



Please reply to:

Contact: Karen Wyeth
Service: Committee Services
Direct Line: 01784 446224
E-mail: k.wyeth@spelthorne.gov.uk
Date: 08 February 2023

Notice of meeting

Standards Committee

Date: Thursday, 16 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

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

Agenda

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1.	Apologies and Substitutes	
	To receive any apologies for absence and notification of substitutions.	
2.	Minutes	5 - 6
	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.	Induction Programme 2023	7 - 24
	To consider and recommend to Council:	
	1. Approval of the proposed Member's Induction Programme 2023.	
	2. Authorisation for the Group Head of Corporate Governance to make changes to the programme to reflect any necessary amendments.	
5.	Withdrawal from Spelthorne Joint Committee	25 - 52
	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.	
6.	Councillor DBS Checks	53 - 62
	To note the report and make a recommendation to Council to:	
	a) Approve the introduction of Basic Disclosure and Barring Service checks (DBS) for all councillors;	
	b) Agree to adopt the DBS Checks for Members Protocol for inclusion in the Council's Constitution at Appendix B; and	
	c) Agree to delegate to the Monitoring Officer to make the necessary amendments to the terms of reference of the Standards Committee, to include the resolution of issues concerning the discharge of members' roles in light of DBS check responses.	
7.	Update on Member Complaints	63 - 68

To note the update on member complaints.

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**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



16 February 2023

Title	Member Induction Programme 2023
Purpose of the report	To make a decision
Report Author	Matthew Williams, Committee Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	
Corporate Priority	Service delivery
Recommendations	<p>Committee is asked to recommend to Council to:</p> <p>Approve the proposed Member's Induction Programme for 2023.</p> <p>Authorise the Group Head of Corporate Governance to make changes to the Programme to reflect any necessary amendments.</p>
Reason for Recommendation	Following the elections in May 2023 it will be necessary to provide an Induction to new and re-elected councillors.

1. Summary of the report

- 1.1 This report seeks to outline a proposed Induction Programme aimed at providing new Members with a comprehensive training schedule while also remaining relevant to any re-elected members.

2. Key issues

- 2.1 The Draft Induction Programme 2023 has been put together based on the induction training offered in 2019, the feedback from that training, and suggestions from members. The training has also been reviewed to ensure that it addresses recommendations from the Corporate Peer Review.
- 2.2 As with 2019, the preferred format for the Induction was to have it delivered by officers and external professional trainers, to include input from experienced members where appropriate.

- 2.3 The Induction Programme aims to deliver the essential training for new members and refresher training for any re-elected members.
- 2.4 Further development workshops and seminars can be arranged following completion of the Induction Programme but that is beyond the scope of this report.
- 2.5 Additional resources have been sourced through the Local Government Association (LGA) including workbooks and e-learning.

3. Options analysis and proposal

- 3.1 Option 1: Approve the proposed Induction Programme and expenditure not exceeding £20,000 for external training providers. Early approval of the programme would mean it could be distributed to all candidates ahead of the election to ensure they are aware of the training commitment.

Option 2: Do nothing. This is not recommended as it will lead to there being no plan for providing training to new members.

Option 3: Create an alternative Induction Programme.

4. Financial implications

- 4.1 A budget of £20,000 has been set aside for delivery of the Induction Programme and ongoing member development.
- 4.2 The anticipated cost is outlined below and does provide room for additional training beyond the core Induction Programme.
- 4.3 External Trainers, based on the 2019 programme and with input from relevant departments, have been approached to secure quotes (Appendix B).
- 4.4 The LGA have advised they feel given Spelthorne's unique political make-up it would be beneficial to have two member peers, from different political parties, presenting the training.
- 4.5 A request from current members to include a session on determining the strategic direction of the Council has been added to the draft programme and a suitable trainer is currently being sourced.

5. Risk considerations

- 5.1 Consulted with Punita Talwar on 29/11/2022.
- 5.2 If members do not attend/join training sessions this may lead to reduced insight of the Council's operations, as well as a lack of comprehensive understanding of member roles, responsibilities and expected standards of conduct, possibly resulting in sub-optimal decisions that reduce value to the local taxpayer and communities served in delivering corporate priorities.
- 5.3 To mitigate the risk identified in 5.2 we would aim to make the training sessions as accessible as possible, including exploring the option of being able to join remotely. Sessions held in the Council Chamber could also be recorded. Early publication of the dates of the mandatory sessions would ensure members are aware of the dates and times they are expected to attend and should aid with forward planning.
- 5.4 Failure to follow up on non-attendance to training sessions, the risk identified in paragraph 5.2 may prevail. To mitigate this, attendance at all training sessions will be monitored and be made publicly available via the Spelthorne

Council Website. Non-attendance at mandatory sessions will be followed up with the individual member(s) and where necessary appropriate action taken.

- 5.5 Should the training not be adequately delivered, conveyed or understood, then the risk identified in paragraph 5.2 may prevail. To mitigate this, feedback on all training sessions will be requested and monitored on a regular basis. Where members identify that training was insufficient, further session(s) can be arranged.

6. Procurement considerations

- 6.1 Procurement authorised Committee Services to get quotes for external trainers and refreshments.

7. Legal considerations

- 7.1 Report sent to Legal on 29/11/22

8. Other considerations

- 8.1 There are none.

9. Equality and Diversity

- 9.1 Equality, Diversity and Inclusivity training would be offered as part of the training sessions to allow members to consider these factors in their roles and decision-making.

- 9.2 Accommodations would be made for members to ensure they are able to participate fully in the training sessions.

10. Sustainability/Climate Change Implications

- 10.1 By offering training sessions as a hybrid option, we can reduce the need for Members and Trainers to travel to the Council offices.

11. Timetable for implementation

- 11.1 MAT 13 December 2022.

- 11.2 Standards Committee 16 February 2023.

- 11.3 Council 23 February 2023.

- 11.4 The Induction Programme would then be implemented immediately following the Elections on 4 May 2023.

12. Contact

- 12.1 Committee Services committeeservices@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix A: Draft Induction Programme 2023

Appendix B (Exempt): List of Training Providers and Quotes

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New and Re-elected Councillor Induction 2023

Induction programme for councillors following the Spelthorne Borough Council elections in May 2023.

Date	Topic	Facilitator	Intended audience
Tues 9 May 5.00pm to 9.00pm Goddard Room	Photos for all councillors (Members' ID badges and Reception Board) IT - allocation of devices for new councillors (for re-elected councillors please contact IT directly to arrange a time to collect your new device) - Services Marketplace	MAT, Group Heads, IT and Committee Services	Mandatory for all new Councillors, optional for re-elected councillors



Date	Topic	Facilitator	Intended audience
Thurs 11 May 9.30am to 10.15am Council Chamber	New Councillor Induction Day Spelthorne as a Council (Induction presentation) Including the Local Plan, Corporate Plan, Priorities, and Values.	<i>Daniel Mouawad, Chief Executive</i>	Mandatory for all new councillors, optional for re-elected councillors

Lunch provided – Group Heads to 'drop-in'

2.15pm to 2.45pm
 Council Chamber

Councillor roles and responsibilities

- What it means to be a councillor
- How can you best represent the interests of your community
- Skills and tactics you might use in your role
- Developing effective relationships with fellow councillors and with officers

- How business is conducted – Constitution, decision-making process, the Committee System and protocols for Council

Mark Palmer, South East Employers, and Peer Councillor

Farida Hussain, Group Head of Corporate Governance & Monitoring



Date	Topic	Facilitator	Intended audience
Thurs 11 May 2.45pm to 4.15pm Council Chamber	Operating Safely <ul style="list-style-type: none"> Confidentiality vs Freedom of Information Code of Conduct Planning Code Declarations of Interest and annual Related Parties declarations Gifts and Hospitality Data Protection Safeguarding – Councillor DBS check Personal security Health Safety and Welfare Press and Communications Handling Social Media 4.15pm to 4.30pm Council Chamber Reflections on the day (questions and answers)	<i>Daniel Mouawad, Farida Hussain, Kamil Dolebski, Solicitor Clare Williams, Data Protection Officer, Lisa Stonehouse, Senior Leisure and Wellbeing Manager, Tracey Willmott-French, Senior Environmental Health Manager Bill Cox, Health & Safety Officer, Committee Services Jennifer Medcraft, Head of Communications and Customer Experience</i>	Mandatory for all new councillors, optional for re-elected councillors
Mon 15 May 7.00pm – 9.00pm Council Chamber	Working within a Committee System <ul style="list-style-type: none"> - Effective decision making - Scrutiny - Best practice 	<i>Ed Hammond, Centre for Governance and Scrutiny</i>	Mandatory for all councillors
Tues 16 May 3.00pm to 5.30pm or 7.00pm to 9.30pm Goddard Room	IT <ul style="list-style-type: none"> IT Policies How to get access to Spelthorne network Email management/Microsoft teams calls Modern.gov 	<i>Alistair Corkish, Deputy ICT Manager, Andrew Richards, The IT Service, and Committee Services</i>	All councillors to attend one session



Date	Topic	Facilitator	Intended audience
Weds 17 May 7.00pm to 9.00pm Council Chamber / Hybrid	Peer Review Feedback (Title TBC)	<i>Chris Hossack, LGA Marcus Coulson, LGA</i>	Mandatory for all councillors
Thurs 18 May 7.00pm to 9.30pm Council Chamber / Hybrid	Local Government Finance, Spelthorne structure and services Senior Management Structure and delivering services <ul style="list-style-type: none"> • Financial context and pressures facing councils • Annual Financial and Budget cycle • Terminology • Role of Audit • Investment Strategy • Housing delivery • Relationship with KGE • Current key issues • SCC Finances • Partnerships and contracts 	<i>Terry Collier, Deputy Chief Executive and Chief Finance Officer Paul Taylor, Chief Accountant Senior Management Team / Group Heads and officers</i>	Mandatory for all councillors
Mon 22 May 7.00pm to 9.00pm Council Chamber / Hybrid	Members' Code of Conduct, Interests, Gifts and Hospitality and Related Parties. To include Member Officer Protocol.	<i>Farida Hussain, Group Head for Corporate Governance & Monitoring Officer Ian Winter, Dylan Price</i>	Mandatory for all councillors
Tues 23 May 7.00pm to 10.00pm Council Chamber / Hybrid	The Local Plan	<i>Ann Biggs, Strategic Planning Manager Jane Robinson, Principal Planning Officer</i>	Mandatory for all councillors.



Date	Topic	Facilitator	Intended audience
Weds 24 May 7.00pm to 9.30pm Council Chamber / Hybrid	Being an Effective Councillor <ul style="list-style-type: none"> • Handling casework • How to have an impact in your ward • Supporting constituents with difficult situations • Personal resilience • Being a community leader • Training attendance 	<i>Local Government Association and Member peers</i>	Mandatory for all councillors
Thurs 25 May 7.00pm to 10.00pm Council Chamber	Annual Council Meeting		
Tues 30 May 7.00pm to 10.00pm Council Chamber / Hybrid	Planning training - Introduction to Planning and Decision Making, Appeals/Costs	<i>Esme Spinks, Planning Development Manager Paul Tomson, Principal Planning Officer Kamil Dolebski, Solicitor</i>	Mandatory for all councillors on Planning Committee and all other councillors invited to attend.
Weds 31 May 6.00pm to 10.00pm Council Chamber	Planning Committee Meeting	<i>Esme Spinks, Planning Development Manager</i>	Mandatory for all councillors on Planning Committee and all other councillors invited.
Mon 5 June 6.00pm to 7.00pm 7.00pm to 10.00pm Council Chamber	Introduction from MAT Corporate Policy and Resources Committee	<i>Daniel Mouawad, Chief Executive Terry Collier, Deputy Chief Executive Lee O'Neil, Deputy Chief Executive Paul Taylor?</i>	Councillors on Corporate Policy and Resources Committee



Date	Topic	Facilitator	Intended audience
Tues 6 June 6.00pm to 9.00pm	Coach Tour around Borough Meet outside Council Offices	<i>Group Heads TBC</i>	All councillors but specifically newly elected.
Weds 7 June 7.00pm to 10.00pm Council Chamber / Hybrid	Licensing Training (and Committee meeting if required) Training to include: Licensing Act 2003, Gambling Act 2005, Hackney Carriage and private hire taxi regime, Scrap Metal Dealers regime, sex establishments	<i>Matt Lewin, Cornerstones</i>	Mandatory for councillors on Licensing Committee (with invite to all councillors) & lawyers
Thurs 8 June 6.00pm to 7.00pm 7.00pm to 10.00pm Council Chamber	Introduction from Group Head Administrative Committee	<i>Sandy Muirhead, Group Head Commissioning and Transformation</i>	Councillors on Administrative Committee with an invite to all councillors
Mon 12 June 5:00pm to 8:00pm Council Chamber	Standards Committee Training	<i>Farida Hussain, Group Head for Corporate Governance & Monitoring Officer External Trainers TBC</i>	Mandatory for all councillors on Standards Committee
Tues 13 June 6.00pm to 7.00pm 7.00pm to 10.00pm Council Chamber	Introduction from Group Head Community Wellbeing Committee	<i>Karen Sinclair, Group Head Community Wellbeing</i>	Councillors on Community Wellbeing Committee with an invite to all councillors



Date	Topic	Facilitator	Intended audience
Weds 14 June 7.00pm to 9.00pm Council Chamber / Hybrid	Spelthorne's Developments and Investments, affordable and keyworker residential delivery programme and the broader Capital Programme (including Leisure Centre) <ul style="list-style-type: none"> • KGE – history and how it works • Link to corporate priority of affordable housing delivery • Importance of maintaining momentum • Increased challenges of financing 	<i>Group Head for Assets, Terry Collier, Deputy Chief Executive, Farida Hussain, Group Head for Corporate Governance & Monitoring Officer</i>	Mandatory for all councillors
Thurs 15 June 6.00pm to 7.00pm 7.00pm to 10.00pm Council Chamber	Introduction from Group Head Economic Development Committee	<i>Heather Morgan, Group Head Place, Protection and Prosperity</i>	Councillors on Economic Development Committee with an invite to all councillors
Mon 19 June TBC 7.00pm to 9.00pm Council Chamber	Determining the Strategic Direction of the Council (TBC)	<i>Presenter TBC</i>	Optional for all councillors
Tues 20 June 9.00am to 5.00pm Council Chamber	Carbon Literacy	<i>Jilly Mowbray, Environmental Health Support Officer Sandy Muirhead, Group Head Commissioning and Transformation</i>	Mandatory for all councillors – councillors to attend one session



Date	Topic	Facilitator	Intended audience
Weds 21 June 9.00am to 5.00pm Council Chamber	Carbon Literacy	<i>Jilly Mowbray, Environmental Health Support Officer Sandy Muirhead, Group Head Commissioning and Transformation</i>	Mandatory for all councillors – councillors to attend one session
Thurs 22 June 6.00pm to 7.00pm 7.00pm to 10.00pm Council Chamber	Introduction from Group Head (to cover Spelthorne Direct Services) Neighbourhood Services Committee	<i>Jackie Taylor, Group Head Neighbourhood Services</i>	Councillors on Neighbourhood Services Committee with an invite to all councillors
Tues 27 June 6.00pm to 7.00pm 7.00pm to 10.00pm Council Chamber	Introduction from Group Head Environment & Sustainability Committee	<i>Sandy Muirhead, Group Head Commissioning and Transformation</i>	Councillors on Environment & Sustainability Committee with an invite to all councillors
Weds 28 June 6.00pm to 10.00pm Council Chamber	Planning - Green Belt (and Committee Meeting)	<i>Russ Mounty, Principal Planning Officer Paul Tomson, Principal Planning Officer</i>	Councillors on Planning Committee. New and re-elected councillors for planning issues arising in their wards.
Thurs 29 June 6.00pm to 7.00pm Hybrid	Introduction to the River Thames Scheme	<i>Gary Webb, Surrey County Council</i>	Mandatory for all new councillors



Date	Topic	Facilitator	Intended audience
Tues 4 July 7.00pm to 8.00pm Council Chamber	Emergency Planning	<i>Applied Resilience and Sandy Muirhead, Group Head for Commissioning and Transformation</i>	Mandatory for all councillors
Tues 11 July (TBC) 7.00pm to 9.00pm Council Chamber / Hybrid	Risk Appetite	<i>Punita Talwar, Internal Audit Manager</i>	Mandatory for all councillors
Thurs 13 July 7.00pm to 10.00pm Council Chamber	Council Meeting		All councillors
Mon 17 July (TBC)	Planning Training – Planning Enforcement	<i>Esme Spinks, Planning Development Manager</i>	Mandatory for all councillors on Planning Committee and all other councillors invited.
Tues 18 July 7.00pm to 9.30pm Council Chamber / Hybrid	LGA Chairing Skills	<i>LGA</i>	Chairs and Vice-Chairs/All Councillors



Date	Topic	Facilitator	Intended audience
Weds 19 July 7.00pm to 9.30pm TBC Council Chamber/Hybrid	LGA Equality, Diversity and Inclusivity	<i>LGA</i>	Mandatory for all councillors
Thurs 20 July 7.00pm to 9.30pm Council Chamber/ Hybrid	Audit Committee Training Training to include: <ul style="list-style-type: none"> • what is an Audit Committee • roles and responsibilities • working with internal audit and understanding assurance • Annual Governance Statement • Financial Statement of Accounts and how these differ from company accounts 	<i>Elizabeth Humphrey</i>	All members of Audit Committee All other interested councillors
Tues 25 July TBC	Planning Training – Appeals/Cost catch up (if required)	<i>Esme Spinks, Planning Development Manager Kamil Dolebski, Solicitor</i>	Mandatory for all councillors on Planning Committee
Weds 26 July 6.00pm to 10.00pm Council Chamber	Planning Committee Meeting	<i>Esme Spinks, Planning Development Manager</i>	Committee members
Thurs 27 July 7:00pm to 10:00pm Council Chamber	Audit Committee		Committee members

Additional Planning Sessions

Date	Topic	Facilitator	Intended audience
23/08/2023	Use Classes Order and Permitted Development 1	Esme Spinks, Planning Development Manager	Committee members All other interested councillors
20/09/2023	Use Classes Order and Permitted Development 2	Esme Spinks, Planning Development Manager	Committee members All other interested councillors
18/10/2023	Design 1	Esme Spinks, Planning Development Manager	Committee members All other interested councillors
15/11/2023	Design 2	Esme Spinks, Planning Development Manager Russ Mounty and Paul Tomson, Principal Planning Officers	Committee members All other interested councillors
13/12/2023	Flooding	Esme Spinks, Planning Development Manager Russ Mounty and Paul Tomson, Principal Planning Officers	Committee members All other interested councillors
17/01/2024 7:00pm to 10:00pm Council Chamber	Minerals (and other short items)	Esme Spinks, Planning Development Manager Russ Mounty and Paul Tomson, Principal Planning Officers Caroline Smith, Surrey County Council	Committee members All other interested councillors
07/02/2024 7:00pm to 10:00pm Council Chamber	Planning – Transportation	Esme Spinks, Planning Development Manager Caroline Smith, Surrey County Council	Committee members All other interested councillors

Further member development workshops and seminars will be arranged throughout the year and publicised to councillors including training/briefing relating to specific topics.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Standards Committee



1 February 2023

Title	Spelthorne Joint Committee - cessation of functions
Purpose of the report	To make a recommendation to Council
Report Author	Farida Hussain, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Service delivery
Recommendations	<p>Committee is asked to recommend to Council that:</p> <ol style="list-style-type: none"> 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 this report.
Reason for Recommendation	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

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.

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- 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.

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(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.

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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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Standards Committee



Thursday 16 February 2023

Title	Disclosure and Barring Service (DBS) Checks for Councillors
Purpose of the report	To make a decision and a recommendation to Council
Report Author	Farida Hussain, Group Head 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 Committee decision.
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Note the new grounds for disqualification from being elected to, or being a member of, a local authority that have been introduced by the Local Government (Disqualification) Act 2022 as set out in Appendix A; and 2. Make a recommendation to Council to:- <ol style="list-style-type: none"> a) Approve the introduction of Basic Disclosure and Barring Service checks (DBS) for all councillors; b) Agree to adopt the DBS Checks for Members Protocol for inclusion in the Council's Constitution at Appendix B; and c) Agree to delegate to the Monitoring Officer to make the necessary amendments to the terms of reference of the Standards Committee, to include the resolution of issues concerning the discharge of members' roles in light of DBS check responses.
Reason for Recommendation	Following the introduction of the Local Government (Disqualification) Act 2022 ("the 2022 Act"), additional disqualification criteria have been added that disqualifies individuals from being elected to or holding certain positions in local government in England.

	<p>There is currently no statutory requirement or policy in place for DBS checks for councillors. In order to formalise the requirement for DBS checks to be carried out by for councillors, it is necessary to make amendments to the Constitution.</p> <p>There is potential that the public may be at risk if a councillor has a serious conviction that the Council is not aware of. There may be a reputational risk to the Council if a councillor is found to have a criminal conviction/s.</p>
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1. Summary of the report

- 1.1 The report sets out the changes to disqualification criteria introduced by the 2022 Act and also sets out relevant DBS legislation, guidance, and practice in other areas. It further outlines the level of DBS checks that could legally be carried out in relation to Spelthorne Councillors. It seeks agreement to the proposed approach for Spelthorne Councillors to undertake Basic Disclosure and Barring Service checks.

2. Key issues

- 2.1 The requirement for councillors to undertake DBS checks was proposed by the former and current lead councillor for safeguarding Cllr S Doran and Cllr M Attewell at recent Spelthorne Strategic Safeguarding Board meetings.
- 2.2 There is no legal requirement for councillors to undertake DBS checks, however candidates for election to local government must declare they are not disqualified from standing using prescribed 'Consent to Nomination' forms at nomination. It is a criminal offence to make a false statement on nomination papers.
- 2.3 The 2022 Act, which came into force on 28 June 2022, introduces new grounds on which a person is disqualified from being elected to, or holding, certain positions in local government in England, including the position of councillor. This new disqualification criteria explicitly disqualifies individuals who are subject to the relevant notification requirements or orders due to sexual offences from standing or remaining in office. The new disqualification criteria are set out in more detail in Appendix A to this report.

Levels of DBS checks that can be applied for from the DBS

- 2.4 **Basic disclosure check** – shows any 'unspent convictions' a person may have in the UK. (An unspent conviction is a conviction that a person is still in the rehabilitation process for will stay on their record. This is predetermined according to the nature of the crime). A basic disclosure shows a conviction record at a point in time, so there is no set time that it lasts for. Individuals can apply for a Basic Disclosure themselves.
- 2.5 **Standard disclosure check** – checks for spent and unspent convictions, cautions, reprimands, and final warnings.

- 2.6 **Enhanced check** – this includes the same as the standard check plus any additional information held by local police that is reasonably considered relevant to the role being applied for.
- 2.7 **Enhanced with barred list checks**, this is like the enhanced check, but includes a check of the DBS barred lists. An employer can only ask for a barred list check for specific roles. It's a criminal offence to ask for a check for any other roles.

The level of DBS check that can be submitted for a Councillor depends on the role that is being carried out and is based on whether "**Regulated activity**" as set out by the Safeguarding Vulnerable Groups Act 2006 ("SVGA") is being undertaken. In summary these relate to certain types of activities and interactions with children and vulnerable groups.

DBS and Council Members

- 2.8 The definition of Regulated Activity from the SVGA outlines that a Member or co-optee will be undertaking regulated activity if they:
- (a) discharge, as a result of their membership, any education or social services functions of the Council;
 - (b) are a Cabinet Member (and the cabinet discharges education and social services functions);
 - are a member of a committee of the Cabinet
 - or
 - (c) they are a member of a committee of the Council which discharges education or social services functions.
- 2.9 There is no unified approach to councillor DBS checks nationally. None of the Surrey Boroughs and Districts require their councillors to undertake a DBS check. Surrey County Council require their councillors to have enhanced DBS checks as some of their councillors are responsible for education and social services functions.

Spelthorne Councillors

- 2.10 The duties of Spelthorne Councillors mean that a standard or enhanced DBS check cannot legally be undertaken. Spelthorne Councillors could however be required to undertake a **Basic DBS check as a requirement under DBS Checks for Members Protocol**. This protocol will be included in the Council's Constitution at Part 5 Codes and Protocols.
- 2.11 Upon election councillors would be asked to apply online for a basic Disclosure and Barring Service (DBS) check. They would receive a copy of their record including any criminal records. The check will only show convictions that are not 'spent', for example some types of caution will disappear after 3 months. It usually takes up to 14 days for the certificate to arrive. In order to apply the member will need to provide:
- i. Addresses for the last 5 years and dates lived there
 - ii. National Insurance number
 - iii. Passport
 - iv. Driving licence

- 2.12 Other practicalities include:
- i. The online service is available from 8am to 11.30pm
 - ii. The councillor will need to pay for the basic DBS check at the time of application with a debit or credit card or by Google Pay or Apple Pay. The councillor would then claim the money back from Spelthorne Borough Council (SBC).
 - iii. It is possible for SBC to pay the fee, but this would have to be done within 10 days of the application, which could create unnecessary pressure on officers and creates a practicality issue due to the availability of corporate credit cards.
 - iv. Committee Services would view the DBS certificate and record that this has been done. If convictions are visible a decision would be made in accordance with the legislative guidance with a referral to the Monitoring Officer to consider if any adverse entries should be considered by the Standards Committee.
- 2.13 If a councillor has a basic DBS check this will only cover their role as a councillor. Any role outside of the council involving work with children or adults at risk will require an additional check to be undertaken by the agency they work or volunteer for (if applicable).

3. Options analysis and proposal

- 3.1 It is proposed that upon election Members immediately apply for a Basic DBS check within 14 days of being elected and submit the certificate to Committee Services within a further 14 day period of receipt.
- i. **Positive points of this proposal**
 - a. This will ensure that SBC are aware of convictions which affect the suitability of the councillor to work in a public domain/bring the council into disrepute.
 - b. The proposal provides added assurance that the Council is committed to promoting high standards.
 - ii. **Negative points of this proposal**

It will require Committee Services officer time to instruct councillors, to view the DBS certificates, keep records and reimburse the councillors. If convictions are identified, it may require legal advice and committee time. There will also be an impact on councillor time to submit the information required.

Some councillors may consider that this is an invasion of privacy.

Some councillors may struggle to apply online if they have limited IT skills however IT assistance may be provided.

There will be a financial cost to the council, and this will be an ongoing cost if the DBS checks are undertaken every four years. (see Finance implications)
- 3.2 The other option is to remain with the current position of not asking councillors to apply for a Basic DBS check.
- i. **Positive points of this proposal**

There will be no impact on officer or councillor time

There will be no financial impact

ii. Negative points of this proposal

Councillors may have criminal convictions that have not been declared which may potentially put the public at risk.

The Council may be brought into disrepute if convictions are identified after a councillor has been elected.

4. Financial implications

- 4.1 The current cost of a Basic DBS check is £23. There are 39 councillors. This would cost the council £897.00 every four years. There will be additional costs if new councillors are elected following casual vacancies. There are also the hidden costs of staff time connected with viewing certificates, recording and reimbursement. There will be additional staff costs if legal advice is required.

5. Risk considerations

- 5.1 There is potential that the public may be at risk if a councillor has a serious conviction that the Council is not aware of. There may be a reputational risk to the Council if a councillor is found to have a criminal conviction.

6. Procurement considerations

There are no procurement considerations

7. Legal considerations

- 7.1 The legal implications are set out in the report.

8. Other considerations

- 8.1 There are no other considerations

9. Equality and Diversity

- 9.1 There are no impacts on equality and diversity

10. Sustainability/Climate Change Implications

- 10.1 There are no impacts on sustainability or climate change issues.

11. Timetable for implementation

- 11.1 If a decision is made to approve the proposal. Information will be sent out by Committee Services prior to the candidate nominations deadline on 4th April 2023 to ensure that candidates know what will be expected of them upon election.

12. Contact

- 12.1 Farida Hussain, Monitoring Officer - f.hussain@spelthorne.gov.uk

Background papers: There are none.

Appendices

Appendix A – Local Government (Disqualification Act) 2022

Appendix B - Disclosure and Barring Services Checks For Members Protocol

APPENDIX A – LOCAL GOVERNMENT (DISQUALIFICATION ACT) 2022

1. Background and Context

1.1 In 2017 the Government consulted on proposals to update the disqualification criteria for councillors, London Assembly members and elected mayors to bring them into line with both modern sentencing practice and the values and high standards of behaviours the electorate have a right to expect of the elected members that represent them. In October 2018 the government issued a summary of responses to that consultation and gave a commitment to seek to legislate to ensure that the disqualification criteria would be amended to also include individuals who are subject to either the notification requirements set out in the Sexual Offences Act 2003 (commonly known as ‘being placed on the sex offenders register’) or a Sexual Risk Order made under section 122A of the Sexual Offences Act 2003.

1.2 The 2022 Act gives effect to the Government’s commitment to legislate in this area. It expands the new disqualification criteria beyond the offences consulted upon in 2017 to ensure that they are specific and comprehensive in disqualifying individuals subject to the relevant notification requirements or relevant orders imposed in respect of sexual offences, and includes the territorial equivalents of such notification requirements and orders in the devolved nations (and the Isle of Man and Channel Islands) in the event that someone subject to such territorial equivalents subsequently stands for elected office in England.

2 The New Disqualification

2.1 The 2022 Act introduces a new disqualification, inserted as Section 81A of the Local Government Act 1972. Under that section a person is disqualified from being elected to, or being a member of, a local authority in England if the person is subject to:

- a) any relevant notification requirements, or
- b) a relevant order.

2.2 “Relevant notification requirements” means the notification requirements of Part 2 of the Sexual Offences Act 2003 (or equivalent requirements applying in the Channel Islands or the Isle of Man).

2.3 “Relevant order” means:

- a) a sexual harm prevention order under section 345 of the Sentencing Code;
- b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
- c) a sexual offences prevention order under section 104 of that Act;
- d) a sexual risk order under section 122A of that Act;
- e) a risk of sexual harm order under section 123 of that Act; or
- f) certain equivalent legislation to the above applying in the devolved nations, the Channel Islands or the Isle of Man.

2.4 A person who is subject to any relevant notification requirements referred to at paragraph 2.2 above is not to be regarded as disqualified until:

- a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in

respect of which the person is subject to the relevant notification requirements, or

b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

- 2.5 Similarly, a person who is subject to a relevant order referred to at paragraph 2.3 above is not to be regarded as disqualified until:
- a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
- b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- 2.6 The disqualification introduced by the 2022 Act does not operate retrospectively. Therefore, it does not disqualify a person who became subject to any relevant notification requirements or a relevant order before the 2022 Act came into force on 28 June 2022.
- 2.7 Consequential changes to the rules for administering elections have also been made (either by the 2022 Act itself or under secondary legislation), including to the prescribed consent to nomination form. Candidates are now required to declare when standing that they are not disqualified under the newly inserted Section 81A of the Local Government Act 1972.
- 2.8 The DBS is a non-departmental public body, sponsored by the Home Office which provides access to criminal records and other relevant information for organisations in England and Wales. DBS checks provide a controlled and regulated route for assurance in relation to a person's criminal convictions and cautions where this is required. DBS is also responsible for investigating safeguarding concerns and maintaining the barred lists for Children and Adults (these are the statutory lists containing details of people considered unsuitable to work with children and /or adults).

APPENDIX B – DISCLOSURE AND BARRING SERVICE CHECKS FOR MEMBERS PROTOCOL

1. The effective date of commencement for this protocol is 4th May 2023.
2. This Protocol complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service (“DBS”) Code of Practice.
3. This Protocol replaces all previous policies, decisions and/or precedents relating to criminal records checks for Spelthorne Borough Councillors and co-opted members.

General Principles

4. As the Council has a duty to protect the most vulnerable residents, this Protocol requires all councillors to undergo basic level DBS checks.
5. For certain Member appointments a higher level of check may be required. In those instances, the councillor will be advised.

The Process

6. All newly elected councillors shall be required to undergo a basic DBS check.
7. Within 14 days of being elected as a councillor or becoming a co-opted member of Spelthorne Borough Council, the councillor shall apply for a basic DBS check. The cost of this check may be claimed as a councillor expense.
8. Within 14 days of receipt of the DBS certificate, the relevant councillor or co-opted member will show the original certificate to a member of Committee Services and a copy of the certificate shall be retained. Where a check is not clear, for instance, it contains details of an offence, a copy of the DBS certificate shall be referred to the Monitoring Officer, unless the content of the DBS certificate is disputed and the dispute is raised with the DBS within 3 months of the date of issue, in which case the certificate must be provided to the Monitoring Officer within 14 days following the outcome of the dispute.
9. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a ‘list’ of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
10. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant’s full consent has been given.
11. Copies of the DBS certificate shall be destroyed securely at the end of the councillor’s term of office.

The Use of Disclosure Information

12. The existence of a criminal record or other information revealed as a result of a DBS check will not automatically debar a Councillor from holding office.
13. In the event that the disclosure information received raises issues of concern, the Monitoring Officer in consultation with the relevant Group Leader, will then discuss with the individual Councillor the restrictions considered necessary, to safeguard members of the public.
14. In the event that any issues arising from DBS checks are of such significant concern that they can not be resolved by the actions in paragraph 13 above or the councillor in question is a Group Leader, the Monitoring Officer shall refer the matter to the Standards Committee for consideration.
15. This Protocol will be reviewed every two years and updated as and when required as a result of changes in the law.

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Standards Committee



16 February 2023

Title	Update on Member Complaints
Purpose of the report	To note
Report Author	Farida Hussain, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities.
Recommendations	Committee is asked to note the report.
Reason for Recommendation	Not applicable

1. Summary of the report

- 1.1 This report seeks to update the Committee on those complaints against members which have been dealt with since the last update provided to this Committee in June 2022.

2. Key issues

- 2.1 The Council's '[Arrangements](#)' for dealing with complaints under the Member Code of Conduct requires that the Monitoring Officer report to the Standards Committee on those complaints which:
- a. The Monitoring Officer has rejected
 - b. Have been referred to the Assessment or Hearing Panels
- 2.2 The following table summarises the number of new complaints about councillors that have been received since June 2022:

	Number submitted	Rejected	Closed	Referred for investigation	'Live'
Complaints made by staff	1	-	-	1	-
Complaints by Public	3	-	2	-	1
Complaints by Councillors	3	-	1	-	2
Total	7	-	3	1	3

3. Complaints rejected by Monitoring Officer

- 3.1 As part of the Arrangements, the Monitoring Officer has the power to strike out complaints which are vexatious, frivolous, or politically motivated.

'The Monitoring Officer has power to reject complaints which are vexatious, frivolous or malicious or which are politically motivated or in some other way an abuse of process. Where the Monitoring Officer has taken a decision that a complaint falls into one of these categories, he will inform the complainant of his decision and the reasons for that decision. There is no appeal from this decision, but the Monitoring Officer will report all such decisions to the next meeting of the Standards Committee who are entitled to refer the matter for investigation if they feel that the Monitoring Officer has acted incorrectly.'

- 3.2 None of the new complaints received have been rejected by the Monitoring Officer.

4. Complaints dealt with informally by Monitoring Officer

- 4.1 The '[Arrangements](#)' include provision for the Monitoring Officer to consider informal resolution at any stage in the process for dealing with a complaint, subject to meeting the criteria in Annex C to Appendix 2 of the Arrangements.
- 4.2 Two of the complaints received since the last update have been closed following agreement by both parties to an informal resolution.

5. Complaints referred to Assessment Sub-Committee

- 5.1 At the time of the previous update there were 5 'live' complaints. One was closed due to a lack of evidence. The outcomes of the other 4 shown in the attached Appendix 2.

6. Complaints referred to Hearing Sub-Committee

- 6.1 Since the previous update, 3 complaints have been referred by Assessment Sub-Committees for Independent investigation and these are underway. These may be dealt with informally or considered by Hearing Panels in due course.
- 6.2 The Monitoring Officer will report on the outcome of any Hearing Panels in a future report to this Committee.

7. Recommendation

- 7.1 The Committee is asked to note this report.

8. Contact

- 8.1 Farida Hussain, f.hussain@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1 – Report to Standards Committee June 2022

Appendix 2 – Complaints

Standards Committee

22 June 2022

Title	Update on Member Complaints
Purpose of the report	To note
Report Author	Petra Der Man, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities.
Recommendations	Committee is asked to note the report.
Reason for Recommendation	Not applicable

1. Summary of the report

- 1.1 This report seeks to update the Committee on those member complaints which have been dealt with since the last update provided in March 2022.

2. Key issues

- 2.1 The Council's Arrangements for dealing with complaints under the Member Code of Conduct requires that the Monitoring Officer report to the Committee on those complaints which:

- a. The Monitoring Officer has rejected
- b. Have been referred to the Assessment or Hearing Panels

- 2.2 The following table summarises the number of new complaints that have been made about councillors since March 2022 that the Monitoring Officer has been dealing with:

	Number submitted	Rejected	Closed	Referred for investigation	'Live'
Complaints made by staff	2	-	-	-	2
Complaints by Councillors	5	2	-	-	3
Total	7	2	-	-	5

¹Principles of the Arrangements para 4(e) and (f) and also paragraph 25

3. Complaints rejected by Monitoring Officer

- 3.1 As part of the Arrangements, the Monitoring Officer has the power to strike out complaints which are vexatious, frivolous, or politically motivated.

¹'The Monitoring Officer has power to reject complaints which are vexatious, frivolous or malicious or which are politically motivated or in some other way an abuse of process. Where the Monitoring Officer has taken a decision that a complaint falls into one of these categories, he will inform the complainant of his decision and the reasons for that decision. There is no appeal from this decision, but the Monitoring Officer will report all such decisions to the next meeting of the Standards Committee who are entitled to refer the matter for investigation if they feel that the Monitoring Officer has acted incorrectly.'

- 3.2 An anonymised summary of the two complaints which the Monitoring Officer rejected is attached at Appendix 2.

4. Complaints referred to Hearing Panels

- 4.1 Since the previous update two complaints have been considered by Hearing Panels.

- 4.2 An anonymised summary of the outcome of those Hearings and the remaining two complaints which are undergoing investigation is attached at Appendix 3.

5. Recommendation

- 5.1 The Committee is asked to note this report.

6. Contact

- 6.1 Petra Der Man – pderman@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1 – Report to Standards Committee March 2022

Appendix 2 – Complaints rejected by the Monitoring Officer

Appendix 3 – Complaints considered by Hearings Panels or under investigation

Number	Who by	Who against	Outcome	Current status
Updates on complaints reported as Live at June 2022 report to Committee				
1.	Blue	Yellow	Breach requiring apology	Apology given. Complaint closed
2.	Pink	Grey	Breach – No Further Action	Complaint closed
3.	Dark Grey	Yellow	Breach referred to Investigation	With Independent Investigator
4.	Purple	Pink	Breach requiring apology and training or referral to investigation	With Independent Investigator
New complaints received since June 2022 report				
5.	Blue	Green	Breach requiring apology	Apology given. Complaint closed

KEY:

Conservative**Liberal Democrat****Independent Spelthorne Group**

Independent

Public or staff

United Spelthorne Group**Green**

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