Member's Code of Conduct • Staff Code of Conduct • Scheme of Delegation to officers • Information Security Policy
Respecting the rule of law	<p>Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations</p> <p>Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</p> <p>Striving to optimise the use of the full</p>	<p>Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making if appropriate.</p> <p>Officers will actively recognise the limits of lawful activity placed on them but also strive to utilise their powers to the full benefit of their communities.</p> <p>Officers will observe all specific legislative requirements placed upon the Council as well as</p>	<ul style="list-style-type: none"> • Money Laundering Policy • Whistle-blowing Policy • Rules relating to members external interests (Standing Orders) • Annual Governance Statement

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>powers available for the benefit of citizens, communities and other stakeholders</p> <p>Dealing with breaches of legal and regulatory provisions effectively</p> <p>Ensuring corruption and misuse of power are dealt with effectively</p>	<p>the requirements of general law, and in particular integrate the key principles of administrative law – rationality, legality and natural justice into the procedures and decision making.</p> <p>Have put in place effective systems to protect the rights of staff. We ensure that policies for whistleblowing which are accessible to staff and those contracting with the Council, and arrangements for the support of whistle blowers, are in place.</p> <p>Publish an Annual Governance Statement, signed by the Leader and the Chief Executive, and reviewed through the Audit Committee to review the effectiveness of the Council's governance framework</p>	<ul style="list-style-type: none"> • External inspections of accounts • Internal Audit Annual Plan • Assurance Framework supporting the Annual Governance Statement • Equal Opportunities Policy • Registers of Gifts and Hospitality • Legal (Monitoring Officer) Role • Corporate Complaints Procedure • Standards Committee (supporting Members' observation of their Code of Conduct) • Overview and Scrutiny functions

Principle B - Ensuring openness and comprehensive stakeholder engagement.

Summary:

Local government is run for the public good; organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Openness	<p>Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness</p> <p>Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</p> <p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</p> <p>Using formal and informal consultation and engagement to determine the most appropriate and effective</p>	<p>Ensure that the Council's priorities within the Corporate Plan and targets are developed in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.</p> <p>Maintain a culture of accountability so that Members and Officers understand to whom they are accountable and for what.</p> <p>Strive to engage with stakeholders on an individual and collective basis to demonstrate that we deliver services and outcomes that meet the needs and expectations of the public. These arrangements will recognise that different sections of the community have different priorities and establish robust processes for dealing with these competing demands.</p>	<ul style="list-style-type: none"> • Corporate Plan • Consultation strategy • Constitution • Scheme of Delegation to officers • Budget reports • Corporate Risk Register and risks identified in committee reports

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	interventions/courses of action		
<p>Engaging comprehensively with institutional stakeholders</p>	<p>NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.</p> <p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</p> <p>Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</p> <p>Ensuring that partnerships are based on trust, a shared commitment to change and a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit</p>	<p>Publish reports giving information on the Council's strategies, plans and financial statements as well as information about outcomes, achievements.</p> <p>Ensure that the Council as a whole is open and accessible to the community, service users and staff and we are committed to openness and transparency in all dealings.</p> <p>Publish all committee reports under Part 1 – open for inspection the public - unless there is a legitimate need to preserve confidentiality on the basis of the statutory tests.</p>	<ul style="list-style-type: none"> • Statement of Accounts • Cabinet Forward Plan • Council Website • Formal consultation arrangements and staff surveys • Community and voluntary sector representation on Partnership Boards • Freedom of Information publication scheme • Overview and Scrutiny functions • Community Safety • External Auditor provides an annual organisational assessment of the Council's performance through the Value for Money conclusion
<p>Engaging stakeholders effectively, including</p>	<p>Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service</p>	<p>As above</p>	<p>As above</p>

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>individual citizens and service users</p>	<p>users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes</p> <p>Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement</p> <p>Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs</p> <p>Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account</p> <p>Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity</p> <p>Taking account of the impact of decisions on future generations of tax payers and service users</p>		

Principle C - Defining outcomes in terms of sustainable economic, social, and environmental benefits.

Summary:

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the authority's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Defining outcomes</p>	<p>Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions</p> <p>Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer</p> <p>Delivering defined outcomes on a sustainable basis within the resources that will be available</p> <p>Identifying and managing risks to the achievement of outcomes</p> <p>Managing service users' expectations effectively with regard to determining priorities and making</p>	<p>Make a clear statement of the Council's purpose and use it as a basis for corporate and service planning.</p> <p>Publish annual reports to communicate the Council's activities and achievements, its financial position and performance.</p> <p>Ensure that those making decisions are provided with financial and non-financial information that is fit for the purpose relevant, timely and gives clear explanations of technical issues and their implications.</p> <p>Identify and monitor service performance indicators which demonstrate how the quality of service for users is to be measured.</p>	<ul style="list-style-type: none"> • Corporate Plan • Budget Reports • Audit Reports • Statement of Accounts • External Auditors letter & reports • External Audit Inspections • Performance management framework • Project Management arrangements

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	the best use of the resources available Sustainable economic, social and environmental benefits		
Defining sustainable economic, social and environmental benefits	<p>Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision</p> <p>Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints</p> <p>Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs</p> <p>Ensuring fair access to services</p>	<p>Maintain a prudential financial framework, balance commitments with available resources; and monitor income and expenditure levels to ensure this balance is achieved.</p> <p>Ensure compliance with the CIPFA codes regarding a Prudential Framework for Capital Finance and Treasury Management.</p>	<ul style="list-style-type: none"> • Project Management arrangements • Treasury Management strategy • Regular budget reporting • Internal and external audit

Principle D - Determining the interventions necessary to optimise the achievement of the intended outcomes.

Summary:

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Determining interventions	<p>Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided</p> <p>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts</p>	<p>Make a clear statement of the Council's purpose and use it as a basis for corporate and service planning.</p> <p>Clear process for decision making.</p> <p>Have risk management arrangements in place including mitigating actions to support the achievement of the Council's intended outcomes.</p> <p>Ensure that there are effective arrangements in place to monitor service delivery.</p>	<ul style="list-style-type: none"> • Corporate Plan • Risk Management Framework • Service Plans • Service Risk Registers • Performance Management Reports to Committees and to the Leadership Team • Business Continuity Plans
Planning interventions	Establishing and implementing robust planning and control cycles	Put in place effective arrangements to deal with a failure in service delivery and explore	<ul style="list-style-type: none"> • Emergency & Resilience Plans

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>that cover strategic and operational plans, priorities and targets</p> <p>Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered</p> <p>Considering and monitoring risks facing each partner when working collaboratively, including shared risks</p> <p>Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances</p> <p>Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured</p> <p>Ensuring capacity exists to generate the information required to review service quality regularly</p> <p>Preparing budgets in accordance with objectives, strategies and the medium term financial plan</p> <p>Informing medium and long term resource planning by drawing up realistic estimates of revenue and</p>	<p>options for improving service delivery and outcomes for our residents.</p> <p>Have prepared contingency arrangements including disaster recovery plans and business continuity plans to ensure resilience in delivering services, for example during adverse weather conditions.</p> <p>Provide senior managers and Members with timely financial and performance information.</p> <p>Ensure that budget calculations are robust.</p> <p>Align financial and performance data to provide an overall understanding of performance.</p>	<ul style="list-style-type: none"> • Feedback from consultation exercises • Monitoring of all KPI's and key projects. • Budget monitoring arrangements. • Project monitoring and action taken to support the implementation of key projects. • Process for committee approvals and delegated approval

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	capital expenditure aimed at developing a sustainable funding strategy		
Optimising achievement of intended outcomes	<p>Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints</p> <p>Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term</p> <p>Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage</p> <p>Ensuring the achievement of 'social value' through service planning and commissioning</p>	As above	As above

Principle E - Developing the Council's capacity, including the capability of its leadership and the individuals within it.

Summary:

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve their intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an authority operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership of individual staff members. Leadership in local government entities is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Developing the Council's capacity</p>	<p>Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness</p> <p>Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently</p> <p>Recognising the benefits of partnerships and collaborative working where added value can be achieved</p> <p>Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources</p>	<p>Through the Constitution set out a clear statement of the respective roles and responsibilities of the Committees and individual Members.</p> <p>Set out a clear statement of the respective roles and responsibilities of the Council's senior officers.</p> <p>Have developed protocols to ensure effective communication between Council Members and officers in their respective roles.</p>	<ul style="list-style-type: none"> • Constitution • Annual Pay Policy Statement • Members' Allowance Scheme • Scheme of Delegation

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Developing the capability of the Council's leadership and other individuals</p>	<p>Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained</p> <p>Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body</p> <p>Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority</p> <p>Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:</p>	<p>Conduct for Elected Members are adhered to.</p> <p>Assess the skills required by Members including the understanding of financial systems.</p> <p>Assess the skills required by officers through the appraisal process and address any training gaps, to enable roles to be carried out effectively.</p> <p>Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.</p> <p>Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Council.</p> <p>Provide the Chief Finance Officer with the resources, expertise and systems necessary to perform the role effectively within the Council.</p> <p>Provide operational divisions with the resources, expertise and systems necessary to perform the role effectively within the Council.</p> <p>Monitor all key corporate projects</p>	<ul style="list-style-type: none"> • Personal Development Plans • Appraisals • Member Induction & Development Programme • ICT Digital Strategy • Organisational Development Plan? • Project management arrangements • Corporate Projects Register

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>— ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged</p> <p>— ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis</p> <p>— ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external</p> <p>Ensuring that there are structures in place to encourage public participation</p> <p>Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</p> <p>Holding staff to account through regular performance reviews which</p>		

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>take account of training or development needs</p> <p>Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing</p>		

Principle F - Managing risks and performance through robust internal control and strong public financial management.

Summary:

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery, and accountability. It is also essential that a culture and structure for scrutiny is in place as a key part of decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful delivery.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
Managing risk	<p>Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</p> <p>Implementing robust and integrated risk management arrangements and ensuring that they are working effectively</p> <p>Ensuring that responsibilities for managing individual risks are clearly allocated</p>	<p>Maintain an effective Audit Committee which is independent of the executive and scrutiny functions.</p> <p>Ensure that risk management is embedded into the culture of the Council, with Members and managers at all levels recognising that risk management is part of their job.</p>	<ul style="list-style-type: none"> • Risk Management Strategy • Regular Corporate Risk Management Reports • Service Risk Registers • Budget Reports
Managing performance	<p>Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</p> <p>Making decisions based on relevant,</p>	<p>Ensure our arrangements for financial and internal control and management of risk are formally addressed within the annual governance statement.</p>	<ul style="list-style-type: none"> • Annual Governance Report • Performance Management Framework and

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook</p> <p>Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible</p> <p>Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making</p>		<p>reporting cycle to all Committees</p>
<p>Robust internal control</p>	<p>Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</p> <p>Ensuring there is consistency between specification</p> <p>Aligning the risk management strategy and policies on internal control with achieving objectives</p> <p>Evaluating and monitoring risk</p>	<p>Ensure effective internal control arrangements exist for sound financial management systems and processes.</p> <p>Ensure that a there is a performance management framework and performance is report to relevant committee for improvement.</p>	<ul style="list-style-type: none"> • Internal Auditing standards • Annual Audit Plan • Internal Audit Reports • Internal Audit Manager's annual opinion of assurance • Corporate Projects Register • Medium Term Financial

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>management and internal control on a regular basis</p> <p>Ensuring effective counter fraud and anti-corruption arrangements are in place</p> <p>Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor</p> <p>Ensuring an audit committee or equivalent group/function, which is independent of the executive and accountable to the governing body:</p> <ul style="list-style-type: none"> — provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment — that its recommendations are listened to and acted upon 		<p>Strategy.</p> <ul style="list-style-type: none"> • Budget targets and monitoring reports to Committee
Managing data	<p>Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data</p> <p>Ensuring effective arrangements are in place and operating effectively</p>	<p>Effective arrangements are in place for the safe collection, storage and sharing of data including processes to safeguard personal data.</p>	<ul style="list-style-type: none"> • IT Security & Acceptable Use Policy • Data Protection Policies • Retention and Disposal Policies

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>when sharing data with other bodies</p> <p>Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring</p>		
Strong public financial management	<p>Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance</p> <p>Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls</p>	<p>Enable the Chief Finance Officer can bring influence to bear on all material decisions and provide advice on the levels of reserves and balances to be retained.</p>	<ul style="list-style-type: none"> • Annual Budget Speech

Principle G - Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

Summary:

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
<p>Implementing good practice in transparency</p>	<p>Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate</p> <p>Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand</p>	<p>Comply with the local government transparency code and publish all required information in a timely manner.</p>	<ul style="list-style-type: none"> • Council's Committee Webpages
<p>Implementing good practices in reporting</p>	<p>Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way</p> <p>Ensuring members and senior management own the results</p>	<p>Have established a medium term financial planning process in order to deliver a financial strategy ensuring sustainable finances, a robust annual budget process ensuring financial balance and an adequate monitoring process; all of which are subject to regular review.</p>	<ul style="list-style-type: none"> • Medium Term Financial Strategy • Towards a Sustainable Future Strategy

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>reported</p> <p>Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)</p>		
<p>Assurance and effective accountability</p>	<p>Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate</p> <p>Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations</p> <p>Ensuring that recommendations for corrective action made by external audit are acted upon</p> <p>Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that</p>	<p>Put in place effective transparent and accessible arrangements for dealing with complaints.</p> <p>Maintain an effective scrutiny function which encourages constructive challenge and enhances the Council's performance overall.</p> <p>Maintain an effective Audit Committee.</p> <p>Ensure an effective internal audit function is resourced and maintained.</p> <p>Take corrective action from internal and external audit reports.</p> <p>Maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.</p> <p>Publish all committee reports under Part 1</p>	<ul style="list-style-type: none"> • Corporate Complaints Procedure • Audit Committee • Constitution • Mod.Gov • Whistle-blowing Policy • Monthly budget and quarterly monitoring Reports • Annual Pay Policy Statement • Compliance with Transparency Agenda • Partnership Risk Register • Internal audit plan and the monitoring of the implementation of audit

Supporting Principles	Behaviours and actions that demonstrate good governance in practice	To meet the requirements of these Principles the Council will:	How this will be evidenced
	<p>recommendations are acted upon</p> <p>Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations</p> <p>Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement</p> <p>Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met</p>	<p>open to inspection by the public – unless there is a legitimate need to preserve confidentiality on the basis of the statutory tests.</p> <p>Ensure when working in partnership, arrangements for accountability are clear and the need for wider accountability has been recognised and met.</p>	<p>recommendations</p> <p>Head of internal audit's annual opinion of assurance</p>

MONITORING OFFICER PROTOCOL

1. Introduction

- 1.1 Section 5 of the Local Government and Housing Act 1989 (the 1989 Act) requires local authorities to appoint a Monitoring Officer. This protocol provides some general information on the statutory role the Monitoring Officer undertakes and how the functions will be discharged within Spelthorne Borough Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Group Head of Corporate Governance, Victoria Statham, who undertakes to discharge her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, she will also safeguard, so far as is possible, councillors and staff, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 A summary list of the Monitoring Officer's functions appears in the **Appendix** to this protocol. The Monitoring Officer's ability to discharge these responsibilities will depend, to a large extent, on councillors and staff:
 - a) complying with the law (including any relevant Codes of Conduct),
 - b) complying with any statutory guidance and other guidance/advice issued from time to time by the Standards Committee and the Monitoring Officer,
 - c) not doing anything that would bring the Council, their offices or professions into disrepute, and
 - d) making lawful and proportionate/reasonable decisions.
- 1.4 In general terms the Monitoring Officer's ability to discharge his/her duties also depends on good working relations with councillor and staff colleagues, particularly the Council's Chief Officers and Heads of Service (together Senior Officers), and also access to information and debate during the decision-making process.
- 1.5 The Monitoring Officer has appointed Karen Limmer, Temporary Principal Solicitor, as the Deputy Monitoring Officer. Karen Limmer will perform the functions of the Monitoring Officer where Victoria Statham is unable to act. The Monitoring Officer is assisted from time to time by staff in Committee Services and Legal Services but the responsibility of discharging the functions of Monitoring Officer is a personal one.

2. Working Arrangements/Understandings

- 2.1 Good working relations with councillors and staff will assist in the discharge of the statutory responsibilities of the Monitoring Officer and

ensure the Council's interests are safeguarded. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Councillors and staff must, therefore, work with the Monitoring Officer (and his staff) to discharge the Council's statutory and discretionary responsibilities.

- 2.2 The following arrangements and understandings between the Monitoring Officer, councillors and Senior Officers are designed to help ensure the effective discharge of the Council's statutory powers and duties.
- a) **Lawfulness etc** – Councillors and Chief Officers must alert the Monitoring Officer to all emerging issues that may become a concern to the Council including in particular issues around legal powers to do something or not (e.g. lawfulness) ethical standards, probity, procedural or other constitutional matters and give advance notice to the Monitoring Officer of meetings (whether formal or informal) where these issues are likely to arise.
 - b) **Attendance at and access to papers for meetings** – The Monitoring Officer will have the right to attend and be heard at any meeting of the Council, the Committees and the Officer Management Team (MAT) before any binding decision is taken (including a decision not to take action) and have access in advance to the agendas, minutes, reports and related papers for such meetings.
 - c) **Liaison with the Statutory Officers** – The Monitoring Officer will meet with the Head of Paid Service (the Chief Executive) and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
 - d) **The Council's Constitution** – The Monitoring Officer will monitor and review the operation of the Constitution in consultation with the Head of Paid Service (the Chief Executive) and the Chief Finance Officer where appropriate to ensure that the aims and principles of the Constitution are given full effect.
 - e) **General Advice** – The Monitoring Officer will give general advice on the interpretation and application of the Council's Constitution to councillors and staff alike (i.e. responsibility for functions, procedural rules, codes and protocols, standing orders, member allowances scheme etc.).
 - f) **Registers** – The Monitoring Officer will compile and maintain the Council's Registers of Members' Interests and Gifts and Hospitality.
 - g) **Training** – The Monitoring Officer will be responsible for preparing and implementing a training programme for Members on the

Council's ethical framework subject to the approval of the Standards Committee.

- h) **External Relations** – The Monitoring Officer will develop good and effective working relations with the Council's Auditors and the Local Government Ombudsman (including the giving and receiving of relevant information whether confidential or otherwise).
- i) **Internal Relations** – The Monitoring Officer will have a special relationship of mutual trust and respect with the Mayor, Deputy Mayor and the Chair and Vice-Chair of the Committees with a view to ensuring the effective and efficient discharge of the Council's functions.
- j) **Complaints/Investigations** – The Monitoring Officer will
 - receive and act on any complaints made under the Member Code of Conduct.
 - conduct investigations into matters referred to him by a hearing panel of the Members' Code of Conduct Committee and make reports or recommendations in respect of them to the hearing panel.
 - be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received and if appropriate will make a written report to the Standards Committee unless he/she and the Chairman of the Standards Committee agree a report is not warranted.
 - have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions when carrying out any investigation.
- k) **Appointment of Deputy** – The Monitoring Officer will appoint a Deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with where the Monitoring Officer is unable to act.
- l) **Resources** – The Monitoring Officer will report to the Council from time to time on the staff, accommodation and resources required to discharge his/her functions. Where the Monitoring Officer requires specialist advice on any matter concerning his/her statutory responsibilities, he/she will seek Counsel's Opinion and will have a budget to enable him/her to do so.
- m) **Deferral of Report** – In consultation with the Mayor of the Council the Monitoring Officer may defer the making of a formal report under Section 5 of the 1989 Act where another investigative body is involved.

- n) **Maladministration** – Chief Executive, Deputy Chief Executives and Heads of Service must consult the Monitoring Officer prior to making any compensation payments for alleged or actual maladministration found against the Council.
- 2.3 To ensure the effective and efficient discharge of the above working arrangements/understandings, councillors and Senior Officers will report any breach of statutory duty or material breach of Council policy/procedures and other vices or constitutional concerns to the Monitoring Officer as soon as practicable.
 - 2.4 Senior Officers agree to inform and explain the terms of this protocol to their service managers so that they understand the issues highlighted in paragraphs 2.1 and 2.2 above and report concerns accordingly.
 - 2.5 The Chief Finance Officer will ensure that adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer's role.
- 3. Breach of the Members' Code of Conduct and this Protocol**
- 3.1 Complaints against any breach of the Members' Code of Conduct must be referred in accordance with the Council's published 'Arrangements for Dealing with Complaints about Councillors'. Complaints against any breach of this protocol by a Member will be referred to the Standards Committee and to the Leader of the relevant political party group.
 - 3.2 Complaints against any breach of this protocol by an Officer may be referred to the Chief Executive.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Key Source
1.	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
2.	Report on resources	Section 5 Local Government and Housing Act 1989
3.	Establish and maintain Registers of Councillors' and Co-Opted members' Interests and Gifts and Hospitality	Section 81 Local Government Act 2000, Section 29 Localism Act 2011 and the Policy on Gifts, Hospitality and Sponsorship and under the Member's Code of Conduct
4.	Considering whether an interest is a sensitive interest	Section 32 Localism Act 2011
5.	Receive copies of whistleblowing allegations of misconduct	Confidential Reporting Code, Council Constitution
6.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Article 10 of the Council's Constitution
7.	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all councillors	Article 10 of the Council's Constitution
8.	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
9.	Report on any maladministration or injustice where the Local Government and Social Care Ombudsman in England (Ombudsman) has carried out an investigation	Section 5 Local Government and Housing Act 1989
10	Compensation for maladministration	Section 92 Local Government Act 2000

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Policy on Gifts, Hospitality and Sponsorship

1. Introduction

- 1.1 The Council has adopted a Code of Conduct for Members and a Staff Code of Conduct. Each code is based on the Nolan Committee's Seven Principles of Public Life. All councillors, co-opted members and staff are expected to abide by the code which is relevant for them. In addition all councillors, co-opted members and staff are also bound by this Policy on Gifts, Hospitality and Sponsorship which contains provisions which are applicable to all those working for the Council in their respective capacity.

2. General provisions

- 2.1 It is a criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. It is for you to demonstrate that any such rewards have not been corruptly obtained.
- 2.2 The Council has adopted the following guidelines to help but they may be used in a disciplinary setting to determine if you are in breach of the relevant Code of Conduct.
- 2.3 One of the most difficult questions on which advice is sought, is the giving and receiving of hospitality and gifts. Staff and councillors need to appreciate that gifts, hospitality and sponsorship, wrongly accepted, can amount to or be construed as bribery within the meaning of the Bribery Act 2010.
- 2.4 It is impossible to prepare guidance to cover all situations, and you should always take advice whenever complex or potentially contentious situations occur. Staff can talk to their Chief Officer, to the Head of Human Resources or the Group Head of Corporate Governance. Councillors can talk to the Chief Executive or the Group Head of Corporate Governance.
- 2.5 One test to apply in this situation is "What would the man or woman in the street think"? Ask yourself whether if they knew the circumstances, they would think that you might be influenced in your future conduct by the gift or hospitality offered. Would they think that your past conduct might have been influenced by the hope of, or designed to encourage, such a gift or hospitality? If the answer to either of these questions is "yes", you should refuse the offer.
- 2.6 Bear in mind that it is not enough to avoid actual impropriety. It is important for your reputation and that of the Council to avoid any occasions for suspicion and any appearance of improper behaviour.

3. Advice on when to accept or refuse gifts and hospitality

Who is it from?	What is it?	Action	Explanatory Paragraph
Grateful member of public	A gift of nominal value (below £50) and no ulterior motive is apparent	Accept if refusal would give offence. Record in Register	4.1,4.3, 6.1-6.4

Grateful member of public	A gift of value above £50	Refuse unless refusal would give offence If accepted, donate to Mayor's Charity Appeal Record in Register	4.2, 6.1, 6.4
Frequent gifts from a member of public	A gift of nominal value (below £50)	Refuse unless refusal would give offence. If accepted, donate to Mayor's Charity Appeal. Record in Register	4.3, 6.1-6.4
A person or company engaged in negotiating a contract or other matter with the Council		Try to avoid such situations. If they arise, refuse. Record in Register.	4.4, 6.1, 6.4
	Offers of hospitality	Consult Chief Executive in advance Accept if there is a genuine need to impart information, represent or promote the interests of the Council in the community. Record in Register.	5.1 – 5.3, 6.1, 6.2, 6.4
	Offers to attend purely social or sporting functions	Consult Chief Executive in advance Accept only when these are part of the life of the community or where the Council should be seen to be represented. Record in Register	5.1 - 5.3, 6.1, 6.2,6.4
	Attendance at relevant conferences and courses	Consult Chief Executive in advance Accept where it is clear the hospitality is corporate rather than personal. Record in Register	5.4, 6.1, 6.4

4. Gifts

- 4.1 A gift offered to you may be accepted if refusal would give offence, if:-
- (a) it is of nominal value (below £50.00) e.g. calendars, diaries, pens, a bottle of wine, flowers etc., and

- (b) no ulterior motive is apparent nor is there any danger of misinterpretation by the public (be careful where the offer comes from a person or company seeking work from the Council).
- 4.2 Gifts outside the scope of the above guidelines, should normally be refused, unless refusal would give offence. In such a case, the gift could be accepted and donated to the Mayor's Charity Appeal, with a suitable explanation to the person or company concerned. Receipt of gifts in these circumstances should be reported in accordance with paragraphs relating to Register for Gifts and Hospitality below. They should always be refused if an ulterior motive is apparent.
- 4.3 Some members of staff and councillors however, regularly come into contact with the public and a frequent recurrence of small gifts might give the impression that they are expected or a reward for favourable treatment. In these circumstances, gifts should normally be refused. Alternatively, if refusal would give serious offence, they could be accepted and the rules mentioned above applied.
- 4.4 In any event, you should refuse an offer or try to avoid situations where you are likely to be offered a gift from a person or company engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and where you are directly responsible for formulating recommendations to the Council, for making a decision on a contract or for monitoring the service received from the person or Company concerned. If the contract or other matter has been completed, and there is no obvious likelihood of a renewal, then the previous paragraphs apply.

5. Hospitality

- 5.1 You should only accept offers of hospitality if there is a genuine need to impart information, represent or promote the interests of the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Any hospitality accepted, should be properly authorised and recorded. (See paragraphs relating to Register for Gift and Hospitality below).
- 5.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 5.3 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 5.4 Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Chief Executive is consulted in advance and where the Council is satisfied that any purchasing decisions are not compromised.

6. Register for Gifts and Hospitality

- 6.1 You must record all gifts and hospitality received, **including any offered but rejected**, in the Register maintained by the Chief Executive. This must include all offers of gifts and hospitality. Each entry in the Register must be

authorised by the Chief Executive and in the case of hospitality accepted, it must be authorised in advance of attendance of the particular event.

- 6.2 Offers of hospitality which are open to all members will be recorded in the Register by officers.
- 6.3 Gifts below the nominal value received by Refuse operatives, Community Day centre staff, Meals on Wheels and Spelride drivers from grateful members of the public are not required to be recorded.
- 6.4 In all cases, it is better to err on the side of caution. If you have doubts, seek advice. What matters above all else, are the reputations of yourself, the Council and local government generally.

7. Sponsorship - giving and receiving

- 7.1 Where an outside organisation wishes to sponsor or is asked to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. How would this look to the ordinary man or woman in the street? Particular care must be taken when dealing with contractors or potential contractors (i.e. contractors who could bid for Council work).
- 7.2 Where the Council wishes to sponsor an event or service neither you nor any person connected with you must benefit personally from such sponsorship in any way. In all cases there ought to be full disclosure of the arrangements and consultation with the Chief Executive at an early stage.
- 7.3 Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved with your work as a councillor or member of staff and any outside interests.
- 7.4 In each arrangement for sponsorship, care shall be given to recording the arrangement and the decision making process so that there is a clear audit trail for the purposes of transparency and accountability.

Conflicts of Interest Policy

1. Who is this guide for?

- 1.1 This guide is for councillors and staff who will wish to ascertain whether they have an interest which should be declared under the Members' Code of Conduct or the Staff Code of Conduct.
- 1.2 This guidance is supplemental to both documents. Both councillors and staff are obliged to follow the Nolan Committee's Seven Principles of Public Life:
 - (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
 - (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- 1.3 Under the Members' Code of Conduct councillors are obliged to declare pecuniary interests and non-pecuniary interests (e.g. membership of outside bodies). However these formal definitions do not cover every possible conflict which could be encountered by councillors and this document provides additional guidance so that Members can meet their obligations under the Nolan Committee's Seven Principles.
- 1.4 Similarly, whilst the Staff Code of Conduct specifies numerous matters which must be reported to their Chief Officer, not every eventuality can be covered and there is a catch all category of "any other connection to the Council's work which may be relevant".
- 1.5 This document provides extra explanation of what conflicts ought to be recorded by you in your work for the Council. The intention of this guide is not to look in depth at any particular situations, but to provide an overview of

conflicts of interest, and how to deal with them, and to signpost sources of further information.

2. What is a conflict of interest and what issues does it raise?

- 2.1 A conflict of interest is any situation in which your personal interests, or interests that you owe to another body or person, may (or may appear to) influence or affect your decision making.
- 2.2 It is inevitable that conflicts of interest occur. The issue is not your integrity, but the management of any situation where there is potential for criticism that your position or your decision has been influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage your reputation and the Council's reputation, so conflicts need to be managed carefully.
- 2.3 It is the potential, rather than the actual benefit from which the conflict of interest arises and which requires attention. In order to ensure selflessness and transparency, a declaration is required where there is a possibility of people outside the Council assuming that you (or a friend or relative) may have some benefit from the Council's business or decision making. This will avoid accusations of impropriety, which could in turn have a damaging effect on the Council's reputation.
- 2.4 Some advantages of working for the Council are enjoyed by more than one person. Where this arises then it is not usually the case that a declaration has to be made. An example of this would be the allowances and expenses which councillors are entitled to claim. These decisions are always made in the open at public meetings and although it is correct that councillors will receive a personal benefit there is no real risk to accountability or transparent decision making if an interest is not declared in that situation. This is because the subject matter of the decision makes it clear that councillors will benefit. Similarly pay rises for staff will be recommended by staff and decisions made by councillors – it is clear what is going on and no declarations are required.
- 2.5 You should be more careful where decisions arise and it is not clear what is going on. For example, a planning application is made by someone you know. If you are a planning officer then you should declare to your manager that this is the case. Then the manager can make an informed decision if you should continue to work on the case. If you are a councillor on the planning committee and the application is referred to the committee then the public will know that the relationship exists only if you declare it. In these cases, a timely declaration of an interest will assure members of the public that there is nothing untoward to be worried about and that you are acting beyond reproach.
- 2.6 Similarly if you take advantage of benefits that are available to all, or that are of inconsequential or little measurable value, they will not normally need to be declared, e.g. you hire a village hall. This would not need to be declared, as the facilities are available to all members of the local community, which includes councillors and staff alike.
- 2.7 Issues may also arise where you have a conflict of interest or loyalties on a particular issue, but there is no potential for profit or advantage by any person. This may still be useful to declare so that it is clear that a decision has been made correctly. For instance, you are a member of an outside body and the

affairs of that body are raised at a meeting. It is helpful for all concerned to know about the link to that other body even if nothing in the debate or the decision particularly turns on the declaration.

3. How do I identify a conflict of interest?

3.1 Conflicts of interest may come in a number of different forms:

- direct financial gain or benefit
- the award of a contract to another organisation in which you (or a friend or relative) has an interest and from which you (or they) will receive a financial benefit
- indirect financial gain, such as employment by the Council of your spouse or partner
- non-financial gain, such as when the Council's decisions or policies affect another organisation of which you are a member.

3.2 The Council expects you to be able to identify possible conflicts of interest when they arise and to ensure, that you take advice and to make the appropriate declarations. If you are a member of staff then you can speak to your line manager, Human Resources or the Group Head of Corporate Governance. If you are a councillor you can speak to the Group Head of Corporate Governance, the Chief Executive or another Chief Officer.

4. How can conflicts of interest be managed effectively?

4.1 You need to be alert to possible conflicts of interest which you might have and how you can minimise their effects. A key aspect of minimising the effects of conflicts of interest is to be open and transparent about such situations when they arise. The Council therefore recommends that you declare any actual or potential conflicts of interest of which you are aware, as soon as they arise.

4.2 Where an interest is declared by staff members they can discuss actions to be taken as a consequence with their line manager. It is advisable that a note is made of these arrangements in case of any future queries.

4.3 Where an interest is declared by a councillor then that interest will be noted by the Committee Manager attending the meeting. At present Standing Orders of the Council only require the councillor to absent himself or herself when a "Disclosable Pecuniary Interest" arises. Where any other conflict of interest arises, it is for the councillor to declare that interest. It will usually be the case that the councillor will stay in the room, speak and vote on such matters. However, if the councillor feels that this would lead to criticism in the circumstances then they are entitled to say that they wish to absent themselves from the room whilst the debate and vote proceeds without them.

4.4 The Council has established a register of interests – one for staff and one for councillors. In recording interests openly, any actual or potential conflicts of interest can be identified more easily. The relevant register of interests should be regularly updated.

4.5 It is good practice at the beginning of a meeting to declare any interest which you have in an item to be discussed, and certainly before any discussion of the item itself. Sometimes this is not possible because an issue arises in the

meeting so that the interest can only be declared later. In such a case, the Council expects the interest to be raised as early as possible.

5. What happens if there is a breach of the Policy?

- 5.1 There are formal sanctions available to the Council for those who are in breach. It all depends on the circumstances of the case. Staff can be subject to the disciplinary procedure, and councillors can be referred to the Standards Committee.
- 5.2 The Standards Committee is responsible under the Constitution for the operation of the Staff Code of Conduct and the Members' Code of Conduct and will keep the operation of this policy under review.

Protocol for recording and reporting public meetings

You are allowed to record and report on all public meetings at Spelthorne Borough Council in line with the Openness of Local Government Bodies Regulations 2014.

Recording and reporting includes:

- filming
- audio recording
- photography
- social media updates
- blogging

Equipment

You don't need to get permission for recording or reporting public meetings, but we request that you let us know at least 24 hours before the meeting if you wish to bring large equipment, so that we may make suitable arrangements to accommodate your request. Requests should be sent to committeeservices@spelthorne.gov.uk

Recording and reporting are allowed only from public seating areas. Recording equipment must not be left unattended at meetings. We accept no liability for any equipment that is lost, stolen or damaged at public meetings.

The following rules should be observed

- Filming of children under the age of 18 who are taking part or attending Council meetings is not permitted without the consent of their parent/guardian.
- Phones, tablet computers and other electronic devices must be set to 'silent' mode throughout public meetings. This includes all ringtones and web applications.
- Flash photography and use of additional lighting is not allowed.
- Adding real-time commentary to recordings – such as voiceovers when filming – is not allowed whilst meetings are taking place.
- The Chair of the meeting will ask for recording to be stopped if it is disrupting the meeting.

When recording and reporting is not allowed

There are times when matters must be discussed that, by law, are considered exempt or confidential. During these times:

- members of the press and public will be asked to leave
- no recording or reporting is allowed

Recording and reporting of private meetings is not allowed – for example, political group meetings and officer working groups. These meetings do not make formal council decisions.

Your privacy

Notices on committee meeting room screens state: "You are welcome to film, make sound recordings or take photos at public meetings, and to share online". Members of the public who do not wish to be filmed or photographed cannot be guaranteed that they will not be within camera shot of others.

Council

15 July 2021



	Amendments to the Spelthorne Joint Committee constitution following implementation of the committee system
Purpose of the report	To make a decision
Report Author	Victoria Statham, Group Head of Corporate Governance
Recommendations	To approve the amendments to the Spelthorne Joint Committee Constitution as set out in this report.
Reason for Recommendation	To ensure that the Constitution is fit for purpose.

1. Background

- 1.1 On 27 May 2021 the Council ceased operating the Cabinet form of governance and commenced operating a committee system of governance.
- 1.2 The current Spelthorne Joint Committee (SJC) Constitution makes reference to Spelthorne Borough Council's Cabinet and Overview and Scrutiny Committee which no longer exist. It also gives authority to the Borough Council's Leader to appoint the Vice-Chairman of the SJC which is at odds with the new role of the Leader.

2. Constitutional amendments

- 2.1 Proposed amendments have been made to SJC Constitution as follows:
 - (a) Removal of reference to the Cabinet at paragraphs 1.1, 1.2, 1.4 and 6.4.
 - (b) Amended references to Overview and Scrutiny Committee to refer to the Council's Reservation Scheme at Section 6.
 - (c) Tenure of Chair/Vice-Chair (paragraph 2.1) – In July 2019, after the Chairmanship had been held by a Surrey County councillor for one year (2018-2019), the SJC agreed to amend the tenure of office to a two-year term and the Surrey County councillor retained the office of Chair for 2019-2020. The SJC Constitution was not amended to reflect this change. Possibly due to the challenging period of 2020-2021, the Surrey County councillor again held the Chairmanship for those meetings that took place last year. As a Borough Councillor has not held the Chair since 2017-18, it is proposed that the tenure of office is formally amended in the Constitution to a period of two years and that the Chair is appointed from Spelthorne Borough Council for 2021-2023.
 - (d) Amended appointment of the Spelthorne Borough Council (SBC) representative as Chair/Vice-Chair of SJC to be the responsibility of Council at paragraph 2.2.

- (e) Clarified that the SBC representative to either position may not also be a Surrey County councillor – paragraph 2.3.
 - 2.2 The Committee System Working Group has been consulted on the proposed changes and agreed with them in principle.
 - 2.3 A proposed version of the SJC Constitution incorporating the above changes is attached at Appendix A. A tracked changed version is available to Members in the Mod.Gov app library.
- 3. Financial implications**
- 3.1 There are none.
- 4. Timetable for implementation**
- 4.1 The amendments will take effect upon agreement.

Background papers: There are none

Appendices:

Appendix A – Proposed revised SJC Constitution (Clean copy)

Spelthorne Joint Committee

Constitution

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Section 1 – Context and Purpose

Spelthorne Joint Committee is a Joint Committee of Surrey County Council and Spelthorne Borough Council and is set up under the provisions of Section 102 of the Local Government Act 1972. The Joint Committee aims to improve outcomes and value for money for residents in Spelthorne by strengthening local democracy and improving partnership working within the borough of Spelthorne.

The Joint Committee will carry out Surrey County Council functions previously performed by the Local Committee (Spelthorne) (which ceased to exist on 01/06/2016) plus some additional County Council functions, and functions delegated to it by Spelthorne Borough Council. There is also a range of advisory functions relating to both Councils. These functions are set out within Section 2 of this document.

By working together, the Joint Committee will provide the opportunity to identify local solutions and seek to jointly deliver local government service improvements for the residents, businesses and visitors to Spelthorne. Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together.

Meetings of the Spelthorne Joint Committee are held in public, and local people are able to participate during parts of the meeting as set out in Section 3 of this document.

This Constitution document includes the standing orders that will apply to the Joint Committee. These need also to be read in the light of the individual Constitutions of each of the two Councils which will continue to apply as appropriate to decisions delegated by each relevant authority.

Whilst the Joint Committee will be responsible for making decisions relating to the delegated functions as set out below, the day-to-day operational arrangements relating to any particular function will continue to be managed by the local authority having responsibility for that function.

Section 2 – Functions and Funding

The scope and overall purpose of the Spelthorne Joint Committee is as set out in Section 1. The general remit of the Joint Committee is set out below and the more specific delegated functions are outlined in later sections.

(A) General Remit

The general remit of the Spelthorne Joint Committee is:-

1. To identify and agree opportunities for the closer alignment of County and Borough services in Spelthorne.
2. To make decisions on local services and budgets delegated to it by either Surrey County Council or Spelthorne Borough Council.
3. To make comments on policy, strategy, services, priority community work, or other matters specifically referred to it by the County Council or the Borough Council.
4. To provide political oversight of key County and Borough partnership initiatives and strategies.
5. To seek solutions to local concerns relating to Council services under the remit of the Joint Committee.
6. To identify and set local priorities through an annual priority setting meeting.
7. To build community leadership and local engagement, and encourage local community resilience plans.
8. To ensure that local authority services within Spelthorne Borough are carried out in accordance with both Surrey County Council's and Spelthorne Borough Council's core values, policies, strategies and within approved budgets.

(B) Delegated Powers

The services identified below are delegated by Surrey County Council or Spelthorne Borough Council as indicated, for decision making or consideration by the Spelthorne Joint Committee, in accordance with the relevant legislation.

In discharging the delegated powers, the Spelthorne Joint Committee must have due regard at all times to the approved policies, budgets and financial regulations of the Council delegating the functions, and act in accordance with Standing Orders at Section 3 of this Constitution.

Set out below is a list of the functions that are currently delegated to the Spelthorne Joint Committee. Additional functions and matters for determination may be delegated to the Committee in the future by Surrey County Council (SCC) or Spelthorne Borough Council (SBC), which will form part of this Constitution. The Community Partnership and Committee Officer will maintain a record of all additional delegated functions and will ensure that any such additions are reported to the Joint Committee at the next meeting after the delegation takes place.

Executive/Council (as applicable) Functions (delegated by Surrey County Council and Spelthorne Borough Council)

The Joint Committee will be responsible for the following decisions on local services and budgets:

In relation to the Borough of Spelthorne the Joint Committee will take decisions delegated to it by the SCC Leader and/or Cabinet and/or the SBC Council on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils within a framework of agreed performance and resources:

- (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) (SCC)
- (ii) Community safety funding that is delegated to the Joint Committee (SCC/SBC).
- (iii) Decisions in relation to highways and infrastructure:
 - a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements and highway maintenance within the Committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives (SCC).
 - b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls (SCC).
 - c. To agree local speed limits on County Council roads within its area, and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police Road Safety and Traffic Management Team and with regard to the County Council Speed Limit Policy (SCC).

- d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Joint Committee (SCC).
 - e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Highways Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the Committee will make that decision (SCC).
 - f. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following the consent of SBC and any relevant Parish Council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court
- (iv) Determine priorities and agree how Community Infrastructure Levy (CIL) receipts will be expended (SBC).
 - (v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Spelthorne Borough Council (SCC/SBC):
 - a) To agree joint priorities for commissioning by the County Council and the Borough Council in Spelthorne for provision of preventative work with young people who are at risk of becoming not in education, training or employment (NEET).
 - b) To apportion delegated funding for young people, specifically the distribution between Local Prevention and Individual Prevention categories of funding, in accordance with the allocated budget and any youth grants as allocated by the Borough Council.
 - c) Approve the awards for the provision of Local Prevention services for Spelthorne Borough in accordance with the allocated budget and to qualified providers. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award grant(s) (due to the presence of conflicts of interest which result in the body being inquorate).
 - d) To approve youth task group advice on the allocation of Community Youth Work and Surrey Outdoor Learning & Development (S.O.L.D) Local Offer resources to meet local priorities for young people in the local area.
 - (vi) Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/SBC).

Non-Executive Functions (delegated by Surrey County Council)

The Joint Committee will deal with all those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except for those separately referred to in the County Council's Scheme of Delegation (or within the terms of reference of other Committees).

Delegated Functions (delegated by Spelthorne Borough Council)

- (i) Oversee and determine priorities for the Borough based community strategy and related plans within Spelthorne.

In addition, the Joint Committee will deal with those relevant non-executive functions, relating to joint working that may be delegated to it by the Borough Council from time to time.

Service Monitoring and Community Leadership- advisory functions

The Joint Committee may:

- (i) In relation to the exercise of County Council Executive functions relating to members' allocations, receive a report on all projects approved under the delegated authority of the Community Partnership Manager or Team Leader. (SCC)
- (ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions. (SCC)
- (iii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners (SCC/SBC)
- (iv) To champion the better use of public sector assets in the Borough to promote the One Public estate approach amongst Surrey County Council, Spelthorne Borough Council and other public sector partners (SCC/SBC)
- (v) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SCC/SBC)
- (vi) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. (SCC/SBC)
- (vii) Monitor the quality of services provided locally, and recommend action as appropriate. (SCC/SBC)
- (viii) To oversee and agree joint priorities to inform the improvement of educational attainment in Spelthorne with the aim of working closely between Surrey County Council, Spelthorne Borough Council and Spelthorne Schools Federation (SCC/SBC)
- (ix) Oversee and influence priorities for the Family Support Programme in Spelthorne (noting the shared nature of this service with other boroughs) and monitor its performance. (SCC/SBC)
- (x) To oversee and agree joint priorities to inform commissioning and delivery of Independent Living, Older People's Services and Day Centres in Spelthorne, with the aim of achieving an integrated approach from Surrey Council and Spelthorne Borough Council (SCC/SBC)
- (xi) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes or developer funded highway improvements within Spelthorne. (SCC)
- (xii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Spelthorne. (SCC)

- (xiii) Oversee local initiatives agreed and funded by the Joint Committee. (SCC/SBC)
- (xiv) Oversee parking provision and enforcement in its area including budget monitoring subject to any particular terms of reference, agreed by the committee, (SCC/SBC)
- (xv) Oversee and monitor the impact of the Local Prevention Commissions and the Community Youth Work Service in accordance with prevention priorities for young people not in education, employment or training (NEET) in the local area.
- (xvi) To receive reports from and provide political oversight and advice to the Spelthorne Safer Stronger Community Partnership on the Community Safety functions of the Borough. (SCC/SBC)
- (xvii) To receive reports from and provide political oversight and advice to the Spelthorne Together Health and Wellbeing Group within the framework of Surrey's Joint Health and Wellbeing Strategy. (SCC/SBC)
- (xviii) Be consulted on any issues referred to it by either Council and produce responses as appropriate. (SCC/SBC)

(Note: A joint committee may not make any decision which will have an adverse effect on a part of the county for which it does not have functions).

(C) Funding

- (i) With regards to budget setting and planning, the County Council and Spelthorne Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.
- (ii) Provision of venue:
The meeting's venue and associated costs will normally be provided by Spelthorne Borough Council, unless alternative arrangements are agreed by Surrey County Council.
- (iii) Committee management:
Committee management and associated costs for the Joint Committee will be provided by Surrey County Council.
- (iv) Any members' costs and expenses resulting from the Joint Committee (including those in relation to Chairman and Vice Chairman roles) will be funded and administered by their respective authorities.

(D) Withdrawal from the Joint Committee

At any time either Council may give 6 months' notice in writing to the other Council of its intention to withdraw from the Joint Committee. Once the Joint Committee ceases to exist the functions delegated to it would each revert back to the relevant delegating authority.

Section 3 - Standing Orders

1. MEMBERSHIP AND ATTENDANCE OF MEMBERS AT MEETINGS

- 1.1. Membership of the Spelthorne Joint Committee shall be all county councillors with electoral divisions in Spelthorne, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Spelthorne), and an equivalent number of borough councillors who should be politically proportionate to the Borough Council. If there is no Surrey County Council Cabinet Member with an electoral division in Spelthorne for the Leader of the County Council to appoint a specific Cabinet member to the Spelthorne Joint Committee at the Council AGM. No substitutes will be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Council, at the start of each municipal year. All borough and county councillors on the Joint Committee will have equal voting rights on all issues being considered.
- 1.2. A person shall cease to be a member if he/she ceases to be a member of the County Council, a member representing an electoral division in Spelthorne or the relevant Cabinet Member, or in the case of a member of the Borough Council, ceases to be a member of that Council, or resigns from the Spelthorne Joint Committee.
- 1.3. Surrey County Council or Spelthorne Borough Council may, through their respective Councils, co-opt representatives from the voluntary sector, public authorities or businesses in Spelthorne onto the Joint Committee. These representatives will be able to take part in discussions on agenda items, but will not be able to vote on any item for decision.
- 1.4. The Leader of either Surrey County Council or Spelthorne Borough Council, or appropriate Surrey County Council Cabinet Member or Spelthorne Borough Council Chair for a Committee whose remit includes a matter on the agenda of the Joint Committee meeting may attend the meeting of the committee and, with the Chairman's consent, speak on the matter or provide written representation.

2. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

- 2.1. From 2021/22 Municipal year, the offices of Chairman and Vice-Chairman shall alternate between the two Councils every 2 years, with the Borough Council providing the Chairman in 2021 to 2023. If the appointed Chairman is representing Surrey County Council, the Vice-Chairman must be a Spelthorne Borough Council representative and vice-versa.
- 2.2. From 2021 the Surrey County Council appointment will be made by the Council Leader and the Spelthorne Borough Council appointment will be made by the Council from amongst those members appointed to the Spelthorne Joint Committee.
- 2.3. The Spelthorne Borough Council representative appointed to the office of Chairman or Vice-Chairman may not also be a Surrey County Councillor.
- 2.4. The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Spelthorne Joint Committee, continue in office until a

successor is appointed. If a Chairman or Vice-Chairman does not complete a full term of office, a further member from the same Council shall be appointed in accordance with Paragraphs 2.2 and 2.3 for the remainder of that term.

- 2.5. In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Committee shall elect a chairman for that meeting.

3. MANAGEMENT OF THE COMMITTEE

- 3.1. The County Council's Community Partnership's Team shall act as the Committee Manager for the Spelthorne Joint Committee and shall be responsible for preparing and circulating agendas for meetings, advising on constitutional matters and for producing the decisions and minutes.

4. FORMAL MEETINGS

- 4.1. There shall be between 4 and 8 formal meetings of the Spelthorne Joint Committee each year as determined by the Chairman and Vice-Chairman and as set out in the calendar of meetings published on the council's website.
- 4.2. The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Spelthorne Joint Committee to consider a matter that falls within its remit but cannot await the next scheduled meeting, provided at least five clear working days notice in writing is given to the Committee Manager.
- 4.3. Formal meetings of the Joint Committee and its sub-committees shall be held in public except when exempt or confidential information is being considered and the press and public can be excluded in accordance with the Local Government Act 1972.
- 4.4. Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

5. DELEGATED POWERS

- 5.1. The delegated powers mean those powers to be discharged by the Spelthorne Joint Committee as set out in Section 2(B) of this Terms of Reference.
- 5.2. The Spelthorne Joint Committee shall discharge the delegated powers, within the budgetary and policy framework set by Surrey County Council in the case of county functions or by Spelthorne Borough Council in the case of borough functions.
- 5.3. When discharging the delegated powers the Spelthorne Joint Committee shall take decisions only after taking into account advice given in writing or orally from relevant Officers of Surrey County Council or of Spelthorne Borough Council as appropriate, including legal, financial and policy advice.
- 5.4. If the Joint Committee is to make a Key Executive decision delegated to it by Surrey County Council or a Key Decision delegated by Spelthorne Borough Council, then

the Joint Committee must follow the constitution of the authority delegating the decision, including publishing it in the monthly forward plan of that authority.

6. OVERVIEW AND SCRUTINY

- 6.1. In relation to a function delegated by Surrey County Council, executive decisions made by the Spelthorne Joint Committee are subject to scrutiny by Surrey County Council's relevant Overview and Scrutiny Committee including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').
- 6.2. In relation to a function delegated by Spelthorne Borough Council, decisions made by the Spelthorne Joint Committee are subject to that Council's Reservation Scheme (also referred to as 'call-in').
- 6.3. The processes and procedures for the exercise by the relevant Committee of their 'call-in' function shall be in accordance with the Constitutions of Surrey County Council or Spelthorne Borough Council depending on which authority delegated the decision in question.
- 6.4. Referral of Joint Committee Executive decisions by Surrey County Council Cabinet.
 - 6.4.1. The SCC Cabinet or SBC Corporate Policy and Resources Committee may require referral, for review and final determination, any executive (in the case of Surrey County Council) or any (in the case of Spelthorne Borough Council) decision taken by the Joint Committee which has significant policy or budgetary implications or is outside of the authority delegated to the Joint Committee, subject to notice of requirement for referral being given within 5 working days of publication of the decision.
 - 6.4.2. Notice of referral may be given by the Leader or Deputy Leader of the relevant authority, or any three or more members of the SCC Cabinet /SBC Corporate Policy and Resources Committee as appropriate.
 - 6.4.3. All members of the Joint Committee will be notified that an executive decision taken by the Committee has been required for referral by the relevant authority.
 - 6.4.4. The decision will be considered by the SCC Cabinet /SBC Corporate Policy and Resources Committee at its next appropriate meeting in discussion with the Joint Committee Chairman and Vice-Chairman and no action will be taken to implement it in the meantime.
 - 6.4.5. The Joint Committee Chairman or Vice-Chairman may attend the SCC Cabinet /SBC Corporate Policy and Resources Committee meeting, as appropriate, for the consideration of the matter and speak on the item.
 - 6.4.6. The SCC Cabinet /SBC Corporate Policy and Resources Committee / may accept, reject or amend the decision taken by the Joint Committee. A report on the decision taken by the relevant authority will be made to the next appropriate

meeting of the Joint Committee, and to all the Members of either Surrey or Spelthorne Council, as appropriate, for information.

The following general provisions apply to the consideration of all matters within Spelthorne Joint Committee's remit.

7. NOTICE OF MEETING

- 7.1. The date, time and place of the fixed meetings of the Spelthorne Joint Committee will be accessed through both the Surrey County Council and Spelthorne Borough Council websites. The notice, agenda, reports and other documents prepared for the Spelthorne Joint Committee will be posted on the Surrey County Council website (with links from the Spelthorne Borough Council website) and sent to Members of the Committee not less than five clear working days before the date of the meeting.
- 7.2. Only the business on the agenda will be discussed at a meeting of the Spelthorne Joint Committee except for urgent matters raised in accordance with the provisions in Section 100B(4)(b) of the Local Government Act 1972.

8. EXTRAORDINARY MEETINGS

- 8.1. An extraordinary meeting of the Spelthorne Joint Committee will be convened to consider specific matters within its terms of reference at the discretion of the Chairman, or the Vice-Chairman in his/her absence. At least five clear working days' notice of an extraordinary meeting must be given.

9. AGENDAS

- 9.1. Spelthorne Joint Committee will comply with the Access to Information rules in Part VA of the Local Government Act 1972.
- 9.2. Agendas for meetings of the Spelthorne Joint Committee shall be dispatched by the Committee Manager five clear working days in advance of a meeting, and copies will be made available for public inspection at the designated County and Borough Council offices, libraries and via the County Council and Spelthorne Borough Council websites.
- 9.3. Members of the Spelthorne Joint Committee may suggest items for inclusion in the agenda within its remit. These will be added to the forward programme in consultation with the Chairman and Vice-Chairman of the Spelthorne Joint Committee.

10. DECISIONS AND MINUTES

- 10.1. The decisions from the meeting shall be published on the County Council's website, with links from the Spelthorne Borough website, within three clear working days of the Committee.
- 10.2. The minutes of a meeting shall be published on the County Council's website, with relevant links, as soon as is reasonably practicable.

- 10.3. At the meeting, the Chairman will move the formal motion “That the minutes of the last meeting be confirmed and signed by the chairman” and there may only be discussion if there is disagreement about their accuracy which will be resolved by a vote in the normal way.
- 10.4. 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 signing of minutes.

11. CONFIDENTIALITY OF PAPERS

- 11.1. All Members must respect the confidentiality of any papers made available to them for the purpose of meetings of the Spelthorne Joint Committee or otherwise for so long as those papers remain confidential.

Failure to observe

- 11.2. Any or all of the rights conferred on a Member of one of the councils under its Constitution may be withdrawn by that Council if it is satisfied that he/she has not observed the requirements of Standing Order 11.1 in relation to any of its papers.

12. QUORUM

- 12.1. The Chairman will adjourn the meeting if there is not a quorum present.
- 12.2. The quorum will be one quarter of the total number of voting members of the Committee. A quorum may not be fewer than three voting members.

13. MEMBER QUESTIONS TO THE SPELTHORNE JOINT COMMITTEE

- 13.1. Any Member of either Council may, with the Chairman’s consent, ask one or more questions on matters within the terms of reference of the committee.
- 13.2. Notice of questions must be given in writing to the Community Partnerships Team by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 13.3. Questions may be asked without notice if the Chairman decides that the matter is urgent.
- 13.4. Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.
- 13.5. Every question will be put and answered.

- 13.6. Copies of all questions will be circulated to Members before the start of the meeting.
- 13.7. Questions may be answered orally or in writing.
- 13.8. If the Chairman is unable to answer any question at the meeting he/she may send a written answer to the Member asking the question.
- 13.9. At the discretion of the Chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.
- 13.10. A record of all questions and answers will be included in the minutes of the meeting.

14. PUBLIC PARTICIPATION IN SPELTHORNE JOINT COMMITTEE

14.1. PETITIONS

- 14.1.1. Any member of the public who lives, works or studies in the Spelthorne Borough area may present a petition, containing 30 or more signatures or at the Chairman's discretion, relating to a matter within the terms of reference of the Committee. The presentation of a petition on the following business will not be allowed:
 - 14.1.1.1. matters which are "confidential" or "exempt" under Part VA of the Local Government Act 1972;
 - 14.1.1.2. planning applications; and
 - 14.1.1.3. matters in relation to a public rights of way under consideration by the Joint Committee.
- 14.1.2. A spokesperson for the petitioners may address the committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the committee or to the SCC Cabinet, Cabinet Member, SBC Cabinet or relevant committee of either SCC or SBC at the discretion of the Chairman.
- 14.1.3. Notice must be given in writing to the Community Partnerships Team at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through Surrey County Council's or Spelthorne Borough Council's e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.
- 14.1.4. No more than three petitions may be presented at any one meeting of the committee unless agreed otherwise by the Chairman.
- 14.1.5. The Community Partnerships Team may amalgamate within the first received petition other petitions of like effect on the same subject.
- 14.1.6. The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion.

- 14.1.7. PUBLIC QUESTIONS AND STATEMENTS
- 14.1.8. At the start of any ordinary meeting of the Committee, any member of the public who lives, works or studies in the Spelthorne borough area may ask one question or make a statement relating to a matter within the Committee's terms of reference. The Chairman may alternatively permit the question to be asked or the statement to be made at the start of an item on the agenda if it relates to that item.
- 14.1.9. Questions or statements will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications or on rights of way matters under consideration.
- 14.1.10. Notice of questions or statements must be given in writing or by e-mail to the Community Partnerships Team with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 14.1.11. The Community Partnerships Team may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be tabled and made available in the meeting room for members of the Joint Committee and any member of the public in attendance.
- 14.1.12. Questions and statements will be taken in the order in which they are received by the Community Partnerships Team. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.
- 14.1.13. following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.
- 14.1.14. The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may disallow questions or statements which are repetitious.
- 14.1.15. When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which such public participation has concluded and the Committee's formal discussion and decision making of the item is taking place.

14.2. PUBLIC SPEAKING IN RELATION TO RIGHTS OF WAY

Rights of Way application decisions are quasi-judicial decisions. They are therefore subject to specific rules. The reason for the rules about public speaking reflect the right of all individuals to a fair hearing.

- 14.2.1. Members of the public and their representatives may address the Spelthorne Joint Committee on any applications relating to public Rights of Way being considered by the committee.
- 14.2.2. Speakers must first register their wish to speak by telephone or in writing to the Community Partnerships Team by 12 noon one working day before a meeting stating on which item(s) they wish to speak.
- 14.2.3. Only those people who have previously made written representations in response to a Rights of Way application will be entitled to speak.
- 14.2.4. Speakers must declare any financial or personal interest they may have in the application.
- 14.2.5. Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.
- 14.2.6. The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.
- 14.2.7. Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.
- 14.2.8. No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.
- 14.2.9. Speeches will precede the Committee's formal discussion on each application requiring the committee's attention.
- 14.2.10. The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the Committee.

15. RIGHT TO SPEAK AT COMMITTEE

- 15.1.1. A Member may only speak once on a motion and amendment except:
- 15.1.2. the mover may reply to the debate but, in doing so, may only answer statements and arguments made in the course of the debate. He/she may not introduce any new matter;
- 15.1.3. the mover of a motion may speak during the debate on any amendment to the motion;
- 15.1.4. a Member who has already spoken may speak on a point of order or may, at the Chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood;
- 15.1.5. the Chairman may speak before the mover of the motion or amendment replies to the debate.
- 15.1.6. A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately and reserves his/her right to speak later.
- 15.1.7. RELEVANCE
- 15.1.8. Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.
- 15.1.9. POINTS OF ORDER
- 15.1.10. Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the Chairman whose decision will be final.

16. LENGTH OF SPEECHES

- 16.1.1. Except with the consent of the Chairman, the following time limits will apply to speeches:
 - (a) The mover of a motion or an amendment.
(5 minutes)
(A Member may not speak for more than five minutes unless he/she has a seconder).
 - (b) The mover of a motion either speaking to an amendment or replying to the debate.
(3 minutes)
 - (c) The mover of an amendment replying to the debate on the amendment.
(3 minutes)
 - (d) The seconder of a motion or an amendment.

(3 minutes)

(e) A Member speaking on a report or in a debate.

(3 minutes)

17. AFTER REPLY DEBATE IS CLOSED

- 17.1.1. After the reply is made, the motion or amendment under discussion will be put from the Chair.
- 17.1.2. PROCEDURE FOR MOTIONS AND AMENDMENTS
- 17.1.3. Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing to the Community Partnerships Team and read aloud before it is put to the meeting.
- 17.1.4. A Member may not move or second more than one amendment on any motion.
- 17.1.5. Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Committee.
- 17.1.6. With the consent of the Committee a Member may:
- 17.1.7. alter a motion of which he/she has given notice; or
- 17.1.8. with the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under the following Standing Order).

18. AMENDMENTS

- 18.1. Every amendment must be relevant to the motion under discussion and will either:
 - 18.1.1. move the reference back
 - 18.1.2. leave out words
 - 18.1.3. add words, or
 - 18.1.4. leave out words and add others.
 - 18.1.5. An amendment which forms the negative of the motion will not be allowed.
 - 18.1.6. Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the Chairman decides otherwise.
 - 18.1.7. If an amendment is lost, other amendments may be moved on the motion.

- 18.1.8. If an amendment is carried, the motion as amended will become the substantive motion on which further amendments may be moved.

19. PROCEDURAL MOTION

“That the question be now put”

- 19.1.1. Any Member may, at the close of the speech of another Member, move “That the question be now put”.
- 19.1.2. If he/she considers that there has been adequate debate, the Chairman may put the motion “That the question be now put” without debate. If the motion is carried:
- (a) the Chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and
 - (b) the mover of the motion or amendment may reply.
- 19.1.3. The motion or amendment will then be put.

20. INTERRUPTIONS AND DISORDERLY CONDUCT

- 20.1. If a member of the public interrupts the proceedings at a meeting the Chairman may ask him/her not to interrupt.
- 20.2. If the interruption continues the Chairman may order his/her removal from the room.
- 20.3. If there is general disturbance in all or part of the public gallery the Chairman may order that part to be cleared.
- 20.4. If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, “That the named Member be not further heard”. If this motion is seconded it will be put to the vote and determined without discussion.
- 20.5. If the motion is carried and the misconduct continues the Chairman may adjourn or suspend the sitting of the Committee for as long as he/she considers appropriate.

21. VOTING

- 21.1. Voting will be by show of hands unless a Member demands a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment will be recorded and entered in the minutes.
- 21.2. Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against the motion to be recorded in the minutes.
- 21.3. On a formal motion put from the Chairman (e.g. “That the report be received”), the question may be decided by the voice of the Members, unless any Member demands a show of hands.

21.4. If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.

21.5. The person presiding at the meeting, having already voted, may in the event of a tie exercise a second or casting vote.

22. MEMBERS' CODE OF CONDUCT

22.1. Members are bound by the Code of Conduct of the authority which appointed them to the Spelthorne Joint Committee and should particularly observe the provisions of their respective Codes concerning the declaration of interests when attending meetings of the Spelthorne Joint Committee.

23. INTERESTS OF MEMBERS

23.1. At any meeting where a Member becomes aware that a matter under consideration relates to:

23.1.1. one of their interests that they must disclose in accordance with their respective Council's Codes not already entered on the relevant Council's register and/or

23.1.2. the donor of any gift and/or hospitality they have accepted and not yet entered on the relevant Council's register.

23.1.3. The Member must disclose the interest to the meeting and, within 28 days, notify this to either the County Council's Monitoring Officer in the case of County Councillors or the Borough Council's Monitoring Officer in the case of Borough Councillors for inclusion in the register

24. PARTICIPATION IN RELATION TO DISCLOSABLE PECUNIARY INTERESTS

24.1. A Member with a disclosable pecuniary interest in any matter must:

24.1.1. not participate in any discussion or vote relating to the matter;

24.1.2. withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;

24.1.3. not exercise functions in relation to that matter; and

24.1.4. not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them) unless he/she has obtained a dispensation from the County Council's Audit and Governance Committee for County Councillors or the Borough Council's Members' Code of Conduct Committee.

25. ATTENDANCE OF MEMBERS

25.1. Members will sign a register of attendance.

26. EXCLUSION OF THE PRESS AND PUBLIC

26.1. The Spelthorne Joint Committee may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of Exempt or Confidential information as defined by the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

27. SUB-COMMITTEES AND TASK GROUPS

27.1. The Spelthorne Joint Committee may appoint:

27.1.1. Sub-Committees with power to act to discharge any of its functions as agreed by the Joint Committee.

27.1.2. Task Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Spelthorne Joint Committee.

28. CONDUCT AT MEETINGS

28.1. The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Chairman of the meeting whose ruling is final.

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Report from the Leader of the Council on the work of the Corporate Policy and Resources Committee

This is my report as the Leader of the Council on the work of the Corporate Policy and Resources Committee. It is an overview of the business considered by the Committee at its meeting held on 5 July 2021. Members will note that the Committee discussed two further matters, an Exempt Report on Ashford Victory Place and an Exempt Report on the Proposed Award of Leisure Centre Contractor contract, and as these were recommendations to Council they have been dealt with earlier on this Council agenda.

1. Corporate Policy and Resources Committee – Terms of Reference

1.1 The Committee noted its Terms of Reference.

2. Nominations for Development Sub-Committee

2.1 We considered and agreed the nominations to the Development Sub-Committee.

3. Appointments to Outside Bodies for 2021-22

3.1 We considered and agreed the nominations to Outside Bodies for 2021-22.

4. Establishment of Task Group (Waterfront Investigatory Task Group).

4.1 We considered and agreed the recommendations in the report on the establishment of the Waterfront Investigatory Task Group and agreed that the following members would sit on that task group:

Councillor C. Barnard
Councillor R. Noble
Councillor J. Sexton
Councillor L. Nichols

5. Assets Portfolio Working Group

5.1 The Committee agreed to set up the Assets Portfolio Working Group, the terms of reference, membership and frequency of the meetings.

6. Treasury Management Strategy Outturn report

6.1 We noted the treasury outturn position for 2020/21 and the challenging context of the financial environment in global markets in the face of the COVID-19 pandemic which pushed down investment returns and borrowing costs.

6.2 The Committee agreed that they would like a more graphical representation to be provided with the report in future so that it was easier for members to understand and compare performance over time.

7. Recovery Action Plan

- 7.1 The Committee noted the contents of the Recovery Action Plan report and Appendices.

8. Corporate Plan - Update

- 8.1 We noted the verbal update and the written summary provided by the Deputy Chief Executive.
- 8.2 The Committee agreed that they would like the letter S included in the Corporate Priorities acronym "CARE" to reflect the Council's commitment to Service Delivery.
- 8.3 We agreed that the Deputy Chief Executive continue to progress the Corporate Plan and that he report back to the Committee in due course.

9. Urgent Actions

- 9.1 We noted the urgent actions taken by the Chief Executive in consultation with the Leader (pre 27 May 2021) and the Chair and Vice Chair of the relevant Committee (post 27 May 2021) since the last Cabinet meeting in May 2021.

10. Forward Plan

- 10.1 We noted the Forward Plan for future Committee business.

11. Exempt Report - Acquisition Report - Property AB

- 11.1 We considered and agreed the public recommendations contained in an exempt report on the potential acquisition of property AB.

12. Exempt Report - COVID-19 recovery support for Leisure Centre Operators- amendment to Deed of Variation - Key Decision

- 12.1 We considered and agreed to approve an amendment to the Deed of Variation, extending the timescale for the cap on the cash support, from June to now cover to the end of September 2021.

Councillor Lawrence Nichols
Leader of the Council

15 July 2021

Report of the Chairman on the work of Environment and Sustainability Committee

This report gives an overview of the main issues considered at the meeting held on 30 June 2021.

1. Nominations for the Development Sub-Committee

- 1.1 The Committee agreed to nominate Cllrs John Doran and Dick Smith-Ainsley to Council for membership of the Development Sub-Committee.

2. Introduction to the Environment and Sustainability Committee

- 2.1 The Committee was informed of some of the wide-ranging issues that would be coming before them in the forthcoming year.

3. Environment and Sustainability Committee – Terms of Reference

- 3.1 The Committee noted its Terms of Reference.

4. Local Plan (revised Local Development Scheme timetable)

- 4.1 The Committee considered a report setting out the timetable for producing a new Local Plan to reflect delays as a result of the pandemic, policy and guidance changes and political administration changes within the Council.
- 4.2 The Committee agreed the publication of the updated Local Development Scheme.

5. Formation of Strategic Planning Task Groups

- 5.1 It was necessary to reconstitute the task groups previously set up, following the change to the Committee system form of governance.
- 5.2 The Committee also considered a proposal to seek an external opinion on the Local Plan was sought from a suitably qualified consultant.
- 5.3 The Committee agreed the following:

1. Local Plan Task Group

- a) That the Local Plan Task Group comprise of 16 members, politically proportioned consisting of the Chair and Vice Chair of the Environment and Sustainability Committee, the Chair of Planning and one member from each ward in the borough.
- b) To delegate authority to the Chief Executive in consultation with the Chair and Vice Chair of this Committee to agree the names of those ward members on the Local Plan Task Group.

- c) That the Chair and Vice Chair of the Task Group were elected by members of the Task Group at their first meeting.
- d) That brief minutes of decisions made by the Task Group were recorded and made available to all councillors on a confidential basis.

2. Staines Development Task Group

- a) That the Staines Development Task Group comprise of the Chair and Vice Chair of the Environment and Sustainability Committee, the Chair of Planning, Councillor J. Sexton as Staines resident, and all ward councillors for Staines, Staines South, and Riverside and Laleham.
- b) That the Chair and Vice Chair of the Task Group were elected by members of the Task Group at their first meeting.
- c) That brief minutes of decisions made by the Task Group were recorded and made available to all councillors on a confidential basis.

3. Community Infrastructure Levy Local Spending Boards

- a) That 5 CIL Local Spending Boards were created comprising all ward members from each locality.
- b) That the Chair of each CIL Local Spending Board was elected by the members of each respective Board.
- c) That the Committee recommend to the Spelthorne Joint Committee that the CIL Task Group includes the elected Chair of each Local Spending Board.

4. External Opinion on Local Plan

To require the Group Head for Regeneration and Growth, in consultation with the Chair and Vice Chair to seek an external opinion on the Local Plan options from a suitably qualified consultant. The Chair and Vice Chair would first seek Committee members' views on the issues they would like considered by the consultant and what should be contained in the person specification. Any contract awarded for this purpose not to exceed £10,000.

6. Outside Gym Proposal

- 6.1 The Committee considered a request to conduct a public consultation exercise regarding the installation of 10 outdoor gyms in local parks.
- 6.2 Funding for the outdoor gyms and the location of the parks had already been agreed by Spelthorne Joint Committee using Community Infrastructure Levy (CIL) funding.
- 6.3 The Committee agreed to authorise the Group Head of Neighbourhood Services to initiate a procurement exercise to purchase and install OGE equipment in the parks to avoid delay and maximise health benefits to residents.

7. Climate Change Projects and Green Initiatives Fund

- 7.1 The Committee considered a report providing details of projects undertaken to date and potential future projects to reduce our carbon footprint.

7.2 The Committee agreed to:

- 1) To note the report
- 2) Agree the draft Environment and Sustainability Action Plan, which sits within the wider draft Corporate Recovery Plan considered by the Corporate Policy and Resources Committee at their meeting on 5 July.

8. Climate Change Working Group and Terms of Reference

8.1 The Committee considered a report proposing the working group was reconstituted following the change to a Committee system.

8.2 The Committee agreed:

- 1) The setting up of a working group to focus on monitoring of actions towards carbon neutrality and to assess initial ideas on measures to address climate change before submission to the Environment and Sustainability Committee.
- 2) That Sandy Muirhead, Group Head of Commissioning and Transformation, contact Group Leaders and ask for expressions of interest for any members interested in joining the group.
- 3) To delegate authority to the Group Head of Commissioning and Transformation, in consultation with the Chair and Vice Chair, to agree members of the working group.

9. Community Orchards

9.1 The Committee received a verbal report on Community Orchards.

9.2 The Committee agreed to note the report and add the subject to the forward plan for future consideration.

10. Forward Plan

10.1 The Committee noted the forward plan and that the River Thames Scheme and Community Orchards would be added to the plan and other matters as they arose.

11. Training for Environment and Sustainability Committee Members

11.1 It was agreed that training sessions would be arranged for members on areas of interest including Climate Change and Emergency Planning for those unable to attend the recent session.

12. Amendment to Specific Policies in the Adopted 2009 Local Plan

12.1 The Committee considered a part-exempt report that had been referred to the Environment and Sustainability Committee by Cabinet at their meeting on 19 May 2021 concerning amendment to specific policies in the adopted 2009 Local Plan with a request that the matter be deferred to Full Council for a final decision.

12.2 The Committee considered it beneficial for a second external expert opinion to be sought and that this should be undertaken by the external consultant agreed under item 5 above.

12.3 The Committee agreed:

- 1) To note the advice received from Counsel at confidential Appendix 4 to the report considered by the Committee.
- 2) That in the light of this advice to seek a second opinion of Counsel's advice, but to continue with the current process which has been underway for the past two years to revise the Local Plan in its entirety.
- 3) The Leader and Deputy Leader write a strongly worded letter to Kwasi Kwarteng, the Constituency MP, expressing deep concern over the housing numbers allocation for the borough and extend an invitation to attend a meeting of the Committee to discuss the housing figures.

Councillor Ian Beardsmore

Chairman of the Environment and Sustainability Committee

15 July 2021

Report from the Chairman on the work of the Community Wellbeing and Housing Committee

This report gives an overview of the main issues considered at the meeting held on 29 June 2021.

1. Community Wellbeing and Housing Committee Terms of Reference

1.1 The Committee noted its Terms of Reference.

2. Introduction to the Community Wellbeing and Housing Committee

2.1 The committee noted the verbal introduction from the Deputy Group Head, Community Services on the different teams within Community Wellbeing and their remit.

3. Introduction to the Family Support Team

3.1 The Committee noted the verbal update from the Deputy Chief Executive on the remit of the Family Support Team.

4. Community Centres Update

4.1 The Committee noted the verbal update from the Deputy Group Head, Community Wellbeing regarding the Borough's Community Centres.

5. Leisure Centre Update

5.1 The Committee noted the verbal update from the Leisure Facilities and Project Manager on the new Staines Leisure Centre.

6. Home Improvement Agency Update

6.1 The Committee noted the verbal update from the Deputy Group Head, Community Wellbeing on the Home Improvement Agency.

7. Health and Wellbeing Strategy Update

7.1 The Committee noted the verbal update from the Deputy Group Head, Community Wellbeing on the work being undertaken to update the Health and Wellbeing Strategy.

8. Procurement of a Cleaning Contract for White House and Harper House

8.1 The Committee considered a report on the proposed procurement of a cleaning contract for White House and Harper House.

8.2 The Committee agreed to the procurement of a cleaning contract for White House and Harper House for the duration of 3 years with an option for a further two 12-month periods.

9. Leisure Centre – Minor Variation of Contract

9.1 The Committee considered a report that sought approval of a Minor Contract Variation Proposal for the current Leisure Centre to increase the eligible age of the senior concession from 60 to 66 years in line with the current state pension age.

9.2 The Committee agreed that changing the eligible age for the senior concession would have an adverse effect on the elderly residents within the Staines Borough and they agreed not to approve the variation.

10. Forward Plan

10.1 The Committee agreed to note the Forward Plan for future Committee business.

Councillor Sandra Dunn

Chairman of the Community Wellbeing and Housing Committee **15 July 2021**

Report from the Chairman on the work of the Neighbourhood Services Committee

This report gives an overview of the main issues considered at the meeting held on 24 June 2021.

1. Introduction to the Neighbourhood Services Committee

1.1 The committee noted the verbal introduction from the Group Head of Neighbourhood Services on the workings of Neighbourhood Services.

2. Neighbourhood Services Committee – Terms of Reference

2.1 The committee noted its Terms of Reference.

3. Food and Health and Safety Service Plans for 2021/22

3.1 The Committee considered a report on the proposed Food and Health and Safety Service Plans for 2021/22.

3.2 The Committee agreed

- (a) to adopt the proposed Food Service Plan for 2021/22
- (b) to adopt the proposed Health and Safety Service Plan for 2021/22.
- (c) that the Senior Environmental Health Manager write a letter to the Food Standards Agency, requesting that the Committee supports that the display of food hygiene ratings becomes mandatory, and that this letter should be sent within one month of the date of the Committee meeting.

4. Forward Plan

4.1 The Committee considered the Forward Plan for future committee business.

4.2 The Committee agreed to note the Forward Plan for future business with the following amendments:

- (a) Parking Services Update will move to the 4 November 2021 meeting;
- (b) Review of rules and regulations: cemetery and burial grounds will be amended to reflect it is a key decision;
- (c) Litter Poster Campaign Update will be scheduled for the 4 November 2021 meeting;
- (d) Adoption of fixed penalty notices for household waste to be scheduled for the 9 September 2021 meeting;
- (e) An updated version of the Forward Plan would be circulated to members.

Councillor Amar Brar

Chairman of the Neighbourhood Services Committee

15 July 2021

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Report of the Chairman on the work of the Economic Development Committee

This report gives an overview of the main issues considered at the meeting held on 22 June 2021.

1. Economic Development Committee – Terms of Reference

- 1.1 The Committee noted its Terms of Reference.

2. Economic Development Team

- 2.1 The Committee noted a report on the work of the Economic Development Team to help promote the economic vitality of the Borough.
- 2.2 The Committee was informed that it would be involved in the development of the Economic Strategy, with a report on an updated Local Economic Assessment which will underpin the new strategy coming to the next meeting.

3. Impact of the pandemic on the local economy

- 3.1 The Committee noted a report on the economic impact of Covid-19 on Spelthorne business and employment, and the Economic Development Recovery Action Plan.
- 3.2 The Committee was advised that £1.6m was remaining to be allocated to local businesses from the Additional Restrictions Grant by 31 March 2022 and that members' views were sought on how the money could best be spent to support businesses.
- 3.3 The Committee agreed:
 - (a) The draft Economic Development Recovery Action Plan
 - (b) That a regular report comes to each Committee meeting setting out how the team is delivering on the economic development elements of the Corporate Recovery Action Plan and
 - (c) To set up a Task and Finish group led by Cllr. V. Leighton with Cllr. T. Fidler and Cllr. M. Gibson, to discuss the Council's policy on spending the £1.6m Additional Restrictions Grant, and report back to the next Economic Development Committee meeting.

4. Economic Development Team - Training

- 4.1 The Committee agreed to receive a training session on how skills and employment cuts across all areas of the economy.
- 4.2 I encouraged members to attend a meeting of Spelthorne Business Forum to learn more about business in the Borough.

5. Economic Development Committee – Forward Plan

- 5.1 The Committee noted the Forward Plan for future business and that a report from the Additional Restrictions Grant Task Group would come to the next meeting.

Councillor Colin Barnard

Chairman of the Economic Development Committee

15 July 2021

Report of the Chairman on the Work of the Planning Committee

The Planning Committee has met on three occasions since the previous report to Council. This report gives an overview of the key items considered by the Committee at its meeting on 28 April 2021, 26 May 2021 and 23 June 2021.

1. Planning Committee meeting – 28 April 2021

1.1 The Committee considered three applications.

1.2 Application No. 20/01506/FUL – This application was for the demolition of the existing Sunbury Ex-Serviceman’s Association Club and re-development of the site including the erection of three residential buildings of 4-storey, 6-storey and 9-storey comprising 69 flats with associated car-parking, cycle storage, landscaping and other associated works. The application was refused.

1.3 Application No. 20/00134/FUL – This application was for the redevelopment of the site for the erection of 5 residential units, following the demolition of existing buildings. The application was deferred.

1.4 Application No. 20/00990/FUL – This application was for the proposed change of use of the upper floors to 8 residential flats including conversion of the existing first and second floors with a roof extension, new bin store, bicycle store and parking. This application was agreed.

2. Planning Committee – 26 May 2021

2.1 The Committee considered four applications.

2.2 Application No. 20/00134/FUL – This application was for the development of the site for the erection of 5 residential units, following demolition of existing buildings. The application was refused.

2.3 Application No. 21/00442/FUL – This application was for minor changes to the public realm outside the West Wing, including replacement of vehicle barriers and bollards and installation of a new post box. The application was agreed.

2.4 Application No. 21/00604/ADV – This application was for advertisement consent for the display of 3 non illuminated fascia signs which read “Join our Co-work Community SpelthorneBusinessHub.com”, “Spelthorne Borough Council” and “COTRIBE” above the main entrance. The application was agreed.

2.5 Tree Preservation Order 268/2021 – This sought to seek confirmation of Tree Preservation Order 268/2021 that was served with immediate effect on 03 February 2021 to protect one Sycamore tree situated on land

adjacent to 141 Manygate Lane, Manygate Lane Estate, Shepperton, TW17 9EP. The application was agreed.

3. Planning Committee – 23 June 2021

3.1 The Committee considered two applications.

3.2 Application No. 20/01199/FUL – This application was for the demolition of the former Masonic Hall and redevelopment of the site to provide 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works. The application was refused.

3.3 Application No. 20/01199/FUL – This application was for the construction of a new Leisure Centre with associated parking, pedestrian access, landscaping and public realm, and the demolition of the existing Leisure Centre. The application was approved.

Councillor Tom Lagden
Chairman of Planning Committee

15 July 2021

Report of the Chairman on the work of the Licensing Committee

There have been three Licensing sub-Committee meetings since the last report, and I set out the main items of business considered at those meetings.

28 April 2021

The Sub-Committee considered an application for a Premises Licence at Tesco Stores Limited, 47/48 Elmsleigh Centre, Staines-upon-Thames following representations. The Sub-Committee agreed to grant the licence for the reasons set out in the decision notice.

5 May 2021

The Sub-Committee considered an application for a Premises Licence at the Hazelwood Centre, Hazelwood Drive, Sunbury-on-Thames TW16 6QU following representations. The Sub-Committee agreed to grant the licence, together with two agreed informatives, for the reasons set out in the decision notice.

15 June 2021

The Sub-Committee considered an application for a Personal Licence.

Due to the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 exempt information (Paragraph 1 - Information relating to any individual and on the basis that publication would not be in the public interest because information and documentation is personal and subject to an obligation of confidentiality) the public and press were excluded.

The Committee resolved to refuse the application for the reasons set out in the decision letter.

Robin Sider BEM

*Chairman of the Licensing Committee
15 July 2021*

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Report of the Chairman on the work of the Administrative Committee

This report gives an overview of the main issues considered at the meeting held on 1 July 2021.

1. Administrative Committee – Terms of Reference

1.1 The Committee noted its Terms of Reference.

2. Administrative Committee – Forward Plan

2.1 The Committee noted the Forward Plan for future business subject to the following amendments and inclusion of the following items:

2.2 Amendments

1. The Review of Procurement Strategy & Policies to be amended to reflect it is a Key Decision.
2. The date in the heading of the Forward Plan be amended to reflect that the plan spans for the Municipal year until 26 May 2022.

2.3 Additional items

1. An update on the status of the IT infrastructure review to be presented to the Committee on 7 October 2021.
2. A review of programme management to include an update on the status of programmes.
3. A report on the how decisions were made on the locations of and communications around polling stations at the recent election in May 2021.

Councillor Tony Mitchell

Chairman of the Administrative Committee

15 July 2021

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