



Please reply to:

Contact: Karen Wyeth
Service: Committee Services
Direct Line: 01784 446224
E-mail: k.wyeth@spelthorne.gov.uk
Date: 03 June 2025

Notice of meeting

Standards Committee

Date: Wednesday, 11 June 2025

Time: 7.00 pm

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

To the members of the Standards Committee

Councillors:

Gareth Young (Chair)	J.R. Boughtflower	M.J. Lee
Martin Hull (Vice-Chair)	J. Button	S.C. Mooney
M.M. Attewell	D.L. Geraci	
C. Bateson	K.M. Grant	

Substitute Members: Councillors S.A. Dunn, T. Burrell, A. Mathur and K.E. 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

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

Agenda

Page nos.

- | | | |
|-----------|--|----------------|
| 1. | Apologies and Substitutes

To receive any apologies for absence and notification of substitutions. | |
| 2. | Minutes

To confirm as a correct record the minutes of the meeting held on 12 February 2025 and the extraordinary meeting held on 09 April 2025. | 3 - 6 |
| 3. | Disclosures of Interest

To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members. | |
| 4. | Amendments to the Constitution

Committee is asked to recommend to Council to:

1. Approve the proposed changes to the Constitution as set out in this report. | 7 - 40 |
| 5. | Amendments to the Constitution - new Protocol on relations between Members

Committee is asked to:

1. Consider and approve the proposed protocol on relations between members; and
2. Recommend to Council that the protocol on relations between members is adopted in the Constitution. | 41 - 48 |
| 6. | Update on Member Complaints

Committee is asked to consider the numbers and outcomes of Member complaints dealt with since 1 January 2025. | 49 - 52 |

**Minutes of the Standards Committee
12 February 2025**

Present:

Councillors:

M.M. Attewell	D.L. Geraci	M.J. Lee
J.R. Boughtflower	K.M. Grant	

Substitutions: Councillor S.A. Dunn
T. Burrell

Apologies: Councillors C. Bateson, J.T.F. Doran and S.C. Mooney

In Attendance: Councillors Beecher, Rutherford & Sexton

1/25 Minutes

The minutes of the meeting held on 02 December 2024 were agreed as a correct record.

2/25 Disclosures of Interest

There were none.

3/25 Amendments to the Constitution

The Committee **resolved** to recommend to Council that it approves the proposed Changes to the Terms of Reference and Financial Regulations in the Constitution as set out in the report.

4/25 Update on Member Complaints

The Committee considered the report that invited members to discuss possible measures to improve standards of conduct.

Committee members expressed concerns over the procedure for the Hearing Panel that took place in October 2024 and asked that it be looked at so that lessons could be learnt. The Council's Monitoring Officer advised that an independent investigation would be undertaken to look at all aspects of the Hearing Panel process for this complaint.

The Committee asked the Monitoring Officer to look at what constituted an apology.

It was agreed that further training was needed for all members on social media. The Monitoring Officer advised that she had approached an external trainer and was in the process of agreeing a date for such training.

The Committee felt that where possible complaints from Councillors on Councillors could, in the first instance be referred to the Group Leaders for them to help mediate before it became a formal complaint that needed to be investigated.

The Monitoring Officer was asked to provide committee members with the reasons why a complaint that was considered at the December 2024 meeting was dealt with differently to the complaint that led to the hearing in October. The Committee were advised that this would be sent directly to all committee members.

The Committee **resolved** to:

1. Acknowledge the update on the numbers and outcomes of Member complaints dealt with since April 2024,

**Minutes of the Standards Committee
9 April 2025**

Present:

Councillors:

C. Bateson	J.T.F. Doran	K.M. Grant
J.R. Boughtflower	D.L. Geraci	M.J. Lee

Apologies: Councillors M.M. Attewell and S.C. Mooney

5/25 Disclosures of Interest

There were none.

6/25 Amendment to the Terms of Reference for Audit Committee

The Committee considered a report that sought a recommendation to increase the number of Co-opted Independent Members on the Audit Committee from one to two.

The Committee **resolved** to make a recommendation to Council to approve the proposed changes to the Terms of Reference for the Audit Committee in the Constitution as set out in the report.

7/25 Recruitment of Independent Vice-chair for Standards Committee

The Monitoring Officer advised the Committee that a report would be considered at Council on 24 April 2025 to agree the appointment of the new Vice-Chair for the Standards Committee.

The Committee **resolved** to note the update.

8/25 Recruitment of an Additional Independent Person

The Monitoring Officer advised the Committee that the recruitment of an additional Independent Person would be considered at Council on 24 April 2024.

This page is intentionally left blank

Standards Committee

11 June 2025



Title	Amendments to the Constitution
Purpose of the report	To make a recommendation
Report Author	Linda Heron, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	Committee is asked to recommend to Council to: Approve the proposed changes to the Constitution as set out in this report.
Reason for Recommendation	To ensure that the Constitution is an effective and up to date document and to support good governance.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Councillors have requested some changes to the Scheme of Delegations to Officers (part 3(d) of the Constitution) to clarify principles for Council decision making. 	<ul style="list-style-type: none"> To ensure the Constitution supports good governance.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Recommend the changes as set out in this report for approval. 	<ul style="list-style-type: none"> Seek Council approval for the proposals. Once approved, the Constitution will be updated and published on the website.

- 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 Working Group (CSWG) is responsible for considering whether any amendments are required to the Constitution and making recommendations on these to the Standards Committee.

- 2.2 Councillors have requested that certain delegations to officers in part 3(d) of the Constitution be amended to clarify responsibilities for decision making.
- 2.3 The proposed amendments relate to paras 14.2 and 14.12 in the Scheme of Officer Delegation (Part 3(d)).
- 2.4 The proposed changes to the Constitution were discussed with the Committee System Working Group in May 2025.

3. Constitutional amendments

- 3.1 The proposed amendments identify the scope of the delegated authority to the Planning Development Manager and the circumstances in which decisions should be referred to the Planning Committees.
- 3.2 Para 14.2 Part 3(d) of the Constitution:

Agreement for any variation and to determine any application under section 106A of the Town and Country Planning Act 1990 (the 1990 Act) **save for major variations relating to affordable housing development and / or financial contributions exceeding £0.5M**

- 3.3 Para 14.12 Part 3(d) of the Constitution:

Power to seek an injunction under s187B of the 1990 Act **unless breach of planning control relates to affordable housing development and / or financial contributions exceeding £0.5M**

4. Financial management comments

- 4.1 None in the context of this report.

5. Risk management comments

- 5.1 None arising directly from this report.

6. Procurement comments

- 6.1 None arising directly from this report.

7. Legal comments

- 7.1 The Council has a statutory duty to keep its Constitution updated (section 9P Local Government Act 2000).
- 7.2 It is considered that the proposals in this report will meet one of the purposes of the Constitution as set out in Article 1 para 1.3:

(5) to enable decisions to be taken efficiently and effectively

- 7.3 Amendments to the Constitution are a matter for full Council decision.

8. Other considerations

- 8.1 None.

9. Equality and Diversity

9.1 No specific implications arising directly from this report.

10. Sustainability / Climate Change Implications

10.1 None.

11. Timetable for implementation

11.1 A recommendation from Standards Committee will be considered by Council at its meeting on 17 July 2025.

11.2 The amendments will take effect upon agreement by Council and the Constitution will be updated and published as soon as reasonably practicable.

12. Contact

12.1 Linda Heron, Group Head Corporate Governance l.heron@spelthorne.gov.uk

Please submit any material questions to the Chair and Officer Contact by two days in advance of the meeting.

Background papers: None.

Appendices:

Appendix 1 – Part 3(d) Delegations to Officers

This page is intentionally left blank

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
1.13 To authorise grant funding for the Spelthorne Business Forum on an annual basis, to ensure value for money.	Group Head Place, Protection and Prosperity

Part 3 section (d)

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 i. in consultation with the Chair of Commercial Assets Sub-Committee, to agree dilapidation settlements up to £100k. 	Group Head for Assets
<p>4.2</p> <ul style="list-style-type: none"> a. To approve new lettings where the rental income per annum (net of VAT) does not exceed £100k. b. To approve lease renewals where the rent 	<p>Group Head for Assets in consultation with the Chief Finance Officer.</p> <p><i>(Note: for lettings granted under the</i></p>

Part 3 section (d)

<p>in the first year is more than 50% of the passing rent of the previous lease, subject to the financial impact not exceeding £250k.</p> <p>c. To approve freehold or leasehold disposals or acquisitions of land or interests in land not exceeding an estimated value of £100k per transaction.</p> <p>d. 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> <p>e. 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>f. 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>Notes:</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><i>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>
<p>4.3 Urgent Action</p> <p>In relation to a new letting, to take a decision which is so urgent that it cannot wait until the next scheduled meeting of the Committee and where the decision is not in contravention of established policies. In following this procedure, the Group Head for Assets is required to seek the approval of the Chair and Vice-Chair of the Business, Infrastructure and Growth Committee if the matter would ordinarily fall within the remit of the Committee or in the case that any aspect of the letting could be considered sensitive. The use of such urgent action must be reported to the next relevant Committee meeting.</p>	<p>Group Head for Assets</p>

Part 3 section (d)

4.4 To grant or take miscellaneous licences, wayleaves, easements and other agreements as required	Group Head for Assets
4.5 To enter into a Tenancy at Will	Group Head for Assets
4.6 To determine applications for rights of way or other easements over land	Chief Finance Officer after consultation with Group Head for Assets
4.7 To approve the release of covenants subject to obtaining appropriate legal and valuation advice	Group Head for Assets
4.8 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.	Group Head for Assets
4.9 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	Group Head Corporate Governance
4.10 To maintain the list of assets of community value in accordance with section 87 of the Localism Act 2011	Group Head for Assets
4.11 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
4.12 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	Relevant Deputy Chief Executive

Part 3 section (d)

monies expended in carrying out works in default under statutory powers, including interest payable thereon	
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
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	Group Head Commissioning and Transformation

Part 3 section (d)

Improvement District levy payments and to issue all necessary notices and statements and to sign all relevant documentation	
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 does not exceed £9000 in any one case.	Chief Finance Officer or Group Head Commissioning and Transformation
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	Group Head Commissioning and Transformation

Part 3 section (d)

not exceeding £5000.	
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 Tax and Business Rate proposals	Chief Finance Officer or Group 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	Chief Executive, Deputy Chief

Part 3 section (d)

	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	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
6.6	To approve and sign off special severance payments of £20,000 and above but not exceeding £100,000 (Payments of £100,000 and above are reserved to Council)	Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment.
6.7	To approve and sign off special severance payments below £20,000	Chief Finance Officer

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>

Part 3 section (d)

<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)

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 2012	
y.	Smoke-free (Exemptions and Vehicles) Regulations 2007	
z.	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	

Part 3 section (d)

Development Act 1960; ss. Mobile Homes Act 2013; tt. Water Industry Act 1991; uu. Environmental Protection (Control on Ozone-Depleting Substances) Regulations 2011; vv. Waste (England and Wales) Regulations 2011 ww. Tattooing of Minors Act 1969 xx. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 yy. Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and any subsequent related legislation. zz. The Business and Planning Act 2020 aaa. Town Police Clauses Act 1847 bbb. Highways Act 1980 ccc. Policing and Crime Act 2017 ddd. Live Music Act 2012 eee. Deregulation Act 2015 fff. Police, Factories & c. (Miscellaneous Provisions) Act 1916 ggg. Licensing Act 2003 hhh. Gambling Act 2005 iii. Zoo Licensing Act 1981 jjj. Environmental Damage Regulations (Prevention and Remediation) (England) Regulations 2015 kkk. Control of Pollution (Amendment) Act 1989 lll. Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 mmm. Environment Act 1995 (section 108[(1) and (4)a–m]) nnn. Noise and Statutory Nuisance Act 1993 (Schedule 2)	
---	--

Part 3 section (d)

ooo. Public Health (Control of Disease) Act 1984 ppp. Clean Air Act 1993 (section 56)	
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.	Senior Environmental Health Manager
7.4 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Licensing Act 2003.	Senior Environmental Health Manager
7.5 To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003.	Licensing Manager
7.6 To adjourn a Licensing Sub-Committee, for administrative reasons.	Licensing Manager
7.7 Subject to the Terms of Reference of the Licensing Committee to exercise all functions relating to the Gambling Act 2005	Senior Environmental Health Manager
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	Environmental Health Manager
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	Senior Environmental Health Manager (in consultation with the Chair and Vice-Chair of Licensing Committee)
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.	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
7.11 European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020	

Part 3 section (d)

	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 Councils 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
7.17	To authorise appropriate officers to issue Fixed Penalty Notices under section 34(2)(a) of the Environmental Protection Act 1990 to persons whom the officer has reason to believe has failed to comply with their duty of care in the disposal of controlled waste.	Group Head of Neighbourhood Services

Part 3 section (d)

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

Part 3 section (d)

Construction and Regeneration Act 1996 in accordance with the policies approved from time to time by the Council.	
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 accordance with Government guidelines and within the timescales laid down in the Council's approved policies.	Group Head Community Wellbeing
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.	Group Head Community Wellbeing
<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 Declarationsd. 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)	Senior Environmental Health Manager

Part 3 section (d)

<p>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:</p> <ul style="list-style-type: none"> i. make interim and final management orders; ii. serve notices requiring compliance with management regulations, the execution of works, including the provision of facilities and fire escapes; iii. make directions to prevent or reduce overcrowding; iv. carry out works in default of compliance with (e)(i), (ii) and (iii) above and to recover the costs. v. To determine and issue licences under the Housing Act 2004 	
<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</p>	<p>Group Head Community Wellbeing</p>

Part 3 section (d)

nominated by other local authorities/housing associations under any mobility scheme in which the Council agrees to participate.	
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.	Group Head Community Wellbeing
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

Part 3 section (d)

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> <ul style="list-style-type: none"> a. the fixing of charges for special events not covered by the annual review of fees and charges; b. Negotiation of variations in charges for use of sports, recreational and community facilities within established policy; c. The power to waive fees and charges; and d. The setting of opening hours for facilities and the duration of sports seasons. 	Group Heads Neighbourhood Services and Community Wellbeing
11.2 The promotion of musical, artistic, cultural, sporting and community activities, including negotiation of sponsorship arrangements.	Group Head Community Wellbeing
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.	Group Head Neighbourhood Services
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.	Group Head Neighbourhood Services
11.5 The administration of Leisure Development Grants to be made to	Group Head Community Wellbeing

Part 3 section (d)

Voluntary Organisations, in accordance with the policy guidelines approved from time to time by the Community Wellbeing and Housing Committee.	
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. 	Senior Environmental Health Manager or Group Head Neighbourhood Services
<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. 	Deputy Chief Executive
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.	Relevant Deputy Chief Executive
12.4 The siting of bus shelters, bus stops, seats and other street furniture.	Relevant Deputy Chief Executive
12.5 The numbering and renumbering of premises in streets.	Deputy Chief Executive with responsibility for Environmental Health & Building Control
12.6 All necessary steps in connection with the removal and disposal of abandoned	Group Head Neighbourhood Services

Part 3 section (d)

	vehicles under the Refuse Disposal (Amenity) Act 1978.	
12.7	To make representations to Surrey County Council regarding the provision of tendered bus services under the Transport Act, 1985.	Relevant Deputy Chief Executive
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 Pavement Policy	Group Head Place, Protection and Prosperity in consultation with the Chair of the Licensing Committee.
12.12	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy.	Senior Environmental Health Manager
12.13	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
12.14	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
12.15	To suspend Hackney Carriage driver	Senior Environmental Health

Part 3 section (d)

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	Manager in consultation with the Chair and Vice-Chair of Licensing Committee
12.16 To suspend Hackney Carriage and private hire vehicle licenses in accordance with the Council's adopted procedure. Power to suspend a vehicle is section 60 of Local Government (Miscellaneous Provisions) Act 1976)	Senior Environmental Health Manager
12.17 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
12.18 To determine appeals against penalty points under the Council's Penalty Points Scheme	Senior Environmental Health Manager in conjunction with the Deputy Chief Executive
12.19 To administer the applications for Pavement Licensing	Senior Environmental Health Manager
12.20 To administer the Licensing Act 2003	Senior Environmental Health Manager
12.21 To administer House to House Collections under the House to House Collections Act 1939	Senior Environmental Health Manager
12.22 To administer Scrap Metal licensing under Scrap Metal Dealer's Act 2013	Senior Environmental Health Manager
12.23 To administer Gambling licensing under Gambling Act 2005	Senior Environmental Health Manager
12.24 To administer Sex Establishments under Local Government (Miscellaneous Provisions) Act 1982	Senior Environmental Health Manager
12.25 To administer Street Collections under Police, Factories & Miscellaneous Provisions) Act 1916	Senior Environmental Health Manager
12.26 To exercise the Council's powers under clause 21 of the Town Police Clauses Act 1847	Deputy Chief Executive

Part 3 section (d)

12.27 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
12.28 To exercise the Council's functions in respect of investigations and enforcement under the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005)	Joint Enforcement Team and Senior Environmental Health Manager
12.29 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") save for major variations relating to affordable housing development and / or financial contributions exceeding £0.5M.	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

Part 3 section (d)

14.6	Power to withdraw a stop notice under s183(7) of the 1990 Act	Planning Development Manager
14.7	Power to serve a planning contravention notice under s171C of the 1990 Act	Planning Development Manager
14.8	Power to serve a temporary stop notice under s171E of the 1990 Act.	Planning Development Manager
14.9	Power to withdraw a temporary stop notice under s171E of the 1990 Act	Planning Development Manager
14.10	Power to serve a breach of condition notice under s187A of the 1990 Act	Planning Development Manager
14.11	Power to prosecute for demolition in a conservation area under s196D of the 1990 Act	Planning Development Manager
14.12	Power to seek an injunction under s187B of the 1990 Act unless breach of planning control relates to affordable housing development and / or financial contributions exceeding £0.5M.	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

Part 3 section (d)

14.21	Power to issue screening and scoping opinions under the Environmental Impact Assessment Legislation.	Planning Development Manager
14.22	Power to issue a decision on the need for an Appropriate Assessment under the Habitats Directive.	Planning Development Manager
14.23	Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997 (S.I. 1997/1160).	Planning Development Manager
14.24	Powers relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003	Planning Development Manager
14.25	To grant relief and exemptions under the Community Infrastructure Levy Regulations 2010 (as amended).	Strategic Planning Manager 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

This page is intentionally left blank

Standards Committee

11 June 2025



Title	Amendments to the Constitution – new Protocol on relations between Members
Purpose of the report	To make a recommendation
Report Author	Linda Heron, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	Committee is asked to: <ol style="list-style-type: none"> 1. Consider and approve the proposed Protocol on relations between Members; and 2. Recommend to Council that the Protocol on relations between Members is adopted in the Constitution.
Reason for Recommendation	To ensure that the Constitution is an effective and up to date document and to support high standard of conduct by councillors.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> In view of the increased number of complaints under the Councillor Code of Conduct and following feedback from this Committee, it is proposed to adopt a new Protocol on relations between Members as part of the Council's Constitution. 	<ul style="list-style-type: none"> To ensure the Constitution supports high standards of conduct by councillors.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Recommend the adoption of the protocol as set out in Appendix 1. 	<ul style="list-style-type: none"> Seek Council approval for the proposals. Once approved, the Constitution will be updated and published on the website.

- 1.1 This report seeks a recommendation to Council to approve proposed amendments to part 5(c) of the Constitution, which have the support of most of the Committee System Working Group.

2. Key issues

- 2.1 The Committee System Working Group (CSWG) is responsible for considering whether any amendments are required to the Constitution and making recommendations on these to the Standards Committee.
- 2.2 The current Protocol on Member – Officer Relations has been in place for some time and can be found in part 5(c) of the Constitution.
- 2.3 The Council is required to promote and maintain high standards of conduct by its elected members (section 27 of the Localism Act 2011), and to this end the Council has adopted Councillor Code of Conduct setting out the expected standards of behaviour.
- 2.4 The Council is also required to have in place arrangements for dealing with and investigating allegations of misconduct under the Councillor Code of Conduct (section 28 of the Localism Act 2011). These arrangements are set out on the Council's website under "Making a complaint against a councillor".
- 2.5 In view of the increased number of complaints under the Councillor Code of Conduct received during the municipal year 2024-25 and following feedback from this Committee at its meeting on 12 February 2025, it is proposed to adopt a new Protocol on relations between Members as part of the Council's Constitution.
- 2.6 The proposed changes to the Constitution were discussed with the Committee System Working Group in April 2025.

3. Constitutional amendments and options analysis

- 3.1 It is proposed to introduce a new section in part 5(c) of the Constitution titled "Protocol on relations between Members" and which is set out in full in Appendix 1.
- 3.2 The proposed new Protocol is seeking to promote, support and maintain effective and respectful working relationships between the elected members without impacting on legitimate political debate.
- 3.3 Briefly, the Protocol sets out guiding principles in section 3 and contains a section on matters relating to political debate in (section 4), meetings between Group Leaders (section 5), access to information (section 6), conflict resolution (section 7) and pre-election period (section 8).
- 3.4 **Option 1:** to approve the new Protocol on relations between Members and recommend to Council that the Protocol be adopted in the Constitution.
- The proposed Protocol will enable the Group Leaders to handle and resolve a large proportion of complaints between members without the referral to the Monitoring Officer. This will strengthen the Council's ability to promote and maintain high standards of conduct by its elected members.
- 3.5 **Option 2:** to make amendments to the proposed Protocol on relations between Members.

The proposed Protocol has been discussed with the Committee System Working Group. Each Group Leader then wider consulted on the proposals within their respective Group, and the majority of the Groups confirmed support.

- 3.6 **Option 3:** to not approve the proposed Protocol on relations between Members.

The Council will continue to rely on the existing framework for promoting and maintaining high standards of conduct by its elected members and the complaints between councillors that would have been dealt with by the Group Leaders under the proposed Protocol will need to be referred to the Monitoring Officer for assessment and investigation.

4. Financial management comments

- 4.1 None in the context of this report.

5. Risk management comments

- 5.1 None arising directly from this report.

6. Procurement comments

- 6.1 None arising directly from this report.

7. Legal comments

- 7.1 The Council has a statutory duty to promote and maintain high standards of conduct by its elected members (s.27 of the Localism Act 2011).

- 7.2 It is considered that the proposals in this report will meet one of the purposes of the Constitution as set out in Article 1 para 1.3:

(4) help councillors represent their constituents more effectively

- 7.3 Amendments to the Constitution are a matter for full Council decision.

8. Other considerations

- 8.1 None.

9. Equality and Diversity

- 9.1 No specific implications arising directly from this report.

10. Sustainability / Climate Change Implications

- 10.1 None.

11. Timetable for implementation

- 11.1 A recommendation from Standards Committee will be considered by Council at its meeting on 17 July 2025.

- 11.2 The amendments will take effect upon agreement by Council and the Constitution will be updated and published as soon as reasonably practicable.

12. Contact

- 12.1 Linda Heron, Group Head Corporate Governance l.heron@spelthorne.gov.uk

Please submit any material questions to the Chair and Officer Contact by two days in advance of the meeting.

Background papers: None.

Appendices:

Appendix 1 – Protocol on relations between Members

Protocol on relations between Members

1. Introduction

- 1.1 In each case, behaviour under this Protocol will be judged objectively. That is to say, it will be judged based on what a reasonable person knowing all the facts would conclude from observing the behaviour.
- 1.2 The Council will formally adopt this Protocol for inclusion in the Spelthorne Borough Council Constitution and a copy will be published on the Council website.

2. Interpretation

- 2.1 In this Protocol “Member” includes all elected Members of the Council.

3. Guiding Principles

- 3.1 In addition to the Councillor Code of Conduct, Spelthorne Borough Councillors have indicated that they wish to work towards the following standards:-

Public Behaviour

- Show respect to each other, accepting a presumption that everyone is acting in good faith.
- Not to make personal or offensive comments about each other.
- Not to publish anything insulting about each other.
- Not to make malicious allegations against each other.
- Not to publish or spread any false information about each other.

Behaviour in committees:

- Treat each other with dignity and respect, and show courtesy in all meetings and contacts, both formal and informal.
- Show respect to and comply with the decisions of the Chair / the Mayor and Vice-Chair.

Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Return or securely destroy confidential papers.
- Not to use confidential information for purposes other than intended.

Local members

- Work with any joint ward member and/or members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward:

- Explain to anyone seeking assistance that he/she is not the local member; and
- Inform the local member, unless it would lead to a breach of confidentiality.

4. Political Differences and personal criticism

- 4.1 This Protocol is not intended to restrict or discourage legitimate, political debate. However, it is also in the interests of local people that there are cordial working relationships between members of different Political Groups. These working relationships will be assisted if they are supported by a clear set of guidelines and it is these that this Protocol is intended to provide. The relationship between the members of different Political Groups will also be supported if all Members adhere to high standards of courtesy and mutual respect in their dealings with one another.
- 4.2 As with their relations with officers, in their dealings with fellow Members, it is important that robust debate of the issues at stake can take place without personal criticism of another person who holds a different point of view. Courtesy and civility must be maintained at all times.
- 4.3 Members' integrity should not be questioned by other Members in public in any media and nor should they be subject to any name-calling or abuse. Questioning a fellow Member's integrity is likely to be a particularly serious matter and must never occur unless there is a very exceptional justification; for example, if there is very clear documentary evidence to substantiate any allegation made. Even in these circumstances it will rarely be appropriate to question a Member's integrity publicly without first pursuing other established procedures which are available for the investigation of allegations of ethical misconduct. Members will note the requirement to comply with the confidentiality obligations set out in both (i) the Members' Code of Conduct, and (ii) the Council's Arrangements for dealing with allegations of misconduct).
- 4.4 The principles contained in this section must be adhered to in meetings of the Council and any Committee meeting, or any other meeting at which members of the public or third parties are entitled to be present. This principle must also be observed in all dealings with the press and other media which should not under any circumstances be used to undermine or personally criticise fellow Members whether or not those Members are named or identified in any press or other media article or briefing.

5. Meetings between Group Leaders

- 5.1 The Leader of any Group may request a meeting with the other Group Leader(s) at any reasonable time to discuss issues relating to current and/or forthcoming Council business, or any issues engaged by this Protocol. Following such a request, the Group Leaders will use all reasonable endeavours to meet as soon as is reasonably practicable thereafter.
- 5.2 Actions agreed at these meetings will be noted (unless the Group Leaders agree otherwise). The record of the meetings may be made by an officer appointed by the Monitoring Officer who, if not present for the whole meeting, will be invited in to record the agreed outcomes and actions.

6. Members' access to information and to Council documents

- 6.1 This is covered in the Council's Constitution in the Access to Information Rules (part 4(g)) and in the Member – Officer Relations Protocol (part 5(c)).
- 6.2 Members may share with other Members of the Council (but not third parties) exempt information unless expressly prohibited from doing so by the person or body providing the information but must ensure that any recipient Member is aware that the information may not be disclosed to any party outside the Council (see paragraph 7.3 below).

7. When things go wrong

- 7.1 From time to time the relationship between Members may break down or become strained. Whilst it will always be preferable to resolve matters informally through conciliation, and if necessary with the informal assistance of the Group Leaders, this is not always possible. Where this is the case, and a Member reasonably considers that another Member has acted in breach of this Protocol, the procedure in paragraph 7.2 will be followed.
- 7.2 If attempts at resolving matters informally have not been successful where a Member reasonably considers that another Member has acted in breach of this Protocol, then:-
- (a) the Member must make a written complaint to the other Member and copy that complaint to the relevant Group Leader(s). This must specify all incidents that the complainant intends to refer to, accompanied where reasonably possible by evidence in support, and set out the alleged breach of this Protocol;
 - (b) the Member who has been complained about shall (within 10 working days) respond in writing to the complainant and copy that response to the relevant Group Leader(s);
 - (c) the relevant Group Leader(s) shall (within 10 working days (or as soon thereafter as is reasonably practicable)) meet to discuss the complaint. If they both/all consider that the complaint is unreasonable, frivolous, or vexatious, that shall be the end of the matter and the Group Leaders shall inform the complainant accordingly.
 - (d) If they both/all consider that the complaint is of a technical or minor nature, they may invite the Member who has been complained against to make a written apology, in a form (and within a timescale) agreed between the relevant Group Leaders. Once that apology has been made that shall be the end of the matter unless the Member subsequently acts in a manner at variance with that apology;
 - (e) If any of the relevant Group Leaders considers the complaint is of a more serious nature than mentioned in the previous paragraph, or if the Member complained against fails to give the requisite apology, the relevant Group Leader(s) shall agree a suitable course of action which may include referral to the Monitoring Officer (if the threshold for dealing with allegations under the Councillor Code of Conduct has been reached);

- (f) both the Complainant and the Member complained about shall be advised in writing by the relevant Group Leader(s) of their decision;
- (g) a Complainant may at any time withdraw a complaint by notice in writing to the other Member and copy that notice to Group Leaders.

7.3 Exceptions may be made to the procedures set out in paragraph 7.2 above if to do otherwise would conflict with the Council's policy on "Whistle blowing" or potentially prejudice a criminal investigation (whether in progress or reasonably contemplated in the future) or the complaint relates to a breach of the Councillor Code of Conduct where it shall be lodged as a formal complaint and the arrangements for dealing with allegations of misconduct shall be followed.

8. Complaints made during the Pre-Election Period

8.1 Complaints made by Members about other Members in connection with electoral matters in the run up to local elections (and any other relevant election) will be dealt with in accordance with the relevant legislative provisions that apply to the conduct of elections and in majority of the cases will require referral to the Electoral Commission.

Standards Committee

11 June 2025



Title	Update on Member Complaints
Purpose of the report	To update the Committee
Report Author	Linda Heron, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities.
Recommendations	Committee is asked to consider the numbers and outcomes of Member complaints dealt with since 1 January 2025
Reason for Recommendation	This Committee is responsible for the promotion of high standards of conduct by councillors and co-opted members and assisting the Members to observe the Code of Conduct.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> There have been 7 complaints under the Member Code of Conduct between 1 January 2025 - 31 May 2025 	<ul style="list-style-type: none"> To ensure the Committee is fully informed of recent activity
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Update the Committee 	<ul style="list-style-type: none"> Keep the Committee fully signed on all complaints under the Member Code of Conduct

- 1.1 This report seeks to update the Standards Committee on the numbers and outcomes of complaints about Members, received and considered under the Council's arrangements for dealing with allegations of a breach of the Code of Conduct.

2. Key issues

- 2.1 Under the Localism Act 2011 the Council has a duty to promote and maintain high standards of conduct by members and co-opted members and must adopt a code for dealing with the code of conduct matters.
- 2.2 In compliance with the duty in the Localism Act 2011 the Council had adopted Arrangements for dealing with complaints under the Member Code of Conduct. These arrangements require that the Monitoring Officer report to the Standards Committee on those complaints which:
- a. The Monitoring Officer has rejected
 - b. Have been referred to the Assessment or Hearing Sub-Committee
- 2.3 On 12 February 2025 the Committee received a report on the complaints under the Member Code of Conduct received by the Monitoring Officer for the period from 1 April 2024 to 31 December 2024.
- 2.4 At that time 3 complaints had been referred for independent investigation; 2 of the investigations have since concluded and the remaining one is still ongoing.
- 2.5 The investigator concluded that breaches of the Member Code of Conduct had occurred in the 2 complaints. The Standards Hearing Sub-Committee reached the findings and imposed the sanctions as follows:
- (i) Findings
Paras 1.1, 2.3, 5.1 and 8.2 of the Member Code of Conduct had been breached
 - (ii) Sanctions:
 - that the Subject Member be removed from the position of Chair of the Investigating and Disciplinary Committee; and
 - A motion of censure be put to Council on 24 April 2025.
- 2.6 On 12 February 2025 the Committee also received statements from the Committee members in relation to the Standards Hearing Sub-Committee held on 17 October 2024. Subsequently the Monitoring Officer initiated a procedural review by an independent adviser. The outcome of that review is expected by the end of June 2025 and will be reported at the next Committee meeting.
- 2.7 During the period from 1 January 2025 to 31 May 2025 a total of 7 complaints have been received and these are summarised as follows:

Member of public	Failure to call Committee mtg	Dismiss – not in jurisdiction	Closed
Member of public	Comments at Committee mtg	Informal resolution – apology	Closed
Member of public	Comments on social media	Informal resolution – apology	Closed

Member of public	Comments in correspondence	Informal resolution – parties to meet & reset	Closed
Cllr	Comments at Council mtg	Ongoing	Open
Cllr	Non-disclosure of interests	Dismiss – out of time	Closed
Cllr	Comments at Council mtg	Ongoing	Open

3. Complaints rejected by the Monitoring Officer

- 3.1 One of the 7 complaints receiving during the reporting period was rejected because it did not pass Stage 2 of the complaint assessment criteria – “out of time” / received more than 3 months after the alleged breach.

4. Complaints dealt with informally by the Monitoring Officer

- 4.1 The Council’s Arrangements include provision for the Monitoring Officer to consider informal resolution at any stage in the process for dealing with a complaint, subject to meeting the criteria in Annex C to Appendix 2 of the Arrangements.
- 4.2 Three of the 7 complaints received during the reporting period were closed following agreement to an informal resolution, all by means of an apology.

5. Options analysis and proposal

- 5.1 There are no options to consider as this report informs the Committee about the complaints received and actions taken.

6. Financial management comments

- 6.1 There is a cost for engaging an investigator for complaints which proceed to a Hearing. Although a budget had been allocated, in view of the number of complaints that required further investigation to date, an unfavourable variance is expected.

7. Risk management comments

- 7.1 Poor standards of conduct by the elected members may bring the Council into disrepute and erode public confidence in the local authority and the councillors.

8. Procurement comments

- 8.1 Not applicable to this report.

9. Legal comments

- 9.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members and must adopt a code for dealing with the code of conduct matters. This report contributes to fulfilling that duty.

10. Other considerations

10.1 There are no other considerations arising directly from this report.

11. Equality and Diversity

11.1 There is no impact on equality and diversity arising from this report. The Council has adopted arrangements for dealing with allegations of a breach of the Code of Conduct which ensure all complainants and subject members are treated fairly and equally.

12. Sustainability/Climate Change Implications

12.1 Not applicable to this report.

13. Contact

13.1 Linda Heron, Monitoring Officer l.heron@spelthorne.gov.uk

**Please submit any material questions to the Committee Chair and Officer
Contact by two days in advance of the meeting.**

Background papers: Arrangements for dealing with complaints under the Member Code of Conduct.

Appendices: None