

## TERMS OF REFERENCE

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

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

## **CORPORATE POLICY & RESOURCES COMMITTEE**

### **Membership**

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

### **Functions**

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

- Formulation of the Council's annual budget, including the capital and revenue budgets, prudential controls and council tax, and 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 to 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
- Matters that cross the remits of two or more 'service' committees and/or to resolve conflict
- To monitor and review Council policies and strategies that do not fall within a Service 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
- Any other matters which do not clearly fall within the remit of any of the other Service 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

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

	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
- Review and scrutiny of the exercise by the relevant authorities of the flood risk management functions which may affect the Council's area.
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals relevant to the Committee's functions and make recommendations to the Corporate Policy and Resources Committee.

## **ECONOMIC DEVELOPMENT COMMITTEE**

### **Membership**

9 members reflecting political balance.

### **Functions**

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

- Economic development, business partnerships and town centre viability & regeneration
  - Heathrow liaison
  - Business transformation, support and inward investment
  - Tourism
  - Transport
  - To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
  - To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
  - To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
  - To review and scrutinise budget proposals 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 monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services 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.



## **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 monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.

## **ADMINISTRATIVE COMMITTEE**

### **Membership**

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 Service 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 his staff) to attend the Panel to answer questions.
- Request the Chief Constable attends to answer questions where the PCC has been required to appear before the Panel.
- Make reports and recommendations on any action or decision of the Commissioner.

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

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

# REGULATORY COMMITTEES

## AUDIT COMMITTEE

(7 councillors reflecting political balance and one independent member)

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

## LICENSING COMMITTEE

13 members reflecting political balance

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

- h. The decision to give a counter notice to a temporary use notice.
3. In relation to Part II Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982:
    - a. To grant or refuse applications for the grant, renewal or transfer of licences for sex establishments;
    - b. To grant or refuse applications for variations;
    - c. To attach such terms, conditions and restrictions to licences as is seen necessary and appropriate;
    - d. To revoke licences
    - e. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local Government (Miscellaneous Provisions) Act 1982.
  4. In relation to taxi and private hire licensing:
    - a. the adoption of all policies relating to taxi and private hire licensing.
    - b. In relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to revoke, refuse, to grant or renew, hackney carriage and private hire drivers and operators licences in circumstances where staff consider it appropriate to refer the matter to the Committee or Sub-Committee;
    - c. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local government (Miscellaneous Provisions) Act 1976 and the Local Government (Miscellaneous Provisions) Act 1982;
    - d. To determine applications for the revision of the taxi fare tariff pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
  5. The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
  6. To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee, 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)

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 1,000m<sup>2</sup> net additional floor space by new build (major application)
- 8 Recommendation of no objection for over 1,000m<sup>2</sup> 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 5000m<sup>2</sup>.
- 10 Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)
- 11 For the local listing of any building

## **STANDARDS COMMITTEE**

(9 Councillors reflecting political balance + 2 Independent Members)

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

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

- to keep an overview on the arrangements for dealing with complaints under the code of conduct, making alterations and publishing them where it considers necessary;
- to devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a hearings panel;
- to consult with the Independent Person on any matters which have broad implications for the promotion of high standards by the Council;
- to make recommendations to Council on standing orders for the registration and declaration of Disclosable Pecuniary Interests and other interests; and,
- to make recommendations to Council on any revisions to the Members' Code of Conduct and the registration of interests.
- To promote, manage and agree a programme of member development.

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

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





# 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.

## 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 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 his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.
4. To agree or authorise any protocols which are necessary to manage the suspension of the Statutory Officer and the investigation.
5. To review the suspension of the Statutory Officer after a period of two months has elapsed.
6. To decide whether to appoint an Independent Investigator to undertake a more detailed investigation of an allegation against the Statutory Officer or other issues under investigation.
7. To appoint an Independent Investigator selected from the list maintained by the National Joint Secretaries, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.
8. To consider the report of the Independent Investigator, and also give the Statutory Officer the opportunity to state his / her case and to question witnesses, where relevant, before making a decision.

# INDEPENDENT PANEL

## MEMBERSHIP

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

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

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

## RESPONSIBILITIES

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

Appropriate training should be provided for Independent Panel members.

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