



Please reply to:

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Date: 10 November 2023

Notice of meeting

Standards Committee

Date: Monday, 20 November 2023

Time: 7.00 pm

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

To the members of the Standards Committee

Councillors:

Dylan Price (Vice-Chair)
M.M. Attewell
C. Bateson
J.R. Boughtflower

J. Button
R. Geach
D. Geraci
K.M. Grant

O. Rybinski
H.R.D. Williams

Substitute Members: Councillors M. Buck, J.T.F. Doran, S.A. Dunn, S. Gyawali and
K. Rutherford

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

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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Agenda

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1. Apologies and Substitutes

To receive any apologies for absence and notification of substitutions.

2. Disclosures of Interest

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

3. Amendments to the Constitution

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The Committee is asked to recommend the proposed amendments to the Constitution, as set out in the report and attachments, to Council for approval.

Extraordinary Standards Committee



20 November 2023

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

1. Summary

- 1.1 This report seeks a recommendation to Council to approve proposed amendments to the Constitution which have the support of the Committee System Working Group.

2. Key issues

- 2.1 The Committee System of governance was adopted by this Council on 27 May 2021. Council agreed changes to those Parts of the Constitution which were needed in order to operate the Committee system on 25 March 2021. A review of the remaining Parts of the Constitution was undertaken in early 2022 and amendments agreed in July 2022.
- 2.2 The Local Government Association (LGA) Corporate Peer Challenge of Spelthorne Borough Council in November 2022 explored Council governance issues as part of its remit. One of the peer teams' key recommendations was for the Council to undertake a review of the working of the committee system by looking at best practice elsewhere, to consider how to create a system that is fit for purpose (Recommendation 9). Officers looked at best practice, as suggested by the LGA, in the Constitutions of the Royal Borough of Kingston and Sutton Borough Councils.

- 2.3 One area of detail that the peer review team suggested could be included in this review of the committee system was the number of committees. This aspect is being considered separately from the matters which are the subject of this review, and a report on the committee structure will be brought to a future meeting of the Committee and ultimately Council.
- 2.4 Since the last review in 2022 and in addition to those aspects raised by the peer review team, both officers and councillors have raised other issues which need clarification in the Constitution by the amendment or addition of words. It is hoped that the proposed amendments will provide clarity to officers, members and the public alike on the operation of the committee system. Other changes are intended to improve transparent and inclusive decision-making.
- 2.5 The proposed changes to the Constitution were discussed with the Committee System Working Group on 1 November. The Working Group supported the changes proposed in this report, in principle.
- 3. Constitutional amendments**
- 3.1 Attached at **Appendix 1** is a summary of all the amendments which are recommended for approval. The amendments relate to a number of the Parts which make up the Constitution. Clean copies of these amended Parts are attached as appendices. Tracked change versions of these documents are available to Members in the Mod.Gov app library.
- 4. Timetable for implementation**
- 4.1 The amendments will take effect upon agreement by Council.

Background papers: There are none.

Appendices:

Appendix 1 – Summary of proposed amendments
Part 1 - Introduction to the Constitution
Part 2 – Article 5, The Mayor
Part 2 – Article 10, The Officers
Part 3 (b) – Terms of Reference of Committees
Part 3 (d) – Delegations to officers
Part 3 (f) – Roles of Different Councillors
Part 4 (a) – Council Standing Orders
Part 4 (c) – Substitution Scheme
Part 4 (e) - Contract Standing Orders
Part 4 (g) – Access to Information Rules
Part 4 (i) – Procedure Rules for Task and Working Groups
Part 5 (a) – Councillor Code of Conduct
Part 5 (d) – Planning Code
Part 5 (h) – Monitoring Officer Protocol
Part 5 (k) – Conflicts of Interest
Part 5 (m) – Disclosure and Barring Checks

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Section	Current Text	Proposed	Reason for change
Throughout the Constitution references to he/she or his/hers to be changed to they or their.			
Part 1 – Introduction to the Constitution			
The Mayor	The Mayor will attend such civic and ceremonial functions as the Council and he/she determines appropriate.	The Mayor will attend such civic and ceremonial functions as the Council and he/she determines appropriate <i>both within and outside the Borough.</i>	For clarification
Service Committees	All references to Service Committees throughout the Constitution.	References amended to Strategic Committees	To clarify that these committees deal with strategic decisions not operational service decisions.
The Council	No reference to Committee system	The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels and working groups are subordinate to the Council and dependent on it for the delegation of powers and duties.	To give context to the way the Council operates.

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Section	Current Text	Proposed	Reason for change
Part 2			
Article 5 - The Mayor	to attend such civic and ceremonial functions as the Council and he/she determines appropriate.	to attend such civic and ceremonial functions as the Council and he/she determines appropriate <i>both within and outside the Borough</i>	For clarification
Article 10 – The Officers	Functions of the Monitoring Officer	Addition of: Maintain the Register of Interests as per the Monitoring Officer Protocol. Clarification that the MO may investigate allegations of breaches of the Code of Conduct or may appoint another person to investigate.	For clarification to reflect / cross-reference provisions elsewhere in Constitution
Part 3b – Terms of Reference			
General	Each Committee is limited in authority to grant expenditure to £1 million for any particular project without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.	Each Committee is limited in authority to grant expenditure to £1 million for any particular project (<i>with the exception of decisions on Community Infrastructure Levy funds allocation by the Corporate Policy and Resources Committee</i>) without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being	To clarify an exception to the rule. This reflects existing wording in Corporate Policy and Resources Terms of Reference and was agreed by Council on 23 February 2023.

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Section	Current Text	Proposed	Reason for change
Part 3b General	Not applicable – new wording	<p>authorised separately to avoid this limit set by this rule.</p> <p>Addition for all Committees To recommend to Council any expenditure on a project within the Capital Programme where the cost of the project as a whole exceeds £1million.</p>	To clarify the role of Committees in relation to expenditure on Capital Programme projects.
All Strategic Committees	To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.	<p>To <i>adopt</i>, monitor and review Council policies and strategies <i>which fall within the remit of that Committee</i>.</p> <p>To recommend changes or new policies to the Corporate Policy and Resources Committee <i>where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.</i></p>	<p>To delegate functions to the appropriate Committee.</p> <p>To clarify the correct body for taking decisions relating to Policy Framework matters.</p>
Corporate Policy and Resources	Move responsibility from Corporate Policy and Resources to Community Wellbeing	To receive periodic reports for noting from Spelthorne Healthy Communities Board on funding decisions.	Agreed to report to CPR at Council October 2022. Community Wellbeing is the more appropriate Committee to receive periodic reports.

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Section	Current Text	Proposed	Reason for change
Part 3b Audit and Standards Committees membership	Audit - 7 councillors reflecting political balance and one independent member Standards - 9 Councillors reflecting political balance + 2 Independent Members	Audit - 7 councillors reflecting political balance and one independent <i>non-voting</i> member Standards - 9 Councillors reflecting political balance + 2 Independent <i>non-voting</i> Members	To clarify that independent members on Committees cannot vote
Audit	N/A	Inclusion of: To approve risk related Policies that are not reserved to Council; and To receive an annual report on RIPA activity	To include additional matters that fall within their remit
Licensing	N/A	Each Member of the committee is required to complete in full an induction programme; undertake regular training including the legislation governing hearings under the Licensing Act 2003, the Gambling Act 2005 and in relation to hackney carriages and private hire; and attend development updates in relation to the licensing function. Any Member not undertaking these training activities will be unable to serve on the Licensing Sub-Committee until such time that the full training requirement has been met.	To ensure that members making decisions on quasi-judicial business have proper training in the Committee's functions, to minimise the risk of a decision being challenged.

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Section	Current Text	Proposed	Reason for change
Part 3b Licensing	The determination of an application for variation of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;	The determination of an application for variation (<i>excluding Minor Variations</i>) of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;	For clarity and to accord with Govt guidance that decision making on MVs is delegated to licensing officers
Planning	N/A	Members must attend Development Control training at least annually. New Members must attend induction training on an introduction to Planning and Decision Making, and Appeals/Costs, as a minimum, before they can sit on the Committee. Members of the Committee are expected to attend all further training sessions provided on the Planning regime. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the minimum training requirement has been met.	To ensure that members making decisions on quasi-judicial business have proper training in the Committee's functions, to minimise the risk of a decision being challenged.
Standards Committee	N/A	To monitor and review the operation of the Constitution in accordance with Article 13.	X-ref to Article 13 for clarity
All relevant Committees		To include within relevant Committees' Terms of Reference, establishment of Working Groups where these apply and to include the	To make it clear which Working Groups are established by which Committee and have a central

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Section	Current Text	Proposed	Reason for change
Part 3d – Delegations to Officers			
Delegations to Officers	New	To authorise the Chief Executive or a Deputy Chief Executive or Group Head, in consultation with the relevant Chair and Vice-Chair, to carry out responsibilities for any function which the Council has not reserved to itself or delegated to a Committee or Sub Committee in this Constitution and which Council has not authorised another officer to carry out in its Scheme of Delegation at Part 3d. Decisions taken in accordance with this delegation will be reported to the next available ordinary Council meeting.	To cover unidentified 'missing' functions which are not delegated to a Committee (i.e. in its TOR) or an officer. This can occur when new legislation is introduced and delegations have not yet been updated to reflect it.
2.1	To instigate, conduct and settle proceedings or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and	To instigate, conduct and settle proceedings, <i>complaints</i> , or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body <i>or by way of local resolution</i> , and/or in relation to any matters associated thereto, but in respect of settlements/ex gratia	To be able to deal with disputes expediently and efficiently.

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	anything above this level be referred to the Corporate Policy and Resources Committee.	payments this is limited to £50,000, and anything above this level be referred to the Corporate Policy and Resources Committee.	
Section	Current Text	Proposed	Reason for change
Part 3d 4.2d	Additional delegation to Group Head for Assets in consultation with the Chief Finance Officer (CFO).	To make the application for planning permission in relation to Regulation 3 of the Town and Country Planning General Regulations 1992, on behalf of the Council as developer, where the financial impact does not exceed the value £100k for the whole project.	To clarify transparency by providing a distinction between the role of the Local Planning Authority and the council as developer. CFO authority at other parts of this delegation in relation to disposals /acquisitions of land and impact of approval to break options or surrenders are limited to £100k.
7.5	Inclusion of new delegation	To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003. (Licensing Manager)	Aligns with statute and the Council's agreed Licensing Policy
7.6	Inclusion of new delegation	To adjourn a Licensing Sub-Committee for administrative reasons. (Licensing Manager)	To avoid the need for members to attend the Offices for a hearing that needs to be adjourned for administrative reasons such as the illness of a party or other unavailability of parties whose presence is required to ensure a

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			fair hearing. Members agreement to such an adjournment will be sought and confirmed by email.
Section	Current Text	Proposed	Reason for change
Part 3d 12.11	Inclusion of new delegation	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy. (Senior EHO)	To enable inconsequential changes to the Policy to be made by officers.
Part 3f – Roles of Different Councillors			
Role of Chairs	To liaise with staff in formulating agendas and future work plans, and to attend any meetings with staff to discuss matters relevant to the business of the Committee, Sub-Committees, Panels or Working Groups.	To liaise with staff, <i>in association with the Vice-Chair</i> , in formulating agendas and future work plans <i>to enable delivery of the Corporate Strategy action plan</i> , and to attend any meetings with staff to discuss matters relevant to the business of the Committee, Sub-Committees, Panels or Working Groups.	To require consensus of lead members on Committee matters. To emphasise the need to link Committee objectives to delivery of the Corporate Strategy action plan.
Part 4a – Standing Orders (SO)			
Part 4a SO 6.2 and 8.2 – National Anthem	The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.	Deleted.	Recommendation of majority of Group Leaders, with the exception of Conservatives.

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Section	Current Text	Proposed	Reason for change
Part 4a SO 8.5 – Spelthorne Joint Committee	Exclusion of Borough Councillors who are also County Councillors to be appointed to Spelthorne Joint Committee	Deleted	SJC was dissolved in February 2023
SO 9 Substitute Members	A Councillor may nominate another Councillor of his or her own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c)	<p>9.1 A Councillor <i>or their Group Leader</i> may nominate another Councillor of his or her own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c).</p> <p><i>9.2 In the case of 2 member groups, a councillor or their Group Leader may nominate a councillor from another political group to act as substitute at Planning and Licensing Committees, in accordance with the Substitution Scheme set out in Part 4(c).</i></p>	<p>To facilitate substitutions, where the councillor not attending is unable to advise their absence.</p> <p>To enable representation on Committees carrying out quasi-judicial functions only, in the case of two member groups where neither member is able to attend a meeting.</p>
SO 13.3, 14.1 and 16.3 – Questions and Motions	<p>Giving Notice:</p> <p>13.3 – Public questions – 12 noon 8 working days prior to the day of the Council meeting</p> <p>14.1 – Cllr questions – 12 noon 7 working days prior to the day of the Council meeting</p>	Align all deadlines to 12 noon 8 working days prior to the day of the Council meeting	To assist the public and councillors by having one deadline for all matters to be raised at meetings of Council.

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	16.3 – Motions - 12 noon 7 working days prior to the day of the Council meeting		
Section	Current Text	Proposed	Reason for change
Part 4a SO 13.6 – Scope of Public Questions	<p>The Chief Executive may reject a question if it:</p> <ul style="list-style-type: none"> (a) Is not about a matter for which the Council has a responsibility or which affects the Borough; (b) Is defamatory, frivolous or offensive; or (c) Requires the disclosure of confidential or exempt information. 	<p>The Chief Executive may reject a question if it:</p> <ul style="list-style-type: none"> (a) Is not about a matter for which the Council has <i>powers or duties</i> or which affects the Borough; or (b) Is defamatory, frivolous or offensive; or (c) Requires the disclosure of confidential or exempt information or (d) <i>Is substantially the same as a question which has been put at a meeting of the Council, a Committee or Sub-Committee in the past six months or</i> (e) <i>relates to the behaviour or conduct of an individual member, members or staff;</i> (f) <i>Concerns a planning or licensing application or</i> (g) <i>Is apparent that the question has been directed by a councillor or</i> (h) <i>Contains sub questions.</i> 	<p>To clarify the types of public questions which are not appropriate and therefore not accepted for Council.</p>

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Section	Current Text	Proposed	Reason for change
<p>Part 4a SO 16.6 to 16.10 Motions on Notice – Referral of a Motion to Committee</p>	<p>New Standing Order</p>	<p>Full wording in amended document. In summary: Addition of ability for CEX and Monitoring Officer in consultation with Mayor to decide that a Motion is more appropriate for consideration by a Committee and it will be placed on the agenda for the next available meeting of that Committee.</p> <p>That a Motion including a proposal to take a significant policy decision contrary to the Budget and Policy Framework or likely to incur expenditure over £40k shall be referred to Committee for consideration. The matter will come to a future meeting of Council with a full report on the policy, budget and financial implications and the recommendation from the Committee.</p> <p>The CPR Committee may issue guidance on the application of the above SO with regards the level of expenditure.</p>	<p>To improve accountability by the relevant Committees for decision-making.</p> <p>To enable members to be fully appraised of the implications of a proposal before making a decision contrary to Budget and Policy Framework. This accords with Budget and Policy Framework procedure rules.</p> <p>Highlighting – this value is subject to guidance from CPR</p>

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		The proposer and seconder of a Motion referred to Committee shall have notice of the Committee at which the Motion is to be considered and an opportunity to explain the Motion at the meeting in accordance with the rules of debate.	
Section	Current Text	Proposed	Reason for change
Part 4a SO 21- Voting	None. Addition of sub-paragraphs on the effect of absence during an item under discussion and late arrival, and the ability to participate in a vote.	<p>Addition:</p> <p>21.2 In the interests of natural justice, councillors are required to be present for the entire consideration of any item under discussion, in order to participate in the vote. If a councillor needs to absent themselves during an item, for any period of time, they should seek a short adjournment from the Mayor, which will not be unreasonably refused.</p> <p>21.3 In a situation where a councillor arrives late for the start of a Council or Committee meeting, the Chair of the meeting, (having consulted with the senior officer present) has discretion as to whether it is appropriate to permit that councillor to participate in any vote on a matter for which they have not been present for its entirety.</p>	<p>To clarify the expectation for councillors to be present for an entire item in order to vote at Council, but that a short adjournment may be requested to absent themselves if necessary.</p> <p>To provide the ability for a councillor arriving a few minutes late to a meeting to still participate in the vote on a matter.</p>

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Section	Current Text	Proposed	Reason for change
Part 4a SO 23.2 – Standing to speak	When councillors speak at Council they must stand and address the meeting through the Mayor, unless the Mayor’s permission has been obtained for the relevant Councillor to remain seated. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.	When councillors speak at Council they must stand, <i>if they are able to</i> , and address the meeting through the Mayor. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.	To recognise that some members may not be able to stand.
SO 29 – Application of SOs to Committees	All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where different rules apply	All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where <i>specific</i> rules apply.	To clarify that there are specific rules for Committees which replace the Council SOs.
SO 30.2 – ordinary meetings	This programme may be amended and additional meetings called as required throughout the year to ensure the efficient conduct of business. Amendments to the programme shall be agreed by the Chair of the relevant Committee.	This programme may be amended and additional meetings <i>proposed by Chief Officers in consultation with the Chair and Vice-Chair</i> , may be called as required throughout the year to ensure the efficient conduct of business. <i>Any proposed</i> amendments to the programme shall be agreed by the Chair <i>and Vice-Chair</i> of the relevant Committee.	To widen the ability for additional meetings to be proposed in consultation with members, and to include the Vice-Chair in the agreement to amend ordinary meetings. To clarify who may propose additional meetings.

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Section	Current Text	Proposed	Reason for change
Part 4a SO 30.3 – Extraordinary Committee meetings	Addition of the Monitoring Officer to those persons who may call Extraordinary Committee meetings.	30.3 <i>Those listed below may convene extraordinary Committee meetings in addition to ordinary meetings:</i> a) the majority of the Committee or Sub-Committee in relation to any matter which cannot wait until the next ordinary meeting. b) <i>the Monitoring Officer, in agreement with the Chair and Vice-Chair.</i> c) the Monitoring Officer or the Section 151 Officer in pursuance of their statutory or <i>constitutional</i> duties.	To enable the calling of Extraordinary meetings for business that the MO deems cannot wait until the next ordinary meeting of the Committee cycle.
SO 34.1	34.1 g and h – Agenda setting/Forward Planning by Committee and Chair/Vice-Chair	g - Matters raised by members of the Committee or Sub-Committee <i>in accordance with Standing Order 34.2.</i> h - Any other matter set out on the agenda requiring a decision or consideration as determined by the relevant Committee or Sub-Committee Chair, <i>in association with the Vice-Chair.</i>	To require consensus on items suitable for the agenda of a Committee. Recommendation of Peer Review members.
SO 34.2	Ward issues at Committee	Delete	This is not well utilised or offered at other Local Authorities. Peer Review members recommended removal. Ward issues can be raised

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Section	Current Text	Proposed	Reason for change
Part 4a New SO 34.2 re forward planning	N/A	<p>Additional wording</p> <p>All requests by members for matters to be considered by a committee of which they are a voting member shall be submitted in writing to the Chief Executive by no later than 10:00am on the eighth working day before the date of the meeting. Such items shall be included on the agenda under the Forward Plan. The member who raised the matter shall then be allowed to speak at the meeting for no longer than three minutes to convince the committee that a report on the matter should be included on the agenda for a future committee meeting, taking into account officer comments on the matter and workloads.</p>	<p>1. Directly with the relevant Group Head</p> <p>2. By way of a Motion to Council</p> <p>3. By way of a question to Council</p> <p>To give the decision to the whole Committee on items to be added to its Forward Plan.</p> <p>Recommendation of Peer Review members. (based on Sutton Standing Orders)</p>

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Section	Current Text	Proposed	Reason for change
Part 4a SO 35 – attendance of members at meetings	Additional wording to current.	35.1 a) during the consideration of any motion of which notice has been given which they have moved at a meeting of the Council and which has been referred to that committee; 35.3 Councillors who are not an appointed member of a Chief Officer Appointments or Disciplinary Committee may not attend any part of these meetings; 35.4 where a Councillor is not a member of the committee, sub-committee or panel, they should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.	Consequential changes to reflect proposed alteration to SO 16.6 – 16.9 and to clarify other circumstances in which a member may attend a meeting of which they are not an appointed member. (based on Sutton SO 20-2-20.3)
SO 37 – appointment of Sub-Committees	37.1 All Committees will recommend to the Council the appointment of one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee. 37.2 Membership of Sub-Committees does not need to be restricted to Members of the relevant parent Committee	<i>37.1 All Committees may appoint one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.</i> <i>37.2 In the case of a Sub-Committee where membership is not restricted to Members of the relevant parent Committee, the appointment of that Sub-</i>	To clarify whether Committee or Council may appoint sub-ctees

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Section	Current Text	Proposed	Reason for change
Part 4a SO 38.1 – Duration of Meetings	N/A	Additional wording: <i>This Standing Order does not apply to meetings of the Appointments Committee or Licensing Sub-Committees.</i>	These Committees need to conclude the business on the day of the meeting, so need exclusion from concluding business after three hours.
SO 40.1 to 40.5 Public questions at Committee /Sub-Committee	<p>Questions have to relate to a matter on the agenda.</p> <p>Notice to be given 5 working days before a meeting.</p> <p>Questions limited to two per agenda item.</p> <p>Limited reasons for rejection.</p>	<p>Questions permitted on any matter within a committee's remit.</p> <p>Notice to be given by 12 noon 8 working days before a meeting.</p> <p>Questions limited to 3 per meeting.</p> <p>Reasons for rejection expanded to reflect those for public questions put to Council (SO 13.6 above).</p> <p>(Detailed wording on amended document)</p>	<p>To improve opportunities for public engagement.</p> <p>This aligns with SO 13.3</p> <p>To ensure the main business on the agenda of the Committee can be dealt with at the meeting.</p> <p>To ensure only appropriate matters are accepted for Committee consideration.</p>

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Section	Current Text	Proposed	Reason for change
Part 4c – Substitution Scheme			
Para 2 - exclusions	No Committees/sub-committees are excluded from the Scheme	Addition of: <i>Substitutes will not be permitted at meetings of the:</i> <i>(a) Licensing Sub-Committee;</i> <i>(b) Appointments Committee, unless a member is substituting for an entire matter.</i>	A 4 th reserve member is appointed to a Licensing sub-committee in the event a member is unavailable, so no substitutes are required. Appts Committees meet on 2-3 occasions in respect of one matter and need to be present for all the meetings.
Para 5. – exceptions to para 4 on numbers of substitutes	Non-aligned members may nominate a substitute from another political group.	Addition of: Exceptions to substitute rules: 5b Any member of a two-person Group, who may nominate a substitute member of Planning or Licensing Committee, from any one of the political groups, to sit in their absence at a meeting of the Committee, subject to that member having undertaken the required training for the relevant Committee.	Request from Green Group.
Para 6. Giving Notice	Written notice of the substitution must be delivered by the Ordinary Member to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required.	Written notice of the substitution must be delivered by the Ordinary Member <i>or their Group Leader</i> to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required.	To facilitate substitutions. Reflects proposed change to SO 9.

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Section	Current Text	Proposed	Reason for change
Part 4e - Contract Standing Orders			
Table 1 Procedural Rules	Authority for entering into contracts where value is between £5k to £40k	Procurement Business Case is approved by Group Head. <i>This also applies where the Group Head is acting as a Director of a wholly owned Council company.</i>	To align the limits as a Director with the role of Group Head.
Part 4g – Access to Information Rules			
Scope		Addition of: <i>Working Groups and Task and Finish Groups are not established as Sub-Committees under the Local Government Act 1972, and therefore are not subject to these rules. These meetings are not held in public.</i>	To clarify the standing of these informal groups and that these Access rules do not apply.
Part 4i – Procedure Rules for Task and Working Groups			
New	N/A	New part to the Constitution – included with the report as Part 4i.	To set out the rules under which these informal groups may be set up and how they operate.
Part 5a - Councillor Code of Conduct			
1. Respect	I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.	I treat local authority employees <i>with respect and respect the role they play. I abide by the Member-Officer relations protocol in Part 5c of the Constitution.</i> I treat employees and representatives of partner organisations and those	To reflect the position in the Member-Officer relations Protocol with regards to a breach of the protocol by a member.

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		volunteering for the local authority with respect and respect the role they play.	
Section	Current Text	Proposed	Reason for change
Part 5d – Planning Code			
Various		More detail and clarity given to those parts of the Code relating to decision making on development of the Council’s own land. Detailed wording on amended document.	To ensure probity and aid transparency of decision making on applications made under Reg 3 of the Town and Country Planning Regs 1992.
Part 5h – Monitoring Officer Protocol			
1.5	The Monitoring Officer has appointed Karen Limmer, Temporary Principal Solicitor, as the Deputy Monitoring Officer. Karen Limmer will perform the functions of the Monitoring Officer where Farida Hussain is unable to act.	The Monitoring Officer has appointed a Deputy Monitoring Officer(s). The Deputy Monitoring Officer will perform the functions of the Monitoring Officer where he/she is unable to act.	Officer names removed as liable to change more frequently than the Constitution is updated.
Part 5k – Conflicts of Interest			
3.1	N/A	Addition of a further situation to consider: <i>appointment as a non-executive Director to a Council owned company.</i>	To bring to members attention the potential for conflict of interest in this situation.
Section	Current Text	Proposed	Reason for change
Part 5m - DBS checks			
8.	‘and a copy shall be retained.’	Copies of the DBS certificate shall <i>not be retained by the Council.</i>	There is no need for copies to be retained until the end of a

Constitution Changes 2023

Part 5m 11.	Copies of the DBS certificate shall be destroyed securely at the end of the councillor's term of office.		councillor's term of office. Non-retention complies with GDPR.
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CONSTITUTION OF SPELTHORNE BOROUGH COUNCIL

PART 1 – Summary and explanation

The Council's Constitution

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

What's in the Constitution?

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

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

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

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

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

- The Council and its Members (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- The Mayor (Article 5)
- The Leader of the Council (Article 6)
- Service, Regulatory and Other Committees (Article 7)
- The Standards Committee (Article 8)
- Joint Arrangements (Article 9)
- Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13)

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

How the Council operates

Councillors

The Council is composed of 39 councillors elected every four years. Only registered electors of the borough or those living, working or owning property in the borough are eligible to seek election for the office of Councillor. Each councillor is elected for a particular ward. Details of the current wards and councillors are on the Council's website.

Councillors are democratically accountable to the residents of the Borough. They have no individual executive powers. Councillors influence and make decisions corporately through Council and committee meetings.

The overriding duty of councillors is to the whole Borough. Councillors must represent their constituents as a body and vote in the interests of the whole Borough. However, they have a special duty to their constituents, including those who did not vote for them.

Councillors must comply with a Code of Conduct (see Part 5) to ensure high standards in the way they undertake their duties. The Council has appointed a Standards Committee, which is responsible for encouraging, developing and maintaining high standards of conduct for all councillors. Article 8 provides more information about this Committee.

The Council

All councillors meet together as the Council, which is the ultimate governing body of Spelthorne Borough Council

The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels and working groups are subordinate to the Council and dependent on it for the delegation of powers and duties.

It is at Council meetings that councillors decide the Council's overall policies and set the budget each year. Meetings of the Council are normally open to the public, except when 'exempt' or 'confidential' matters are being discussed (see the Access to Information Procedure Rules in Part 4 for more information about this). The Council has agreed procedures to enable the public to take part in Council meetings by asking questions of councillors and presenting petitions. The procedures are set out in Standing Orders (See Part 4).

Each year usually in May, at the Annual Council meeting, Council appoints councillors and representatives to committees and other bodies.

Appointments to all committees comply with the requirements of political proportionality set out in the Local Government and Housing Act 1989.

Also at the Annual Council meeting, the Council appoints councillors to the roles of Mayor, Deputy Mayor, Leader and Deputy Leader.

The Mayor

The Mayor is the first citizen of the Borough and acts as an ambassador on behalf of the Borough. As a symbol of the Council and its area, the Mayor gives encouragement and shows appreciation for the many groups and organisations who also serve the residents of the Borough. The Mayor will attend such civic and ceremonial functions as the Council, and they, determine appropriate both within and outside the Borough. The Mayor will act in a non-partisan manner and in the interests of the whole Council.

The Leader

The Leader holds the most significant elected Member role within the Council. The Leader will be the political head of the Council and the focus for policy direction and community development. The Leader will also be the chief advocate and spokesperson for the whole of the Borough.

The Deputy Leader is able to exercise the functions of the Leader when they are unavailable.

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

How decisions are made

The Council has set up procedures to ensure that its functions are carried out effectively and efficiently in accordance with the principles of good administration.

The Strategic Committees

The Council will establish a number of Strategic Committees to be responsible for the Council's principal functions.

The terms of reference of the Committees are set out in Part 3 of this Constitution. Corporate Policy and Resources Committee is made up of the Leader, Deputy Leader, and 14 other councillors. The other committees are made up of a Chair, Vice-Chair and up to 14 other councillors. The committee membership is determined by the Council.

Committees meet at approximately 6-8 weekly intervals in public (except where personal, exempt or confidential matters are being discussed) to take policy and strategic decisions not reserved to Council or delegated to other committees or senior employees.

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

The Regulatory and other Committees

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of any of the Strategic

Committees; for example: Planning Committee, Licensing Committee, Audit Committee and Standards Committee.

Joint Committees

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

Statutory Scrutiny functions

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

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

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

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

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

The Council's Staff

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

The Public's Rights

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

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

Definitions

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

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

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

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

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Article 5 – The Mayor

5.1 Election of Mayor

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

5.2 Role and function of the Mayor

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

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Article 10 – Officers

10.1 Management Structure

(a) General

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

(b) Chief Officers

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

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

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

The Council will designate the following posts as shown:

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

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

(d) Deputy Monitoring Officer and Deputy Chief Finance Officer

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

(e) Deputy Chief Officers

The Council will engage persons for the posts of Group Head within its management structure, who will be designated deputy chief officers, as defined in section 2(8) of the Local Government and Housing Act 1989.

10.2 Functions of the Head of Paid Service

The Head of Paid Service will:-

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

10.3 Functions of the Monitoring Officer

The Monitoring Officer will:-

- (a)** maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, staff and the public;
- (b)** maintain the Register of Members' Interests;
- (c)** after consulting with the Head of Paid Service and Chief Finance Officer, report to the Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- (d)** contribute to the promotion and maintenance of high standards of conduct through provision of advice and support to the Standards Committee
- (e)** investigate allegations of breaches of the Members Code of Conduct following a referral from the Standards Sub-Committee and following consultation with the Independent Person, or appoint another person to investigate;

- (f) provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.
- (g) ensure that Committee decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (h) The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

10.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:-

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

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

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

10.6 Conduct

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

10.7 Employment

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

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TERMS OF REFERENCE

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

- To develop the Council's policy, strategy and budget proposals
- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To encourage performance improvement in relevant services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To develop a full understanding of the functions and services within the Committee's remit
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to the Committee.
- To support positive relationships and practices through co-operative working with staff.
- To commission studies or the collection of information relating to policy issues (Corporate Policy and Resources Committee) or service delivery (Strategic Committees). Where a function does not clearly fall within the remit of one particular Strategic Committee, the Corporate Policy and Resources Committee shall direct which Committee shall deal with the function, or deal with the matter itself.
- Each Committee is limited in authority to grant expenditure to £1 million for any particular project (with the exception of decisions on Community Infrastructure Levy funds allocation by the Corporate Policy and Resources Committee) without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.
- To recommend to Council any expenditure on a project within the Capital Programme where the cost of the project as a whole exceeds £1million.

CORPORATE POLICY & RESOURCES COMMITTEE

Membership

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

Functions

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

- Formulation of the Council's annual budget, including the capital and revenue budgets, prudential controls and council tax, and putting forward a draft budget to Council for approval
- Overseeing and managing the Council's financial strategies, plans, and regulations
- Formulating the Council's Community and Corporate Plans for recommendation to Council
- Formulating and co-ordinating the Council's Policy Framework and making recommendations to Council accordingly
- Considering periodic budgetary monitoring and variation reports and making any recommendations to the Council as necessary
- Revenues and benefits
- Property asset management including investment, purchases and disposals, and compulsory purchases
- 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.
- Matters that cross the remits of two or more 'Strategic Committees and/or to resolve conflict
- To adopt, monitor and review Council policies and strategies that do not fall within a Strategic Committee's remit.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community.
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
- Any other matters which do not clearly fall within the remit of any of the other Strategic Committees or delegated to officers.

Development Sub-Committee

Objective:

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

Membership

11 Members reflecting political balance.

Functions

1. Acquisitions

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

2. Disposals

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

3. Management of Strategic Investments and residential developments

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

4. Management of Municipal Portfolio

- (a) To approve leasehold disposal (lettings) of municipal properties which exceed officer/member financial delegation limits
- (b) To approve the exercise of a break option under the terms of lease of land or property where officer/member delegation financial limits are exceeded.
- (c) To approve or agree to the surrender of a lease of land or property where officer/member delegation financial limits are exceeded.

5. Development

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

Appendix A – Development-Gateway stages

Five stages of sign off:

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

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

Part 3 section (b)

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

ENVIRONMENT & SUSTAINABILITY COMMITTEE

Membership

15 members reflecting political balance.

Functions

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

- Planning policy
- The Local Plan
- Recycling
- Biodiversity
- Climate change – including carbon management, mitigation and adaptation measures
- Pollution control including contaminated land and air quality
- Emergency planning
- 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 Levy Task Group
- Review and scrutiny of the exercise by the relevant authorities of the flood risk management functions which may affect the Council's area.
- To adopt, monitor and review relevant Council policies and strategies which fall within the remit of the Committee.
- To recommend changes or new policies to the Corporate Policy and Resources Committee where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee.
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.

Working Groups Terms of Reference

Community Infrastructure Levy (CIL) Working Group

1. Remit

The CIL Working Group is a Councillor/Officer group set up to work jointly and collaboratively to advise the appropriate Committee on CIL generally and make recommendations on bids for CIL monies allocated to it by the Borough Council.

The CIL Working Group will assess bids for Strategic CIL funding and will recommend to the Environment & Sustainability (E&S) Committee for approval. Bid assessment will consider a number of factors including project cost, match funding, deliverability, and relevance to the identified infrastructure needs set out in the Infrastructure Delivery Plan (IDP).

In exceptional circumstances the Working Group may recommend bids to the Committee and Corporate Policy and Resource Committee (CPRC) should it be appropriate to do so.

2. Membership of the Working Group

The CIL Working Group comprises:

- The Leader of Spelthorne Borough Council
- The Chair of E&S Committee
- The Chairs of each of the five Local Spending Boards

The Chair of the Working Group will be nominated by the Working Group.

The following Officer representation will apply:

- Strategic Planning Manager
- Infrastructure Delivery Co-ordinator

The Working Group will reserve the right to draw in representatives from other Borough, County, and external service areas as required to assist it in its work.

3. Meetings

The Strategic CIL Bidding Round will run between the months of April and June. The Working Group will meet as soon as practical after the close of the Bidding Round to consider applications. Once recommendations have been decided, these will be taken to the appropriate Committee as soon as practical for final decision-making. Where possible, final decisions should be published between September and October.

The Working Group may also meet as required throughout the year to discuss Strategic CIL allocations and to ensure effective and timely allocation of CIL monies.

4. Objectives

The Working Group objectives are:

- To ensure overall programming of infrastructure projects agreed by the appropriate Committee.
- To advise and recommend to the appropriate Committee schemes that will have maximum benefits to the community.
- To monitor receipts and expenditure of CIL monies, including the maintenance of reserves in the fund of approximately £1 million.

The Working Group will be responsible for:

- Recommending projects to the appropriate Committee which require CIL funding from resources allocated to it, following assessment in accordance with the agreed criteria.

- Regular monitoring and reporting to the E&S Committee on the delivery of projects including revisions to timescales and expenditure.
- Reporting to the E&S after completion of each project.

5. Output

Regular project progress updates to the E&S Committee on CIL priorities and funding of projects.

Adopted 26 April 2023

Climate Change Working Group

The Spelthorne Climate Change Working Group will consist of 7 members.

The Terms of Reference for the Working Group are:

1. To implement the climate change strategy and action plan agreed in 2022 to deliver our target of carbon neutrality by 2030.
2. To make recommendations to Environment and Sustainability Committee on areas for improvement which can impact on 'climate change' and to identify, and make recommendations on, developing new environmental policies where required which will help move the Council and Borough towards carbon neutrality by 2030.
3. To report to Environment and Sustainability Committee appropriate action plans and targets to deliver the Council's 2030 target of zero carbon emissions.
4. To monitor progress with delivering the action plans and achieving targets and report on progress to Cabinet on a quarterly basis.
5. To consider government and wider authorities' consultation on documents relating to 'climate change' and assist Cabinet in formulating its response.
6. For members of the Working Party to act as 'climate change' champions by leading by example and advocating action on climate change. The Council has an important community leadership role to play regarding the 'climate change' agenda.
7. To identify areas for further research and invite presentations, workshops and discussions with experts as appropriate to help inform the Council's policies and action plans.
8. The Climate Change Working Group will consider the best way of engaging with key partners and work closely with the Government, the Environment Agency, Surrey County Council, local businesses, residents and other partners across the county and Borough to meet the target of making the Borough carbon neutral by 2030.
9. To consider and formulate a communication strategy to promote the Council's activities on climate change.

Membership and Proceedings of the Working Group on Climate Change

1. To be a cross party working group
2. The Chair of the Environment and Sustainability Committee or appointee will chair the Group.
3. The Group will appoint its own vice chairman from within its membership.
4. The meetings of the Working Group will be internal and confidential to the Council. At the Chairman's discretion, some of the meetings will be open to all members of the Council to attend, particularly those to which outside speakers have been invited, to ensure wide engagement across the organisation.
5. The Working Group, can co-opt an external member to the Group, as required, to deal with, specialist areas. However, it remains the decision of the full Working Group as to what targets are recommended.
6. The Working Group will meet at least 4 weeks before an Environment and Sustainability Committee but potentially more frequently depending on workload and actions required.
7. The Working Group should aim to deliver a consensual view to Environment and Sustainability Committee Where this is not possible it should aim to report fairly on the divergent views of the group. Voting is not considered appropriate or necessary. Proactive and innovative suggestions are encouraged.
8. Liaison and engagement with a wide range of stakeholders is welcomed. The Working Group should seek a wide body of opinion to inform its considerations including exchanging views on pertinent matters and receiving suggestions as to how climate change can be addressed in areas over which Spelthorne Borough Council has limited control or significant influence.

Adopted 27 June 2023

ECONOMIC DEVELOPMENT COMMITTEE

Membership

9 members reflecting political balance.

Functions

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

- Economic development, business partnerships and town centre viability & regeneration
 - Heathrow liaison
 - Business transformation, support and inward investment
 - Tourism
 - Transport
 - To adopt, monitor and review relevant Council policies and strategies which fall within the remit of the Committee.
 - To recommend changes or new policies to the Corporate Policy and Resources Committee where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.
 - To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
 - To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
 - To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
 - To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee.
- + The scrutiny of Heathrow to be carried out jointly with Environment & Sustainability Committee

COMMUNITY WELLBEING & HOUSING COMMITTEE

Membership

11 members reflecting political balance.

Functions

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

- Leisure, libraries, arts, sports and culture
- Community development and engagement
- Voluntary sector strategy and liaison
- Housing policy & strategy
- Housing options, allocations and support services
- Affordable housing and homelessness
- Private sector and social housing enforcement
- Home Improvement Agency
- Grants to outside bodies
- Education and young people
- Services for older people
- Day centres
- Supported living independently – including meals on wheels
- Family support
- Disability issues and grants
- To adopt, monitor and review relevant Council policies and strategies which fall within the remit of the Committee
- To recommend changes or new policies to the Corporate Policy and Resources Committee where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.
- .To receive periodic reports from Spelthorne Healthy Communities Board on funding decisions.
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services relevant to this Committee, to the community; in particular to exercise the Council's statutory scrutiny responsibilities arising under the Police and Justice Act 2006 in relation to crime and disorder.
- To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee.

Grants Panel Terms of Reference

1. Purpose of the Panel

The Grants Panel provides an opportunity for people with specialist skills and knowledge to contribute to the development of the community, voluntary and faith sector by granting annual and one-off funding.

The Grants Panel Advisory Panel is designed to ensure that Spelthorne Borough Council meets the highest standards when considering applications and awarding grants and consistently supports those organisations which help to deliver the Council's corporate priorities and enhance the quality of life in the Borough.

It will:

- a) assess grant applications and make recommendations to the Community Wellbeing and Housing Committee (CWHC) as to whether they should be funded.
- b) maintain an overview of the reach of Spelthorne Council's grant-making and suggest ways in which any gaps might be addressed
- c) Review the performance of grant recipients on an annual basis where a Service Level Agreement is in place
- d) Signpost applicants to alternative sources of funding
- e) Co-ordinate regular events to promote funders and grant sources to the CVS sector.

2. Terms of Reference

The Terms of Reference for the Grants Panel are:

- a) A minimum of 3 elected members and three Spelthorne Council officers with relevant skills or knowledge will comprise the panel
- b) These will be appointed to the panel by being proposed and seconded by existing panel members and following a vote of existing members. Members should be nominated on the basis of specific skills that they will bring to the panel.
- c) a quorum shall be four members
- d) the chair must be an elected member and will be elected by majority vote
- e) Councillors on the Panel will be asked to register/declare any interests before considering the applications and making any recommendations.

f) all decisions will be made by a majority vote and in instances of there being no majority, the chair will gain the power to make one casting vote

g) the panel will meet at least once a year, though “virtual” meetings may be held via telephone or email exchange at any time. The quorum and voting rules will still apply and, normally, at least 5 working days will be allowed from the start to the conclusion of such meetings, in order to allow an adequate opportunity for all Panel members to take part.

h) panel members will be expected to attend at least 50% of “physical” meetings. Members missing three consecutive meetings without giving good reason may be deemed to have resigned and their position may be filled

i) the panel may invite anyone to attend a meeting(s) to give specialist input

j) the annual revenue grants process will be the subject of a report to CWHC and acceptance by Full Council at its annual budget-setting meeting

NEIGHBOURHOOD SERVICES AND ENFORCEMENT COMMITTEE

Membership

9 members reflecting political balance.

Functions

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

- Street cleansing services
- Street Scene
- Waste strategy and management
- Parking Services
- Parks, open spaces and allotments
- Building Control
- Cemeteries
- Community safety and crime & disorder
- Civil Enforcement (JET)
- Workplace Health & Safety enforcement of businesses in the community
- Licensing matters save for those specifically reserved to the Licensing Committee,
- Environmental health functions including food safety, housing conditions and pollution control, with the exception of air quality and contaminated land.
- Planning enforcement
- To adopt, monitor and review relevant Council policies and strategies which fall within the Committee's remit.
- To recommend changes or new policies to the Corporate Policy and Resources Committee where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.
- To establish Working Groups and Task and Finish Groups to examine in detail specific issues or aspects of policy, procedure or service in accordance with the Working Group and Task and Finish Group procedure rules at Part 4i of this Constitution.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.

ADMINISTRATIVE COMMITTEE

Membership

12 members reflecting political balance.

Functions

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

- Performance management, Project management & service delivery options/transformation
- Making such appointments to Outside Bodies which are not reserved to Council
- Customer Services
- Corporate Services including Communications, Legal Services, ICT, Democratic Services and Electoral Services
- Human Resources Policy
- This Committee has responsibility for scrutinising matters referred to it by the Strategic Committees or councillors in accordance with the Council's Call-in Scheme (Part 4b of this Constitution).

POLICE AND CRIME COMMISSIONER'S PANEL

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

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

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

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

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

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

REGULATORY COMMITTEES

AUDIT COMMITTEE

(7 councillors reflecting political balance and one independent non-voting member)

1. To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process:
 - To approve (but not direct) the internal audit's strategy plan and performance.
 - To approve risk related Policies that are not reserved to Council.
 - To receive an annual report on RIPA (Regulation of Investigatory Powers Act)_activity.
 - To review summary internal audit reports and the main issues arising and to seek assurance that action has been taken where necessary.
 - To consider the reports of external audit and inspection agencies.
 - To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud, bribery and anti-corruption arrangements.
 - Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
 - To be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and to take actions required to improve it.
 - To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
 - To review the financial statements, external auditors' opinion and reports to councillors, and monitor management action in response to the issues raised by external audit.

2. To receive Corporate Project Management updates

LICENSING COMMITTEE

13 members reflecting political balance

Each Member of the committee is required to: complete in full an Induction Programme, undertake regular training including the legislation governing hearings under the Licensing Act 2003, the Gambling Act 2005 and in relation to hackney carriages and private hire; and attend development updates in relation to the licensing function. Any Member not undertaking these training activities will be unable to serve on the Licensing Sub-Committee until such time that the full training requirement has been met.

1. Subject to staff delegations, In relation to the Licensing Act 2003:
 - a. The determination of an application for a premises licence where relevant representations have been made and not withdrawn;
 - b. The determination of an application for a club premises certificate where relevant representations have been made and not withdrawn;
 - c. The determination of an application for a provisional statement where relevant representations have been made and not withdrawn;
 - d. The determination of an application for variation (excluding Minor Variations) of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;
 - e. The determination of an application to vary the designated premises supervisor following objections from a Responsible Authority;
 - f. The determination of an application for the transfer of a premises licence following objections from a Responsible Authority;
 - g. Consideration of an objection from a Responsible Authority made to an interim authority notice;
 - h. The decision to give counter notice following objections from a Responsible Authority to a temporary event order;
 - i. The determination of an application for the grant of a personal licence following objections from the Responsible Authority;
 - j. The determination of an application for a review of a premises licence.
2. In relation to the Gambling Act 2005:
 - a. The determination of an application for a licence where relevant representations have been made and not withdrawn;
 - b. The determination of an application for a variation of a licence where relevant representations have been made and not withdrawn;
 - c. The determination of an application for the transfer of a licence where relevant representations have been received from the Gambling Commission;

- d. The determination of an application for a provisional statement where relevant representations have been received and not withdrawn;
 - e. The determination of an application for a review of a licence;
 - f. The determination of an application for club gaming / club machine permits where objections have been made and not withdrawn;
 - g. The cancellation of club gaming / club machine permits where relevant representations have been received and not withdrawn;
 - h. The decision to give a counter notice to a temporary use notice.
3. In relation to Part II Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982:
- a. To grant or refuse applications for the grant, renewal or transfer of licences for sex establishments;
 - b. To grant or refuse applications for variations;
 - c. To attach such terms, conditions and restrictions to licences as is seen necessary and appropriate;
 - d. To revoke licences
 - e. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local Government (Miscellaneous Provisions) Act 1982.
4. In relation to taxi and private hire licensing:
- a. the adoption of all policies relating to taxi and private hire licensing.
 - b. In relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to revoke, refuse, to grant or renew, hackney carriage and private hire drivers and operators licences in circumstances where staff consider it appropriate to refer the matter to the Committee or Sub-Committee;
 - c. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local government (Miscellaneous Provisions) Act 1976 and the Local Government (Miscellaneous Provisions) Act 1982;
 - d. To determine applications for the revision of the taxi fare tariff pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
5. The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
6. To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee, where they do not require a Council decision under the Policy Framework at Article 4 of this Constitution.

7. To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.

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

PLANNING COMMITTEE

(15 Members reflecting political balance)

Members must attend Development Control training at least annually. New Members must attend induction training on an introduction to Planning and Decision Making, and Appeals/Costs, as a minimum, before they can sit on the Committee. Members of the Committee are expected to attend all further training sessions provided on the Planning regime. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the minimum training requirement has been met.

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

- 1 Where councillor representations are received in writing within the specified "call in" period within the approved scheme.
- 2 Where the Planning Development Manager decides, after consultation with the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern or where it is very contentious.
- 3 Where the application is submitted by the Council or by the Council with another person (individual or corporate).
- 4 Where the application is submitted by an officer of the Council (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 5 Where an application is submitted by a councillor (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 6 Approval of over 9 (nine) net additional residential units by new build (minor application).
- 7 Approval of over 1,000m² net additional floor space by new build (major application)
- 8 Recommendation of no objection for over 1,000m² net additional building floor space or 1 hectare net additional land area in connection with new Surrey County Council minerals and waste applications (gravel extraction/restoration).
- 9 Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications where the net additional land area is over 5000m².
- 10 Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)
- 11 For the local listing of any building

STANDARDS COMMITTEE

(9 Councillors reflecting political balance + 2 Independent non-voting Members)

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

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

- to keep an overview on the arrangements for dealing with complaints under the code of conduct, making alterations and publishing them where it considers necessary;
- to devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a hearings panel;
- to consult with the Independent Person on any matters which have broad implications for the promotion of high standards by the Council;
- to make recommendations to Council on standing orders for the registration and declaration of Disclosable Pecuniary Interests and other interests; and,
- to make recommendations to Council on any revisions to the Members' Code of Conduct and the registration of interests.
- to consider any issues referred by the Monitoring Officer under the Disclosure and Barring Service Checks for Members Protocol (Part 5m).
- to establish the Committee System Working Group with the Terms of Reference set out below.
- to monitor and review the operation of the Constitution in accordance with Article 13,

- to promote, manage and agree a programme of member development.

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

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

Working Group's Terms of Reference

Committee System Working Group

Membership

The membership to comprise one councillor from each political group and any non-aligned members.

Responsibilities

Monitoring of objectives

To consider whether the system is meeting the Council's objectives. To recommend any amendments to the system to the Standard's committee where such is required to meet those objectives.

Recommendation of amendments

To consider whether any adjustments or amendments are required to ensure the smooth operation of the system and to make recommendations to the Standards Committee where required.

Decision Making

This working group has no formal decision-making powers. Any matters which require a Councillor decision will require a report to the Standards Committee for their decision.

APPOINTMENTS AND APPEALS COMMITTEE

Membership

5 members reflecting political balance. The members of this Committee may not also sit on the Investigating and Disciplinary Committee in respect of the same matter.

In undertaking the annual appraisal of the Chief Executive, a minimum of three councillors from at least two different political parties must attend.

Functions

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

- To make a recommendation to Council on the appointment of the Head of Paid Service (Chief Executive).
- To consider and determine the overall scheme and policies in relation to terms and conditions relating to the role of Head of Paid Service.
- To undertake the annual appraisal of the Chief Executive in accordance with the agreed Chief Executive Appraisal Procedure.
- To appoint other Chief Officers and Deputies as defined in Article 10.1, and in accordance with the Officer Employment Procedure Rules at Part 4(f) of this Constitution.
- To make a recommendation to Council on the designation of the Monitoring Officer and the Chief Finance Officer.
- To make a recommendation to Council on the appointment of the Independent Audit member.

Note: for the avoidance of doubt, Chief Officers and Deputy Chief Officers are posts at or above salary level Group Head.

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

INVESTIGATING AND DISCIPLINARY COMMITTEE

MEMBERSHIP

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

RESPONSIBILITIES

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

INDEPENDENT PANEL

MEMBERSHIP

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

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

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

RESPONSIBILITIES

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

Appropriate training should be provided for Independent Panel members.

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

DELEGATIONS TO OFFICERS	
Column 1 – Function	Column 2 – Authorised Officer
1. GENERAL	
<p>1.1 To carry out responsibilities for any function which the Council has not reserved to itself or delegated to a Committee or Sub Committee in this Constitution and which Council has not authorised another officer to carry out in this Scheme of Delegation.</p> <p>Decisions taken in accordance with this delegation will be reported to the next available ordinary Council meeting.</p>	Chief Executive or a Deputy Chief Executive or a Group Head in consultation with the relevant Chair and Vice-Chair.
<p>1.2 To enter land and premises for the purpose of inspections, surveys, testing and examinations as required pursuant to any powers or functions of the Council under any enactment</p>	Any Group Head, the Medical Advisor, the Property Inspector for Council Tax and Business Rates, the Senior Environmental Health Manager or such other officer who maybe authorised in writing by the above named
<p>1.3 To serve notices to obtain particulars of a person's interest in land</p>	Group Head of Corporate Governance, Senior Environmental Health Manager or Planning Development Manager or other such officer who may be authorised in writing by the above named
<p>1.4 To serve notice under any enactment (not separately authorised under this scheme of delegations) and to take follow up action</p>	Group Head of Corporate Governance Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager
<p>1.5 To authorise officers to conduct directed surveillance or the use of covert human intelligence sources in accordance with the Regulation of Investigation Powers Act 2000</p>	Strategic Planning Manager, Planning Development Manager and Senior Environmental Health Manager
<p>1.6 To administer simple cautions</p>	Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager

Part 3 section (d)

1.7 To respond to routine and technical consultations from the Local Government Association, the MHCLG, other Government bodies or departments and any other bodies	Chief Executive, Deputy Chief Executive. Strategic Planning Manager, Planning Development Manager or Senior Environmental Health Manager or such officer who may be authorised in writing by the above named
1.8 Under the provisions of the Children Act 1989 and the Council's Safeguarding Children and Vulnerable Adults Policy and Procedures, to undertake responsibility for making contact with Social Services and for making decisions and referrals, including making Disclosure and Barring Service (DBS) checks on officers or other persons seeking employment with children, young people or vulnerable adults	Deputy Chief Executive responsible for Safeguarding
1.9 To undertake the function of Company Secretary for Knowle Green Estates Limited and any subsidiary companies	Group Head of Corporate Governance
1.10 To invite members: a) of the Licensing Committee to participate in meetings of Licensing Sub-Committees convened to determine various applications within the responsibility of the Licensing Committee; and b) of the Standards Committee to participate in meetings of Assessment Panels.	Group Head of Corporate Governance
1.11 To amend the membership of a political group's seats on any particular committee, at the request of the Group Leader.	Chief Executive
1.12 To be designated the Council's 'Appointed person' in accordance with s10(8) of the Party Wall Act 1996.	Building Control Manager

2 LEGAL AND LEGAL PROCEEDINGS	
Column 1 – Function	Column 2 – Authorised Officer
2.1 To instigate, conduct and settle proceedings, complaints, or disputes (administrative, criminal or civil) on the Council's behalf in any Court, Tribunal or other body or by way of local resolution, and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and anything above this level be referred to the Corporate Policy and Resources Committee.	Group Head of Corporate Governance
2.2 To instigate and conduct legal proceedings for any offence or any matter arising under: <ul style="list-style-type: none"> a. legislation which gives the Council a right or duty to prosecute b. any order notice or licence issued in pursuance to any legislation under which the Council has powers or duties c. any other order or regulation under which the Council has powers or duties 	Group Head of Corporate Governance
2.3 To accept service of proceedings on behalf of the Council	Group Head of Corporate Governance (or Chief Finance Officer in respect of insurance claims)
2.4 To instruct Counsel, Solicitors or relevant agents to represent or advise the Council	Group Head of Corporate Governance (or any Chartered Town Planner in respect of planning matters)
2.5 To take necessary action, including legal proceedings, for the recovery of possession of the Council's land and premises or for protecting the interests of the Council in any land or common land	Group Head of Corporate Governance
2.6 Authority to make a formal complaint at the Magistrates Court and to appear in the Magistrates and County Courts on behalf of the Council for the recovery of Council Tax, non domestic rates, other revenues and penalties, including formal proof of debt in bankruptcy cases, liquidations and debt proceedings	Group Head Commissioning and Transformation, Senior Recovery Officer, Recovery Officer or Technical and System Support Officer

Part 3 section (d)

2.7 To represent the Council at the Local Valuation Tribunal	Group Head Commissioning and Transformation or Technical and System Support Officer
2.8 To appear on behalf of the Council in all proceedings before any Court or Tribunal	All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance
2.9 To appear on behalf of the Council in proceedings in the Magistrates Court in respect of offences in the Council's car parks	All employees of the Council who are qualified Barristers, Solicitors or Legal Executives and any other member of staff authorised in writing by the Group Head of Corporate Governance, the Group Head Neighbourhood Services and any member of the Car Parks staff authorised in writing by the Group Head Neighbourhood Services.
2.10 To instigate legal proceedings under Section 1 of the Crime and Disorder Act 1998 in respect of anti-social behaviour orders.	Group Head of Corporate Governance
3 AUTHORITY TO SIGN AND SEAL DOCUMENTS	
Column 1 – Function	Column 2 – Authorised Officer
3.1 Authority to sign all legal documents relating to recovery of monies due to the Council	Chief Executive, Chief Finance Officer, Group Head of Corporate Governance, Group Head Community Wellbeing or Group Head Commissioning and Transformation.
3.2 Authority to sign all legal documents for the acquisition or disposal of land (unless under seal)	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
3.3 Authority to sign all contracts and agreements (unless under seal) for expenditure within their service budget or for no value within their service area PROVIDED that Contract Standing Orders	Chief Officers, Group Head of Corporate Governance, other Group Heads, Planning Development Manager, Strategic Planning Manager or Senior

Part 3 section (d)

have been followed including legal advice being obtained for contracts over £20,000	Environmental Health Manager
3.4 To affix the Council's common seal	Chief Executive, Chief Finance Officer or Group Head of Corporate Governance
4 LAND ISSUES	
Column 1 – Function	Column 2 – Authorised Officer
<p>4.1 In respect of properties leased/licensed to or by the Council:</p> <ul style="list-style-type: none"> a. to refuse or consent to assignments or sub-lettings, including changes to Trustees or Directors details, subject to satisfactory references; b. to negotiate, approve and document rent reviews; c. to agree low level less than best value rents/licence fees for community groups where proper justification has been acquired and documented; d. to agree to variations to any of the terms or covenants; subject to valuation advice where appropriate; e. to renew leases which have security of tenure under the Landlord and Tenant Act 1954; f. to serve notices for renewals or terminations of leases under the Landlord and Tenant Act 1954; g. to settle terms of management arrangements and any variations to them; h. to agree to the grant of Licences to Alter 	Group Head for Assets
<p>4.2</p> <ul style="list-style-type: none"> a. To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100k per transaction. b. To approve the exercise of a break option under the terms of lease of land or property where the financial impact does not exceed the value £100k. 	<p>Group Head for Assets in consultation with the Chief Finance Officer.</p> <p><i>(Note: for lettings granted under the Community Lettings Policy, there must also be consultation with the Chairs and Vice Chairs of Corporate Policy and Resources and Community Wellbeing and Housing Committees.)</i></p>

Part 3 section (d)

<p>c. To accept or agree a surrender where the land or property is no longer required by the Council or the Landlord/Tenant as appropriate, where the financial impact does not exceed £100k.</p> <p>d. to make the application for planning permission in relation to Regulation 3 of the <u>Town and Country Planning General Regulations 1992</u>, on behalf of the Council as developer, where the financial impact does not exceed the value £100k for the whole project.</p> <p><i>Notes:</i></p> <p>a. to c. Financial impact to be based on contracted rental values.</p> <p>a. to d. VAT should be disregarded when determining if a transaction falls under the stated thresholds.</p>	
<p>4.3 To grant or take miscellaneous licences, wayleaves, easements and other agreements as required</p>	<p>Group Head for Assets</p>
<p>4.4 To enter into a Tenancy at Will</p>	<p>Group Head for Assets</p>
<p>4.5 To determine applications for rights of way or other easements over land</p>	<p>Chief Finance Officer after consultation with Group Head for Assets</p>
<p>4.6 To approve the release of covenants subject to obtaining appropriate legal and valuation advice</p>	<p>Group Head for Assets</p>
<p>4.7 To determine if an asset nominated for inclusion on the list of assets of community value: (i) is within the local authority's area (ii) has been properly nominated (iii) meets the statutory criteria set out in section 88 of the Localism Act 2011 and (iv) does not fall within an excluded category.</p>	<p>Group Head for Assets</p>
<p>4.8 To review decisions made regarding the inclusion of assets on the list of assets of community value in accordance with section 92 of the Localism Act 2011</p>	<p>Group Head Corporate Governance</p>
<p>4.9 To maintain the list of assets of community value in accordance with section 87 of the</p>	<p>Group Head for Assets</p>

Part 3 section (d)

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

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

Part 3 section (d)

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

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

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

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

Part 3 section (d)

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

<p>Development Act 1960;</p> <p>ss. Mobile Homes Act 2013;</p> <p>tt. Water Industry Act 1991;</p> <p>uu. Environmental Protection (Control on Ozone-Depleting Substances) Regulations 2011;</p> <p>vv. Waste (England and Wales) Regulations 2011</p> <p>ww. Tattooing of Minors Act 1969</p> <p>xx. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</p> <p>yy. Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and any subsequent related legislation.</p> <p>zz. The Business and Planning Act 2020</p> <p>aaa. Town Police Clauses Act 1847</p> <p>bbb. Highways Act 1980</p> <p>ccc. Policing and Crime Act 2017</p> <p>ddd. Live Music Act 2012</p> <p>eee. Deregulation Act 2015</p> <p>fff. Police, Factories & c. (Miscellaneous Provisions) Act 1916</p> <p>ggg. Licensing Act 2003</p> <p>hhh. Gambling Act 2005</p> <p>iii. Zoo Licensing Act 1981</p> <p>jjj. Environmental Damage Regulations (Prevention and Remediation) (England) Regulations 2015</p> <p>kkk. Control of Pollution (Amendment) Act 1989</p> <p>lll. Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020</p> <p>mmm. Environment Act 1995 (section 108[(1) and (4)a–m])</p> <p>nnn. Noise and Statutory Nuisance Act 1993 (Schedule 2)</p>	
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<p>ooo. Public Health (Control of Disease) Act 1984</p> <p>ppp. Clean Air Act 1993 (section 56)</p>	
<p>7.3 To exercise the Council's functions under the Acts listed in 7.2 to this Scheme of Delegations and any other acts subsequently enacted.</p>	<p>Senior Environmental Health Manager</p>
<p>7.4 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Licensing Act 2003.</p>	<p>Senior Environmental Health Manager</p>
<p>7.5 To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003.</p>	<p>Licensing Manager</p>
<p>7.6 To adjourn a Licensing Sub-Committee, for administrative reasons.</p>	<p>Licensing Manager</p>
<p>7.7 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Gambling Act 2005</p>	<p>Senior Environmental Health Manager</p>
<p>7.8 Under the Licensing Act 2003 and the Gambling Act 2005 to make a decision on whether a representation is irrelevant, frivolous or vexatious</p>	<p>Environmental Health Manager</p>
<p>7.9 To exercise all powers of the Council under sections 19-22 of the Criminal Justice and Police Act 2001 concerning closure of unlicensed premises</p>	<p>Senior Environmental Health Manager (in consultation with the Chair and Vice-Chair of Licensing Committee)</p>
<p>7.10 Authority under the Food Safety Acts, and any associated Regulations to make application for Emergency Prohibition Orders for appropriate premises and to issue certificates that the measures specified by the Prohibition Orders have been carried out.</p>	<p>Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds</p>
<p>7.11 European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020</p>	

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	relating to retained EU regulations including numbers 178/2002, 852-854/2004, 2017/625 and 2073/2005, which relate to food and feed	
7.12	To exercise the Council's powers under the Food Safety and Hygiene (England) Regulations 2013 and relevant EU Directives and any associated regulations to serve/apply for (as appropriate) hygiene improvement notices, hygiene prohibition orders, hygiene emergency prohibition notices and orders, remedial action notices and detention notices	All Environmental Health Staff identified for this purpose by the Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.13	To exercise the Council's powers under the Official Feed and Food Control (England) Regulations 2009, including (but not limited to) detention, destruction, special treatment and the re-dispatch of feed and food, the service of notices, the procurement of samples of food and to take other appropriate measures'	Senior Environmental Health Manager or authorised officers from the London Borough of Hillingdon, in relation to Emergency Control Regulations governing imported foods within the Borough's Remote Transit Sheds
7.14	Authority in relation to Waste Disposal to pass on to commercial customers the full increased costs of all future Landfill Taxes imposed by Central Government.	Senior Environmental Health Manager, Group Head Neighbourhood Services
7.15	To make minor changes to the Building Control Charges Scheme No. 1.	Building Control Manager
7.16	To issue fixed penalty notices under section 33(1)(a) of the Environmental Protection Act 1990, to persons whom the officer has reason to believe have committed a small scale fly tipping offence	Group Head of Neighbourhood Services and Senior Environmental Health Manager

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

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markets within the Borough	Services
8.3 To respond to requests for stands in Staines High Street on non-market days under the terms of s115E of the Highways Act	Group Head Neighbourhood Services

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

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<p>accordance with Government guidelines and within the timescales laid down in the Council's approved policies.</p>	
<p>10.4 Under the Local Government and Housing Act 1989 repayment of grant provisions, authority to waive the requirement to repay grant in any case where the owner disposes of their property, in order to go to live in sheltered housing or a residential care home, as his/her only or main residence.</p>	<p>Group Head Community Wellbeing</p>
<p>10.5 Pursuant to the Housing Acts and all relevant Orders and Regulations thereunder:-</p> <ul style="list-style-type: none"> a. to serve notices requiring the abatement of overcrowding; b. to serve notices requiring the demolition of houses, subject to Demolition Orders, carry out demolition in default and recover the cost; c. to make a declaration of an area as a slum clearance area subject to legislative requirements for Slum Clearance Declarations d. to revoke Closing or Demolition Orders on the satisfactory completion of works to render the house free from serious hazards; e. to serve statutory notices requiring the execution of repairs, carry out work in default and recover the costs; f. to serve notice requiring the production of documents and for entry into premises for inspection, survey and works. g. to exercise the Council's powers under the Housing Act 2004 for the issue of/application for (as appropriate) Improvement Notices, Prohibition Orders, Hazard Awareness Notices, Emergency Remedial Action Notice, Emergency Prohibition Orders and empty property management orders and in respect of houses in multiple occupation, to: <ul style="list-style-type: none"> i. make interim and final management orders; ii. serve notices requiring compliance 	<p>Senior Environmental Health Manager</p>

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<p>with management regulations, the execution of works, including the provision of facilities and fire escapes;</p> <p>iii. make directions to prevent or reduce overcrowding;</p> <p>iv. carry out works in default of compliance with (e)(i), (ii) and (iii) above and to recover the costs.</p> <p>v. To determine and issue licences under the Housing Act 2004</p>	
<p>10.6 To discharge the duties or exercise the powers of the Council under the Housing Act 1996 Parts VI and VII with regard to the allocation of housing accommodation, operation of the housing register, provision of housing advice, and matters relating to homelessness and the arrangement of accommodation for households where necessary under the legislation.</p>	<p>Group Head Community Wellbeing</p>
<p>10.7 The placing of homeless persons in bed and breakfast or other temporary accommodation and the fixing, collection and recovering of contributions therefore</p>	<p>Group Head Community Wellbeing</p>
<p>10.8 To make nominations to housing association accommodation of applicants on the Housing Register, in accordance with the Council's bands scheme.</p>	<p>Group Head Community Wellbeing</p>
<p>10.9 To make nomination to housing association accommodation outside the bands scheme to applicants considered as special cases.</p>	<p>Group Head Community Wellbeing</p>
<p>10.10 To make nominations to housing association accommodation of persons nominated by other local authorities/housing associations under any mobility scheme in which the Council agrees to participate.</p>	<p>Group Head Community Wellbeing</p>
<p>10.11 To agree terms for the lease from private landlords of premises to be used for the provision of temporary accommodation for the homeless.</p>	<p>Group Head Community Wellbeing</p>

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10.12 Administration of the Spelthorne Personal Alarm Network Scheme ("SPAN") and the negotiation of service charges with other public bodies.	Group Head Community Wellbeing
10.13 To take any necessary action to deal with illegal encampments on Council owned land and on privately owned land, with the owner's permission.	Group Head of Corporate Governance
10.14 To exercise the Council's power and functions in relation to determination and payment of Housing Benefit, rent allowances and Council Tax benefit and recovery of housing benefit overpayments in accordance with the regulations.	Group Head Community Wellbeing
10.15 The carrying out of such duties necessary for the prosecution, administrative penalties and formal cautioning in cases where housing benefit fraud is detected.	Group Head Community Wellbeing
10.16 The initial decision to decide Discretionary Housing Payments	Appeals and Review Officer and Housing Benefit Manager
10.17 Review of a Discretionary Housing Payments decision	Group Head Community Wellbeing
10.18 The requisition of the supply of water, gas, electricity, telephones and other services necessary for properties provided or to be provided for housing purposes.	Group Head Community Wellbeing
10.19 To exercise the Council's powers and functions in relation to Community Care and related issues.	Group Head Community Wellbeing
10.20 To undertake day to day management of Day/Community Centres and the Meals on Wheels Service.	Group Head Community Wellbeing

11. LEISURE AND ASSOCIATED MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
<p>11.1 The management and letting of all sports, recreational and community facilities provided by the Council subject to the Community Lettings Policy, including:-</p> <p>a. the fixing of charges for special events not covered by the annual review of fees and charges;</p> <p>b. Negotiation of variations in charges for use of sports, recreational and community facilities within established policy;</p> <p>c. The power to waive fees and charges; and</p> <p>d. The setting of opening hours for facilities and the duration of sports seasons.</p>	Group Heads Neighbourhood Services and Community Wellbeing
<p>11.2 The promotion of musical, artistic, cultural, sporting and community activities, including negotiation of sponsorship arrangements.</p>	Group Head Community Wellbeing
<p>11.3 The management of allotments, including entering into management agreements for sites, lettings, mal-cultivation notices, notices to quit and decisions on applications for permission to erect structures by tenants or allotment associations.</p>	Group Head Neighbourhood Services
<p>11.4 The management of cemeteries, including the allocation, re-allocation and grant of grave spaces, including the repurchase of grave spaces and other associated matters.</p>	Group Head Neighbourhood Services
<p>11.5 The administration of Leisure Development Grants to be made to Voluntary Organisations, in accordance with the policy guidelines approved from time to time by the Community Wellbeing and Housing Committee.</p>	Group Head Community Wellbeing

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12. ENVIRONMENT AND PUBLIC AMENITIES MATTERS	
Column 1 – Function	Column 2 – Authorised Officer
<p>12.1 To determine applications made in respect of land under the control of the Council for the following:-</p> <ul style="list-style-type: none"> a. Placing of structures. b. Erection of directional signs. c. Erection of banners. d. Street trading consent under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982. e. Fun runs, marathons, filming and other similar activities. 	<p>Senior Environmental Health Manager or Group Head Neighbourhood Services</p>
<p>12.2 In relation to the Council's Car Parks:-</p> <ul style="list-style-type: none"> a. to authorise proceedings in respect of offences against any car park regulations; and b. to determine applications by outside bodies or persons for use of the car parks, subject to any consent not prejudicing the normal use of the car park. 	<p>Deputy Chief Executive</p>
<p>12.3 To authorise and determine payment of an appropriate commuted sum when taking over private lighting schemes under Section 161 of the Public Health Act 1875.</p>	<p>Relevant Deputy Chief Executive</p>
<p>12.4 The siting of bus shelters, bus stops, seats and other street furniture.</p>	<p>Relevant Deputy Chief Executive</p>
<p>12.5 The numbering and renumbering of premises in streets.</p>	<p>Deputy Chief Executive with responsibility for Environmental Health & Building Control</p>
<p>12.6 All necessary steps in connection with the removal and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.</p>	<p>Group Head Neighbourhood Services</p>
<p>12.7 To make representations to Surrey County Council regarding the provision</p>	<p>Relevant Deputy Chief Executive</p>

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	of tendered bus services under the Transport Act, 1985.	
12.8	To exercise the Council's powers under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976:- a. Section 23 (in relation to dangerous trees); b. Section 25 (in relation to dangerous excavations).	Deputy Chief Executive with responsibility for Environmental Health & Building Control
12.9	To institute proceedings in the County Court or High Court to gain possession of highway land occupied by caravans, tents or other residential structures.	Group Head of Corporate Governance
12.10	To make objections on amenity grounds to applications submitted to the Traffic Commissioners for Goods Vehicle Operators Licences.	Relevant Deputy Chief Executive or Group Head Neighbourhood Services
12.11	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy.	Senior Environmental Health Manager
12.12	To issue Private Hire Vehicle and Hackney Carriage licences where applicants comply with the criteria agreed from time to time by the Council or relevant Committee.	Senior Environmental Health Manager
12.13	Immediate revocation of a Hackney Carriage driver and Private Hire driver licenses in accordance with the Council's adopted procedure. Power to revoke is under section 61 Local Government (Miscellaneous Provisions) Act 1976.	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.14	To suspend Hackney Carriage driver and Private Hire driver Licences in accordance with the Council's adopted procedure. Power to suspend is under section 61 Local Government (Miscellaneous Provisions) Act 1976	Senior Environmental Health Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.15	To suspend Hackney Carriage and private hire vehicle licenses in	Senior Environmental Health Manager

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accordance with the Council's adopted procedure. Power to suspend a vehicle is section 60 of Local Government Miscellaneous Provisions) Act 1976)	
12.16 To administer the hackney carriage and private hire licensing Penalty Points Scheme and issue penalty points in accordance with the Scheme	Senior Environmental Health Manager
12.17 To determine appeals against penalty points under the Council's Penalty Points Scheme	Senior Environmental Health Manager in conjunction with the Deputy Chief Executive
12.18 To administer the applications for Pavement Licensing	Senior Environmental Health Manager
12.19 To administer the Licensing Act 2003	Senior Environmental Health Manager
12.20 To administer House to House Collections under the House to House Collections Act 1939	Senior Environmental Health Manager
12.21 To administer Scrap Metal licensing under Scrap Metal Dealer's Act 2013	Senior Environmental Health Manager
12.22 To administer Gambling licensing under Gambling Act 2005	Senior Environmental Health Manager
12.23 To administer Sex Establishments under Local Government (Miscellaneous Provisions) Act 1982	Senior Environmental Health Manager
12.24 To administer Street Collections under Police, Factories & Miscellaneous Provisions) Act 1916	Senior Environmental Health Manager
12.25 To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847	Deputy Chief Executive
12.26 To arrange for the discharge of the Council's statutory functions relating to burials and cremations	Senior Environmental Health Manager or Group Head Neighbourhood Services
12.27 To exercise the Council's functions in respect of investigations and enforcement under the Clean Neighbourhoods and Environment Act	Joint Enforcement Team and Senior Environmental Health Manager

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2005 (CNEA 2005)	
12.28 To exercise the Council's functions and to serve Notices under the Anti-Social Behaviour, Crime and Policing Act 2014.	Deputy Chief Executive
13. BYELAWS	
Column 1 – Function	Column 2 – Authorised Officer
13.1 To grant authority in writing to any named person (not being a council officer or police constable) to enforce the Byelaws made by the Council	Chief Executive

14. PLANNING AND DEVELOPMENT MANAGEMENT	
14.1 Subject to the Terms of Reference of the Planning Committee, to exercise all functions relating to town and country planning and development management and the following:	Planning Development Manager
14.2 Agreement for any variation and to determine any application under section 106A of the Town and Country Planning Act 1990 (the "1990 Act").	Planning Development Manager
14.3 Power to serve an enforcement notice under section 172 of the 1990 Act.	Planning Development Manager
14.4 Power to withdraw or vary any enforcement notice issued under section 173 A of the 1990 Act.	Planning Development Manager
14.5 Power to serve a stop notice under s183(1) of the 1990 Act	Planning Development Manager
14.6 Power to withdraw a stop notice under s183(7) of the 1990 Act	Planning Development Manager
14.7 Power to serve a planning contravention notice under s171C of the 1990 Act	Planning Development Manager
14.8 Power to serve a temporary stop notice under s171E of the 1990 Act.	Planning Development Manager
14.9 Power to withdraw a temporary stop notice under s171E of the 1990 Act	Planning Development Manager
14.10 Power to serve a breach of condition notice under s187A of the 1990 Act	Planning Development Manager
14.11 Power to prosecute for demolition in a conservation area under s196D of the	Planning Development Manager

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1990 Act	
14.12 Power to seek an injunction under s187B of the 1990 Act.	Planning Development Manager
14.13 Power to issue a notice for untidy land under s215 of the 1990 Act.	Planning Development Manager
14.14 Power to issue a requisition for information under section s330 of the 1990 Act to require information as to interests in land.	Planning Development Manager
14.15 Power to take direct action under s178 of the 1990 Act	Planning Development Manager
14.16 Enforcement rights of entry without warrant under s196A of the 1990 Act.	Planning Development Manager
14.17 Power to authorise the stopping-up or diversion of a footpath, bridleway or restricted byway under s 257 of the 1990 Act.	Planning Development Manager
14.18 Power to extinguish public rights of way over land held for planning purposes under s 258 of the 1990 Act.	Planning Development Manager
14.19 Powers relating to the preservation of trees under s 197 to s214D of the 1990 Act and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.	Planning Development Manager
14.20 Power to confirm a Tree Preservation order where no objections have been raised.	Planning Development Manager
14.21 Power to issue screening and scoping opinions under the Environmental Impact Assessment Legislation.	Planning Development Manager
14.22 Power to issue a decision on the need for an Appropriate Assessment under the Habitats Directive.	Planning Development Manager
14.23 Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997 (S.I. 1997/1160).	Planning Development Manager
14.24 Powers relating to high hedges under Part 8 of the Anti-Social Behaviour Act	Planning Development Manager

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2003	
14.25 To grant relief and exemptions under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.26 To issue all notices, orders and apply surcharges and/or interest under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager Planning Development Manager or Group Head of Corporate Governance
14.27 To determine reviews of the calculation of a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.28 To require any owner or relevant person to provide the Council with such further information, documents or materials as considered relevant under regulation 108A of the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager or Planning Development Manager
14.29 Agreement of any amendments to the Local List of Requirements for the validation of planning applications.	Planning Development Manager
14.30 Power to object or make representation against a goods vehicle (operator's) licensing application in accordance with the Goods Vehicles (Licensing of Operators Act 1995 and the Goods Vehicles (Licensing of Operators) Regulations 1995.	Planning Development Manager

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Roles of Different Councillors

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

Leader of the Council

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

Deputy Leader of the Council

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

Other Group Leaders

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

Chairs of Committees

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

matters relevant to the business of the Committee, Sub-Committees, Panels or Working Groups.

- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangements.
- Where applicable, to lead such site visits that may assist councillors arriving at a considered decision.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

Committee Vice-Chairs

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

Committee member

Key duties

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

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COUNCIL STANDING ORDERS

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

1. TIME AND PLACE OF MEETINGS

- 1.1 Meetings of the Council and Committees will normally take place at 7.00pm in the Council Chamber at the Council Offices, Knowle Green, Staines unless otherwise notified by the proper officer in the summons to the meeting.
- 1.2 Meetings of Sub-Committees, Panels, Working and Task Groups will normally take place during the daytime, subject to councillors' availability.

2. NOTICE OF AND SUMMONS TO MEETINGS

- 2.1 The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons signed by him/her to every councillor giving the date, time and place of the meeting and specifying the business to be transacted and will be accompanied by any reports which are available.
- 2.2 The Chief Executive may cancel a meeting of the Council or its Committees where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor or the Committee Chair (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.

3. CHAIRING OF MEETINGS

- 3.1 The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the councillors present will elect a councillor to take the Chair for the meeting.
- 3.2 The references to the Mayor also include the Chair of any Committee or Sub-Committee and references to Deputy Mayor also include the Vice-Chair of any Committee or Sub-Committee, unless the matter relates to Council meetings only.
- 3.3 The person presiding at the meeting may exercise any power of duty of the Mayor.

4. QUORUM

- (a) The quorum of the Council is one quarter of the total number of councillors and no business shall be considered unless a quorum is present.
- (b) If there is no quorum present at the time set for the start of a meeting, the start will be delayed for 30 minutes and if a quorum is still not present the meeting will stand adjourned to another day.
- (c) If, during the meeting, the Mayor declares that there is no quorum, the meeting will adjourn immediately for up to 10 minutes. If the

meeting is not quorate after 10 minutes the meeting will stand adjourned.

- (d) Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council.

5. DURATION OF MEETING

5.1 The Chief Executive or their representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3 hours.

5.2 Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meeting.

6. ORDINARY MEETINGS

6.1 Ordinary meetings of the Council will take place in accordance with a programme decided at, or before, the Council's annual meeting or as otherwise agreed from time to time by the Council.

6.2 The agenda at an ordinary Council meeting will normally be to:-

- (a) Elect a person to preside if neither the Mayor or Deputy Mayor are present (see Standing Order 3.1)
- (b) Receive any apologies for absence
- (c) Approve the minutes of the last meeting
- (d) Receive any declarations of interest from councillors
- (e) Receive any announcements from the Mayor, Leader (or their nominated spokesperson), Committee Chairs and/or the Chief Executive
- (f) Receive questions from members of the public and hear the Leader or other appropriate councillor provide answers
- (g) Receive petitions; (See Standing Order 15)
- (h) Deal with any business from the last Council meeting
- (i) Deal with referrals from Service Committees in accordance with Standing Orders 32.4 and 32.5
- (j) Deal with any recommendations from the Committees
- (k) Receive reports from the Committee Chairs and any questions arising from those reports
- (l) Receive reports about and hear questions and answers on the business of joint arrangements and external organisations
- (m) Consider motions
- (n) Hear the Leader or their nominee or appropriate Committee Chairs answer any questions from councillors on matters generally affecting the Borough or for which their committee has responsibility; and
- (o) Consider any other business specified in the summons to the meeting.

7. EXTRAORDINARY MEETINGS

7.1 Calling Extraordinary Meetings

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

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

7.2 Date of Extraordinary meeting

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

7.3 Business

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

8. ANNUAL MEETING

8.1 Timing and business

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

8.2 The Annual meeting will:

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

8.3 Selection of Councillors on Committees and Outside Bodies

At the Annual meeting, the Council will:

- (a) Decide which committees to establish for the municipal year
- (b) Decide the size and terms of reference for those committees

- (c) Decide the allocation of seats to political groups in accordance with the political balance regulations
- (d) Appoint the Leader and Deputy Leader to be the Chair and Vice-Chair respectively of the Corporate Policy and Resources Committee
- (e) Appoint the Chairs and Vice-Chairs of the other committees, on a politically proportionate basis, and where feasible these positions on any one Committee being filled by members from different political groups.
- (f) Appoint the Chairs and Vice-Chairs of sub-committees, where necessary
- (g) Receive nominations of Councillors to serve on each committee and those councillors to stand as substitute member on each Committee
- (h) Appoint to such outside bodies not delegated to a Committee, that require a Council decision i.e. Police and Crime Commissioner's Panel and South West Middlesex Crematorium Board

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

9. SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

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

9.2 In the case of 2 member groups, a councillor or their Group Leader may nominate a councillor from another political group to act as substitute at Planning and Licensing Committees, in accordance with the Substitution Scheme set out in Part 4(c).

10. MINUTES

10.1 Signing the Minutes

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

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

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

10.3 Form of Minutes

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

11. DECLARATION OF INTEREST

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

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

(a) a **Non-Pecuniary interest** arising under paragraph 9 and detailed in Appendix B of the Code of Conduct for Councillors and Co-opted Members (the “Members’ Code of Conduct”) (membership of outside bodies etc.), or,

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

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

12. REPORTS OF COMMITTEES

12.1 Where the Committee is reporting a matter which is reserved to Council the relevant Committee Chair (or a member of the relevant committee nominated by the chair of that committee) will introduce the report. The normal rules of debate will apply to any debate on the recommendations.

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

13. PUBLIC INVOLVEMENT IN COUNCIL

13.1 General

Meetings of the Council will allow for a period not exceeding 30 minutes during which time members of the public may ask the Leader or Committee/Sub-Committee Chairs, questions relating to matters over which the Council has powers or duties or which affect the Borough.

13.2 Order of Questions

Questions will be asked in the order received, except that the Mayor may group together similar questions. If more than two questions are submitted by the same person, the third and subsequent questions shall be moved to the end of the agenda item.

13.3 Notice of Questions

A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon eight working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the councillor to whom it is to be put.

13.4 Length of Questions

- a) No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question within the time allotted as stipulated at 13.1. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the question. The statement of context and the question will be included in the agenda of the meeting.
- b) The Chief Executive, or their representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, within one working day of the request being made.
- c) Any question that fails to be re-submitted in accordance with 13.4 b) will receive a written response only, within 5 working days of the Council meeting for which it was submitted.

13.5 Number of Questions

A member of the public may not submit more than 4 questions for any Council meeting. A question may not contain sub-questions, as per 13.6 (h).

13.6 Scope of Questions

The Chief Executive may reject a question if it:

- (a) Is not about a matter for which the Council has powers or duties or which affects the Borough; or
- (b) Is defamatory, frivolous or offensive; or
- (c) Requires the disclosure of confidential or exempt information or
- (d) Is substantially the same as a question which has been put at a meeting of the Council, a Committee or Sub-Committee in the past six months or
- (e) relates to the behaviour or conduct of an individual member, members or staff;
- (f) Concerns a planning or licensing application;
- (g) Is apparent that the question has been directed by a councillor or
- (h) Contains sub questions.

13.7 Record of Questions

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

Questions, (and statements of context) including those dealt with under Standing Order 13.4c), and the answers given will be recorded in the minutes of the meeting.

13.8 Asking the Question at the Meeting

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

13.9 Supplementary Question

No supplementary questions will be allowed.

13.10 Written Answers

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

13.11 Reference of Question to a Committee or Sub-Committee

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

14. QUESTIONS BY COUNCILLORS

14.1 General

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

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

14.2 Procedure on questions

Subject to Standing Order 14.4, every question shall be put and answered without discussion, but the councillor putting the question may ask one supplementary question.

14.3 The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer. The person to whom any question has been put may either:

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

14.4 Written Answers

Where the Mayor considers that:

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

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

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

14.6 Nothing within Standing Order 14.3 shall prevent a councillor from putting a supplementary question at the meeting, except that the Mayor may direct any supplementary question to be answered in writing at a later date to enable a properly considered response to be given where the councillor to whom the question was put cannot reasonably be expected to have the level of information at hand to answer the point without prior notice.

15. PRESENTATION OF PETITIONS TO THE COUNCIL

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

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

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

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

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

- (a) take the action the petition requests; or
- (b) not to take the action requested for reasons put forward in the debate; or
- (c) note the petition and keep the matter under review; or

- (d) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
- (e) the petition be referred to the relevant Committee for further consideration.

15.5 Once the motion is seconded the petition will be discussed in accordance with the rules of debate. Any Councillor can move an alternative motion stated in 15.4 which will be seconded and debated as any amended motion.

15.6 The petition organiser will receive written confirmation of the decision.

16. MOTIONS ON NOTICE

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

16.2 Notice

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

16.3 Notice of any motion, except one which under these Standing Orders can be moved without notice, must be given in writing or email to the Chief Executive before 12 noon eight working days prior to the day of the Council meeting. (This will enable the information to be published with the Council agenda)

16.4 Motion Set Out In the Agenda

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

16.5 Scope of Motion

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

16.6 Referral of Motion to Committee

The Chief Executive and Monitoring Officer, in consultation with the Mayor, shall decide, without discussion or debate, that the motion should be more appropriately referred to a Committee in which event it shall be placed on the agenda for the next available meeting of that Committee. Details of motions so referred will be included on the summons as a record. Otherwise, motions will be dealt with at the Council meeting to which they are submitted.

16.7 If a motion includes a proposal for the Council to take any significant policy decision which is contrary to the Budget and Policy Framework or likely to incur any expenditure in excess of £40k it shall only be considered in principle to the extent that the matter is noted by Council and is referred to the relevant Committee for consideration. The motion

shall not be moved or debated. The minutes of the meeting will record the motion being received. Any decision on the motion shall be made at a future meeting of the Council which shall not consider the matter without a full report on the policy, budget and financial implications together with any recommendations from the Committee to which the matter was referred.

16.8 The Corporate Policy and Resources Committee may issue guidance on the application of Standing Order 16.7 with regards to the levels of any expenditure.

16.9 A Member of the Council who has proposed and seconded a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. They shall have the right to attend the meeting and if they attend shall have an opportunity of explaining the motion.

16.10 A Motion referred to a Committee shall be considered in accordance with the Rules of Debate at section 18 below.

16.11 Length of Motion

No motion shall exceed 100 words in length.

16.12 Motion Not Moved

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

17. MOTIONS WITHOUT NOTICE

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

- (a) To appoint a Chairman of the meeting at which the motion is moved (none).
- (b) In relation to the accuracy of the minutes (no limit).
- (c) To change the order of business on the agenda (none).
- (d) To refer something to an appropriate Committee or Sub-Committee (no limit).
- (e) To withdraw a motion (none).
- (f) To extend the time limit for speeches (none).
- (g) To amend a motion (no limit).
- (h) To proceed to the next business (none, except a right of reply in accordance with standing order **).
- (i) That the question be now put (non, except a right of reply in accordance with standing order **).
- (j) To adjourn a debate (none).
- (k) To adjourn a meeting (none).
- (l) To suspend a particular Standing Order (two).

- (m) To exclude the public and press in accordance with the Access to Information Procedure Rules (two).
- (n) To not hear further a councillor named under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5 (none).
- (o) To give the consent of the Council where its consent is required by the Constitution (no limit).
- (p) To continue the meeting beyond 3 hours (none).

18. RULES OF DEBATE

18.1 No Speeches until Motion Seconded

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

18.2 Right to Require Motion in Writing

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

18.3 Secunder's Speech

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

18.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order.
No speech may exceed FIVE minutes without the consent of the Mayor and may only exceed ten minutes with the consent of the Council.

18.5 When a Member May Speak Again

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

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

18.6 Amendment to Motions

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

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

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

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

18.6.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been voted on or withdrawn by the mover and seconder.

Amendments to motions must be moved at the earliest possible opportunity during the debate.

- 18.6.4** If an amendment is not agreed, other amendments to the original motion can be moved.
- 18.6.5** If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 18.6.6** After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, or if no member indicates they wish to speak, he/she will put it to the vote.

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

18.7 Alteration of motion

- (a) A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion;
- (b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

18.8 Withdrawal of Motion

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

18.9 Right of Reply

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

18.10 Motions Which May Be Moved During Debate

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

- (e) To withdraw a motion;
- (f) To amend a motion;

- (g) To proceed to the next business;
- (h) That the question be now put (if an amendment is being debated, the amendment will be voted on);
- (i) To adjourn a debate;
- (j) To adjourn a meeting
- (k) To exclude the public and press in accordance with the Access To Information Procedure Rules; and
- (l) To not hear further a councillor names under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5; and
- (m) That the meeting continue beyond 3 hours in duration.

18.11 Closure motions

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

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

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

18.11.2 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the vote on this procedural motion is successful then the item falls and will not be voted on and the meeting will move to the next item of business.

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

18.12 Point of Order

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

18.13 Personal Explanation

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

19 ANNOUNCEMENTS

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

20 PREVIOUS DECISIONS AND MOTIONS

20.1 Motion to Rescind A Previous Decision

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

20.2 Motion similar to One Previously Rejected

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

21 VOTING

21.1 Majority

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

21.2 Absence during an item under discussion

In the interests of natural justice, councillors are required to be present for the entire consideration of any item under discussion, in order to participate in the vote. If a councillor needs to absent themselves during an item, for any period of time, they should seek a short adjournment from the Mayor, which will not be unreasonably refused.

21.3 In a situation where a councillor arrives late for the start of a Council or Committee meeting, the Chair of the meeting, (having consulted with the senior officer present) has discretion as to whether it is appropriate to permit that councillor to participate in any vote on a matter for which they have not been present for its entirety.

21.4 Voting at Regulatory Committees

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

21.5 Chairman's Casting Vote

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

21.6 Show of Hands

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

21.7 Recorded Vote

(a) If any councillor present at the meeting requests it before the vote is taken, the names for and against the motion or amendment or

abstaining from voting will be taken down in writing and entered into the minutes.

- (b) Where the Council makes a budget decision either (i) a calculation in accordance with the Local Government and Finance Act 1992 or (ii) issues a precept under Chapter 4 of Part 1 of that Act then a recorded vote shall be held. For the avoidance of doubt this applies to proposed amendments as well as to the original and any substantive motion.

21.8 Right to Require Individual Vote To Be Recorded

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

21.9 Voting on Appointments

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

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

22 OFFICERS SPEAKING DURING DEBATES

- 22.1** Any Chief Officer or their representative may signify their wish to speak. The Mayor shall then use their discretion to call upon the Officer at an appropriate point during the debate. The subject matter on which an Officer may speak shall be confined to:
- i) providing relevant information; or
 - ii) explanation or interpretation of any law, regulation, protocol or procedure.

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

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

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

23 COUNCILLORS' CONDUCT

23.1 Role of Mayor

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

23.2 Standing to Speak

When councillors speak at Council they must stand and address the meeting through the Mayor, if they are able to. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

23.3 Mayor Standing

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

23.4 Member Not to Be Heard Further

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

23.5 Member to Leave the Meeting

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

23.6 General Disturbance

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

24 DISTURBANCE BY THE PUBLIC

24.1 Removal of Member of the Public

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

24.2 Clearance of Part of Meeting Room

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

25 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or under Standing Order 24 (Disturbance by public).

26 RECORD OF ATTENDANCE

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

27 PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS

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

28 SUSPENSION AND AMENDMENT OF COUNCIL STANDING ORDERS

28.1 Suspension

All these Standing Orders except for Standing Orders 10.1 (signing of minutes), 21.6 (enabling a councillor to record their vote) or 38.2 and 38.3 (continuation of meeting beyond 3 hours up to an absolute cut-off of 10.30pm) may be suspended by motion on notice or without notice if at

least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

28.2 Amendment

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

29 APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES

All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where specific rules apply.

ADDITIONAL SPECIFIC RULES APPLYING TO COMMITTEES

30 CALLING OF COMMITTEE MEETINGS

30.1 Each Service Committee shall meet in accordance with a programme of scheduled meetings approved annually by the Council and meetings will normally commence at 7.00pm.

30.2 This programme may be amended, and additional meetings proposed by Chief Officers in consultation with the Chair and Vice-Chair, may be called as required throughout the year to ensure the efficient conduct of business. Any proposed amendments to the programme shall be agreed by the Chair and Vice-Chair of the relevant Committee.

Extraordinary Committee Meetings

30.3 Those listed below may convene extraordinary Committee meetings in addition to ordinary meetings:

- a) the majority of the Committee or Sub-Committee in relation to any matter which cannot wait until the next ordinary meeting.
- b) the Monitoring Officer in agreement with the Chair and Vice-Chair.
- c) the Monitoring Officer or the Section 151 Officer in pursuance of their constitutional or statutory duties.

31 PUBLIC OR PRIVATE MEETINGS OF COMMITTEES

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

32 HOW ARE COMMITTEE DECISIONS TAKEN?

32.1 Formal decisions that have been delegated by the Council to Committees and Sub-Committees will be taken at a meeting convened in accordance with the Access to Information Rules. All Committee and Sub-Committee decisions are collective decisions. No formal decisions may be taken by the Chair of a Committee or Sub-Committee on behalf of the Committee or Sub-Committee.

32.2 In taking decisions, Committees and Sub-Committees will accord with the plans and strategies set out in the Council's Budget and Policy Framework and will abide by the protocols in the Constitution.

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

Referral of decision to parent body

32.4 The Committee may pass a resolution at the relevant meeting that the decision on a particular item of business before the Committee shall be referred to the parent body even though it is normally a delegated function. This will not prevent the Committee from debating the matter and making a recommendation.

Such a request cannot be made if:

- the item has been identified on the written agenda as the subject of an urgent decision. In this context, urgent decisions are those which:
 - (a) cannot wait until the next scheduled meeting or
 - (b) are defined as 'cannot reasonably be deferred'

The need and reasons for urgency must be included in the report to the Committee.

Or:

- the delay caused by referring the decision to the parent body will lead to breach of a legislative or contractual deadline; or
- the Chair of the meeting is satisfied, having consulted any or all of the Chief Executive, Monitoring Officer, Chief Finance Officer, and other appropriate and available staff, that the Council's interests will be substantially prejudiced by the delay.

32.5 A request for a referral made under 32.4 may only be withdrawn by the referring Committee or the Chair of that Committee with the approval of the parent body to which it was referred.

33 WHO PRESIDES AT A COMMITTEE MEETING

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

34 BUSINESS TO BE TRANSACTED AT A COMMITTEE MEETING

34.1 At each meeting of a Committee or Sub-Committee, the following business will be conducted:

- (a) Election of a Chair, if necessary;
- (b) Consideration of the minutes of the previous meeting;

- (c) Declarations of interest, if any;
- (d) Representations by members of the public in respect of any matters set out in the agenda will be dealt with using the public speaking rules outlined in this Constitution;
- (e) Matters arising from the relevant Committee's section of the Council's Forward Plan;
- (f) Matters referred to the Committee or Sub-Committee by Council;
- (g) Matters raised by members of the Committee or Sub-Committee in accordance with Standing Order 34.2 Any other matter set out on the agenda requiring a decision or consideration as determined by the relevant Committee or Sub-Committee Chair, in association with the Vice-Chair.

34.2 All requests by members for matters to be considered by a committee of which they are a voting member shall be submitted in writing to the Chief Executive by no later than 10:00am on the eighth working day before the date of the meeting. Such items shall be included on the agenda under the Forward Plan. The member who raised the matter shall then be allowed to speak at the meeting for no longer than three minutes to convince the committee that a report on the matter should be included on the agenda for a future committee meeting, taking into account officer comments on the matter and workloads.

35 ATTENDANCE OF ELECTED MEMBERS NOT APPOINTED TO A PARTICULAR COMMITTEE OR SUB-COMMITTEE

35.1 Any Councillor may attend a Committee or Sub-Committee of which they are not one of the appointed members, with the exception of the committees described in paragraph 35.3 below. A councillor who is 'in attendance' is not entitled to vote on any item and cannot participate in the meeting apart from in the following circumstances:

- a) during the consideration of any motion of which notice has been given which they have moved at a meeting of the Council and which has been referred to that Committee, or
- b) with the permission of the Chair of the meeting of the Committee or Sub-Committee, they may speak once on each item they request to speak on. The relevant Committee or Sub-Committee must agree for the Councillor to speak more than once on any particular item.

35.2 Any Councillor wishing to speak at a meeting under the provisions of Standing Order 35.1b) must give Committee Services at least 24 hours' notice of their request to do so.

35.3 Councillors who are not an appointed member of a Chief Officer Appointments or Disciplinary Committee may not attend any part of these meetings.

35.4 Where a Councillor is not a member of the committee, sub-committee or panel, they should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.

36 ATTENDANCE BY OTHERS AT A COMMITTEE MEETING

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

37 APPOINTMENT OF SUB-COMMITTEES

37.1 All Committees may appoint one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.

37.2 In the case of a Sub-Committee where membership is not restricted to Members of the relevant parent Committee, the appointment of that Sub-Committee will be recommended to Council for approval.

38 DURATION OF COMMITTEE AND SUB-COMMITTEE MEETINGS

38.1 This Standing Order does not apply to meetings of the Appointments Committee or Licensing Sub-Committees.

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

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

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

39 PUBLIC PARTICIPATION IN COMMITTEE AND SUB-COMMITTEE MEETINGS

39.1 Members of the public who either live or work in the borough are able to participate in Committee and Sub-Committee meetings in accordance with the policies and rules established by the Council from time to time, this includes the ability to submit written questions in accordance with Standing Order 40.

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

40 PUBLIC QUESTIONS AT COMMITTEE AND SUB-COMMITTEE MEETINGS

40.1 General

At any ordinary meeting of a Strategic Committee or Sub-Committee, members of the public may ask Committee/Sub-Committee Chairs, questions relating to any matter within the Committee's remit.

40.2 Notice of Questions

A question may only be asked if notice has been given by delivering the question in writing to the Committee Services section (committeeservices@spelthorne.gov.uk) and Monitoring Officer (monitoringofficer@spelthorne.gov.uk) no later than 12 noon eight working days prior to the day of the meeting.

40.3 Each question must give the name and address of the questioner and must not exceed 100 words in length.

40.4 Scope of Questions

The Monitoring Officer may reject a question if it:

- a) Is not relevant to the remit of the Committee or Sub-Committee to which it is to be put;
- b) Is defamatory, frivolous or offensive; or
- c) Requires the disclosure of confidential or exempt information.
- d) Is substantially the same as a question which has been put at a meeting of the Council, a Committee or Sub-Committee in the past six months or
- e) Is apparent that the question has been directed by a councillor or
- f) Contains sub questions.

40.5 Number of Questions

The number of public questions asked at any meeting of a Committee/Sub-Committee meeting will be limited to three.

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

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

40.6 Record of Questions

The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Chair of the Committee/Sub-Committee to which it is to be put. Rejected questions will include reasons for rejection.

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

40.7 Asking the Question at the Meeting

The Chair will invite the questioner to put the question at the start of consideration of the relevant agenda item. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

40.8 Supplementary Question

No supplementary questions will be allowed.

40.9 Duplication of Questions

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

41 PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS

41.1 The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.

41.2 Any councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

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

42 LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS

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

43 AUDIT COMMITTEE – ATTENDANCE BY NON-COMMITTEE COUNCILLORS

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

44 CHAIRING OF COMMITTEES

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

Use of Substitutes on Council Committees

Key Principles

1. The Council (at its Annual Meeting) will appoint specified substitutes for its committees and sub-committees on the nomination of political group leaders and in accordance with political proportionality rules. See 4. below.
2. Substitution will not be permitted at meetings of the:
 - (a) Licensing Sub-Committee
 - (b) Appointments Committee unless a member is substituting for an entire matter.
3. For the purposes of this arrangement, the member being substituted is referred to as the “Ordinary Member” and the replacement as the “Substitute Member”.
4. In accordance with 1. above, and subject to the exceptions in paragraph 5., the allocation of members within each political group available to act as substitutes will be in accordance with the political balance on the committee concerned on the following basis:
 - (a) More than 5 seats on the committee – 3 substitutes
 - (b) Between 2 - 5 seats on the committee – 2 substitutes
 - (c) 1 seat on the committee – 1 substitute
5. The exceptions to 4. above will be:
 - a. any non-aligned members, who may nominate a substitute member of a Committee from any one of the political groups, to sit in their absence.
 - b. Any member of a two-person Group, who may nominate a substitute member of Planning or Licensing Committee, from any one of the political groups, to sit in their absence at a meeting of the Committee, subject to that member having undertaken the required training for the relevant Committee. In these situations, Council has agreed to disapply political proportionality requirements in s15(5) of the Local Government and Housing Act 1999.

6. Written notice of the substitution must be delivered by the Ordinary Member or their Group Leader to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required. This notice must set out the meeting in question, the name of the ordinary member and the name of the substitute member. The substitution will not be valid unless this procedure is followed.
7. With the exception of the arrangements for non-aligned members and two member Groups in 4 above, the substitute member must be a member of the Council drawn from the same political group as the ordinary member who is unable to attend the meeting and must not already be a member of the Committee concerned. The Mayor may not act as a substitute at any Committee meeting.
8. The substitute arrangement must be announced at the beginning of the meeting and recorded in the minutes.
9. If the ordinary member attends after the substitution has been announced at the meeting, the substitute member will continue as the appointed voting member. If the substitute member fails to attend and the ordinary member is present, then the ordinary member may take their place on the committee with full voting rights.
10. Once a meeting has started with the ordinary member in place, no substitution can then be made during the course of the meeting to replace that member.
11. Where a substitute member has attended a meeting which is adjourned, the ordinary member may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue.
12. A member acting as a substitute for the Chair or Vice-Chair of a committee will not, by virtue of that substitution, be entitled to act in either capacity. In the absence of both the Chair and Vice-Chair from a meeting (and the appointment of substitute members to attend in their place) the meeting shall appoint a Chair for the meeting who may be drawn from any members

(including any substitute member) present and with voting rights.

13. The substitute member may speak and vote in their own capacity and is not constrained by the views of the ordinary member they are replacing.
14. No substitute member at Regulatory Committees may vote unless they have been present for the entire consideration of the item under discussion.
15. Only members who have received the appropriate training may be appointed to act as substitutes on the Regulatory Committees.
16. Substitute members must receive copies of agendas and reports of the committees they are assigned to at the same time as ordinary members.

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CONTRACT STANDING ORDERS

GENERAL

Introduction

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

Compliance

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

PREPARING FOR THE CONTRACT

Contract file to be set up from the start

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

Requirement for a nominated procurement manager

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

Contractor Suitability

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

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

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

Specification and Selection Criteria

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

Procurement Board

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

Electronic Procurement

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

PROCEDURAL STEPS OF THE PROCUREMENT

Estimated Value of Contracts

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

Division of Contracts

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

Special Requirements

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

Contract Standing Orders Procedural Rules

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

Framework Agreements

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

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

TABLE 1 CONTRACT STANDING ORDERS PROCEDURAL RULES

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

¹ Local is defined as within the Borough of Spelthorne.

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

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

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

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

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

Tendering and Quotation handling procedure

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

Errors and clarifications of tenders

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

Post tender negotiations

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

CONTENT OF CONTRACTS

Form of Contracts

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

Public liability insurance and professional indemnity insurance

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

Assignment of Contracts

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

Liquidated Damages

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

Corruption, Bankruptcy & Cancellation

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

Performance Bonds

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

Nominating Subcontractors and Suppliers

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

Consultants

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

MANAGING THE CONTRACT

Contract Management

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

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

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

Variations

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

Registration of Contracts

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

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

Contract Management Audits

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

ACCESS TO INFORMATION RULES

1. SCOPE

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

Working Groups and Task and Finish Groups are not established as Sub-Committees under the Local Government Act 1972, and therefore are not subject to these rules. These meetings are not held in public.

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

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

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

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

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

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

6. SUPPLY OF COPIES

The Council will supply copies of:

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

7. ACCESS TO MINUTES AND OTHER INFORMATION AFTER THE MEETING

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

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

8. BACKGROUND PAPERS

List of background papers

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

Public inspection of background papers

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

9. SUMMARY OF PUBLIC'S RIGHTS

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

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential Information – requirement to exclude the public

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

Meaning of Confidential Information

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

Exempt Information – discretion to exclude public

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

Confidential Information and Exempt Information

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

Meaning of Exempt Information

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

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

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

11. THE FORWARD PLAN

Contents of Forward Plan

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

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

12. RECORD OF DECISIONS

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

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

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

13. ADDITIONAL RIGHTS OF ACCESS TO INFORMATION FOR COUNCILLORS

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

Procedure Rules for Working Groups and Task and Finish Groups

General

1. Committees may establish Working Groups and Task and Finish Groups, as appropriate and considered necessary, having taken into account the availability of resources and the advice of the relevant Group Head.
2. The role of such Groups is to examine in detail specific issues or aspects of policy, procedure or service according to their remit.
3. These Groups do not take any decisions but inform the deliberations of the committees.
4. Their membership shall be open to all councillors and include members from at least two political groups. They may include non-councillors by invitation and other persons with relevant expertise or knowledge.
5. Political balance requirements will not apply to Working Groups or Task and Finish Groups.
6. Each committee is usually limited to establishing no more than two Working and/or Task and Finish Groups, at any one time. i.e. if a Working Group has been appointed on an annual basis the same committee may only appoint one Task and Finish Group to run at the same time.
7. Only one Working Group or Task and Finish Group looking at a particular service function or policy area may be established at any one time.
8. A Working Group or Task and Finish Group may not be established to look at any area which has been the subject of an investigation or review by one or other Group in the past year.
9. Subsequent changes to membership of an established Working Group or Task and Finish Group shall be delegated to the relevant Group Head in consultation with the Chair and Vice-Chair of the appointing Committee.

Working Groups

10. Committees may set up Working Groups from time to time to develop recommendations on a long-term issue or ongoing subject area.
11. They shall be appointed for a specific purpose relating to policy development or a service function.
12. Working Groups may be appointed on an annual basis, if required.

13. They will only be established when the matter cannot be undertaken by a relevant Committee.

Appointment and Membership

14. The relevant Committee will specify the terms of reference and purpose of the Working Group.
15. The relevant Committee will appoint the members of the Working Group on the following basis:
 - Shall include at least two councillors from the appointing Committee
 - Shall include representation by at least two political Groups on the Council
 - May include other councillors with relevant expertise or knowledge, who are not members of the appointing Committee, to be agreed in consultation with Group Leaders
 - May include other invited persons with relevant expertise or knowledge

Meetings of Working Groups

16. Meetings of Working Groups will, as far as possible, be Member led and will receive support from officers in an advisory capacity only.
17. At its first meeting the Working Group will appoint one councillor, who shall be a member of the appointing Committee, to act as Chair.
18. A councillor shall not be entitled to attend meetings of Working Groups unless appointed as a member or substitute or with the agreement of the Chair of the Working Group.
19. The public may not attend meetings of Working Groups.

Substitutions

20. Unless otherwise decided by the appointing Committee, substitutes are permitted to serve as members of Working Groups at any meeting at which another member of the same political group is absent for the entire meeting.

Proceedings to remain Confidential

21. The proceedings of meetings of Working Groups, including any written material circulated to or considered by a Group, will remain confidential until they have been made public with the authority of the appointing Committee.

Reporting back to the appointing body

22. A Working Group shall, periodically, report back on their work, including recommendations where appropriate, to the appointing committee.

Task and Finish Groups

23. Committees may set up time-limited Task and Finish Groups for a specific task, to report back to the appointing Committee.
24. Task and Finish Groups will be charged with carrying out an in-depth investigation into a specific service area, or policy, or any issue of genuine importance to the borough.
25. Task and Finish Groups will only be established when the matter cannot be undertaken by a relevant Committee.

Appointment and Membership of Group

26. The relevant Committee will:
 - specify the terms of reference and purpose for the group's exercise;
 - specify the time for which the Task and Finish Group is expected to operate
 - appoint Councillors to the task-and-finish group on the following basis:
 - ❖ the group to be small, and focused on outcomes
 - ❖ shall include at least two members of the appointing Committee
 - ❖ shall include representation by at least two political Groups on the Council
 - ❖ may include other councillors who are not members of the Committee, to be agreed in consultation with Group Leaders
 - ❖ may include other invited persons with relevant expertise or knowledge

Meetings of Task and Finish Groups

27. Meetings of Task and Finish Groups will, as far as possible, be Member led and will not require advice or support from officers unless specifically requested.
28. At its first meeting the Task and Finish Group will appoint one councillor, who shall be a member of the appointing Committee, to act as Chair.
29. A councillor shall not be entitled to attend meetings of Task and Finish Groups unless appointed as a member or substitute or with the agreement of the Chairman of the Task and Finish Group.
30. The public may not attend meetings of Task and Finish Groups.

Substitutions

31. Unless otherwise decided by the appointing Committee, substitutes are permitted to serve as members of Task and Finish Groups at any meeting at which another member of the same political group is absent for the entire meeting.

Proceedings to remain Confidential

32. The proceedings of meetings of Task and Finish Groups, including any written material circulated to or considered by a Group, will remain

confidential until they have been made public with the authority of the appointing Committee.

Reporting back to the appointing body

33. A Task and Finish Group shall, periodically, report back on their work, including recommendations where appropriate, to the appointing committee.

Local Government Association
Model Councillor Code of Conduct

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees with respect and respect the role they play. I abide by the Member-Officer relations protocol in Part 5c of the Constitution.

1.3 I treat employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

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In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. *Bullying, harassment and discrimination*

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. *Impartiality of officers of the council*

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the

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content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful

can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. **act in accordance with the local authority's requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.1.1 I shall not participate in any Committee meeting until I have completed the relevant mandatory training.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

PLANNING CODE

Introduction

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

General Role of Councillors

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

General Role of Staff

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

Codes of Conduct

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

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

Lobbying of and by Councillors

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

Declarations of interest

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

Predetermination and Predisposition

Predisposition

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

Pre-determination / Bias

15. Predetermination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a councillor has made his/her mind up on a decision before considering or hearing all the relevant evidence.
16. Bias can also arise from a councillor’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application.
17. However, councillors may also consider that a “non-pecuniary interest” or Conflict of Interest under the Code of Conduct also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair-minded observer takes an objective and balanced view of the situation but councillors who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.
18. In the case of applications for development of land in which the Council has an interest, it is particularly important for councillors to avoid the appearance of bias. A councillor who has participated in any decision-making for Council owned developments at either Corporate Policy and Resources Committee, Commercial Assets Sub-Committee or Development Sub Committee, should not participate in any decision making on those developments at Planning Committee, whether attending as a member or substitute member of the

Committee. Likewise, a councillor appointed as a Director to Knowle Green Estates Ltd should not participate in any decision making on Council owned developments at Planning Committee. This does not prohibit a ward councillor from representing the views of their constituents at a Planning Committee meeting, in accordance with paragraph 31. below.

19. Members of the Planning Committee should bear in mind that it would not be appropriate to call-in an application, for consideration by the whole committee if they have already predetermined the matter themselves.

Meetings and pre-application discussions

20. Planning staff frequently hold meetings or have correspondence with applicants to give pre-application advice on their development ideas. Such advice will cover general planning policy applicable to a site, technical design and other requirements and the likelihood of a development being acceptable. Such pre-application advice is given on a confidential basis so as to encourage early contact with the Council which can assist in better planning proposals coming forward or ideas which have no prospect of being acceptable being abandoned at an early stage.
21. These meetings or exchanges of correspondence are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation of Planning officers to the Committee and the decision of the Committee when all information is before it.
22. All applicants are encouraged to carry out pre-application consultation with neighbours to try and resolve issues at an early stage. For larger schemes this may be a more formal public consultation. Where councillors attend such pre-application consultation meetings run by the applicant they should abide by the guidance in this Code. The expectation is that where councillors are invited to attend that the applicant invites all ward councillors.
23. It is important that councillors do not give views to potential applicants either through pre-application consultations or other meetings that could be interpreted by them as giving planning advice and in turn taken as implied support for a proposal if those views are then followed.
24. If a councillor wishes to arrange a meeting with planning staff for themselves and a small number of constituents about a planning application this will be arranged at the Council Offices. If requested to do so staff will try to attend meetings arranged by councillors with their constituents away from Knowle Green provided all ward councillors are invited to attend.
25. If attending public meetings arranged by local groups about a planning proposal the principles outlined above should be followed and, councillors of the Planning Committee should try to maintain an impartial role, listening to what is said but not expressing any opinion which could be construed as a final or fixed position. Planning Officers will not normally attend public meetings unless their attendance has been agreed by the Planning Development Manager and representatives of both the applicant and objector are given the opportunity to be present. Ward Councillors and the Chairman of the Planning Committee will be advised of any public meeting in relation to a planning issue or which Planning Officers have agreed to attend.

Presentations on Likely Major Development Proposals

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

Site Visits

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

Planning Officer Reports to Committee

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

Procedure at Committee Meetings

29. Applicants and objectors will be able to address the Planning Committee in accordance with the protocol attached at **Appendix 'B'**. Further information on how to ask to speak at the Committee and the issues that can be covered are set out in the Planning pages of the Council's website.

30. Where there are major applications which require special consideration because of the large number of people wishing to speak, then the Chairman may, in their discretion, make provision for public speaking rights in excess of the usual procedure. The Chairman will be guided by the need to ensure overall fairness in the proceedings within the constraints of the time allowed in the meeting.
31. Where councillors who are not members of the Planning Committee have indicated to the Chairman, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the Committee. Non-members of the Committee should comply with the procedure for declaration of interests and contact with the applicant or objectors if they attend and speak at a Committee meeting in the same way as members of the Committee.

Ward councillors may wish to address Planning Committee on:

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

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

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

Call-in procedure

32. Councillors must take the following into account before 'calling-in' a planning application for consideration by the Planning Committee:
- a) Subject to the terms of reference of the Planning Committee and these rules a planning application other than those identified in the weekly Planning Publicity Schedule can be called in by a Councillor for determination by the Committee;
 - b) A councillor may only call-in an application which is in their ward. If the councillor considers that there is a matter of public interest arising in an application situated in another ward, then early contact should be made with the relevant ward councillors;
 - c) The guiding principle of 'Call-In' is that there is a material planning concern, in the application being considered by the Committee. The decision to refer an application to the Planning Committee rests with the Planning Development Manager.
 - d) Prior to a councillor calling in an application, he/she must inspect the submitted plans and is advised to discuss the application with the relevant case/planning officer.

- e) The 'call-in' will be activated by an email to the Planning Development Manager **and** the case officer which must give a material planning reason why it should be determined by the Committee;
- f) The email must be received by Planning Officers no later than one day after the end of the public consultation period for that application. The date of which is set out on the weekly Publicity Schedule in which it was publicised;
- g) The Committee report will identify the councillor who called in the application along with the reason given;
- h) Councillors who 'call-in' an application are expected to attend and speak at the Planning Committee setting out their concerns and issues. This will inform the general debate of the committee;
- i) If a councillor is unable to attend for any reason, they should send a statement to the Chairman setting out their issues and concerns so that they can be read out at the committee meeting.
- j) Where the councillor who 'Called-in' an application is a member of the Planning Committee, that councillor will be given three- minutes to speak following the public speakers and may then speak again as a member of the Committee during its debate on the item.

Decision Making

- 33. A decision on a planning application cannot occur before the Committee meeting when all available information is to hand. All councillors should bear in mind the need to keep an open mind about all the available evidence on a planning application.
- 34. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. If the Planning Officer's report recommends a departure from the development plan the justification for this must be included in the report.
- 35. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application should always be minuted as should any conditions attached to an approval.
- 36. Members are reminded that the Planning Committee meeting is held in public and should therefore ensure that the seven principles of public life are observed.
- 37. Members of the Planning Committee who require information which is not contained within the Planning Committee report should submit a request in writing to the Planning Development Manager at least one working day before the Planning Committee meeting.
- 38. The purpose of the Planning Committee meeting is to fully explore all relevant matters and concerns of councillors pertaining to an application before a decision is made. Councillors should prepare in advance of the meeting.
- 39. Where a councillor decides to vote against a recommendation, this should only arise once:

- (a) The concerns have been articulated by the councillor to allow other members of the Committee to comment on them and officers to advise on them; or
 - (b) Where another member has spoken in the debate and articulated those concerns and the councillor concerned has indicated that they are of the same mind as that councillor.
40. If the Committee wishes to make a decision contrary to the Planning Officers' advice, a member of Planning staff present at the meeting should be given the opportunity to explain the implications of such a decision. If the Committee wish to refuse an application the reasons for doing so must be clear, cogent and comprehensive. They must also be based on planning policies and provide a clear account of members' rationale for not accepting the Officer recommendation. Similarly, any additional planning conditions must be properly justified and expressed. The decision and reasons for it as agreed by the Committee must be minuted.
41. Members of the Planning Committee who are minded to propose an outcome against Planning Officer advice should first seek advice from the Planning Development Manager prior to the application being determined at a Planning Committee, at least one working day before the Planning Committee meeting. Any motion contrary to Planning Officer advice must be formulated in writing with material planning reasons. Councillors should be prepared to explain in full their material planning reasons for not agreeing with the Planning Officer's recommendation prior to making any decision. Councillors should not rely on staff to produce the material planning reasons for their motion at the meeting.

Applications Submitted by Councillors, Staff or the Council

Determination of applications

42. Subject to paragraph 43, any planning application made by a councillor, member of staff or the Council itself should be determined by the Planning Committee and not by the Planning Development Manager under delegated powers.
43. In the case of applications made by a councillor, a member of staff or the Council itself which do not relate to planning merits but are:
- 1. a legal determination as to whether permission is required, or
 - 2. forms of notification to the Council including that 'permitted development' is proposed under 'prior approval' procedures.

The Planning Development Manager will determine the application after discussion with the Chairman of the Planning Committee or, if unavailable, the Vice Chairman.

Applications submitted by the Council

44. Proposals for a Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Planning Committee. Proposals for a Council's own development will be treated no differently from any other application.
45. Certain councillors may, through their other roles outside of a Planning Committee (e.g. a member of Corporate Policy and Resources Committee, Development Sub-Committee or Commercial Assets Sub-Committee), have

been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at the Planning Committee, the councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action, if that is the case, is that the councillor concerned may address the Committee in the applicant's speaking slot (see the Public Speaking Rules for Planning Committees) but does not take part in its consideration and determination. It is important that the councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

Applications submitted by councillors or staff

46. If a councillor or a member of staff submits their own proposal to the Council which they serve, they should take no part in its processing. A councillor who acts as an agent or representative for someone pursuing a planning matter with the Authority should also take no part in its processing.
47. Councillors and Planning Officers must inform the Monitoring Officer of any proposals to submit an application, prior to their submission.
48. Members of the Planning Committee and staff should not act as agents for another person or body pursuing a planning matter with the Council and, if they do, any planning decision must be made by the Planning Committee and not under delegated powers.
49. Whenever possible a councillor making a planning application should appoint an agent to act on their behalf. The councillor must take no part in making a decision on the application and should leave the room for that item if in attendance.

Involvement of Councillors in Appeals

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

Training of Councillors in Planning Issues and Procedures

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

Substitutions to Planning Committee

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

MONITORING OFFICER PROTOCOL

1. Introduction

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

2. Working Arrangements/Understandings

- 2.1 Good working relations with councillors and staff will assist in the discharge of the statutory responsibilities of the Monitoring Officer and ensure the Council's interests are safeguarded. Equally, a speedy flow of

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

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

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

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

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

SUMMARY OF MONITORING OFFICER FUNCTIONS

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

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Conflicts of Interest Policy

1. Who is this guide for?

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

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

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

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

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

3. How do I identify a conflict of interest?

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

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

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

4. How can conflicts of interest be managed effectively?

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

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

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

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

4.5 It is good practice at the beginning of a meeting to declare any interest which you have in an item to be discussed, and certainly before any discussion of

the item itself. Sometimes this is not possible because an issue arises in the meeting so that the interest can only be declared later. In such a case, the Council expects the interest to be raised as early as possible.

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

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

PART 5M – 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.. 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 not be retained by the Council.

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 cannot 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.