

TERMS OF REFERENCE

CABINET

(9 Members)

The role of the Leader is to carry out all functions, which are not the responsibility of any other part of the Council, whether the Council itself or any Committee appointed by the Council, either by virtue of the law or the terms of the Council's Constitution. In doing so the Leader has to appoint a Cabinet.

The Leader decides to what extent the Cabinet will lead in the preparation of the Council's budget and policy framework, submitting proposals on them to the Council and taking decisions within the budget and framework agreed by the Council. The Leader will allocate portfolios of responsibility for Cabinet Members.

In exercising their powers and functions the Leader and Cabinet are authorised to incur supplementary expenditure not exceeding 5% of the net revenue budget and £20,000 or 5% whichever is the greater, on any scheme within the approved capital budget for the year without reference back to the Council.

The Cabinet/Leader has the following local choice functions:

Function	Decision making body	Delegation of functions
1. Any function under a Local Act other than a function specified or referred to in regulation 2 or schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Cabinet/ Leader	Some specific functions under the Staines Town Hall and Market Act 1872, Staines Metropolitan Act and Surrey Act have been delegated to officers – see Officer delegation scheme
2. Any function relating to contaminated land.	Cabinet/ Leader	Some specific functions under the Environmental Protection Act 1990 Part IIA have been delegated to officers – see Officer delegation scheme

Function	Decision making body	Delegation of functions
3. The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet/ Leader	Most functions under pollution prevention and Control Act 1999, Environment Act 1995 Part IV, Environmental protection Act 1990 Part I and Clean Air Act 1993 have been delegated to officers – see Officer delegation scheme
4. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet/ Leader	The functions under s16 of the Local Government (Miscellaneous Provisions) Act 1976 have been delegated to officers – see Officer delegation scheme
5. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Cabinet/ Leader	The functions under s113 of the Local Government Act 1972 have been delegated to an officer – see Officer delegation scheme
<p>6. The appointment of any individual:</p> <ul style="list-style-type: none"> (a) to any office other than an office in which he is employed by the authority; (b) to any body other than; <ul style="list-style-type: none"> i. the authority; ii. a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, <p>and the revocation of any such appointment.</p>	Cabinet/ Leader except in the case of charitable organisations, the SW Middlesex Crematorium Board and Surrey Police and Crime Panel.	

OVERVIEW AND SCRUTINY COMMITTEE

(15 members)

1. GENERAL ROLE

- (a) To be councillor led and discharge the function of overview and scrutiny as a critical friend in relation to the development of policies and strategies to meet local needs and in relation to service delivery and performance management;
- (b) Review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- (c) Make reports and / or recommendations to the Council and / or the Cabinet in connection with the discharge of any of the functions;
- (d) Question members of the Cabinet and / or committees and the Chief Executive, Deputy Chief Executives or Heads of Service about their views on issues and proposals affecting Spelthorne and on their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (e) Consider any matter affecting Spelthorne or its inhabitants; and
- (f) Exercise the right to call in for reconsideration, decisions made but not yet implemented by the Cabinet.

2. POLICY REVIEW AND DEVELOPMENT

- (a) To assist the Council and the Cabinet on policy issues generally including the initiation and development of new policies and strategies (this includes not just the Council's policies and strategies but those of other bodies which affect the well being of the Spelthorne Community);
- (b) To consider and advise the Cabinet and Council on the content of the Corporate Plan;
- (c) To review, consider and recommend improvements and developments in advance of the decisions of the Cabinet in relation to policy matters;
- (d) Conduct research, and consultation in the analysis of policy issues and possible options;
- (e) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
- (f) Liaise with other external organisations operating in Spelthorne, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

3. SCRUTINY AND REVIEW

- (a) To review and monitor the Council's performance management arrangements and draw attention to local residents concerns;

- (b) To review and monitor the implementation of the Corporate Plan;
- (c) To review and monitor performance in meeting the Council's annual targets;
- (d) To review and monitor how and to what effect policies and strategies are being implemented and to make reports and recommendations, including proposals for changes to policies and practices to the Council and the Cabinet (this includes not just the delivery of Council policies and strategies but those of other bodies which affect the well being of the Spelthorne community);
- (e) To review and monitor performance acting as a critical friend to the Cabinet regarding the Council's budget and policy framework;
- (f) To review and monitor any areas that the Committee believes is not performing setting up task groups as required;
- (g) To review and scrutinise as a critical friend the performance and decisions of the Cabinet in relation to service provision and performance management and to exercise the right of 'call in' of decision in accordance with the provisions of the Constitution;
- (h) To review and scrutinise the performance of other public bodies in Spelthorne, in particular they will exercise the Council's scrutiny responsibilities arising under the Police and Justice Act 2006 and the 'Councillor Call for Action' provisions under the Local Government and Public Involvement in Health Act 2007 and invite reports from appropriate public bodies by requesting them to address the committee and local people about their activities and performance; and
- (i) Question and gather evidence from any person (with their consent) to fulfil its purpose.

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 members)

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 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.

LICENSING COMMITTEE

(15 members)

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

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 Sub-Committee.

In respect of local choice functions:

Function	Decision making body	Delegation of functions
1. The service of an abatement notice in respect of a statutory nuisance.	Licensing Committee	The functions under s80(1) of the Environmental Protection Act 1990 have been delegated to officers – see Officer delegation scheme
2. The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Licensing Committee	
3. The inspection of the authority's area to detect any statutory nuisance.	Licensing Committee	The functions under s80 and s80A of the Environmental Protection Act 1990 have been delegated to officers – see Officer delegation scheme
4. The investigation of any complaint as to the existence of a statutory nuisance.	Licensing Committee	The functions under s80 and s80A of the Environmental Protection Act 1990 have been delegated to officers – see Officer delegation scheme

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)

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 Head of Planning and Housing Strategy 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 **5 (five)** net additional residential units whether by change of use or new build (minor application).
7. Approval of over 1,000m² net additional floor space by new build (major application) or over 2500m² net additional floorspace by change of use
8. Recommendation of no objection for over 1,000m² net additional floor space or 2500m² net additional land area in connection with 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 2500m².
10. The confirmation of Tree Preservation Orders (TPO's)
11. Planning enforcement action which relates to potential loss of a home (Human Rights Act)
12. Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)

13. For the local listing of any building

In respect of local choice functions:

Function	Decision making body	Delegation of functions
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning Committee	The functions under s330 of the Town and Country Planning Act 1990 have been delegated to officers – see Officer delegation scheme

MEMBERS' CODE OF CONDUCT COMMITTEE

(8 Councillors + 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 10 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.

Hearings Panels of the Members' Code of Conduct Committee (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, a Cabinet responsibility or an outside body (as appropriate); or,
- a combination of any of the above.

STAFFING AND APPEALS 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 decide all appeals made by employees of the Council against dismissal, suspension or other disciplinary action, relegation, grading or their rights under the National Provincial or Local Schemes of Conditions of Service in accordance with agreed local procedures and the relevant Scheme of Conditions of Service.
2. To determine disciplinary, capability, grievance and appeal matters in relation to the Council's chief officers in accordance with the Local Authorities (Standing Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001
3. To deal with all other employment matters which are not delegated to the Head of Paid Service and which are non- executive matters under the Local Authorities (Functions and responsibilities) (England) Regulations 2000
4. As a local choice function to determine an appeal against any decision made by an on behalf of the Council (except those made by the regulatory committees.

ASSETS OF COMMUNITY VALUE MEMBER PANEL

Membership

A panel of 5 councillors, one taking the position of the chairman.

All councillors, with the exception of Cabinet members or ward councillors where the asset concerned is within their ward, 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

The remit and terms of reference of this Panel are as follows: -

- (a) To assess and make recommendations to the Leader in respect of nominations made to the Council under the scheme.
- (b) To assess and make recommendations to the Leader for how to deal with compensation payments claimed under the scheme following the receipt of appropriate valuation advice.

THE MEMBERS DEVELOPMENT STEERING GROUP

MEMBERSHIP

(7 Members)

RESPONSIBILITIES

1. The Terms of Reference of the Steering Group:

- (a) To Lead on member development activities/needs and on-going arrangements for member development with the assistance of the officer support team;
- (b) To review and Monitor the Council's Member Development Policy Statement and Development Framework and make recommendations to the Cabinet;
- (c) To prepare and submit an annual training programme to the Cabinet having taken account of the outcome of the annual member development survey and reviewing events held;
- (d) To recommend to the Cabinet the budget provision required for members development;
- (e) To champion member development at Spelthorne;
- (f) To analyse Member Development needs at a corporate and individual level in the context of the Council's Plan for the future; and
- (g) To help 'sell' development opportunities to councillors.

2. The key roles of the Chairman and Vice-Chairman with the support of the other members of the Group will be:

- (a) To generally promote member development opportunities and raise awareness of the Member Development Policy Statement;
- (b) To ensure all members return completed survey forms on member development including nil returns;
- (c) To be involved in contacting a sample of members who have attended training events six months on to judge impact in terms of their role as a councillor and report back to the group;
- (d) To work with the officer support team to agree member development events with other neighbouring authorities; and
- (e) To promote awareness of the member learning library.

3. The Member Development Action Plan covers the following areas:

- **Commitment to Member Development** - the top political and management leadership commitment to the development of elected members and the Policy Statement
- **Member Led Strategy - Strategic Approach** - supports the Member Led strategy and the process for identification of needs of members at both individual and council wide level
- **Learning and Development is Effective in Building Capacity**
- **Work / Life Balance and Citizenship**

4. The Member Development Policy Statement is attached

SPELTHORNE BOROUGH COUNCIL

MEMBER DEVELOPMENT POLICY STATEMENT

Spelthorne is committed to training, development and learning for all of its members.

1. COMMITMENT

The Council:-

- (a) accepts the need to provide appropriate training development and learning opportunities for elected Members;
- (b) fully accepts its responsibility to make resources available to provide training, development and lifelong learning opportunities to maximise the potential of its Members. It acknowledges that the enterprise, initiative and creativity of Members is crucial to the future development and success of Spelthorne's services;
- (c) recognises that continuing investment and commitment to training, development and lifelong learning are vital to Spelthorne if quality services are to be provided, maintained and continually improved and for the recruitment and retention of high calibre members;
- (d) requires Members to ensure that the training and development needs are identified to enable the appropriate investment of the Authority's resources in the training and development of all Members; and
- (e) recognises its responsibility to provide equal access for all Members to training and development in accordance with equal opportunities legislation and existing policies.

2. OBJECTIVES

2.1. Members training and development requirements are those necessary to:

- enable individual Members to carry out their role efficiently and effectively and gain satisfaction from their work as Members
- keep Members up-to-date on new legislation and changing policies
- undertake specific duties and responsibilities
- assist with the implementation of corporate and service strategies
- ensure progression in their role as Members
- prepare for further roles and responsibilities

2.2. The identification of the training development and learning needs of individuals and groups of Members is vital to the success of any training development and learning strategy evolving from this policy.

2.3. All training development and learning activities provided for Members will be consistent with, and support, the Council's Corporate Plan, various strategies and

service policies. The implications for training development and learning will be recognised in and by future strategic plans and policies.

3. IMPLEMENTING THE POLICY - IDENTIFYING PRIORITIES

3.1. The Council recognises that employee and Member training and development needs must have equal importance if the Council is to continue to be successful in achieving its business objectives. Nevertheless, certain needs should be prioritised to form part of a Training, Development and Lifelong Learning Strategy. The following are identified as the 'first steps' for Members:

- (a) induction training that ensures new Members are provided with the necessary information and awareness of Spelthorne's required standards and internal and external workings and relationships;
- (b) training, development and lifelong learning related to continual improvement in the quality and delivery of services and the achievement of identified business objectives;
- (c) skills training in areas that:-
 - enables Members to carry out their roles and responsibility more effectively;
 - enables Members to carry out their civic duties effectively;
 - the Council has identified within the Corporate Plan and/or Annual Targets;
 - the Council has statutory obligations;
 - are essential to the maintenance and improvement of service standards;
 - are necessary to maintain/increase income;
 - prevent inefficiency or waste;
 - meet changes in legislation
- (d) communication skills and training to ensure Spelthorne communicates effectively both internally and with the community and business it serves;
- (e) Customer care skills and training to ensure Spelthorne treats customers (internal and external) in a courteous and equitable way;
- (f) training and education in the current and future use of new technology;
- (g) appropriate health and safety training;
- (h) equalities and diversity training to ensure social inclusion.

4. RESOURCES

4.1. The Council will provide a budget for Members training, development and learning that enables it to achieve its business objectives subject to finances and resources being available. In particular, the Council will take into account the following factors:-

- (a) the identified training, development and learning needs of Members;

- (b) training, development and learning needs that are essential to improve and progress the agreed policies and strategies of the Council;
- (c) the costs of training, development and learning from such areas as course fees, hire of external training providers, hire of facilities, training materials and travelling and subsistence

4.2. The Member Development Steering Group has been set up:

- To lead on Member development activities/needs and ongoing arrangements for Member development with the assistance of the Officer support team
- To review and monitor the Council's Member Development Policy Statement and Development Framework and make recommendations to the Cabinet
- To prepare and submit an annual training programme to the Cabinet having taken account of the outcome of the annual Member development survey and a review of events held
- To recommend to the Cabinet the budget provision required for Member development each year
- To champion Member development at Spelthorne
- To analyse Member Development needs at a corporate and individual level in the context of the Council's plan for the future
- To help 'sell' development opportunities to Members

4.3. The Steering Group reports directly to the Cabinet.

4.4. The development, coordination and responsibility for the analysis and provision of appropriate Member training and development activities will be carried out by the relevant Assistant Chief Executive (responsible for People and Partnerships) and Head of Human Resources in consultation with the Member Development Steering Group. Administrative support to the Steering Group is provided by Committee Services.

NB:

1. Learning is defined as the continuous development of an individual's potential.
2. Underpinning this policy, is Spelthorne's commitment to:

The principles of the Investors in People Standard by

- (a) making a public commitment to develop all employees and Members to achieve its business objectives;
- (b) reviewing regularly the training and development needs of all employees and Members;
- (c) taking action to train and develop employees on recruitment and throughout their employment or in the case of Members upon being elected and throughout their life as a Member at Spelthorne
- (d) evaluating the investment in training, development and learning to assess achievement and improve future effectiveness.

3. The principles of the South East [SE] Charter for Elected Member Development

- (a) Being fully committed to developing our elected Members in order to achieve the Council's aims and objectives.
- (b) Adopting a Member led strategic approach to elected Member development.
- (c) Having a Member learning and development plan in place that clearly identifies the difference development activities will make.
- (d) Seeing that learning and development is effective in building capacity.
- (e) Addressing wider development matters to promote work-life balance and citizenship.