

Council

23 February 2023



Title	Spelthorne Joint Committee - cessation of functions
Purpose of the report	To approve the recommendations in the report
Report Author	Farida Hussain, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Service delivery
Recommendations	<p>Council is asked to approve the recommendation of the Standards Committee to approve:</p> <ol style="list-style-type: none">1. the cessation of all the Borough Council's non-executive and advisory functions from the Spelthorne Joint Committee's remit as set out in the Joint Committee Constitution, be approved with immediate effect and2. those functions be delegated to the appropriate Committee as set out in Paragraphs 3.5 to 3.10 of this report.
Reason for Recommendation	To enable the Council to consider its position in light of the withdrawal of all County Council functions from the Spelthorne Joint Committee from 11 October 2022.

1. Summary of the report

- 1.1 Surrey County Council ("SCC") has withdrawn all of its functions from the Spelthorne Joint Committee from 11 October 2022 and has given 6 months' notice of its intention to withdraw fully from the Joint Committee by the end of the current municipal year. It is now for this Council to determine how it wishes to proceed with the remaining functions delegated to the Joint Committee by Spelthorne Borough Council. This matter was considered by the Standards Committee on 16th February 2023.

2. Key issues

Background

- 2.1 In 2016, this Council and SCC agreed to replace the former Local Committee (Spelthorne) with a new Spelthorne Joint Committee, which would deal not only with the range of executive and non-executive SCC functions that the Local Committee discharged locally, but also a range of executive and non-executive Spelthorne Borough Council (SBC) functions delegated to it, as well as a range of advisory functions relating to both Councils.
- 2.2 The Joint Committee comprises the seven County Councillors representing the seven County Divisions within the Borough, plus seven Borough Councillors appointed on a politically proportionate basis.
- 2.3 The first Joint Committee meeting was held in January 2017. Since then, there have been 19 meetings of the Spelthorne Joint Committee. It is worth noting that 46% of the business transacted at those meetings dealt with highways, infrastructure, and parking matters. The main SBC function dealt with by the Joint Committee has been Community Infrastructure Levy funding.

Withdrawal of functions by SCC

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

3. Options analysis and proposal

- 3.1 The effect of the decisions taken by SCC means that the Spelthorne Joint Committee now has no SCC functions delegated to it, and its remit only comprises the very limited number of SBC non-executive and advisory functions. On or before 30 April 2023, the Spelthorne Joint Committee will

cease to exist, although it is arguable that the Joint Committee cannot now be considered to be a “joint committee” where one of the two parties has withdrawn all of its functions. If it were to continue until 30 April 2023, this Council would have to manage meetings of the Joint Committee.

3.2 **Option 1 (recommended)**

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

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

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

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

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

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

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

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

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

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

3.11 **Option 2**

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

3.13 **Option 3**

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

4. Financial implications

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

5. Risk considerations

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

6. Procurement considerations

6.1 There are no procurement considerations applicable to this report.

7. Legal considerations

7.1 Under arrangements for any joint committee between two local authorities, it is implicit that any executive or non-executive functions delegated to a joint committee by one authority can be unilaterally withdrawn by that authority. SCC has exercised its right to withdraw all of its functions from all Joint Committees and Local Committees in the county and has agreed to give six months' notice under the terms of the Joint Committee's Constitution of its wish to withdraw from the Joint Committee.

7.2 If the Council agree to withdraw SBC's non-executive functions, the Joint Committee will effectively be dissolved at that point, without the need to wait for the expiry of the six months' notice referred to above.

8. Other considerations

8.1 There are none.

9. Equality and Diversity

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

10. Sustainability/Climate Change Implications

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

11. Timetable for implementation

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

12. Contact

12.1 Farida Hussain, f.hussain@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix A – Spelthorne Joint Committee updated 11 October 2022

Appendix B – Proposed additions to Terms of Reference of Committees