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Date: 24 January 2023

## **Notice of meeting**

### **Standards Committee**

**Date:** Wednesday, 1 February 2023

**Time:** 7.00 pm

**Place:** Council Chamber, Council offices, Knowle Green, Staines-upon-Thames TW181XB

#### **To the members of the Standards Committee**

Councillors:

I. Winter (Chairman)	R.D. Dunn	S.C. Mooney
Dylan Price (Vice-Chairman)	K.M. Grant	D. Saliagopoulos
M.M. Attewell	I.T.E. Harvey	R.W. Sider BEM
J.R. Boughtflower	T. Lagden	

Substitute Members: Councillors C. Bateson, M. Beecher, T. Fidler, N.J. Gething, A.J. Mitchell, O. Rybinski and J.R. Sexton

*Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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# Agenda

## Page nos.

**1. Apologies and Substitutes**

To receive any apologies for absence and notification of substitutions.

**2. Minutes**

**3 - 4**

To confirm as a correct record the minutes of the meeting held on 22 June 2022.

**3. Disclosures of Interest**

To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.

**4. Withdrawal from Spelthorne Joint Committee**

**5 - 32**

To consider and recommend to Council

1. The cessation of all the Borough Council's non-executive and advisory functions from the Spelthorne Joint Committee's remit as set out in the Joint Committee Constitution, be approved with immediate effect and
2. Those functions be delegated to the appropriate Committee as set out in Paragraphs 3.5 to 3.10 of the report.

**5. Induction Programme 2023**

Report to follow.

**6. Update on Member Complaints**

To note the update on member complaints.

**Minutes of the Standards Committee  
22 June 2022**

**Present:**

I. Winter (Chairman)  
Dylan Price (Vice-Chairman) (attending virtually)

**Councillors:**

M.M. Attewell	K.M. Grant	R.W. Sider BEM
J.R. Boughtflower	I.T.E. Harvey	
R.D. Dunn	S.C. Mooney	

**In Attendance:** Councillors C. Bateson and M. Beecher

**494/22 Minutes**

The minutes of the meeting held on 16 March 2022 were agreed.

**495/22 Disclosures of Interest**

There were none.

**496/22 Update on Member Complaints**

The Interim Monitoring Officer introduced the report. As part of the introduction, various observations about recent complaints hearings and the high number of complaints being received were drawn to members' attention. The proposed training sessions were also described to the committee.

There was a brief discussion about the appropriate use of social media and how concerns could be raised without engaging formal standards processes.

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# Standards Committee

1 February 2023



<b>Title</b>	Spelthorne Joint Committee - cessation of functions
<b>Purpose of the report</b>	To make a recommendation to Council
<b>Report Author</b>	Farida Hussain, Monitoring Officer
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	Not applicable
<b>Corporate Priority</b>	Service delivery
<b>Recommendations</b>	<p><b>Committee is asked to recommend to Council that:</b></p> <ol style="list-style-type: none"> <li><b>1. the cessation of all the Borough Council's non-executive and advisory functions from the Spelthorne Joint Committee's remit as set out in the Joint Committee Constitution, be approved with immediate effect and</b></li> <li><b>2. those functions be delegated to the appropriate Committee as set out in Paragraphs 3.5 to 3.10 of this report.</b></li> </ol>
<b>Reason for Recommendation</b>	To enable the Council to consider its position in light of the withdrawal of all County Council functions from the Spelthorne Joint Committee from 11 October 2022.

## 1. Summary of the report

- 1.1 Surrey County Council ("SCC") has withdrawn all of its functions from the Spelthorne Joint Committee from 11 October 2022 and has given 6 months' notice of its intention to withdraw fully from the Joint Committee by the end of the current municipal year. It is now for this Council to determine how it wishes to proceed with the remaining functions delegated to the Joint Committee by Spelthorne Borough Council.

## 2. Key issues

### Background

- 2.1 In 2016, this Council and SCC agreed to replace the former Local Committee (Spelthorne) with a new Spelthorne Joint Committee, which would deal not only with the range of executive and non-executive SCC functions that the Local Committee discharged locally, but also a range of executive and non-

executive Spelthorne Borough Council (SBC) functions delegated to it, as well as a range of advisory functions relating to both Councils.

- 2.2 The Joint Committee comprises the seven County Councillors representing the seven County Divisions within the Borough, plus seven Borough Councillors appointed on a politically proportionate basis.
- 2.3 The first Joint Committee meeting was held in January 2017. Since then, there have been 19 meetings of the Spelthorne Joint Committee. It is worth noting that 46% of the business transacted at those meetings dealt with highways, infrastructure, and parking matters. The main SBC function dealt with by the Joint Committee has been Community Infrastructure Levy funding.

### **Withdrawal of functions by SCC**

- 2.4 The Council will be aware that SCC's Cabinet decided in February 2022 to transfer all executive highway functions (including on-street parking) from the Spelthorne Joint Committee, and other Joint Committees and Local Committees in Surrey, to County Officers, in consultation with relevant Divisional Members. These changes took effect from 1 April 2022 and sit alongside the development of new engagement methods and tools. It is SCC's view that these changes will enable members and officers to reach out more effectively to residents.
- 2.5 At its Annual Meeting on 24 May 2022, SCC noted a number of consequential changes to the Spelthorne Joint Committee Constitution to omit from its terms of reference all executive highway functions (including on-street parking) and agreed that county councillors elected as chairmen or vice-chairmen of the Local and Joint Committees across the county shall hold those offices only until 31 October 2022.
- 2.6 On 27 September 2022, the Leader of SCC made a decision to remove the remaining executive functions and advisory functions from all the Local Committees and Joint Committees in the county with effect from 11 October 2022. The amended Spelthorne Joint Committee Constitution following this decision is attached as **Appendix A**.
- 2.7 At the SCC meeting on 11 October 2022, formal approval was given to cease all the Local Committees with effect from 31 October 2022, to serve notice of SCC's intention to withdraw from all of the Joint Committees (the notice to expire on or before 30 April 2023), and to transfer their non-executive functions relating to Public Rights of Way from all the Local and Joint Committees back to the County's own local governance arrangements. That notice has been received.
- 2.8 This report asks the Council to consider its position in light of these changes.

### **3. Options analysis and proposal**

- 3.1 The effect of the decisions taken by SCC means that the Spelthorne Joint Committee now has no SCC functions delegated to it, and its remit only comprises the very limited number of SBC non-executive and advisory functions. On or before 30 April 2023, the Spelthorne Joint Committee will cease to exist, although it is arguable that the Joint Committee cannot now be considered to be a "joint committee" where one of the two parties has withdrawn all of its functions. If it were to continue until 30 April 2023, this Council would have to manage meetings of the Joint Committee.

### 3.2 **Option 1 (recommended)**

In light of the decisions taken by SCC outlined above, Standards Committee is asked to recommend Council at its meeting on 23 February 2023 to transfer the existing council, delegated and advisory functions currently within the remit of the Joint Committee (**pages 3-4 of Appendix A**) back to this Council.

3.3 If the Council agree to this action, then the Joint Committee will effectively be dissolved as of 23 February 2023 (rather than April) as it would have no functions delegated to it.

3.4 The only council function delegated by SBC to the Joint Committee which requires a Council decision as to which Committee should be delegated the function in the Borough Council's Constitution is:

'Determine priorities and agree how Community Infrastructure Levy (CIL) receipts will be expended.'

3.5 A meeting of the CIL Task Group held on 21 December 2022 agreed that due to the strategic nature of CIL spending on infrastructure and the relationship with planning and the Local Plan, responsibility for considering all CIL allocation proposals should lie with Environment and Sustainability Committee.

3.6 Members proposed that where significantly large sums of monies are being committed, and on schemes which carry a degree of complexity that Corporate Policy and Resources Committee should be responsible for decision making, and that the decision as to which Committee should decide any particular CIL allocation would lie with the CIL Task Group.

3.7 The proposed changes to Terms of Reference (Part 3a of the Constitution) of both Environment and Sustainability and Corporate Policy and Resources Committees are attached at **Appendix B**.

3.8 Subject to Council approval to the proposed delegation of CIL functions, the Environment and Sustainability Committee will need to establish the Community Infrastructure Levy Task Group (including its membership and Terms of Reference) at its first subsequent meeting (currently scheduled for 14 March 2023).

3.9 The previous delegated and advisory functions of the Joint Committee will be absorbed by Council (in relation to the community strategy) or the Committee which has responsibility for the relevant service area (advisory functions (i) to (xii), without the need to amend the Borough Council's Constitution.

3.10 In terms of advisory function (v) of the Joint Committee Constitution i.e., 'Monitor the quality of services provided locally and recommend action as appropriate'; all the Borough Council Service Committees have responsibility for their particular service areas, to 'review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.'

### 3.11 **Option 2**

3.12 The Council could decide alternative arrangements for the delegation of CIL functions to Committees.

### **3.13 Option 3**

The Council could decide not to withdraw SBC functions from February and to continue with the Joint Committee arrangement with SCC until the expiry of the six months' notice given by SCC (not beyond 30 April 2023).

## **4. Financial implications**

- 4.1 It is not anticipated that continuing with a Joint Committee or withdrawal from it will have any significant financial implications for the Council. If the operation of the Joint Committee was terminated, there would be a small saving on a special responsibility allowance in respect of the Vice-Chairman of the Joint Committee (as set out in the current scheme of allowances for councillors).

## **5. Risk considerations**

- 5.1 If the Council fails to determine by 30 April 2023 where the executive function relating to CIL spend, previously delegated to the Joint Committee, will sit in the Borough Council's Committee structure, it risks a delay on allocation of CIL funds to infrastructure projects in its communities.

## **6. Procurement considerations**

- 6.1 There are no procurement considerations applicable to this report.

## **7. Legal considerations**

- 7.1 Under arrangements for any joint committee between two local authorities, it is implicit that any executive or non-executive functions delegated to a joint committee by one authority can be unilaterally withdrawn by that authority. SCC has exercised its right to withdraw all of its functions from all Joint Committees and Local Committees in the county and has agreed to give six months' notice under the terms of the Joint Committee's Constitution of its wish to withdraw from the Joint Committee.
- 7.2 If the Council agree to withdraw SBC's non-executive functions, the Joint Committee will effectively be dissolved at that point, without the need to wait for the expiry of the six months' notice referred to above.

## **8. Other considerations**

- 8.1 There are none.

## **9. Equality and Diversity**

- 9.1 There are no equality and diversity impacts arising from this report.

## **10. Sustainability/Climate Change Implications**

- 10.1 This report has no effect on sustainability/climate change issues.

## **11. Timetable for implementation**

- 11.1 Subject to Council approval on 23 February 2023, the recommendations will take effect immediately.

## **12. Contact**

- 12.1 Farida Hussain, [f.hussain@spelthorne.gov.uk](mailto:f.hussain@spelthorne.gov.uk)



**Background papers:** There are none.

**Appendices:**

**Appendix A – Spelthorne Joint Committee updated 11 October 2022**

**Appendix B – Proposed additions to Terms of Reference of Committees**

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# **Spelthorne Joint Committee**

## **Constitution**

(October 2022)

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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.

***NB: As of 11 October 2022, no SCC functions are delegated to the Joint Committee.***

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 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.

### **Council Functions** (delegated by Spelthorne Borough Council (SBC))

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 SBC Council on the following local services and budgets, to be taken in accordance with the financial framework and policies of SBC within a framework of agreed performance and resources:

- (i) Community safety funding that is delegated to the Joint Committee (SBC).
- (ii) Determine priorities and agree how Community Infrastructure Levy (CIL) receipts will be expended (SBC).
- (iii) In relation to services for young people, 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 (SBC).
- (iv) Decisions on any funding when a budget is allocated to the Joint Committee by either SBC (SBC).

### **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) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners (SBC)
- (ii) To champion the better use of public sector assets in the Borough to promote the One Public estate approach amongst Spelthorne Borough Council and other public sector partners (SBC)
- (iii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SBC)
- (iv) Engage in issues of concern to local people and seek to influence SBC in the light of local needs. (SBC)
- (v) Monitor the quality of services provided locally and recommend action as appropriate. (SBC)
- (vi) 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. (SBC)
- (vii) 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 (SBC)
- (viii) Oversee local initiatives agreed and funded by the Joint Committee. (SBC)
- (ix) Oversee off-street parking provision and enforcement in its area including budget monitoring subject to any particular terms of reference, agreed by the committee (SBC)
- (x) 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. (SBC)
- (xi) 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. (SBC)
- (xii) Be consulted on any issues referred to it by SBC and produce responses as appropriate. (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 year, with the Borough Council providing the Chairman in Municipal Year 2021/22. 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 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 the relevant authority's usual procedures for the remainder of that term.

- 2.4. 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 Partnerships and Engagement 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.

***NB: As of 11 October 2022, no SCC functions are delegated to 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.

## **14.2. PUBLIC QUESTIONS AND STATEMENTS**

14.2.1. 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.

14.2.2. 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.

14.2.3. 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.

14.2.4. 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.

14.2.5. 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.

14.2.6. 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.

14.2.7. 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.

- 14.2.8. 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.

### **14.3. PUBLIC SPEAKING IN RELATION TO RIGHTS OF WAY**

***NB: As of 11 October 2022, no SCC functions are delegated to the Joint Committee.***

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.

- 14.3.1. 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.
- 14.3.2. 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.
- 14.3.3. Only those people who have previously made written representations in response to a Rights of Way application will be entitled to speak.
- 14.3.4. Speakers must declare any financial or personal interest they may have in the application.
- 14.3.5. 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.
- 14.3.6. 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.
- 14.3.7. 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.
- 14.3.8. 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.
- 14.3.9. Speeches will precede the Committee's formal discussion on each application requiring the committee's attention.



- 14.3.10. 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. A Member may only speak once on a motion and amendment except:

- 15.1.1. 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;
- 15.1.2. the mover of a motion may speak during the debate on any amendment to the motion;
- 15.1.3. 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;
- 15.1.4. the Chairman may speak before the mover of the motion or amendment replies to the debate.
- 15.1.5. 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.

## **16. RELEVANCE**

16.1. 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.

## **17. POINTS OF ORDER**

17.1. 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.

## **18. LENGTH OF SPEECHES**

18.1. 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)

## **19. AFTER REPLY DEBATE IS CLOSED**

19.1. After the reply is made, the motion or amendment under discussion will be put from the Chair.

## **20. PROCEDURE FOR MOTIONS AND AMENDMENTS**

20.1. 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.

20.2. A Member may not move or second more than one amendment on any motion.

20.3. Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Committee.

20.4. With the consent of the Committee a Member may:

20.4.1.1. alter a motion of which he/she has given notice; or

20.4.2. 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).

## **21. AMENDMENTS**

21.1. Every amendment must be relevant to the motion under discussion and will either:

21.1.1. move the reference back

21.1.2. leave out words

21.1.3. add words, or

21.1.4. leave out words and add others.

21.2. An amendment which forms the negative of the motion will not be allowed.

21.3. 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.

21.4. If an amendment is lost, other amendments may be moved on the motion.

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

## **22. PROCEDURAL MOTION**

### **“That the question be now put”**

22.1. Any Member may, at the close of the speech of another Member, move “That the question be now put”.

22.2. 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.

22.3. The motion or amendment will then be put.

## **23. INTERRUPTIONS AND DISORDERLY CONDUCT**

23.1. If a member of the public interrupts the proceedings at a meeting the Chairman may ask him/her not to interrupt.

23.2. If the interruption continues the Chairman may order his/her removal from the room.

23.3. If there is general disturbance in all or part of the public gallery the Chairman may order that part to be cleared.

23.4. 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.

23.5. 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.

## **24. VOTING**

24.1. 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.

24.2. 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.

24.3. 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.

24.4. 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.

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

## **25. MEMBERS’ CODE OF CONDUCT**

25.1. 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.

## **26. INTERESTS OF MEMBERS**

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

26.1.1. 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

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

26.1.3. 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

## **27. PARTICIPATION IN RELATION TO DISCLOSABLE PECUNIARY INTERESTS**

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

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

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

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

27.1.4. 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.

## **28. ATTENDANCE OF MEMBERS**

28.1. Members will sign a register of attendance.

## **29. EXCLUSION OF THE PRESS AND PUBLIC**

29.1. 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.

## **30. SUB-COMMITTEES AND TASK GROUPS**

30.1. The Spelthorne Joint Committee may appoint:

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

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

## **31. CONDUCT AT MEETINGS**

31.1. 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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## **TERMS OF REFERENCE**

### **CORPORATE POLICY & RESOURCES COMMITTEE**

#### **Proposed additional Function**

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

Decisions on Community Infrastructure Levy (CIL) funds allocation on those proposals related to major infrastructure projects where significantly large sums of monies (approximately £1million or more) are being committed or on schemes which carry a degree of complexity as recommended by the CIL Task Group.

### **ENVIRONMENT & SUSTAINABILITY COMMITTEE**

#### **Proposed additional Functions**

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

Consideration of all Community Infrastructure Levy (CIL) funds allocation and determination in all cases, except for those proposals related to major infrastructure projects where significantly large sums of monies are being committed or on schemes which carry a degree of complexity which will be referred for decision to Corporate Policy and Resources Committee, as recommended by the CIL Task Group.

Establishment of the Community Infrastructure Task Group - terms of reference to be agreed by Environment Sustainability Committee.

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