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SURREY
COUNTY COUNCIL

Making Surrey a better place

CONSTITUTION

OF THE

COUNCIL

CONSTITUTION OF THE COUNCIL

Part 1 – Summary and Explanation

THE CONSTITUTION OF THE COUNCIL

PART 1

SUMMARY AND EXPLANATION

The Council's Constitution

Surrey County Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to determine.

The Constitution is divided into 14 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution sets out its purpose and the overall objectives of the County Council. It then goes on to explain the rights of the public and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- The Leader (Article 5)
- The Cabinet (Article 6)
- Select Committees (Article 7)
- Regulatory and other Committees (Article 8)

- Health and Wellbeing Board (Article 8A)
- Local Committees (Article 9)
- Joint arrangements (Article 10)
- Officers (Article 11)

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- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

How the Council operates

The Council is composed of 81 councillors (or "Members") elected every four years. Councillors are democratically accountable to electors in their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents.

The Council has a code of conduct for Members to ensure high standards in the way they undertake their duties. The Audit and Governance Committee provides training and advice to them on the code of conduct.

How decisions are made

The Leader of the Council is responsible for most day-to-day decisions. These decisions can be delegated to a Cabinet, individual Cabinet Members, Local Committees, individual local Members, or officers. The Council appoints the Leader from the 81 elected county councillors for a four year term. The Leader appoints a Deputy Leader and a Cabinet. The Cabinet is made up of the Leader, Deputy Leader and between one and eight other elected councillors. When major decisions are to be discussed or made, these are published in the Leader's Cabinet forward plan in so far as they can be anticipated. The Cabinet meets in public except where personal or confidential matters are being discussed. Decisions have to be made in line with the Council's overall policies and budget. If a decision which is outside the budget or policy framework is required, this must be referred to the Council as a whole to decide.

Overview and scrutiny

There are a number of select committees which between them support the work of the Leader/Cabinet and the Council as a whole. They are responsible for advice and policy development, and for the scrutiny of decisions on executive

functions. These committees will both research policy options for the Leader/Cabinet and review and scrutinise policy, practice and performance. They can 'call-in' a decision which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the decision is reconsidered by the decision maker.

The select committees may be consulted by the Leader/Cabinet or the Council on forthcoming decisions and the development of policy, and shall be consulted on proposals forming part of the policy framework.

Local committees

There are local committees with responsibilities in each of the district/borough areas. They will help Members in representing their constituents and communities, as well as the County Council.

The Council's staff

The Council has people working for it who give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and Members of the Council.

The public's rights

The public have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights.

The public have the right to:

- vote at local elections if they are registered;
- contact their local county councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, the Cabinet and the Council's committees except where, for example, personal or confidential matters are being discussed;

- petition to request a referendum on a mayoral form of executive;

- participate in question time at meetings of the Cabinet and some committees, present petitions relating to matters within the terms of reference of the Cabinet or a committee, and make representations on planning applications and applications relating to public rights of way;

- find out, from the Leader's Cabinet forward plan, what major decisions are to be discussed or decided, and when;

- attend meetings where Cabinet key decisions are being discussed or decided;

- see reports and background papers, and any record of decisions made by the Council and Leader/ Cabinet, Cabinet Members and the Council's or Cabinet's committees;

- complain to the Council about the Council's services. The Council has a three stage complaints procedure. If anyone has reason to believe the Council has acted improperly they may complain to the Monitoring Officer who will investigate the complaint as the final stage in the procedure;

- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints procedure;

- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and

- inspect the Council's accounts and make their views known to the external auditor during the 20 working days statutory period prior to the external auditor giving his/her opinion.

The Council welcomes participation by the public in its work. For further information on your rights, please contact the Lead Manager, Democratic Services.

Any member of the public is entitled to inspect agenda and reports of Council meetings and to attend those meetings. There are some circumstances where the Council is entitled to exclude the public where confidential or exempt items are being discussed. All agenda and reports (except those that contain confidential or exempt information) are published on the Council's website.

CONSTITUTION OF THE COUNCIL

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PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 1 – THE CONSTITUTION

1.01 **Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 **The Constitution**

This Constitution, and all its appendices, is the Constitution of Surrey County Council.

1.03 **Purpose of the Constitution**

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership through its own work and in partnership with other organisations, and to help the people and communities of Surrey improve their quality of life. It wants Surrey to be a prosperous, safe and attractive place in which to live and work – for the present generation and for the sake of generations to come. In particular, it wants to make sure that its services represent the best possible value for money so that its limited budget achieves the greatest good;

2. involve Surrey people and Surrey organisations in what it does to make Surrey a better place;

3. ensure that it keeps up with the changing needs of Surrey people and that the services it provides are the services that people want and need;

4. help county councillors represent their constituents more effectively;

5. enable decisions to be taken efficiently and effectively;

6. create a powerful and effective means of holding decision-makers to public account;

7. ensure that no one will review or scrutinise a decision in which they were directly involved;

8. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and

9. provide a means of improving the delivery of services to the Surrey community.

1.04 **Interpretation and Review**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purpose above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 Composition and eligibility

(a) **Composition:** The Council comprises 81 councillors, otherwise known as Members, who are elected by the voters of each electoral division in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

(b) **Eligibility:** Only registered voters of the county or those living or working there will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election and terms: The regular election of councillors will be held on the first Thursday in May every four years unless otherwise required by Order; the next election will be in May 2017. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

(a) **Key roles**

All councillors will:

(i) collectively appoint the Leader of the Council ('Leader');

(ii) collectively set the budget and approve the statutory and strategic plans in the policy framework;

(iii) represent their communities and bring their views into the Council's decision-making process;

(iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(v) balance different interests identified within the electoral division and represent the electoral division as a whole;

(vi) meet regularly with community highway officers to discuss matters within his or her division;

(vii) be involved in decision-making;

(viii) be available to represent the Council on other bodies; and

(ix) maintain the highest standards of conduct and ethics.

(b) **Rights and duties**

Attendance at meetings

(i) Members of the Council may attend any meeting of the Cabinet or any committees of the Council of which they are not appointed members.

(ii) Any Member who attends any such meeting may only speak with the Chairman's consent in circumstances where there is:

(a) an item on the agenda at the Member's request (see paragraph (iv) below);

(b) an item on the agenda in which the Member has a local or general interest;

(c) an item on the agenda related to an original motion standing in the Member's name which has been referred by the Council; and

(d) a question of which the Member has given notice.

A time limit of three minutes per speaker will apply, and normally statements and questions on particular agenda items will be taken under procedural matters.

(iii) Any Member of the Council may request a meeting with the Leader and/or appropriate Cabinet Member about an item of business affecting his/her electoral division.

(iv) Members of the Council may give notice that they wish to propose an item for inclusion on the agenda of a meeting of the Cabinet, (any committee of the Cabinet), or any committee of the Council. Notice must be given by e-mail or in writing not later than 14 days before the meeting. If the Chairman of the Cabinet or committee agrees, the item will be considered at the next meeting. The Member may attend the meeting and, with the consent of the chairman, speak on the item.

(v) The Leader or appropriate Cabinet Member with portfolio responsibilities for a matter on the agenda of a select committee meeting may attend the meeting of the committee and, with the chairman's consent, speak on the matter.

(vi) Where a select committee makes a report to the Leader/Cabinet, the chairman of the committee may attend the meeting of the Cabinet and, with the Chairman of the Cabinet's consent, speak for the committee on its report.

(c) **Agenda and Reports**

(i) Any Member of the Council will on request be entitled to receive the agenda and any related reports or other documents for any or all meetings of the Cabinet, any committees of the Cabinet or any committees of the Council of which they are not appointed members.

(ii) Requests for agenda should be made by e-mail or in writing. All requests will cease to be effective following the next Annual Meeting of the Council unless specifically reaffirmed at that time.

(Note: Any notice referred to in these paragraphs should be made by e-mail or in writing to the Democratic Services Lead Manager).

(d) **Material relating to previous business**

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet, or its committees, and which contains material relating to any business previously transacted at a meeting of the Cabinet unless either (i) or (ii) below applies:

(i) it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information as set out in Article 3.02(k); or

(ii) it contains the advice of a political adviser.

(e) **Material relating to key decisions**

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet, or its committees, which relates to any key decision unless paragraph (i) or (ii) above applies.

(f) **Local Decisions**

(i) Members will be consulted and asked to confirm (within a framework of allocated time and resources) the work plan for community gangs carrying out highway works within his or her division.

(ii) Members will be consulted by the officer responsible for responding as a statutory consultee on applications for HGV operator licences in relation to sites within his or her division.

(g) **Nature of rights**

These rights of a Member are additional to any other right he/she may have.

(h) **Confidentiality**

Members of the Council will not disclose information which has been given to them in confidence or which is exempt without the consent of the Council or divulge information as defined in the Access to Information Rules.

2.04 **Conduct**

Members will at all times observe the General Principles of Conduct adopted by the County Council, the Member Code of Conduct and the Member/Officer Protocol set out in Part 6 of this Constitution.

2.05 **Allowances**

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme summarised in Part 7 of this Constitution.

2.06 **Publication**

This Constitution will be published on the Council's website.

A copy of this Constitution will be available in all Group Rooms, and copies will be available to Members on request.

Copies are also available for inspection at Council offices, can be accessed via Surrey libraries, and can be purchased by members of the local press and the public on payment of a small charge.

ARTICLE 3 – THE PUBLIC AND THE COUNCIL

3.01 The Public's rights

The public have the following rights:

(a) Voting, petitions and questions

Residents on the electoral roll for the county area have the right to vote and sign a petition as a means of bringing issues to the Council's attention, or to request a referendum for an elected mayor form of executive. The public may also ask questions at meetings of the Cabinet and at most of the Council's committees.

(b) Information

In summary, the public have the right to:

(i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) attend meetings of the Cabinet when key decisions are being considered except where confidential or exempt information is likely to be discussed, and the meeting is therefore held in private;

(iii) take photographs, film, audio-record and report (including via social media) on all meetings of the Council and its committees held in public;

(iii) be notified in advance that all or part of a Cabinet meeting may be held in private, to make representations as to why it should be held in public and to receive a response to those representations;

(iv) find out from the Notice of Decisions what key decisions will be taken, and when, so that they can make their views known;

(v) see reports and background papers, and any records of decisions made by the Council, Leader and/or the Cabinet, their committees, and by officers on their behalf under delegated powers; and

(vi) inspect the Council's accounts and make their views known to the external auditor during the statutory 20 working days period prior to the external auditor giving his/her opinion.

(c) **Complaints**

The public have the right to complain to:

(i) the Council itself under its complaints procedure;

(ii) the Local Government Ombudsman after using the Council's own complaints procedure;

(iii) the Council's Monitoring Officer about a breach of the Members' Code of Conduct.

3.02 **Access To Information Rules:**

Part A - General

(a) **Scope**

These rules allow the public rights of access to meetings and information and reflect the Council's policy of open, transparent and accountable decision-making. They apply to all meetings of the Council, select committees, Health Scrutiny Committee, local committees, Planning and Regulatory Committee, Audit and Governance Committee, People, Performance and Development Committee, and the Cabinet (together called meetings).

(b) **Additional rights to information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

(c) **Rights to attend meetings**

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

(d) **Notices of meeting**

The Council will give at least five clear days notice of any meeting by posting details of the meeting at County Hall and at the venue of the meeting if outside County Hall, except where Rule (6.05 1(f)) (special urgency) applies (see page 26).

(e) **Access to agenda and reports before the meeting**

The Council will make copies of the agenda and reports open to the public available for inspection on the Council's website and at the designated office at least five clear days before the meeting. If an item is added to the agenda later, each such report will be made available to the public as soon as the report is completed and sent to councillors, and the revised agenda will be open to inspection from the time the item was added to the agenda.

(f) **Supply of copies**

The Council will supply copies of:

(i) any agenda and reports which are open to public inspection;

(ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(iii) if the proper officer thinks fit, any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

(g) **Access to minutes after the meeting**

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

(i) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(iii) the agenda for the meeting; and

(iv) reports relating to items when the meeting was open to the public.

(h) **Non-Executive Decisions Delegated to officers**

As soon as reasonably practicable after an officer has made a non-executive decision delegated to them by the Council, its committees or sub-committees or a joint committee, the officer will produce a written statement which includes:

(i) a record of the decision including the date it was made;
(ii) a record of the reasons for the decision;
(iii) details of any alternative options considered and rejected by the officer when making the decision;
(iv) a record of any conflict of interest declared by any Member who is consulted by the officer which relates to the decision; and
(v) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

The requirements listed in (f) (i) - (v) above apply only to decisions to grant a permission or licence; that affect the rights of an individual; or to

award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

(i) **Inspection of documents following non-executive decisions**

After an officer has made a non-executive decision, the proper officer will ensure that a copy of:

(i) any records prepared in accordance with the decisions made and
(ii) any report considered by the officer and relevant to the decision or, where only part of the report is relevant to such a decision, that part,

will be available for inspection by members of the public, as soon as is reasonably practicable, at the main Council offices and on the Council's website.

(j) **Background papers**

List of background papers

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(i) disclose any facts or matters on which the report or an important part of the report is based; and

(ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule (k)) and in respect of Cabinet reports, the advice of a political adviser.

(k) **Public inspection of background papers**

The list of background papers will be included when a copy of the whole or part of a report for a meeting is made available for inspection by members of the public.

At least one copy of each of the documents included in that list, will be available for inspection by the public at the main Council offices and on the Council's website. The Council will make these documents available for public inspection for four years after the date of the meeting.

(l) **Summary of public's rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be published on the Council's website.

(m) **Exclusion of access by the public to meetings**

Where any meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Orderly conduct and misbehaviour – lawful powers to exclude

Lawful powers may be used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

Members of the public exercising their right to take photographs, film, audio-record and report at a meeting may be excluded if their activity or behaviour is disruptive to the conduct of the meeting.

Confidential information – requirement to exclude public

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

Confidential information means information given to the Council by a Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Exempt information means information falling within the following 7 categories (subject to the qualifications set out in paragraphs 8, 9 and 10 below):

Category	Description of Exempt Information
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications:

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –

   (a) the Companies Acts (as defined in Section 2 of the Companies Act 2006);
   (b) the Friendly Societies Act 1974;
   (c) the Friendly Societies Act 1992;
   (d) the Industrial and Provident Societies Acts 1965 to 1978;
   (e) the Building Societies Act 1986; or
   (f) the Charities Act 1993.

9. Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

10. Information which -

    (a) falls within any of paragraphs 1-7 above; and
    (b) is not prevented from being exempt by virtue of paragraph 8 and 9 above,

    is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(n) **Exclusion of access by the public to reports**

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule (k), the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

(o) **Decisions to be taken at a meeting held in private**

The Council will produce public notices and follow the procedures set out in Access to Information Rule (6.05 (j)) - Procedures prior to a private meeting (see page 29) of its intention to hold all or part of a Cabinet meeting (including its committees) in private.

(p) **Reporting of public meetings**

Any person attending a meeting in public for the purpose of reporting the proceedings will, so far as practicable, be afforded reasonable facilities for taking their report.

ARTICLE 4 – THE COUNCIL

4.01 How the Council operates

The Council is composed of 81 councillors (or "Members") elected every four years. Councillors are democratically accountable to electors in their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents.

The Council has a code of conduct for Members to ensure high standards in the way they undertake their duties. The Audit and Governance Committee provides training and advice to them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and holds him/her to account. It sets the framework in which the Cabinet operates through approval or modification of the budget and designated statutory and non-statutory plans.

4.02 Council meetings

There are three types of Council meeting:

(a) the annual meeting;

(b) ordinary meetings;

(c) extraordinary meetings.

and they will be conducted in accordance with the Council's Standing Orders in Part 4 of this Constitution.

4.03 Chairing the Council

The Chairman and Vice-Chairman of the Council will be elected by the Council annually. Both appointments will be subject to a valid enhanced criminal records check.

The Chairman will uphold and promote the purposes of the Constitution and interpret the Constitution when necessary.

The Chairman will preside over the meetings of the County Council. The Chairman will fulfil a range of ceremonial and public functions as the civic leader of the Council and act as the principal spokesman for the Council in this capacity. In both of these roles the Chairman will act on behalf of the whole Council and in a non-partisan manner.

The Vice-Chairman of the Council will fulfil the role of the Chairman in his/her absence.

4.04 **Functions of the Council**

Only the Council will exercise the following functions:

(a) appointment and removal of the Leader of the Council;

(b) approval of the Constitution and any changes to it, apart from changes to Part 3 in relation to executive functions which will be discharged by the Leader/Cabinet and reported to the Council;

(Note: This includes the approval of standing orders, procurement standing orders and the appointment of proper officers.)

(c) approval of the annual Budget, setting the Council Tax and issuing the precept;

(d) approval of statutory and strategic plans within the policy framework;

(e) making, amending, revoking, re-enacting or adopting statutory schemes, plans, bye-laws or other similar documents requiring formal ministerial sanction;

(f) promoting or opposing the making of any local legislation or personal bills;

(g) functions, status or boundaries of local authorities;

(h) appointment of the Chairman and Vice-Chairman of the Council;

(i) appointment of committee chairmen and vice chairmen as set out in Standing Order 6.8;

(j) decisions in respect of any executive functions which are contrary to or not wholly in accordance with the agreed budget and policy framework, apart from those falling into the categories approved by the Council as in-year decisions which the Leader/Cabinet can take;

(k) approval of a Members' Allowances Scheme;

(l) confirmation of the appointment of the Head of Paid Service;

(m) arrangements for enabling questions to be put on police matters at Council meetings;

(n) functions which by law may not be delegated;

(o) appointment of the Monitoring Officer.

(Note: Where legally permissible, certain of these functions may be delegated by Council).

4.05 **Policy Framework**

The policy framework means the following plans and strategies:-

Plans required by regulation:

- Community strategy
- Development Plan Documents (including Waste and Minerals Local Development Documents (LDDs))
- Local Transport Plan
- Civil Contingencies Plan
- Youth Justice Plan
- School Organisation Plan

Plans required from partnerships of which the Authority is a member:

- Drug and Alcohol Team Strategy
- Mental Health and Psychological Well-being Strategy
- Surrey Safeguarding Children's Board Report

Plans included at the Council's discretion:

- A Plan for Waste Management
- Corporate Strategy
- Admission Arrangements for Maintained Schools
- Children and Young People's Strategy

4.06 **Principles of decision making**

The following principles will apply to decisions taken by or on the Council's behalf, both in the general public interest and in the interests of ensuring that the Council is able to defend its actions against legal challenge:

(i) That Members are fully and effectively advised by officers in exercising both executive and non-executive functions;

(ii) That decisions by Members are only taken after the submission of written reports;

(iii) That decisions have clear aims and desired outcomes;

(iv) That relevant matters are fully taken into account in decision making;

(v) That nothing irrelevant is taken into account;

(vi) That decisions are proportionate to the desired outcome;

(vii) That decision-making respects human rights;

(viii) That there is a presumption in favour of openness;

(ix) That the Council's Constitution is fully complied with; and

(x) That decisions on executive functions are recorded and published, together with options considered and rejected, the reasons and relevant background papers.

4.07 **Decision making by committees acting as tribunals**

The Council, a Member or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the Human Rights Act 1998.

4.08 **Urgent decision making**

In the event that any matters arise in circumstances rendering it impossible for the Leader/Cabinet or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Chief Executive (or in his/her absence a member of the Corporate Leadership Team) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the Council's and the public's interests, provided that he or she shall first consult the Chief Finance Officer and/or the Monitoring Officer (or their representative) and either the Leader (or in his/her absence, the Deputy Leader, or in his/her absence another Cabinet Member) (in respect of executive functions) and the Chairman (or in his/her absence, the Vice-Chairman or chairman or vice-chairman of the relevant committee) (in respect of non-executive functions).

Any decisions taken in accordance with Article 4.08 will be reported to the next meeting of the appropriate Member level body.

4.09 **Budget**

Throughout this Constitution the phrase "setting the budget" is used to denote the approving of the annual budget requirement (as regulated by the Local Government Finance Act 1992), and the determination of all of the components of the budget such as allocation to different services, schemes, and projects, proposed taxation levels, the creation of contingency funds (reserves and balances), the plan of capital expenditure, and strategy for funding capital expenditure through borrowing or other means.

The term "in-year budget" refers to the approved revenue budget, capital budgets, and respective funding plans for the year, together with contingency funds set aside at the start of the year (i.e. reserves and balances).

The budget and policy framework will be prepared in accordance with the arrangements described in the Budget and Policy and Framework rules on page 28.

4.10 **Responsibility for Functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader/Cabinet.

ARTICLE 5 – THE LEADER

5.01 Role

The Leader will be a councillor elected to the position of Leader by the Council. The appointment will be subject to a valid enhanced criminal records check.

The Leader will hold office for four years from the first annual meeting of the Council following the County Council election, expiring on the day of the post election annual meeting which follows his/her election as Leader, unless, at an earlier date:

(a) he/she resigns from the office; or

(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(c) he/she is no longer a councillor; or

(d) he/she is removed from office by resolution of the Council.

If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on the day of the post election annual meeting which follows his/her election, subject to (a) to (d) above.

The Leader will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless otherwise delegated by him/her. All delegations by the Leader will be set out in Part 3 of this Constitution.

5.02 Functions of the Leader

The Leader shall be responsible for maintaining a list (which the Chief Executive will compile on the Leader's behalf) in Part 3 of this Constitution setting out who will exercise executive functions. Executive functions can be exercised by the Leader, Cabinet, individual Cabinet Members, committees, individual local Members or officers. Any changes to Part 3 of the Constitution in relation to executive functions will be reported to the next appropriate meeting of the County Council.

The Leader will be Chairman of the Cabinet.

Only the Leader will exercise the following functions:

(a) appointment of the Deputy Leader

(b) appointment of the Cabinet

(c) preparation of the Leader's Cabinet forward plan

5.03 **Deputy Leader**

The Deputy Leader will be a councillor appointed to the position of Deputy Leader by the Leader. The appointment will be subject to a valid enhanced criminal records check.

The Deputy Leader will hold office until the end of the term of office of the Leader, or until:

(a) he/she is removed from office by decision of the Leader; or

(b) he/she resigns from the office; or

(c) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(d) he/she is no longer a councillor.

If for any reason the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in his/her place.

If for any reason the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining members of the Cabinet must either act collectively in the Leader's place or they must arrange for a Cabinet Member to act in the place of the Leader.

5.04 **Role of the Deputy Leader**

(a) The Deputy Leader will be Vice-Chairman of the Cabinet.

(b) The Deputy Leader will exercise all functions reserved to the Leader in his/her absence.

ARTICLE 6 – THE CABINET

6.01 Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, as delegated by the Leader.

6.02 Form and Composition

The Cabinet will consist of the Leader of the Council and Deputy Leader together with at least 1, but not more than 8, councillors appointed to the Cabinet by the Leader, who will report the appointments, and any changes to these appointments, to the Council.

6.03 Cabinet Members

Cabinet Members shall be appointed by the Leader. Each appointment will be subject to a valid enhanced criminal records check.

They will hold office until the day of the post election annual meeting or until:

(a) they are removed from office, either individually or collectively, by decision of the Leader; or.

(b) they resign from office; or

(c) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

(d) they are no longer councillors.

6.04 Cabinet Associates

Other Members may, from time to time, be designated by the Leader as Cabinet Associates. Each appointment will be subject to a valid enhanced criminal records check.

A Cabinet Associate will not be a member of the Cabinet and will not participate in Cabinet decision-making but may work closely with a Cabinet Member(s). He or she will not be a member of any select committee relating to the specific responsibilities of the Cabinet Member(s) he or she is assisting or any other area to which they are assigned, but will be able to serve on unrelated select committees.

Cabinet Associates will not have delegated powers and will not be entitled to vote at Cabinet meetings.

The Leader will advise the Democratic Services Lead Manager in writing of the names of designated Cabinet Associates and of the Cabinet Member(s) they will assist. The Democratic Services Lead Manager will report the designation to the next meeting of the Council.

6.05 Cabinet Procedure Rules

1. How the Cabinet operates

(a) Delegation of executive decisions

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council. The Leader has responsibility for the discharge of all executive functions. He/she can delegate any/all of these functions (except those reserved functions) to:

(i) the Cabinet as a whole;
(ii) a committee of the Cabinet;
(iii) an individual member of the Cabinet;
(iv) an officer;
(v) a local committee;
(vi) joint arrangements;
(vii) a local Member in relation to their Division, or
(viii) another local authority.

(b) Delegation by the Cabinet

The Leader will appoint the Cabinet and will determine the individual portfolios to be allocated to Cabinet Members. A record shall be kept of:

(i) the names, addresses and electoral divisions of the Members appointed to the Cabinet by the Leader;

(ii) the terms of reference and constitution of any executive committees that the Cabinet may appoint and the names of Cabinet Members appointed to them;

(iii) the nature and extent of any delegation of executive functions to local committees, individual Cabinet Members, individual local Members, any other authority or any joint arrangements and the names of those Members appointed to any joint committee.

The Leader, Cabinet or a Committee in relation to decision making by officers within their statutory or delegated authority, may at any time require a particular issue or any aspect of delegated powers within their terms of reference to be referred to them for decision.

(c) **Sub-delegation of executive functions**

Where the Leader, Cabinet, or a committee of the Cabinet, is responsible for an executive function, they may delegate further to a local committee, joint arrangements, an individual Cabinet Member, an individual local Member in relation to their Division, or an officer.

(d) **The Council's scheme of delegation and executive functions**

Subject to paragraph (ii) below:

(i) The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details set out in Part 3 of this Constitution.

(ii) As and when the Leader amends the scheme of delegation in Part 3 relating to executive functions, the proper officer will report to the next meeting of the Council setting out the changes made by the Leader.

(iii) Table 2 in Part 3 of this Constitution sets out the responsibility for executive functions exercised by Cabinet Members.

(e) **Cabinet meetings**

The Cabinet will meet at times to be agreed by the Leader. The Cabinet will meet at the Council's main offices or another location to be agreed by the Leader. Notice of the time and place of a Cabinet meeting will be published in line with procedure set out in Access to Information Rule 6.05 (k).

(f) **Quorum**

The quorum for a meeting of the Cabinet is not fewer than three voting Members.

(g) **How decisions are taken by the Cabinet**

Decisions on executive functions which have been delegated to the Cabinet as a whole, a committee of the Cabinet or an individual Cabinet Member will be taken at a meeting convened in accordance with the Access to Information Rules.

2. **How Cabinet meetings are conducted**

(a) **Chairing meetings**

If the Leader is present he/she will preside. In his/her absence the Deputy Leader will preside.

(b) **Business at meetings**

The business at Cabinet meetings will include:

(i) matters referred to the Cabinet (whether by a Select Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Select Committees Procedure Rules or the Budget and Policy Framework Rules;

(ii) consideration of reports from select committees, local committees, any other committees of the Council, where the subject matter relates to more than one portfolio area or as determined by the Leader, and reports from borough/district scrutiny committees on matters relating to a Local Area Agreement improvement target; and

(iii) matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Rules.

The Cabinet will always formally respond to reports and recommendations made to it by any committees of the Council. Responses to reports and recommendations of select committees must be made within two months of receipt of the report. The Cabinet will also respond to reports from borough/district scrutiny committees on matters relating to a Local Area Agreement improvement target within two months.

(c) **Consultation**

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the appropriate select committees, and the outcome of that consultation. Reports to the Cabinet or Cabinet Members about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

(d) **Placing items on the Cabinet agenda**

Business for meetings of the Cabinet/Cabinet Member will be agreed by the Leader, together with other members of the Cabinet, the Chief Executive and/or Strategic Directors of the Council.

The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet/Cabinet Member where a Select Committee, or the full Council have resolved that an item be considered by the Cabinet.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting.

(e) **Cabinet Member meetings**

Cabinet Members will meet to exercise executive functions delegated to them by the Leader as set out in Table 2 of Part 3 of the Constitution. The business at Cabinet Member meetings will include:

(i) matters referred to the Cabinet Member (whether by a select committee or by the Council) for reconsideration by the Cabinet Member in accordance with the provisions contained in the Select Committees Procedure Rules or the Budget and Policy Framework Rules;

(ii) consideration of reports from select committees, local committees, any other committees of the Council where the subject matter relates to the Cabinet Member's portfolio area; and

(iii) matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Rules.

The Cabinet Member will always formally respond to reports and recommendations made to him/her by any committees of the Council. Responses to reports and recommendations of select committees must be made within two months of receipt of the report.

6.06 **Access to Information Rules:**

Part B - Cabinet

Notice of Key Decisions to be taken

(a) **Notice of decisions**

A notice will be published at least 28 clear days before the Cabinet (or its committees), Cabinet Member or other executive decision maker intends to make a key decision.

(b) **Contents of notice of decisions**

The notice of decisions will contain matters which the Cabinet has reason to believe will be the subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, an individual Cabinet Member, or under joint arrangements in the course of the discharge of an executive function. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

(i) that a key decision is to be made on behalf of the local authority;

(ii) the matter in respect of which a decision is to be made;

(iii) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;

(iv) the date on which, or the period within which, the decision will be taken;

(v) a list of the documents submitted to the decision taker for consideration in relation to the matter;

(vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(vii) that other documents relevant to those matters may be submitted to the decision maker; and

(viii) the procedure for requesting details of those documents (if any) as they become available.

The notice of decisions will contain particulars of the key decision but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

(c) **Key decisions**

A “key decision” means an executive decision which, is likely either –

(i) to result in the Council incurring expenditure, or making of savings with a value of £0.5m or over, and which are significant having regard to the budget for the service or function to which the decision relates; or

(ii) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the county.

(iii) “Key decisions” may only be made in accordance with the requirements of the Cabinet Procedure Rules.

(d) **Procedure before taking key decisions**

Subject to Rule (e) (general exception) and Rule (f) (special urgency), a key decision may not be taken unless:

(i) notice has been given to the chairman of the appropriate select committee in connection with the matter in question, and made publicly available at the Council's offices;

(ii) at least 5 clear days have elapsed since the publication of the notice; and

(iii) where the decision is to be taken at a meeting of the Cabinet, its committees, or an individual Cabinet Member, notice of the meeting has been given in accordance with Rule (3.02(d)) (notice of meetings).

(e) **General exception**

Where the publication of the intention to make a key decision via a notice under Rule (a) and (b) is impracticable then subject to Rule (f) (special urgency), the decision may still be taken where:

(i) the proper officer has informed the chairman of the appropriate select committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;

(ii) the proper officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and

(iii) at least 5 clear days have elapsed since the proper officer complied with (i) and (ii).

As soon as reasonably practicable after the proper officer has complied with the above, he or she must make available at the offices of the Council and on the Council's website a notice setting out the reasons why compliance with Rule (a) and (b) is impracticable.

(f) **Special urgency**

If there is not time to follow Rule (e) (general exception) then the decision can only be taken if the decision maker obtains the agreement of the chairman of the relevant select committee that the decision cannot reasonably be deferred. If there is no chairman of the select committee, or if the chairman is unable to act, then the agreement of the Chairman of the Council, or in his/her absence, the Vice-Chairman will suffice.

As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (f) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker will make

available at the offices of the Council and on the Council's website a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

(g) **Report to Council**

(i) **When a select committee can require a report**

If a select committee thinks that a key decision has been taken which was not:

(a) included in the notice of decisions; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with the select committee chairman, or the Chairman/Vice-Chairman of the Council under Rule (f) above;

the committee may require the Cabinet to submit a report to the Council. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by the chairman or any 5 Members. Alternatively the requirement may be raised by resolution passed at a meeting of the select committee.

(ii) **Cabinet's report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Cabinet is of the opinion that it was not a key decision the reasons for that opinion.

(iii) **Reports to Council on special urgency decisions**

In any event the Leader will submit at least one report annually, and at such intervals as may be determined, to the Council containing details of each of the executive decisions taken in the circumstances set out in Rule (f) above (special urgency) since the last such report. The report will include the particulars of the decisions so taken and a summary of the matters in respect of which those decisions were taken.

(h) **Record of Decisions**

(a) **Recording of executive decisions made at meetings**

As soon as reasonably practicable after any meeting of the Cabinet, any of its committees, or an individual Cabinet Member at which an executive decision was made, the proper officer, or if the

proper officer was not present at the meeting, the person presiding, will ensure that a written statement is produced for every executive decision made. This statement will include:

(i) a record of the decision including the date it was made;
(ii) a record of the reasons for the decision;
(iii) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
(iv) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
(v) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

(b) **Decisions by individual Members**

As soon as reasonably practicable after an individual Member has made an executive decision, that Member will produce or instruct the proper officer to produce a written statement of that executive decision which includes :

(i) a record of the decision including the date it was made;
(ii) a record of the reasons for the decision;
(iii) details of any alternative options considered and rejected by the member when making the decision;
(iv) a record of any conflict of interest declared by any Cabinet Member who is consulted by the Member which relates to the decision; and
(v) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

(c) **Decisions by officers**

As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer will produce a written statement which includes:

(i) a record of the decision including the date it was made;
(ii) a record of the reasons for the decision;
(iii) details of any alternative options considered and rejected by the officer when making the decision;
(iv) a record of any conflict of interest declared by any Cabinet Member who is consulted by the officer which relates to the decision; and
(v) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

(d) **Inspection of documents following executive decisions**

After a meeting of a decision-making body at which an executive decision has been made, or after an individual Member or an officer has made an executive decision the proper officer will ensure that a copy of:

(i) any records prepared in accordance with individual decisions made under (b) and (c) above; and
(ii) any report considered at the meeting or, as the case may be, considered by the individual Member or officer and relevant to a decision recorded in accordance with (b) or (c) or, where only part of the report is relevant to such a decision, that part,

will be available for inspection by members of the public, as soon as is reasonably practicable, at the main Council offices and on the Council's website.

(i) **Meetings of the Cabinet, Cabinet committees and individual Cabinet Member decision making to be held in public**

Meetings of the Cabinet, Cabinet committees and individual Cabinet Member decision making will be open to the public except to the extent that the public are excluded from a meeting during an item of business whenever:

(a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;

(b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or

(c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

A resolution under paragraph (b) will:

(i) identify the proceedings, or the part of the proceedings to which it applies, and

(ii) state, by reference to the descriptions in Schedule 12A to the 1972 Act (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.

The public may only be excluded under sub-paragraph (a) or (b) for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the decision-making body does not have the power to exclude members of the public from a meeting while it is open to the public.

While the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings will, so far as practicable, be afforded reasonable facilities for taking their report.

(j) **Procedures prior to private meetings**

(a) **Notice of private meetings – 28 days**

The Cabinet will give notice of its intention to hold all or part of a meeting in private at least 28 clear days before the meeting. This notice will be made available at the Council's main offices, be published on the Council's website and will include a statement of the reasons for the meeting to be held in private.

(b) **Notice of private meetings and response to representations received – 5 days**

A further notice of the intention to hold a meeting in private will be published in the same locations at least five clear days prior to the meeting. This notice will include a statement of the reasons for the meeting to be held in private, a summary of any representations received about why the meeting should be open to the public and a statement of the response to any such representations.

(c) **Exception to requirement to give notice of private meetings**

Where the date by which a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where the Cabinet has obtained agreement that the meeting is urgent and cannot reasonably be deferred from:

(i) the chairman of the relevant overview and scrutiny committee; or

(ii) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the Chairman of the County Council; or

(iii) where there is no chairman of either the relevant overview and scrutiny committee or the Chairman of the County Council, the vice-chairman of the County Council.

As soon as reasonably practicable after the Cabinet has obtained agreement under this provision to hold a private meeting, it will make available at the Council's main offices and on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

(k) **Procedures prior to public meetings**

Notice of the time and place of Cabinet (including any Cabinet committees) and individual Cabinet Member decision making meetings will be displayed at the Council's main offices and published on the Council's website:

(a) at least five clear days before the meeting; or

(b) where the meeting is convened at shorter notice, at the time that the meeting is convened.

An item of business may only be considered at a public meeting—

(a) where a copy of the agenda or part of the agenda including the item has been available for inspection by the public for at least five clear days before the meeting; or

(b) where the meeting is convened at shorter notice, a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.

6.07 **Budget and Policy Framework Rules**

(a) **The framework for executive decisions**

The Council will be responsible for the adoption of its budget and policy framework as set out in paragraph 4.05 of Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it. In agreeing a budget and policy framework, the Council shapes and to some extent limits the decisions which the Cabinet can take within the context of plans, policies and budgets.

(b) **Process for developing the budget and policy framework**

(i) The Cabinet will publicise by publishing details on the Council's website a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The appropriate select committee will be formally consulted at this stage.

(ii) Following consultation, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. The Cabinet will take any response from a select committee into account in

drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

(iii) The Council will limit the extent of in-year changes to the approved budget and policy framework which can be undertaken by the Cabinet in accordance with paragraphs 6.06 (c) to (g) of these rules.

Note: Where the Cabinet has submitted a draft plan or strategy to the Council and the Council has any objections to it, the process in Part 4 of Standing Orders shall apply.

(c) **Decisions outside the budget or policy framework**

(i) If the Cabinet, a committee of the Cabinet, an individual Cabinet Member, officers, local committees or joint arrangements discharging executive functions want to make a decision which they consider may be contrary to or not in full accordance with the approved policy framework and in-year budget, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer.

If the advice of those officers is that the decision would not be in line with the policy framework or would fall outside the limits of budget virement (as defined in paragraph 6.06 (e)), then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 6.06 (d) below shall apply.

(d) **Urgent decisions outside the budget or policy framework**

(i) The Cabinet, a committee of the Cabinet, an individual Cabinet Member, officers, local committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken:

(a) if it is not practical to convene a quorate meeting of the full Council; and

(b) if the chairman of the appropriate select committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the select committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the select committee, the consent of the Chairman of the Council, and in the absence of both, the Vice-Chairman, will be sufficient.

(ii) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

(e) **Virement**

The approved in-year budget (as defined in paragraph 4.09) represents the limits within which the Cabinet has discretion to use and allocate resources. Any decision on executive functions which would incur expenditure beyond the approved in year budget, or from any additional income (or savings) achievable, requires the agreement of the Council.

On the advice of the Chief Finance Officer, the Leader shall determine the requirements for and, if required, shall set the financial limit(s) within which budgets may be transferred by officers between budget heads within service areas without reference to and approval of the Cabinet. Such limits will be recorded in the Council's Financial Regulations.

The Cabinet will control virement by reference to the individual service or function budget heads approved by the Council and contained in the published in-year budget book. Officer virement will be restricted to budget transfers between budgets categorised by the Chief Finance Officer as "local risk" budgets.

The Cabinet will determine a framework for determining the treatment of year end budget underspends and overspends, and the limitations on the virement of budgets between years. The framework will be published in the in-year budget book.

(f) **In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions on executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by such decision makers except those changes:

(i) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(ii) necessary to ensure compliance with the law, ministerial direction or government guidance;

(iii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;

(iv) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

Such changes should be reported to the next meeting of the Council.

(g) **Call-in of decisions outside the budget or policy framework**

(i) Where the appropriate select committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the approved in year budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer who shall prepare a report.

(ii) In respect of functions which are the responsibility of the Leader/Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Leader/Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Leader/Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council if the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the select committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

(iii) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the approved in year budget, and/or virement rules relating to it, the select committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

(a) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

(b) amend the policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required

save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

(c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the in-year budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

6.08 **Call-In of local committee decisions by the Cabinet**

(a) The Cabinet may call-in for review and final determination any executive decision taken by a local committee which has significant policy or budgetary implications, subject to notice of call-in being given within 5 working days of publication of the decision.

(b) Notice of call-in may be given by the Leader or Deputy Leader, or any three or more members of the Cabinet.

(c) All members of the local committee will be notified that an executive decision taken by the Committee has been called in.

(d) The decision will be considered by the Cabinet at its next appropriate meeting in discussion with the local committee chairman and no action will be taken to implement it in the meantime.

(e) The local committee chairman may attend the Cabinet meeting for the consideration of the matter and speak on the item.

(f) The Cabinet may accept, reject or amend the decision taken by the local committee. A report on the decision taken by the Cabinet will be made to the next appropriate meeting of the local committee, and to the whole Council for information.

ARTICLE 7 – SCRUTINY FUNCTION

The Council will appoint a number of Boards to discharge the functions conferred by sections 21 and 21A and 22 and 22A of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000 in relation to the matters set out in the Select Committees Procedure Rules with the terms of reference set out below.

7.01 Scrutiny Boards - Terms of Reference

The number of Boards will vary from time to time as agreed by the Council. The boards will between them cover all of the executive functions. The portfolio of responsibility of each board is summarised in the Schedule.

The terms of reference of the boards appointed by the Council are set out as follows:

(a) **General role**

Within their agreed portfolio, boards will:-

(i) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any executive functions wherever they may be exercised;

(ii) Make reports and/or recommendations to the Council and/or the Leader/Cabinet/Cabinet Member and/or any joint or local committee in connection with the discharge of any functions; make reports and/or recommendations to partners.

(iii) Exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Leader/ Cabinet/ Cabinet Member and/or any joint or local committees;

(iv) Consider any matter affecting the County, part of the County or its inhabitants.

(b) **Specific role**

The Boards have three specific roles – scrutiny; overview, policy review and development; and performance management:

Within their agreed portfolios, the Boards will fulfil these roles by:-

(i) **Scrutiny**

- Reviewing and scrutinising the decisions made by the Leader/Cabinet/Cabinet Members, any joint or local committee and/or officers both in relation to individual decisions and over time;
- Questioning the Leader, Deputy Leader and members of the Cabinet and officers about their decisions and performance whether generally in relation to corporate plan policies and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- Reviewing the performance of statutory partners with regard to the achievement of improvement targets to which they are signed up. The board can require partner organisations to provide information in relation to the particular target.
- Scrutinising the Shareholder Board in respect of the performance of the Companies for which the Council is the majority shareholder.
- Making reports and/or recommendations to the Leader/Cabinet/Cabinet Member and/or Council arising from the outcome of the scrutiny process.
- Making reports and/or recommendations to partner authorities.

(ii) **Overview, policy development and review**

- Reviewing current policies and strategies and making recommendations to the Leader/Cabinet and/or the Council;

- Undertaking in-depth analysis of policy issues and options to assist the Council and the Leader/ Cabinet in developing and setting of budget and the policy framework;

- Considering matters referred to them by the Leader/Cabinet and reporting to the Leader/Cabinet with proposals;

- Monitoring the Leader's Cabinet forward plan and advising the Leader/Cabinet on matters within the remit of the Board;
- Reviewing and investigating matters which are not the direct responsibility of the County Council but which affect the economic, environmental and social well-being of the county.

(iii) **Performance and Finance**

- Reviewing and commenting on draft service delivery plans and budgets including priorities, targets and performance indicators.

- Undertaking in-depth performance reviews with the relevant Cabinet Member, Strategic Director and Heads of Service.

- Monitoring service risk management measures and identifying to the Leader, Deputy Leader or Cabinet Members significant risks and concerns;

- Anticipating and advising the Leader/Cabinet/ Cabinet Member or Council on areas of performance which give rise to concern.

7.02 **Council Overview Board**

The Board will take lead responsibility for the Council's overview and scrutiny function, ensuring that scrutiny focuses on key strategic issues, adds value, holds decision-makers to account, and contributes effectively to policy development.

Specific Role

- Approve Board work programmes and task group scoping documents prior to the commencement of work, ensuring that proposed reviews take account of any impact on other Council services outside their remit, do not duplicate work being carried out elsewhere, and can be properly resourced;

- Review performance, finance and risk information for all County Council services, referring issues to the appropriate scrutiny board for detailed scrutiny as necessary;.

- Review the performance of and hold to account any trading companies established by the County Council;

- Scrutiny of Business Services and the Chief Executive's Office, focusing the delivery and impact Council's corporate services across the County Council and commissioning reviews by the appropriate Boards as necessary.

- Act as a resource to the Cabinet in the development of strategic policies;

- Hold the Leader and Deputy Leader to account, scrutinising the delivery and impact of corporate policies and decisions.

7.03 **Wellbeing Board (Health Scrutiny)**
Terms of Reference

The Board may review and scrutinise health services commissioned or delivered in the authority's area within the framework set out below:

(a) arrangements made by NHS bodies to secure hospital and community health services to the inhabitants of the authority's area;

(b) the provision of both private and NHS services to those inhabitants;

(c) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;

(d) the public health arrangements in the area;

(e) the planning of health services by NHS bodies, including plans made in co-operation with local authorities, setting out a strategy for improving both the health of the local population, and the provision of health care to that population;

(f) the plans, strategies and decisions of the Health and Wellbeing Board;

(g) the arrangements made by NHS bodies for consulting and involving patients and the public under the duty placed on them by Sections 242 and 244 of the NHS Act 2006;

(h) any matter referred to the Scrutiny Board by Healthwatch under the Health and Social Act 2012;

(i) social care services and other related services delivered by the authority.

The Scrutiny Boards may require partner authorities to provide information in respect of matters relating to the health service in the authority's area.

In addition, the Scrutiny Board will be required to act as consultee to NHS bodies within their areas for:

(a) substantial development of the health service in the authority's area; and

(b) any proposals to make any substantial variations to the provision of such services.

These terms of reference include health services provided from a body outside the local authority's area to inhabitants within it.

The Wellbeing and Health Scrutiny Board may refer to the Secretary of State for Health any contested proposals for substantial change or variation in service. The Chairman of that Board will ensure all Members are notified when this power is utilised.

The Wellbeing and Health Scrutiny Board shall appoint a joint committee where an NHS body intends to consult on a substantial development or variation to health services that extends beyond the area covered by the Scrutiny Board and agree:

(i) the size of any joint committee appointed for this purpose in consultation with other appropriate authorities which have an interest as consultees;

(ii) the share of the Council's seats on each such joint committee; and

(iii) the County Council's membership of any such joint committee in accordance with the wishes of political groups.

7.04 **Scrutiny Board Procedure Rules**

(a) **Arrangements for Scrutiny Boards**

The number of Boards will vary from time to time as agreed by the Council. The committees will between them cover all of the executive functions, combining responsibilities for policy development and service improvement, and questioning decisions in respect of executive functions.

(b) **Membership of committees**

Any Member of the Council (except the Leader, Deputy Leader and members of the Cabinet) may serve on a scrutiny board. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

(c) **Co-optees**

Committees may co-opt non-councillors, as and when required, to provide a degree of independent advice and expertise. Co-opted members cannot have voting rights unless allowed by law.

(d) **Education representatives**

The board dealing with education matters shall include in its membership the following voting representatives:

(i) 1 Church of England diocesan representative;
(ii) 1 Roman Catholic diocesan representative; and
(iii) A minimum of 2 parent governor representatives.

This shall apply where the board's functions relate wholly or in part to any education functions which are the responsibility of the Leader/Cabinet/Cabinet Member. If the board deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

(e) **Meetings of boards**

The Boards shall meet regularly following an agreed calendar of meetings. In addition, extraordinary meetings may be called from time to time as and when appropriate. A board meeting may be called by the board chairman, by any 3 members of the board, or by the proper officer if he/she considers it necessary or appropriate.

(f) **Quorum**

The quorum for boards shall be one quarter of the total number of voting Members. A quorum may not be fewer than three voting Members.

(g) **Election of board chairmen**

The chairmen and vice-chairmen of the boards will be elected by the Council. The appointments of the Chairmen and Vice-Chairmen of the Social Care Services Board and the Education and Skills Board will be subject to a valid enhanced criminal records check.

(h) **Work programmes**

Boards will be responsible for setting their own work programmes and may include within them any business which they wish to review on the Leader's/Cabinet's/Cabinet Member's or Council's behalf. Any member of a board shall be entitled to give notice to the proper officer that he/she wishes to include an item relevant to the functions of the board on the agenda for the next available meeting. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

(i) **Referral of matters to boards ('councillor call for action')**

(i) Any Member of the Council may refer to a board any local government matter which is relevant to the functions of the committee.

(ii) The Member referring the matter may make representations as to why it would be appropriate to scrutinise the matter.

(iii) If the board decides not to scrutinise the matter, it must notify the Member of its decision and the reasons for it.

(iv) The board must provide the Member with a copy of any report or recommendations which it makes to the Leader/Cabinet/Cabinet Member or Council in relation to the matter.

(j) **Reports from boards**

(i) The boards will report their views and recommendations to the Leader/Cabinet/Cabinet Member, Council or partner organisations as appropriate. Boards may report direct to the Council where they wish to draw its attention to issues of interest or concern, or where they wish to enlist the Council's support or invite it to express a view.

(ii) If a board cannot agree on one single final report to the Leader/Cabinet/Cabinet Member or Council as appropriate, then a minority report may be prepared and submitted for consideration by the Leader/Cabinet/ Cabinet Member or Council with the majority report.

(iii) Boards will have access to the Leader's Cabinet forward plan and timetable for decisions and intentions for consultation and may respond in the course of the Leader's/Cabinet's/Cabinet Member's consultation process in relation to any key decision.

(k) **Rights to copies**

Subject to paragraph (l) below, a member of a board will be entitled to copies of any document which is in the possession or control of the Cabinet, its committees, or individual Cabinet Members and which contains material relating to any business transacted at a public or private meeting of the Cabinet, its committees, or individual Cabinet Members or any decision which has been made by an officer of the authority in accordance with executive arrangements.

A copy of the document must be provided as soon as reasonably practicable and in any case no later than 10 clear days after the request has been received. Where it is determined that, , a member of a board is not entitled to a copy of a document or part of any such document for a reason set out under paragraphs (k) and (l) a written statement must be provided to the relevant scrutiny board setting out the reasons for the decision.

(l) **Limit on rights**

A member of a board will not be entitled to:

(i) any document that is in draft form;

(ii) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision it is reviewing or scrutinising or intends to scrutinise; or

(iii) the advice of a political adviser.

(m) **Attendance by witnesses**

(i) Boards may examine and review decisions made or actions taken in connection with the discharge of any Council or executive functions as appropriate. As well as reviewing documentation, in fulfilling the scrutiny role board may require the Leader, Deputy Leader or any Member of the Council, and/or any senior officer to attend before it to explain in relation to matters within the board's remit:

(i) any particular decision or series of decisions;
(ii) the extent to which the actions taken implement Council policy; and/or
(iii) their performance

and it is the duty of those persons to attend if so required.

(ii) Where any Member or officer is required to attend a board under this provision, the board chairman will inform the proper officer. The proper officer shall inform the Member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the board. Where the account to be given to the board will

require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(iii) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the board shall, in consultation with the Member or officer, arrange an alternative date for attendance.

(iv) When officers appear to answer questions, their evidence will be confined, as far as possible, to questions of fact and explanation relating to policies and decisions. Officers may explain what the policies are and how administrative factors may have affected the choice of policy measures and the manner of their implementation. Officers may be asked to explain and justify advice that they have given in relation to the exercise of executive functions prior to decisions being taken, and to justify decisions they themselves have taken under the Scheme of Delegation where they fall within the terms of the matter under scrutiny. As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious, and should certainly not venture an opinion as to whether one policy option is preferable to another.

(n) **Attendance by others**

A board may invite people other than those people referred to in paragraph (m) above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, partner authorities, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

(o) **Call in**

The intention is that call in powers will be used exceptionally by scrutiny boards.

(i) When a decision is made by the Leader, Cabinet, individual Cabinet Members, a committee of the Cabinet or local Members in relation to their local area, or a key decision is made under joint arrangements or by officers, the formal record of the decision shall be published not later than three working days after the decision is taken. An information bulletin will be published on the S-Net on the day after the meeting summarising the decision taken pending publication of the record.

(ii) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the appropriate board objects to it and calls it in.

(iii) During that period, a decision may be called in for scrutiny by the board chairman or vice-chairman or any three or more other board members from more than one political group. The chairman shall call a meeting of the board within 10 working days of the expiry of the period referred to in paragraph (ii) above, and where possible after consultation with the decision maker(s).

(iv) If, having considered the decision, the board is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Council. If referred to the decision maker it shall then reconsider within a further 7 working days, amending the decision or not, before adopting a final decision.

(v) If following an objection to the decision, the board does not meet in the period set out in paragraph (iii) above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the board meeting, or the expiry of that further 10 working day period in paragraph (iii), whichever is the earlier.

(vi) If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no remit to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget.

Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council's request.

(vii) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

(viii) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

EXCEPTION

(ix) The call-in procedure set out above shall not apply where the decision being taken is urgent in accordance with Rule 6.05(f) (special urgency). A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairman of the scrutiny board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman of the board, the Chairman of the Council's consent shall be required. In the absence of both, the Chief Executive's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

(p) **The party whip**

When considering any matter in respect of which a member of the board is subject to an official party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

BOARDS AND SCRUTINY COMMITTEES

Name	Relevant Services
Council Overview Board	➢ Performance, finance and risk monitoring for all Council services *All corporate areas, including:* ➢ Budget Strategy/Financial Management ➢ Improvement Programme, Productivity and Efficiency ➢ Equalities and Diversity ➢ Corporate Performance Management ➢ Corporate and Community Planning ➢ Property estate and facilities management ➢ Emergency and Contingency Planning ➢ HR and Organisational Development ➢ IMT ➢ Procurement ➢ Legal and Democratic Services ➢ Other Support Functions ➢ Risk Management ➢ Europe ➢ Communications ➢ Transformation ➢ New models of delivery ➢ Digital strategy ➢ Cross cutting/whole council themes

Name	Relevant Services
Social Care Services Board	➢ Performance, finance and risk monitoring for social care services ➢ Services for people with: o Special Educational Needs o Mental health needs, including those with problems with memory, language or other mental functions o Learning disabilities o Physical impairments o Long-term health conditions, such as HIV or AIDS o Sensory impairments o Multiple impairments and complex needs ➢ Services for Carers ➢ Social care services for prisoners ➢ Safeguarding ➢ Care Act 2014 implementation ➢ Children's Services, including Looked after children Corporate parenting Fostering Adoption Child Protection Children with disabilities ➢ Transition ➢ Youth Crime reduction and restorative approaches ➢ Supporting Families Programme

	➢ Working together with partners ➢ Child Sexual Exploitation
Education & Skills Board	➢ Performance, finance and risk monitoring for education services ➢ Schools and Learning ➢ Services for Young People (including Surrey Youth Support Service) ➢ Special Education Needs and Disability ➢ Further Education ➢ Early Years Education ➢ Services to improve achievements for those children in Surrey's care ➢ Virtual school ➢ School places ➢ School transport ➢ Participation of young people not currently in employment , education or training ➢ Apprentices and skills for employment ➢ Adult and Community Learning

Name	Relevant Services
Resident Experience Board	➢ Performance, finance and risk monitoring for the following Council services: ➢ Community Safety, including: o Crime and Disorder Reduction o Relations with the Police ➢ Fire and Rescue Service ➢ Cultural Services, including: o Library Services o Major cultural and community events o Heritage o Arts o Citizenship o Registration ➢ Sport ➢ Volunteering and Voluntary Sector Relations ➢ Customer Services ➢ Localism ➢ Trading Standards and Environmental Health ➢ Legacy and Tourism ➢ Community engagement

Name	Relevant Services
Economic Prosperity, Environment & Highways Board	➢ Performance, finance and risk monitoring for the Environment & Infrastructure directorate ➢ Strategic Planning ➢ Economic Prosperity ➢ Countryside ➢ Waste and recycling ➢ Transport Service Infrastructure ➢ Aviation ➢ Highway Maintenance ➢ Community Transport ➢ Economic Development and the Rural Economy ➢ Housing ➢ Local Transport Plan ➢ Road Safety ➢ Concessionary Travel ➢ Minerals ➢ Parking regulation and enforcement ➢ Climate change and carbon energy ➢ Rights of way ➢ Cycle routes ➢ Gypsy and Traveller sites ➢ Biodiversity and wildlife ➢ Planning services ➢ Street lighting ➢ Flood prevention and infrastructure

Wellbeing and Health Scrutiny Board (Health Scrutiny)	➢ Review and scrutiny of all health services commissioned or delivered within Surrey ➢ Public health ➢ Statutory Health Scrutiny ➢ Review delivery of the Health and Wellbeing Strategy ➢ Health and Wellbeing Board

ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

8.1 The Council will appoint committees with the terms of reference set out in Part 3 of this Constitution and these committees will follow Parts 2 and 3 of Standing Orders as apply to them.

ARTICLE 8A – HEALTH & WELLBEING BOARD

The Council will appoint a Health and Wellbeing Board to discharge the functions conferred by the Health and Social Care Act 2012 and in accordance with regulations as set out below.

8A.1 Membership

In accordance with section 194 of the Health and Social Care Act 2012 the membership of the Health and Wellbeing Board is to consist of—

(a) at least one councillor of the local authority, nominated by the executive leader of the local authority. The executive leader of the local authority may, instead of or in addition to making a nomination, be a member of the Board,

(b) the director of adult social services for the local authority,

(c) the director of children's services for the local authority,

(d) the director of public health for the local authority,

(e) a representative of the local Healthwatch organisation for the area of the local authority,

(f) a representative of each relevant clinical commissioning group,

(g) such other persons, or representatives of such other persons, as the local authority thinks appropriate. At any time after a Health and Wellbeing Board is established, a local authority must, before appointing another person to be a member of the Board under subsection (g), consult the Health and Wellbeing Board,

(h) such additional persons as the Health and Wellbeing Board think appropriate.

8A.2 Functions

The Health and Wellbeing Board has the following functions under the Health and Social Care Act 2012:

1. a duty to encourage integrated working (section 195 of the Act) and:

    (i) must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner;

(ii) must, in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services;

(iii) may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board; and

(iv) may encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.

2. The exercise of the functions of the local authority and its partner clinical commissioning groups under sections 116 (joint strategic needs assessments) and 116A of the Local Government and Public Involvement in Health Act 2007 (joint health and wellbeing strategies). (section 196(1) of the Act)

3. By arrangement of the local authority, the exercise of any functions that are exercisable by the authority (this power does not apply to the functions of the authority by virtue of section 244 of the National Health Service Act 2006). (section 196(2) of the Act)

4. The Health and Wellbeing Board may give the local authority that established it its opinion on whether the authority is discharging its duty under section 116B of the 2007 Act (duty to have regard to assessments and strategies). (section 196(3) of the Act)

8A.3 **Terms of Reference**

In accordance with section 194(11) of the Health and Social Care Act 2012, the Health and Wellbeing Board is a committee of the local authority and, for the purposes of any enactment, is to be treated as if it were a committee appointed by the authority under section 102 of the Local Government Act 1972.

Regulations may provide that any enactment relating to a committee appointed under section 102 of that Act of 1972—

(a) does not apply in relation to a Health and Wellbeing Board, or
(b) applies in relation to it with such modifications as may be prescribed in the regulations.

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 modifies provisions in primary legislation relating to a committee appointed under section 102 of the Local Government Act 1972 (c.70) ("the 1972 Act") in so far as those provisions relate to Health and Wellbeing Boards and provides that certain provisions do not apply to Health and Wellbeing Boards. The following enactments therefore do not apply or are modified as prescribed:

1. Section 101(2) of the 1972 Act modified to enable certain functions of Health and Wellbeing Boards to be carried out by a sub-committee of a Health and Wellbeing Board and for functions of Health and Wellbeing Boards under section 196(2) of the 2012 Act to be carried out by a sub-committee of the Board or an officer of the local authority. The modification will also enable a sub-committee of the Board to arrange for functions under section 196(2) of the 2012 Act to be carried out by an officer of the authority. (Regulation 3)

2. Provision for section 102(2) of the 1972 Act to apply subject to section 194(2) to (9) of the 2012 Act and modifies section 102 to allow a Health and Wellbeing Board to appoint a sub-committee to advise the Board. (Regulation 4)

3. Section 104(1) of the 1972 Act in so far as that provision relates to Health and Wellbeing Boards, a sub-committee of such a Board, or a joint sub-committee of two 18 or more such Boards so as to remove the restrictions which would prevent certain local authority officers from being members of Health and Wellbeing Boards. This does not apply in so far as it relates to section 80(1)(b) and (d) of the 1972 Act. (Regulation 5)

4. Section 13(1) of the Local Government and Housing Act 1989 (c.42) ("the 1989 Act") modified so as to enable all members of Health and Wellbeing Boards to vote in a section 102 committee meeting unless the local authority directs otherwise. (Regulation 6)

5. Political balance requirements disapplied as set out in sections 15 and 16 of, and Schedule 1 to the 1989 Act, which apply to local authorities in relation to appointments to committees and sub-committees under section 102 of the 1972 Act in so far as those provisions relate to Health and Wellbeing Boards, a sub-committee of such a Board or a joint sub-committee of two or more such Boards. (Regulation 7)

The modification and disapplication provisions above also apply to sub-committees of Health and Wellbeing Boards and joint sub-committees of such boards.

The terms of reference and working arrangements for the Health and Wellbeing Board not set out in this article are to be determined by the Health and Wellbeing Board in accordance with applicable legislation and regulations at its first meeting and subject to review and revision by the Board as may be necessary.

ARTICLE 9 – LOCAL COMMITTEES

9.01 Local Committees

The Council will appoint local committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making. These may include joint committees appointed by the Council and the relevant District or Borough.

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish local committees.

The Leader/Cabinet will undertake a review of local committees annually, and make recommendations to the Council on their Constitution, Terms of Reference and Scheme of Delegation. The delegation of executive functions shall be determined by the Leader/Cabinet.

9.02 Form, composition and function

(a) **Local committees**. The Council has appointed local committees to discharge functions in the Surrey district/borough areas of the county, with the membership of each committee comprising the county councillors representing the electoral divisions which fall within the respective district/borough areas.

The membership of the committees may also include an equal number of co-opted district/borough councillors with voting rights in relation to those matters set out in Section 2 of the Scheme of Delegation.

Where the local committee is a joint committee the membership will comprise the county councillors representing the electoral divisions which fall within the respective district/borough areas, together with a member of the Council's cabinet if not already included, and an equal number of councillors from the relevant district or borough, together with any representation from its Executive as required by the regulations.

Where the local committee is a joint committee, it will operate according to its own Constitution, which will be published on the County Council's website as an annex to this Constitution.

(b) **Delegations.** The Council and the Leader have included details of the delegations to local committees in Part 3 of this Constitution, including the functions delegated (showing which are the responsibility of the Leader/Cabinet and which are not), the composition and membership of the committees, budgets and any limitations on delegation.

9.03 **Local committees – access to information**

Local committees will comply with the Access to Information rules in Part VA of the Local Government Act 1972.

Agendas and notices for local committee meetings which deal with both functions of the Leader/Cabinet and functions which are not the responsibility of the Leader/Cabinet will state clearly which items are which.

9.04 **Cabinet members on local committees**

A member of the Cabinet may serve on a local committee if otherwise eligible to do so as a Councillor. Where a local committee is a joint committee discharging executive functions a cabinet member will need to be appointed to that committee.

ARTICLE 10 - JOINT ARRANGEMENTS

10.01 The Council or the Leader/Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

10.02 **Joint arrangements**

(a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

(b) The Leader/Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

(c) Except as set out below, the Leader/Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political composition of the local authority as a whole.

(d) The Leader/Cabinet may appoint Members to a joint committee from outside the Cabinet in the following circumstances:

- the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Leader/Cabinet may appoint to the joint committee any councillor who is a Member for an electoral division which is wholly or partly contained within the area;

- the joint committee is between the County Council and a district council and relates to executive functions of the County Council. In such cases, the Leader/Cabinet may appoint to the joint committee any councillor who is a Member for an electoral division which is wholly or partly contained within the area.

In both of these cases the political balance requirements do not apply to such appointments.

(e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegation set out in Part 3 of this Constitution.

10.03 **Access to information**

(a) The Access to Information Rules will apply to joint arrangements.

(b) If all the members of a joint committee are members of the Cabinet/Executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

(c) If the joint committee contains members who are not on the Cabinet/Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

10.04 **Delegation to and from other local authorities**

(a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet/Executive of another local authority.

(b) The Leader/Cabinet may delegate executive functions to another local authority or the Cabinet/Executive of another local authority in certain circumstances.

(c) The decision whether or not to accept such a delegation of non-executive functions from another local authority shall be reserved to the Council meeting. The decision in respect of executive functions shall be reserved to the Leader/Cabinet.

10.05 **Contracting out**

The Council, for functions which are not executive functions, and the Leader/Cabinet for executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 11 - Officers

11.01 The Council will engage such staff as it considers necessary to carry out its functions. Persons will be appointed for the following posts in accordance with Article 4 and the Officers Employment Procedure Rules below:

(a) Chief Executive and Head of Paid Service
(b) Monitoring Officer
(c) Chief Finance Officer
(d) Such other posts as are referred to in legislation as "Chief Officer" posts
(e) Other posts as agreed between the Chief Executive and the Chairman of the Council.

11.02 **Functions of the Chief Executive and Head of Paid Service**

(a) Overall corporate management and operational responsibility, including overall management responsibility for all officers.

(b) Principal adviser to Members.

(c) Ensuring the proper conduct of the Council's affairs and the maintenance of a record of Council's decisions.

(d) Representing the Council with other agencies and externally.

(e) Determining and publicising the overall management structure for the Council and where appropriate reporting to the Council on these matters.

(f) Supporting the Council's civic role through the work of the Chairman of the County Council, the High Sheriff of Surrey and the Lord Lieutenant of Surrey.

(g) In consultation with the Monitoring Officer, considering applications from members of staff for exemption from political restriction in respect of a post they hold with the Council.

(h) In consultation with the Monitoring Officer, considering applications that the Council be directed to include any post in the list of politically restricted posts.

11.03 **Functions of the Monitoring Officer**

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Leader/Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Maintaining high standards of conduct.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct.

(d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

(e) **Receiving and dealing with allegations of misconduct.** The Monitoring Officer will receive and deal with allegations of misconduct in accordance with the Monitoring Officer Protocol set out in Part 6 of the Constitution.

(f) **Access to information.** The Monitoring Officer will ensure that executive decisions and delegated non-executive (Cabinet) decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

(g) **Advising whether executive decisions are within the budget and policy framework**. The Monitoring Officer will advise whether decisions on executive functions are in accordance with the budget and policy framework.

(h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.04 **Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Leader/Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and

is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.05 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

11.06 **Functions of the Designated Scrutiny Officer**

(a) Promote the role of the authority's overview and scrutiny committees.

(b) Provide support to the authority's overview and scrutiny committees.

(c) Provide support and guidance to:

i. Members of the authority
ii. Members of the Cabinet and
iii. Officers of the authority

in relation to the functions of the authority's overview and scrutiny committees.

11.07 **Conduct**

Officers will comply with the Staff Code of Conduct and the Member/Officer Protocol set out in Part 6 of this Constitution.

11.08 **Officer Employment Procedure Rules**

(a) The appointment and dismissal of staff will comply with Part 5 of Standing Orders.

(b) The Council will publish and follow Equal Opportunities policies in relation to the recruitment of all staff.

(c) The Council will establish a People, Performance and Development Committee of between four and six Members. The committee will be proportionate, but must include at least one member of the Cabinet. Except for the appointment and dismissal of the Chief Executive, which is dealt with below, the following shall be a function of the committee:

(i) the appointment of Chief Officers as defined in the Local Government and Housing Act 1989 and such other posts as are defined in paragraph 81 (a) to (e) of Part 5 of Standing Orders;

(ii) the dismissal of and taking disciplinary action against Chief Officers;

(iii) appointing a designated independent person in accordance with paragraph 86 of Part 5 of Standing Orders.

Any appointments and dismissals made under (i) and (ii) above will only take effect where no well-founded objection has been received from any member of the Cabinet.

(d) For such appointments the Chief Executive will be responsible for ensuring the preparation of a proper job description, statement of job accountabilities and a person specification, prior to advertising posts in such a manner as to attract the best possible candidates. Arrangements will be made for details to be sent to any person on request. The Chief Executive will then be responsible for drawing up a short list of candidates which he/she considers capable of performing the job satisfactorily from which the People, Performance and Development Committee will make a final appointment. Where no suitable person has applied for a post, further arrangements for advertising the post will be made. In relation to the appointment of a Chief Executive such arrangements will be made by the People, Performance and Development Committee with advice from specialist personnel staff.

(e) Determination of the conditions of employment (including variations to fixed term contracts) of the Chief Executive, Chief Officers and such other posts as are defined in paragraph 81(a) to

(e) of Part 5 of Standing Orders will be made by the People, Performance and Development Committee.

(f) All employees of the Council, other than those referred to in paragraph (c) above, will be formally appointed by the Chief Executive or other designated officers under authority delegated by the Council.

1. Appointment of Chief Executive

(a) The Council will approve the appointment of the Chief Executive/Head of Paid Service following the recommendation of such an appointment by the People, Performance and Development Committee.

(b) The Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

2. Other appointments

(a) **Other officers**. Appointment of officers other than those referred to in paragraphs 11.08 (c) apart from assistants to political groups, is the responsibility of the Chief Executive or his/her nominee, and may not be made by councillors.

(b) **Assistants to political groups**. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and the law.

3. Recruitment and appointment

(a) Declarations

(i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether he/she is the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

(ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

(b) Seeking support for appointment.

(i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the

Council. The content of this paragraph will be included in any recruitment information.

(ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.

(iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

4. Disciplinary action

(a) **Suspension**. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

(b) **Independent person**. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.

(c) Councillors will not be involved in the disciplinary action against any officer other than a Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

5. Dismissal

Councillors will not be involved in the dismissal of any officer other than a Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS

12.01 The management of the Council's financial affairs will be conducted in accordance with Financial Regulations.

Every contract made by the Council will comply with Procurement Standing Orders.

Any contract of a nature set out in Procurement Standing Orders entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

ARTICLE 13 – REVIEW AND REVISION OF THE CONSTITUTION

13.01 Changes to the Constitution

(a) **Approval.** Apart from those changes referred to in Article 4.04(b), changes to this Constitution will only be approved by the Council.

(b) **Change from a leader and cabinet form of executive to an elected mayor and cabinet, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals, and comply with legislative requirements.

ARTICLE 14 – SUSPENSION AND INTERPRETATION OF THE CONSTITUTION

14.01 Suspension of the Constitution

(a) **Limit to suspension**. The Articles of this Constitution may not be suspended. Only Standing Orders may be suspended by the Council in accordance with SO27.

(b) **Procedure to suspend**. The motion to suspend Standing Orders will not be moved without notice, unless at least half the total number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved taking account of the purposes of the Constitution set out in Article 1.

14.02 Interpretation

The ruling of the Chairman of Council as to the interpretation of Standing Orders and the proceedings of the Council shall not be challenged at any meeting of the Council.

CONSTITUTION OF THE COUNCIL

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THE CONSTITUTION OF THE COUNCIL

PART 3

SECTION 1

RESPONSIBILITY FOR FUNCTIONS

INTRODUCTION

The County Council is required by the Local Government Act 2000 and Regulations made under it to indicate how it has arranged for its functions to be carried out. The Scheme of Delegation ("the Scheme") sets out details of who is responsible for which functions in the Authority and the extent to which any functions have been delegated.

1. RESPONSIBILITY FOR FUNCTIONS EXERCISED ONLY BY THE COUNTY COUNCIL

1.1 **Article 4** in Part 2 of the Constitution sets out those functions which may only be exercised by the Council.

1.2 Council functions include those functions shown as such in the table of local choice functions set out at paragraph 5 below.

2. RESPONSIBILITIES AND FUNCTIONS EXERCISED BY THE LEADER

2.1 **Article 5** in Part 2 of the Constitution provides that the Leader will carry out all of the County Council functions which are not the responsibility of any other part of the County Council, whether by law or under this Constitution unless otherwise delegated by him or her.

SECTION 2

SCHEME OF DELEGATION

1 CABINET RESPONSIBILITIES AND FUNCTIONS

1.1 **Article 6** in Part 2 of the Constitution provides that the Cabinet will carry out the executive functions delegated to it by the Leader. Executive functions delegated by the Leader to the Cabinet, individual Cabinet Members, joint committees or local committees are set out below in paragraphs 8 and 7 respectively.

1.2 Cabinet functions shall include those functions shown as such in the table of local choice functions set out at paragraph 5 below

1.3 The Leader has delegated certain executive functions to officers. These, together with the functions delegated by the Council to officers, are set out in Section 3 of this Scheme.

1.4 Any changes made by the Leader to this Scheme in relation to executive functions will be reported to the next appropriate meeting of the County Council.

2. SELECT COMMITTEE RESPONSIBILITIES AND FUNCTIONS

2.1 **Article 7** in Part 2 of the Constitution sets out the role and functions of the select committees established by the Council.

3. RESPONSIBILITY FOR COUNCIL FUNCTIONS

3.1 **Article 8** in Part 2 of the Constitution enables the Council to appoint such committees as it considers appropriate to discharge functions which are not specifically the responsibility of the Cabinet or select committees. The role and functions of these committees are detailed below in paragraph 6. Local committees discharge both Council and executive functions. The role and functions of local committees are detailed in paragraph 7 of this section.

4. OVERALL LIMITATIONS

4.1 Any exercise of responsibility for functions or delegated powers shall comply with:

(a) any statutory restrictions;

(b) the Council's Constitution;

(c) the Council's policy framework and any other plans and strategies approved by the Cabinet;

(d) the in-year budget;

(e) the Members' Code of Conduct and the Code of Conduct for Staff;

(f) the Code of Practice on Local Authority Publicity;

(g) agreed arrangements for recording decisions.

4.2 The responsibilities for functions and delegations set out in this Scheme are subject to:

(a) the right of a select committee to consider a proposal within the policy framework;

(b) the discretionary powers of a select committee to call in or review executive functions;

(c) a requirement on the Cabinet to consult the Planning & Regulatory Committee on the parts of the Local Development Documents relevant to that committee's functions.

4.3 The Scheme does not delegate any matter:

(a) reserved by law or by this Constitution to the Council.

(b) which may not by law be delegated to an officer.

5. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

5.1 These are functions which may (but need not) be the responsibility of the Cabinet as set out in Schedule 2 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000. The table below indicates the arrangements the County Council has made in relation to making decisions with regard to its local choice functions.

Function	Decision Making Body
1. Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1.	The Cabinet (delegated where relevant to officers)
2. Determining appeals against any decisions made by or on behalf of the authority	The Council (responsibility for this function has been delegated to the appeals panel).
3. Arrangements for appeals in relation to school admissions and exclusions.	The Council (responsibility for this function has been delegated to officers to make arrangements for appropriate panels)
4. Arrangements for appeals by governing bodies	The Council (responsibility for this function has been delegated to officers to make arrangements for appropriate panels)

Function	Decision Making Body
5. Arrangements for enabling questions to be put on police matters at Council meetings	The Council (through Standing Orders)
6. Appointment of Members of the Police Authority	The Council
7. Obtaining information as to interests in land under the Town and Country Planning Act 1990 and as to particulars of persons interested in land under the Local Government (Miscellaneous Provisions) Act 1976.	The Cabinet (responsibility for this function has been delegated to officers).
8. Entering into agreements for the execution of highway works	The Cabinet (responsibility for this function has been delegated to officers).
9. Appointments to Outside Bodies: Outside bodies which carry out or relate to executive functions. Outside bodies other than those which carry out or relate to executive functions	 The Cabinet The Council (responsibility for this function has been delegated to the Planning and Regulatory Committee and to the Chief Executive under delegated powers).
10. Making arrangements with other local authorities for the placing of staff at the disposal of those authorities	The Cabinet (responsibility for this function has been delegated to officers)

6. RESPONSIBILITY FOR COUNCIL FUNCTIONS - COMMITTEES

These are functions which cannot be the responsibility of the Cabinet in accordance with Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("Schedule 1"), or as a result of other statutory provisions.

6.1 PLANNING AND REGULATORY COMMITTEE

6.2 Membership

12 Members of the authority

6.3 Terms of Reference

The committee will deal with all those non-executive functions set out in the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 as amended, except for those specifically reserved to Council (set out in Article 4) and those separately referred to in the Scheme of Delegation or within the terms of reference of other committees.

These include the following functions:

(a) Planning and development control

Functions relating to town and country planning and development control, including tree preservation orders and limestone pavement orders.

Entering into agreements for the execution of highway works.

(b) Licensing and Registration Functions

These include powers to issue safety certificates for sports grounds and fire certificates, powers under the Highways Act 1980, powers to licence the employment of children, and animal movement licences.

(c) Commons registration

The registration of common land or town and village greens and variation of rights of common.

(d) Health and Safety

Functions relating to health and safety otherwise than in the Council's capacity as employer.

(e) Births, Deaths and Marriages

Power to approve premises for the solemn sanction of civil marriages and the formation of civil partnerships and to approve the licensing of religious buildings for civil partnerships.

(f) **Rights of Way & Highways**

Those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, where a local committee is unable to determine the matter or has referred the matter to the Planning & Regulatory Committee for a decision.

(g) **Functions relating to elections**

(h) **Development Plans**

Advising the Cabinet on such aspects of the Local Development Documents or any other plan or policy of the Council which relates to these functions.

6.4 APPEALS AND REPRESENTATIONS PANEL

6.5 Membership

The Appeals and Representations Panel shall comprise a sufficient number of named Members of the Council not being Members of the Cabinet to ensure that appeals listed in paragraphs (b), (c), (d) and (e) may be heard and determined by committees comprising no fewer than three nor more than five Members on a cross party basis and drawn from the membership of the Panel and appointed by the Chief Executive after consultation with the group leaders. Members will be able to express a preference for a particular service area and this will enable them to specialise within that area and provide some continuity. Appropriate training will be given that reflects the variety of different processes involved.

6.6 Terms of Reference

The Panel will oversee the arrangements in relation to rights of appeal against decisions taken by or on behalf of the Council including:

(a) Determination of all appeals made against decisions of the Strategic Director, Children, Schools and Families or representations arising from the implementation of the Council's approved policies in connection with:

(i) financial assistance to parents;
(ii) awards, grants and bursaries;
(iii) the provision of school transport.

(b) Representations arising from decisions made by the Strategic Director, Children, Schools and Families in respect of private and voluntary residential care homes, children's homes and foster carers and prospective adopters.

(c) Determination of any staff appeals requiring to be heard by Members.

(d) Determination of appeals against decisions of the Chief Fire Officer following an initial hearing under the Fire Service (Discipline) Regulations 1985.

(e) Determination of appeals against any decision or exercise of discretion under the Fire Fighters' Pension Scheme.

6.7 AUDIT AND GOVERNANCE COMMITTEE

6.8 Purpose

The Council recognises the importance of undertaking scrutiny of the management of the internal control systems and the Audit & Governance Committee provides an independent and high-level focus on audit, governance and financial accounts matters

6.9 Membership

6 Members of the authority.

6.10 Terms of Reference

Regulatory Framework

(a) To monitor the effective development and operation of the risk management and corporate governance arrangements in the council.

(b) To monitor the effectiveness of the council's anti-fraud and anti-corruption strategy, including by reviewing the assessment of fraud risks.

(c) To monitor compliance with the council's corporate governance framework and advise or make recommendations to the Cabinet or County Council as appropriate.

(d) To review the Annual Governance Statement and commend it to the Cabinet.

(e) To conduct an annual review of the effectiveness of the system of internal audit.

(f) To provide oversight to the Annual Report of the Council.

(f) To make proposals to appropriate Select Committees on suggested areas of scrutiny.

Audit Activity

(a) To consider the Chief Internal Auditor's annual report and opinion, a summary of internal audit activity and the adequacy of management responses to issues identified.

(b) To approve the annual Internal Audit & Inspection plan and monitor its implementation.

(c) To approve the Internal Audit Charter.

(d) To consider periodic reports of the Chief Internal Auditor and internal audit activity.

(e) That the Chairman (or in his/her absence, the Vice-Chairman) be consulted upon the appointment or removal of the Chief Internal Auditor.

(f) To consider and comment upon the reports and plans of the external auditor, including the annual audit letter.

Accounts

(a) To consider and approve the annual statement of accounts and the Surrey Pension Fund accounts.

(b) To review the Council's Treasury Management strategy and consider periodic reports of treasury management activity.

(c) To undertake statutory functions as required on behalf of the fire fighters' pension schemes.

Ethical Standards

(a) To monitor the operation of the Members' code of conduct.

(b) To promote advice, guidance and training for Members and co-opted members on matters relating to the code of conduct.

(c) To ensure the Council's complaints procedures operate effectively.

(d) To grant dispensations to Members (including co-opted members) from requirements relating to interests set out in the Members' Code of Conduct.

6.11 PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE

6.12 Membership

6 Members of the authority (at least one of whom must be a member of the Cabinet).

6.13 Terms of Reference

The Committee will, subject to paragraph 6.15, appoint officers to those senior posts referred to in the Officers Employment Procedure Rules; and determine the conditions of employment (including variations to fixed term contracts) of such officers under the Officer Employment Procedure Rules. The Committee will act as the Council's Remuneration Committee under delegated powers.

The Committee will also:

(a) determine policy on pay, terms and conditions of employment of all staff.

(b) discharge the function of dismissal and taking disciplinary action against Chief Officers as defined in the Local Government & Housing Act 1989 (including appointing a designated independent person when required to do so).

(c) determine arrangements for joint consultation between the Council and representatives of recognised trade unions;

(d) determine procedures for the resolution of disputes between the Council and recognised trade unions; and

(e) consider and seek to resolve such disputes where this has not been possible at earlier stages of these procedures.

(f) determine any requests for early retirement under the Fire Fighters' Pension Scheme.

(g) in relation to the Chief Executive to determine any compensation payable on the termination of his or her contract of employment by reason of redundancy, early retirement or in the interests of efficient exercise of the Council's functions and applications for early payment of pension benefits.

(h) monitor individual performance management.

(i) consider the recruitment, appointment and remuneration of senior managers.

(j) monitor sickness absence management.

(k) consider strategic workforce planning.

(l) promote organisational development, skills and learning.

(m) promote equalities and diversity.

(n) promote continuous professional development and training.

(o) to determine pay progression for individual staff on senior pay in accordance with the Pay Policy Statement.

6.14 **APPOINTMENTS SUB-COMMITTEE**

6.15 **Membership**

4 Members of the People, Performance and Development Committee.

6.16 **Terms of Reference**

The Sub-Committee will appoint Deputy Chief Officers and determine the conditions of employment (including variation to fixed terms contracts) of such officers.

6.17 **MEMBER CONDUCT PANEL**

6.18 **Membership**

Ten County Councillors (including the Chairman and Vice-Chairman of the Council).

6.19 **Terms of Reference**

Determining whether a Member of co-opted member of the Council has breached the Members' Code of Conduct, having regard to the Council's published arrangements for dealing with standards allegations. Deciding what further action (if any) needs to be taken in the event that the Member has breached the Members' Code of Conduct.

6.20 **SURREY PENSION FUND BOARD**

6.21 **Membership**

- Six Members of the authority.
- One representative (trade union) from employee members of the Fund (no SCC members of staff entitled to membership due to restrictions in section 104, Local Government Act 1972);
- Two representatives from Districts and Boroughs of the Fund;
- One representative from all other employers in the Fund.

6.22 **Terms of Reference**

a) To undertake statutory functions on behalf of the Local Government Pension Scheme and ensure compliance with legislation and best practice.

b) To determine policy for the investment, funding and administration of the pension fund.

c) To consider issues arising and make decisions to secure efficient and effective performance and service delivery.

d) To appoint and monitor all relevant external service providers:
   - fund managers;
   - custodian;
   - corporate advisors;
   - independent advisors;
   - actuaries;
   - governance advisors;
   - all other professional services associated with the pension fund.

e) To monitor performance across all aspects of the service.

f) To ensure that arrangements are in place for consultation with stakeholders as necessary.

g) To consider and approve the annual statement of pension fund accounts.

h) To consider and approve the Surrey Pension Fund actuarial valuation and employer contributions.

7 LOCAL COMMITTEES[1]

7.1 **Membership**

Between 5 and 10 county councillors depending upon the number of electoral divisions within each district/borough area and an equal number of co-opted district/borough councillors with voting rights in relation to all matters, with the exception of Education, Youth and Members' Allocations.

7.2 **Executive Functions of Local Committees**

Local committees will be responsible for the following:

[1] Apart from Woking Joint Committee, the arrangements for which are set out at section 7A

a) Decisions relating to general power of competence

The County Council members of local committees may take decisions in response to local needs, within the County Council's general power of competence and in accordance with the financial framework and policies of the County Council.

b) Decisions on local services and budgets

In relation to the District or Borough they serve each local committee will take decisions delegated to them by the Leader and/or Cabinet on the following local services and budgets, to be taken in accordance with the financial framework and policies of the County Council, within a framework of agreed performance and resources:

(i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.)

(ii) Community safety funding that is delegated to the Local Committee.

(iii) Decisions in relation to highways & infrastructure:

a. The allocation of the highway capital budget and highway revenue budget which are devolved to the Local Committee for minor highway improvements, and highway maintenance, within the committee's area including the scope to use a proportion of either budget to facilitate local initiatives.

b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls.

c. To agree local speed limits on county council roads, within their area and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police road safety and traffic management team and with regard to the County Council Speed Limit Policy.

d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Local Committee.

e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Team

Manager has chosen to refer the decision on whether a TRO should be made to the Local Committee, the committee will make that decision.

f. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following consent of any relevant borough/district/parish council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court.

(iv) In relation to youth services:

a. The approval of prevention priorities for Young People for the relevant borough or district area after consideration of any local needs assessment.

b. To apportion the delegated funding for young people between the Local Prevention Grants and Individual Prevention Grants categories of funding, in accordance with the allocated budget.

c) Approve the award of the Local Prevention funding agreements for the provision of local prevention services for the relevant borough or district in accordance with the allocated budget.

This power to be exercised by the Portfolio Holder in the event that the relevant local committee is unable to award a funding agreement(s) (due to the presence of conflicts of interest which result in the body being inquorate).

d) To approve Youth Task Group advice on the allocation of Community Youth Work and SOLD Local Offer resources to meet local priorities for young people in the area.

7.3 **Service Monitoring, Scrutiny & Issues of Local Concern**

The Local Committees may:

i) In relation to the exercise of executive functions relating to Members allocations, the Local Committee will receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader.

ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the authority under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions.

iii) Monitor the formal decisions taken by officers under delegated powers and provide feedback to improve service standards.

iv) Engage in issues of concern to local people and seek to influence the County Council, the Leader and Cabinet in relation to countywide services and plans in the light of local needs.

v) Consider priorities for collaborative work undertaken within the committee's area by county services and partners.

vi) Monitor the quality of services provided locally, and recommend action as appropriate.

vii) Be informed of the borough/district based community strategies and related local plans within their area.

viii) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes, or developer funded highway improvements within their area.

ix) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in their area.

x) Monitor local initiatives agreed and funded by Local Committees.

xi) Oversee and monitor on street parking enforcement including financials in its area subject to terms of reference, agreed by the committee, which best suit its particular local circumstances.

xii) Scrutinise the impact of the Local Prevention, Community Youth Work and SOLD Local Offer in accordance with prevention priorities for Young People in the local area.

xiii) Guildford Local Committee may be consulted by the borough council in relation to proposed borough plans and make recommendations to the borough council on those proposals which will include parking and infrastructure matters.

7.4 Non-Executive Functions

Local committees will deal with all those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except for those separately referred to in the Scheme of Delegation (or within the terms of reference of other Committees).

(Note: A local committee may not make any decision which will have an adverse effect on a part of the county for which it does not have functions).

7A SCHEME OF DELEGATION – WOKING JOINT COMMITTEE

7.5 Membership

All County Councillors with an electoral division in Woking, one Surrey County Council Cabinet Member (who can also be a county councillor with an electoral division in Woking), and an equivalent number of borough councillors who should be politically proportionate to the borough council. At least one borough councillor should be a member of that council's executive. All borough and county councillors on the Joint Committee will have equal voting rights on all issues being considered.

7.6 Executive Functions of Woking Joint Committee (delegated by Surrey County Council and Woking Borough Council)

The Joint Committee will be responsible for the following decisions on local services and budgets:

a) In relation to the Borough of Woking the Joint Committee will take decisions delegated to it by the SCC Leader and/or Cabinet and/or the WBC Leader and/or Executive on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils within a framework of agreed performance and resources:

   (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) *(SCC)*

   (ii) Community safety funding that is delegated to the Joint Committee *(SCC/WBC).*

   (iii) Decisions in relation to highways and infrastructure:

      a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements, and highway maintenance, within the committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives *(SCC).*

      b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls *(SCC).*

c. To agree local speed limits on county council roads within their area, and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police Road Safety and Traffic Management Team and with regard to the County Council Speed Limit Policy *(SCC).*

d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Joint Committee *(SCC).*

e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the committee will make that decision *(SCC).*

f. Oversee and determine priorities for the Woking Town Centre Management Agreement. *(WBC)*

(iv) Consider how Community Infrastructure Levy (CIL) receipts will be expended in Woking, taking into account the approved Infrastructure Capacity Study and Delivery Plan (IDP) for Woking. *(WBC)*

(v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Woking Borough Council *(SCC/WBC)*:

a) To agree joint priorities for commissioning by the County Council and the Borough Council in Woking for provision of:

i) youth work and

ii) other preventative work with young people who are at risk of becoming not in education, training or employment (NEET).

b) To apportion delegated funding for young people, specifically the distribution between Local Prevention and Individual Prevention categories of funding, in accordance with the allocated budget and small grants (youth) as allocated by the Borough Council.

c) To approve the award of the Local Prevention for the provision of local prevention services for Woking Borough in accordance with the allocated budget and to qualified providers. This power to be exercised by the County Council Portfolio Holder in the event that the Joint

Committee is unable to award funding agreement(s) (due to the presence of conflicts of interest which result in the body being inquorate).

d) To approve the award of youth service related commission(s) as delegated to the Joint Committee by Woking Borough Council.

e) To oversee and determine priorities for the Full Participation Programme and make appropriate linkages into the work of Services for Young People and Woking Borough Council.

f) To approve Youth Task Group advice on the allocation of Community Youth Work and SOLD Local Offer resources to meet local priorities for young people in the local area.

(vi) Oversee and influence priorities for the Family Support Programme in Woking and monitor its performance. *(SCC/WBC)*

(vii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners. *(SCC/WBC).*

7.7 **Non-Executive Functions**

The Joint Committee will deal with all those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except for those separately referred to in the County Council's Scheme of Delegation (or within the terms of reference of other Committees).

7.8 **Service Monitoring, Scrutiny and Issues of Local Concern**

The Joint Committee may:

(i) In relation to the exercise of County Council Executive functions relating to Members allocations, receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader. *(SCC)*
(ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions. *(SCC)*
(iii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. *(SCC/WBC)*

(iv) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. *(SCC/WBC)*
(v) Monitor the quality of services provided locally, and recommend action as appropriate. (*SCC)*
(vi) Support Surrey Schools, strengthening links with Headteachers and Governing Bodies to promote the outcomes of increased investment for safer, better schools focussed on raising the standards of education for all children.
(vii) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes, or developer funded highway improvements within Woking. *(SCC)*
(viii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Woking. *(SCC)*
(ix) Oversee local initiatives agreed and funded by the Joint Committee. *(SCC/WBC)*
(x) Oversee on-street parking enforcement including financials in its area subject to terms of reference, agreed by the committee, which best suit its particular local circumstances. *(SCC)*
(xi) Oversee and scrutinise the impact of the Local Prevention, Community Youth Work and SOLD Local Offer in accordance with prevention priorities for young people in the local area. *(SCC)*
(xii) Be advised of the Joint Youth Estates Strategy for Woking Borough. *(SCC/WBC)*
(xiii) Provide political oversight and advice on the Community Safety functions of the Borough. *(SCC/WBC)*
(xiv) Act as the local Health and Wellbeing Board for Woking and oversee and set priorities for general health and wellbeing matters within the framework of Surrey's Joint Health and Wellbeing Strategy. *(SCC/WBC)*
(xv) Be consulted on any issues referred to it by either Council and produce responses as appropriate. *(SCC/WBC)*

(Note: A joint committee may not make any decision which will have an adverse effect on a part of the county for which it does not have functions).

7B DELEGATIONS TO LOCAL MEMBERS

Members of the authority have the following delegated powers:

a. To approve projects within their division to be funded by the Community Highways Enhancements Fund in accordance with the relevant financial framework and policies of the County Council.

8. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

THE CABINET

8.1 Membership

The Leader, Deputy Leader and up to 8 other county councillors

8.2 Terms of reference

The Cabinet will be collectively responsible for executive functions within the Authority which are not otherwise delegated by the Leader. Table 2 below sets out the responsibility for executive functions exercised by Cabinet Members.

The plans and strategies listed in Article 4 of this Constitution and which together comprise the policy framework must be determined by the Council on recommendation by the Cabinet after consultation with the appropriate select committee and the Planning & Regulatory Committee in relation to the Local Development Documents or any other plan and policy of the Council which relates to its functions.

The Cabinet (or Cabinet Members where the function is delegated) will:

(a) Lead the preparation of the Council's policies and budget and make recommendations to the County Council on the statutory and strategic plans which form the policy framework, and the revenue and capital budgets and Council Tax precept.

(b) Submit annually or otherwise as required to the Council for approval the corporate plan and budget, and the other statutory and strategic plans which make up the policy framework.

(c) Take decisions within this framework of plans, Standing Orders and procedure rules approved by the Council, including key decisions unless these have been delegated to committees.

(d) Refer to the Council for decision any proposal involving a material departure from any of the approved statutory and strategic plans or the approved revenue and capital budgets.

(e) Approve Directorate Plans and monitor and review performance against such plans including outturn of expenditure and income.

(f) Subject to paragraph (d) above, take in-year decisions on resources and priorities, service delivery and operations to

deliver the corporate plan and other approved policy plans and the revenue and capital budgets.

(g) Lead the community planning process and provide a focus for partnership working with other public, private and voluntary and community sector agencies.

(h) Consult the appropriate select committees at an early stage in the development of the budget and the plans and strategies within the policy framework.

(i) Consult select committees and other committees on the plans and strategies listed in Article 4 of this Constitution, as appropriate, especially the Planning & Regulatory Committee in relation to the development and review of the Local Development Documents or any other plan and policy of the Council which relates to its functions.

(j) Exercise other strategic planning functions including preparation of supplementary planning guidance and planning briefs, responding to consultations on planning applications, the designation of conservation areas, areas of archaeological interest and nature reserves, the making of compulsory purchase orders and Article 4 Directions, etc.

(k) Make appointments to those outside bodies which carry out or relate to executive functions.

(l) Provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services.

(m) Declare land or property surplus to requirements.

(n) Consider, determine and report to the Council on matters on which there has been a finding of maladministration by the Local Government Ombudsman.

Table 2 – Scheme of Delegation

Responsibility for executive functions exercised by Cabinet Members, as listed by the Leader (Article 5.02 of the Constitution refers)

Who is responsible (1)	Function (2)	Limitation (3)
Individual member of the Cabinet in relation to the functions set out in column (2), subject to the limitations in column (3). The Cabinet Member making the decision will be the Member allocated the appropriate responsibilities by the Leader, except that (1) where that Member is unable to act (whether through a conflict of interest, illness or absence) another Member of the Cabinet may exercise the function on their behalf. Any decisions relating to the statutory portfolio for Children's Services under the Children Act 2004 must be taken by or in consultation with	(a) transfers between budget heads within portfolio (virements above £250,000, virements from revenue to capital budgets above £100,000) and budget monitoring	(a) In consultation with the Leader
	(b) the write-off of irrecoverable debts	(b) Between £10,000 and £100,000 not otherwise delegated to the Director of Finance, in consultation with the Leader
	(c) performance management	(c) Significant performance risk must be reported to the Cabinet as agreed in consultation with the Deputy Leader
	(d) approval of individual business cases of more than £100,000 prior to capital/ invest to save projects proceeding	(d) In consultation with the Leader
	(e) reprofiling capital budget within portfolio and within capital scheme's duration	(e) In consultation with the Leader
	(f) decisions required under Procurement Standing Orders (awarding contracts, grants)	(f) To a maximum of £1m, in consultation with the Leader

Who is responsible (1)	Function (2)	Limitation (3)
the Cabinet Member for Children and Families The Leader may determine that any decisions in respect of the functions set out in column (2) are taken collectively by the Cabinet.	(g) bids for funding from external bodies (h) responses to consultation papers not otherwise delegated to officers (i) responses to petitions and committee reports (j) agreement of concordats or other similar agreements or statements of intent with other parties (k) acquisition and disposal of land or property (l) compulsory purchase orders for land or property (m) approval of schools' licensed deficits (n) approval of loans to schools (o) consultation on proposals and publication and determination of statutory notices in respect of changes to school size and structure (p) authorisation of consultation on the admission arrangements for voluntary controlled and community schools	(k) To a maximum of £1m in consultation with the Leader (m) To a maximum of £1m (n) To a maximum of £1m in consultation with the Leader

Who is responsible (1)	Function (2)	Limitation (3)
	(q) responses to any consultation by a maintained school's governing body under Section 5 of the Academies Act 2010	
	(r) determination of whether a school converting to an academy has a surplus and, if so, the amount of the surplus, under Section 7 of the Academies Act 2010	
	(s) To approve the award of contracts for the provision of local preventative services for a borough or district area to providers included in the Council's framework agreement for these services and in accordance with the allocated budget.	This power to be exercised, in consultation with the portfolio holders with responsibility for procurement and local committees, when the relevant local committee is unable to award a contract due to the presence of conflicts of interest which result in that body being inquorate.
	(t) approval of the Fostering and Adoption Services annual Statements of Purpose	

Who is responsible (1)	Function (2)	Limitation (3)
	(u) authorisation of the Transport Development Control Manager to enter into legal agreements with developers providing for the adoption of new housing estate roads, forecourts and other made-up areas as highways maintainable at the public expense when the work of making up has been satisfactorily completed (v) declaration of highways or highways land surplus to requirements where it is unnecessary for highway purposes (w) endorsement of any new speed limit when the Local Committee is in disagreement with the police and local officers (x) endorsement of the annual programme for investment of the centrally managed road safety scheme budget (y) approval of the introduction of: a log-in fee for library visitors; a charge for reading groups requesting a set of books (z) to agree changes which amount to more than 15% in the hours of opening for Surrey Performing Arts Library	

Who is responsible (1)	Function (2)	Limitation (3)
	(a1) agree the Surrey Fire and Rescue Service Statement of Assurance for publication (a2) on behalf of the Fire and Rescue Authority, to respond to requests from neighbouring Fire and Rescue Authorities for the deployment of Surrey Fire and Rescue Service's resources during periods of industrial (strike) action (a3) appointment of lawyers within Legal & Democratic Services to act as Nominee to apply on the Council's behalf as a creditor to administer the Estate of deceased debtors (a4) approval of revisions to the Council's partnership governance policy (a5) agreement of In Year Fair Access Protocol (a6) expenditure against the agreed Surrey Growth Strategy budgets (a7) to agree amendments to the Memorandum of Understanding for the Basingstoke Canal Joint Management Committee	

Who is responsible (1)	Function (2)	Limitation (3)
Leader	(a) the final decision to open or close a school (b) the establishment of and recruitment to posts evaluated with a pay band in excess of £100k and consultants on contracts over £100k per annum	
	(c) expenditure against the agreed Community Improvement Fund (d) approval of virements above £250,000 between portfolios or services	(d) in consultation with the relevant portfolio holders

8.3 BASINGSTOKE CANAL JOINT MANAGEMENT COMMITTEE

8.4 Membership

4 county councillors, who must be Cabinet Members or county councillors representing divisions which include the Basingstoke Canal in their area, plus others from other authorities.

8.5 Terms of reference

The committee will exercise the functions of the Cabinet in relation to:

(a) the oversight of the completion of the restoration of the Basingstoke Canal;

(b) the management and maintenance of the Basingstoke Canal as an environmental navigational and recreational asset in accordance with the policy and budgetary framework set for the Committee; and

(c) the balancing of the interests of all users of the Basingstoke Canal and conservation of the natural environment.

8.6 JOINT COMMITTEE FOR THE OVERSIGHT OF DELIVERY OF SURREY PUBLIC AUTHORITY SERVICES

8.7 Membership

1 county councillor who must be a Cabinet Member, plus one from each of the other partner authorities ('the Parties').

8.8 Terms of reference

The Joint Committee will:

(a) oversee joint working arrangements of the Parties.

(b) promote good joint working practice amongst the Parties.

(c) appoint such Task Groups or Sub Committees as it considers necessary.

(d) identify the range of services for inclusion in a Joint Venture Company (JVC).

(e) approve the draft the Articles and Memorandum of Association of the JVC.

(f) approve the draft revised Terms of Reference for the Joint Committee to provide for governance and oversight of the JVC.

(g) manage the Project Budget.

8.9 JOINT MANAGEMENT COMMITTEE FOR THE SURREY HILLS AREA OF OUTSTANDING NATURAL BEAUTY ("SURREY HILLS BOARD")

8.10 Membership

1 county councillor and 1 representative each from the other principal funding partners will make up the "Core Members".

There will also be "Advisory Members" comprising of be up to four advisory members of the Surrey Hills Partnership and two representatives of parish and town councils. Advisory Members will not have voting rights on financial matters.

8.11 Terms of reference

The Board will:

(a) prepare the AONB management plan for adoption by the Constituent Bodies and to lead implementation on their behalf, and in particular, to develop practical measures to:

(i) protect, conserve and enhance the natural beauty of AONB;

(ii) promote the unique identity of the AONB recognising and respecting the individual landscape character and habitats of local areas in the implementation of planning and management policies;

(iii) encourage, where appropriate, quiet enjoyment of the AONB;

(iv) ensure that development is soundly based on principles of sustainability and is appropriate to the character of the AONB;

(b) promote the objectives of the designation of the AONB and to act as a forum for the discussion of major issues affecting the character of the AONB;

(c) encourage the Constituent Bodies to adopt policies which help achieve the objectives of the AONB management plan;

(d) advise and inform the local authorities amongst the Constituent Bodies of the activities of the Board in order to raise the profile of the AONB locally and to support national efforts to enhance the status of Areas of Outstanding Natural Beauty;

(e) provide a source of expertise and information on the AONB, its conservation and enhancement;

(f) seek to secure sufficient funding to meet its overall aims and objectives for effective management of the AONB, and to manage its own devolved budget.

8.12 SHAREHOLDER BOARD

8.13 Membership

The Leader of the Council, the Deputy Leader and the Cabinet Member for Business Services, plus the Chief Executive.

8.14 Terms of reference

The Board will:

(a) have the power to appoint and remove Company Directors

(b) approve and monitor Company Business Plans

(c) approve the allotment of further shares in a Company (whether to third party shareholders or the Council)

(d) exercise any reserved powers in the Articles of a Company

(e) endorse any amendments to Company Business Plans

(f) periodically evaluate financial performance of a Company

(g) agree significant capital or revenue investments proposed by a Company

(h) determine the distribution of any surplus or the issue of any dividends from a Company

(i) consider any recommendation from Company Directors to cease trading

(j) report to the Council annually on trading activity

(k) review the risks associated with trading activities.

8.15 COAST TO CAPITAL STRATEGIC JOINT COMMITTEE

8.16 Membership

One county councillor, plus one from each of the other member authorities.

8.17 Terms of reference

The functions of the Joint Committee are specified below, and may be exercised only in respect of the Coast to Coast Local Enterprise Partnership ("the LEP") Area [the area encompassing the administrative boundaries of Brighton & Hove City Council, West Sussex County Council, London Borough of Croydon, Lewes District Council, and part of Surrey County Council – Epsom and Ewell

Borough Council, Tandridge District Council, Mole Valley District Council and Reigate and Banstead Borough Council]:

(a) To agree the Strategic Economic Plan and its revisions and amendments as proposed to the Joint Committee by the LEP Board;

(b) To provide strategic advice to the LEP Board from time to time on the economic development and growth priorities for the LEP Area;

(c) To nominate on request from the LEP Board representatives from the district and borough local authorities who are members of the Joint Committee to serve as Directors on the LEP Board.

8.18 BUCKINGHAMSHIRE COUNTY COUNCIL AND SURREY COUNTY COUNCIL JOINT TRADING STANDARDS SERVICE COMMITTEE

8.19 Membership

1 county councillor from each authority, who must be a Cabinet Member. In addition each authority can appoint 1 county councillor to undertake a non-voting advisory role.

8.20 Terms of reference

The Joint Trading Standards Service Committee will:

(a) to provide strategic leadership and direction, effective governance and oversight of the joint service.

(b) oversee working arrangements of the joint service.

(c) promote good joint working practice.

(d) approve budget variations.

(e) approve performance measures.

(f) approve the enforcement policy.

(g) approve the investigations criteria.

(h) approve revisions to the Terms of Reference for the Joint Committee.

Section 3
Scheme of Delegation to Officers

This Scheme of delegation comprises four parts

Part 1 – The overall Scheme of delegation to Officers

Part 2 – General delegations to the Strategic Directors and Heads of Service

Part 3 – Specific delegations to Officers

Part 4 – Proper Officer functions

Part 1: The Overall Scheme of Delegation
How the Scheme Works

1 **General Delegation**

1.1 The Council and the Leader delegate to the officers identified in Part 2 (the Chief Executive, Assistant Chief Executive, Strategic Directors, Assistant Directors and Head of Service) and authorise them, subject to the limitations and reservations (set out in paragraph 9) of this scheme to:

a) exercise the County Council's functions (both executive and non-executive) which relate to their area of responsibility described in Part 2; and

b) exercise functions specifically delegated to them by either the Leader (under Section 15 of the Local Government Act 2000) or by the Council, a committee or sub-committee (under Section 101 of the Local Government Act 1972).

1.2 Where any officer listed in Part 2 is absent for any period, the Chief Executive, Assistant Chief Executive or the relevant Strategic Director, may nominate in writing another officer to act in his or her place during their absence and shall make a record of all such nominations.

2 **Specific Delegations**

2.1 The Council and the Leader also delegate to the officers identified in column 2 of Part 3 the specific functions (executive and non-executive) allocated to them in column 3 of Part 3 subject to the limitations and reservations (set out in paragraphs 5 to 10) of this Scheme.

2.2 The officers identified in Part 2 are also authorised to exercise the functions described in Part 3 and which are within their area of responsibility, with the following exceptions:

a) a statutory officer post remains the function of the post holder unless another officer is nominated to act in his place in accordance with paragraph 1.2 or 2.3

b) The determination of planning applications and town and country planning functions of the Council cannot be exercised above the level of Planning and Development Group Manager

2.3 Where any officer listed in Part 3 is absent for any period the appropriate Strategic Director, Assistant Director or Head of Service with management responsibility for that officer may nominate in writing another officer to act in his or her place and shall make a record of all such nominations.

3 Powers Delegated to Officers

Without prejudice to the generality of paragraph 1, and to any specific delegation set out in Part 3, the Officers listed in Part 2 have authority to exercise the following functions of the Council and the Leader which relate to their area of responsibility: -

3.1 Legal Powers

To institute, appear in, prosecute and defend on behalf of the County Council proceedings before a Magistrates Court or similar Tribunal of first instance but not (unless specifically authorised by Part 3 of this Scheme) any other legal proceedings (which are delegated to the Head of Legal and Democratic Services).

3.2 Human Resources

The Chief Executive, Assistant Chief Executive, Strategic Directors, Heads of Service and other managers with line management responsibility, as nominees of the Chief Executive are authorised subject to Part 5 of Standing Orders to appoint, discipline and dismiss employees within their Directorate or Service. In addition the Chief Executive may, subject to Part 5 of Standing Orders, nominate a Strategic Director to discipline and dismiss employees within any other Directorate or Service.

3.3 Service Plans

The Chief Executive, Assistant Chief Executive and Strategic Directors, in consultation with the relevant Cabinet Member, are authorised to approve Service Plans.

3.4 **Emergencies or Disasters**

The Chief Executive, Assistant Chief Executive and the Strategic Directors are authorised to exercise the powers of the County Council under section 138 of the Local Government Act 1972 in the event of an emergency or disaster.

3.5 **Certification of Contracts**

The Chief Executive, Assistant Chief Executive and Strategic Directors are authorised to sign Certificates under the Local Government (Contracts) Act 1997.

3.6 **Covert Surveillance and the Use of Covert Human intelligence sources**

The Trading Standards Community Protection Manger and Policy and Operations Manager are required to authorise directed surveillance, the use of covert human intelligence sources and communications data checks and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000.

3.7 **Proper Officers**

The Council appoints the Proper Officers specified in Part 4 and delegates to the Chief Executive the function of making Proper Officer appointments in cases of urgency.

4 **Other Requirements**

The exercise of functions delegated to officers under this Scheme must comply with: -

4.1 any legal requirements or restrictions;

4.2 the Council's Constitution;

4.3 the Council's policy framework and any other plans and strategies approved by the Cabinet;

4.4 the in-year budget;

4.5 the Members Code of Conduct;

4.6 the Code of Conduct for Staff, the Fairness & Dignity At Work Procedure, the Equalities Policy Statement, the Health & Safety Policy and any other Code issued by the County Council from time to time;

4.7 any Employee Code issued under the Local Government Act 2000;

4.8 the County Council's Human Resources (HR) policies and procedures including those relating to employment;

4.9 the Code of Recommended Practice on Local Authority Publicity;

4.10 the requirements to achieve Best Value;

4.11 Procurement Standing Orders, Financial Regulations and Financial Instructions;

4.12 the adopted development plan policies and any guidance issued by the Planning and Regulatory Committee.

5 Scrutiny

The exercise of delegated functions by officers is subject to the right of a Select Committee to review and scrutinise decisions in respect of both executive and non-executive functions.

6 Reservations

This scheme does not delegate any function to an officer which

6.1 is reserved by law or this Constitution to the full Council or any committee of the Council or the Cabinet; or

6.2 may not by law be delegated to an officer; or

6.3 is an executive function which the Leader has reserved to himself or the Cabinet for a decision.

7 Limitations

Officers in the exercise of functions delegated by this Scheme may not:

7.1 make key decisions (as defined in Article 6 of the Constitution);

7.2 change or contravene policies or strategies approved by the Council or the Cabinet;

7.3 create or approve new policies and strategies;

7.4 take decisions to withdraw public services;

7.5 take decisions to significantly modify public services without consultation with the appropriate Cabinet Member before exercising the delegated power;

7.6 take decisions on significant new powers or duties arising from new legislation before the new powers or duties have been reported to the Council or the Cabinet as appropriate, (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chairman);

7.7 provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chairman);

7.8 declare land or property surplus to requirements;

7.9 agree grant criteria or approve fees and charges (except where specific delegations to officers have been made in Part 3 of the Scheme of Delegation, or as a matter of urgency, in consultation with the appropriate Cabinet member or committee chairman, provided the decision is within Council policy and budget).

8 Consultation

8.1 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with appropriate Cabinet Member(s) or Committee Chairman before exercising the delegated powers.

8.2 An officer may at his/her discretion consult the appropriate Cabinet Member, or the Cabinet, or the appropriate Committee, or its Chairman before exercising delegated powers, or not exercise delegated powers but refer the matter to the Cabinet or a committee for a decision.

8.3 In exercising delegated powers, officers will, in line with the Member/Officer Protocol, keep local members informed of matters affecting their divisions.

Part 2 General Delegation to Officers

The Council's management structure is led by the Chief Executive, who has statutory responsibilities as head of paid service.

The post holders listed below or any successor post holder subsequent to any reorganisation, or any temporary replacement post holder nominated in accordance with paragraph 1.2 of the Scheme, are authorised to exercise the functions of the County Council (executive and non-executive) relating to their areas of responsibility, which are summarised below, subject to the limitations set out in Part 1 of the Scheme.

TITLE OF POSTHOLDER	SUMMARY OF AREA OF RESPONSIBILITY
Chief Executive	Head of paid service and responsible for the overall management of the workforce and the authority.
Assistant Chief Executive	Jointly responsible with the Chief Executive and the Strategic Directors for the overall performance of the paid service. Overall responsibility for Communications, Policy and Performance, Public Health and Legal and Democratic Services.
Head of Communications	Responsible for the communications strategy for the Council, and for the management of Communications.
Head of Legal and Democratic Services	The Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Chief Legal Adviser, responsible for the management of Legal and Democratic Services.
Head of Policy and Performance	Responsible for leading the Policy and Performance Service, developing the Council's policy framework, the Council's corporate centre of expertise on performance, quality and project management and provider of the Council's internal audit function.
Director of Public Health	Responsible for leading the Public Health Service, including the public health mandatory and non mandatory functions that include delivering the health improvement, health protection and healthcare quality functions of the council.

TITLE OF POSTHOLDER	SUMMARY OF AREA OF RESPONSIBILITY
Strategic Director for Adult Social Care	Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service. The statutory Director of Adult Social Services under section 6 of the Local Authority Social Services Act 1970, with overall responsibility for services to older people, people with learning, physical and sensory disabilities, people with mental health problems and substance abuse.
Assistant Director for Adult Social Care - Personal Care and Support	Responsible for the development, implementation, management and review of the Council's strategy, policy for and managing services for older people, people with learning, physical and sensory disabilities, people with mental health needs and for substance misuse, for managing the Council's Home Based Care Service and for acting as the Council's Caldicott Guardian.
Assistant Director for Adult Social Care - Commissioning	Responsible for the development, implementation and review of joint commissioning arrangements with health and other partners, the Council's strategy and policy for commissioning across the Directorate and managing services for safeguarding, quality assurance, performance and carers.
Assistant Director for Adult Social Care - Transformation	Responsible for the development, implementation and review of the Council's strategy and policy for transformation of adult social care services across the directorate and the strategic leadership of change management.
Assistant Director for Adult Social Care - Service Delivery	Responsible for the development, implementation and review of the Council's strategy and policy for managing internally provided services, including regulated services, and related projects regarding services for older people, people with learning, physical and sensory disabilities, people with mental health problems and substance misuse, with the exception of the Home Based Care Service.
Strategic Director for Business Services	Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service. Overall responsibility for services to support change and efficiency, including Finance, Human Resources and Organisational Development, Property Services, Informati Management and Technology, Procurement and Shared Service Centre.

TITLE OF POSTHOLDER	SUMMARY OF AREA OF RESPONSIBILITY
Head of Property Services	Responsible for the provision of corporate and strategic asset management and managing Property Services.
Director of Finance	The Council's S151 officer, responsible for managing the Council's Finance Service, for determining the Council's administration and financial management framework, and for providing lending, borrowing, investment, insurance, corporate governance, internal control and risk management services to the Council.
Head of Human Resources and Organisational Development	Responsible for ensuring coherent HR, OD and organisational learning and development strategies for the Council and for managing Human Resources and Organisational Development.
Head of Information Management and Technology	Responsible for ensuring a coherent and robust strategy for the Council's IMT systems and services and for managing IMT.
Head of Procurement and Shared Service Centre	Responsible for ensuring a comprehensive set of contractual arrangements for the supply of common goods and services to the Council and management of Procurement. Responsible for a fully operational Shared Service Centre, providing finance, HR, payroll, property, procurement and IMT services.
Strategic Director for Children, Schools and Families	Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service. The Statutory Director of Children's Services under section 18 of the Children Act 2004 with overall responsibility for these services.
Assistant Director for Schools and Learning	Responsible for leading and managing Education Planning, Schools Leadership, Schools Admissions, the Early Years Service, Commercial Services and the relationship with and commissioning of services from 4S.
Assistant Director for Children's Services	Responsible for providing integrated services for children, young people and families and for managing Children's Services.
Assistant Director for Services for Young People	Responsible for ensuring integrated services for young people in Surrey and for managing Youth Justice, Youth Development, Inclusion and Connexions.

TITLE OF POSTHOLDER	SUMMARY OF AREA OF RESPONSIBILITY
Strategic Director for Customers and Communities	Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service. Overall responsibility for Services for Customers and Communities including Fire and Rescue, Customer Services, Trading Standards and Cultural Services.
Head of Cultural Services	Responsible for the management and direction of the Library Service, Adult and Community Learning Service, Registration and Nationality Service, Surrey Arts, the Heritage Service, County Coroner and Surrey 2012 activity. To act as 'proper officer' for the Registration and Nationality Service.
Head of Customer Services	Responsible for developing, leading and delivering the Council's Customer Services Strategy and managing the Council's Contact Centre.
Community Protection Manager	Responsible for the management and direction of the Trading Standards Service.
Head of Fire and Rescue (Brigade Manager)	Overall responsibility for the provision of fire and rescue services under the Fire and Rescue Services Act 2004 and the accompanying National Framework, compliance with all relevant fire safety legislation and all aspects of emergency response including proactive community safety, ensuring effective response to emergency incidents at all times.
Strategic Director for Environment & Infrastructure	Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service. Overall responsibility for services for the Environment and Infrastructure Directorate.
Assistant Director Economy, Transport and Planning	Responsible for leading and managing the Travel and Transport, Transportation Development Control, Planning and Economic Development functions of the Council.
Assistant Director Highways	Responsible for leading and managing the Highways, Street Lighting and Countryside functions of the Council, including Structures and Asset Management.
Assistant Director Environment	Responsible for leading and managing the Waste and Sustainability functions of the Council.

Part 3 Specific Delegation to Officers

The specific functions of the County Council (executive and non-executive) set out in column 3 below are delegated to the corresponding officers listed in column 2 (or any temporary replacement post holder nominated in accordance with paragraph 2.3 of the Scheme) subject to the requirements and limits of this Scheme of Delegation.

CHIEF EXECUTIVE'S OFFICE

Chief Executive

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
CX1	Chief Executive	To make Proper Officer appointments in cases of urgency.
CX2	Chief Executive	To make appointments (including co opted members) to fill any casual vacancies that may arise on committees, sub committees and member/officer working groups which discharge the County Council's functions (both executive and non-executive) and outside bodies on which the Council is represented in accordance with the wishes of the political groups.
CX3	Chief Executive	To appoint a joint committee for purposes of health scrutiny and to determine its size in consultation with other appropriate authorities which have an interest as consultees, where it is not possible for the Health Scrutiny Committee to take this decision in the time available, and to agree the share of the County Council's seats on each such joint committee after consultation with the Chairman and Vice-Chairman of the Health Scrutiny Committee.
CX4	Chief Executive	To appoint the County Council Members of any such joint committee in accordance with the wishes of the political groups.
CX5	Chief Executive	To discharge the functions of the Council and the Cabinet which relate to the areas of responsibility of the other officers identified in Part 2 (including any specific function identified in Part 3) in cases of urgency or where the officers to whom those functions have been also delegated are unable or unwilling to act.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
CX6	Chief Executive	In consultation with the Chairman of the People, Performance and Development Committee, to determine any compensation payable on early termination of a contract of employment by reason of redundancy, early retirement or in the interests of efficient exercise of the Council's functions and application for early payment of pension benefits to an officer listed in Part 2 of this Scheme.
CX7	Chief Executive	To nominate in writing one or more of the Strategic Directors to act in his place in the event of illness or other planned or unplanned absence.
CX8	Chief Executive	To discharge (or nominate other officers to discharge) in accordance with Part 5 of Standing Orders, the functions of (i) appointment of employees of the County Council other than the Head of Paid Service, a Chief Officer, Deputy Chief Officer or Political Assistant as defined in the Local Government and Housing Act 1989, (ii) dismissal of and taking disciplinary action against employees of the County Council other than the Head of Paid Service, a Chief Officer or Political Assistant as defined in the Local Government and Housing Act 1989. An appointment or dismissal of a deputy Chief Officer as defined by the Act will only take effect where no well founded objection has been received from any Member of the Cabinet.
CX8	Chief Executive Strategic Director for Business Services	In consultation with the Leader and with any Cabinet Member responsible for the function for which the Council is proposing to take responsibility, to agree arrangements with another local authority to discharge functions on behalf of that authority.

Legal and Democratic Services

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
L1	Head of Legal and Democratic Services Legal Services Lead Manager Group Managers Principal Lawyers	To authorise and witness the sealing of any documents or to sign any documents necessary to give effect to a decision of the Cabinet, a Cabinet Member, the Council (or any part of it) or an officer acting under delegated powers.
L2	Head of Legal and Democratic Services	To be the custodian of the common seal of the Council and to determine the nature or type of documents to be sealed.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
L3	Head of Legal and Democratic Services Legal Services Lead Manager Group Managers Principal Lawyers Senior Lawyers	**A.** To institute or defend or appear in any legal proceedings on behalf of the County Council in proceedings at any Court, Tribunal or Inquiry and to take any action in connection with such proceedings, including authority to settle proceedings **B.** To authorise officers to appear in any legal proceedings on behalf of the County Council in proceedings at any Court, Tribunal or Inquiry in accordance with section 222 and 223 Local Government Act 1972. **C.** To sign any document necessary for any legal procedure or proceedings on behalf of the County Council (unless any enactment otherwise requires or authorises). **D.** To act as proper officer for the purposes of Section 234 of the Local Government Act 1972 for the signature of any notice, order or document, which the Council is required to give, make or issue.
L4	Head of Legal and Democratic Services	To update the Constitution, and in particular the Scheme of Delegation, following structural reorganisation of the Council where the only change is to the title of the post holder receiving the delegation, provided there is no reduction in the management level to which the delegation is made.
L5	Head of Legal and Democratic Services	Where no objection has been received, to determine applications to register land as a Town or Village Green under the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007

Performance and Audit

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
AD1	Chief Internal Auditor Performance Auditor Lead Auditor Compliance Auditor Auditor	To carry out audits of the County Council functions.
AD2	Chief Internal Auditor Performance Auditor Lead Auditor Compliance Auditor Auditor	In the proper exercise of the function delegated in AD1 to: • Enter on County Council premises or land • Have access to all records, documents and correspondence held by or on behalf of the Council • Require from staff such explanations as are necessary • Require any Council employee to produce cash, stores or any other Council property under his control • Verify cash and bank balances for which persons are accountable to the Council
AD3	Chief Internal Auditor Performance Auditor	In the proper exercise of the function delegated in AD1 to: • Investigate irregularities; • Liaise with Police and other enforcement agencies under the Accounts and Audit Regulations 2006

Emergency Management

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
PP1	Head of Emergency Management	Make the necessary plans, carry out the necessary training and agree the necessary work with the appropriate organisations that make up the Surrey Local Resilience Forum (SLRF) and other stakeholders to satisfy the legislation set out in: Civil Contingencies Act 2004, Regulations 2005, • Local Government Act 1972, Section 138 • Notification of Installations. Handling Hazardous Substance (NIHHS) Regulations 1982 • Reservoir Act 1975 • Water Act 2003 • The Pipelines Safety Regulations 1996 • The Control of Major Accident Hazards (COMAH) Regulations 1999 • The Radiation (Emergency Preparedness & Public Information) Regulations (REPPIR) 2001 In the event of an emergency, call to the County Council Emergency Centre those County Council officers he identifies as being necessary to provide an appropriate County Council response to that emergency. In the event of an emergency deploy the resources necessary to meet the demands of the emergency until the arrival of a strategic director. Appoint emergency planning officers and other support officers as are required to undertake the various functions and duties to meet the needs of the County Council, Surrey districts and members of the Surrey Local Resilience Forum (SLRF)

ADULT SOCIAL CARE

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
ASC 1	Assistant Director – Personal Care & Support Senior Practice Development Manager	Decision to make an application to the Court of Protection for a declaration under s15 of the Mental Capacity Act 2005.
ASC 2	Assistant Director – Personal Care & Support Senior Practice Development Manager	Decision to make an application to the Court of Protection for a deputyship order under s16 of the Mental Capacity Act 2005. Decision to designate a named officer/s to fulfil the day-to-day functions and responsibilities of a deputy on behalf of the Council.
ASC 3	Assistant Director – Personal Care & Support Policy and Commissioning Manager, Mental Health and Substance Misuse Service Managers	Decision to place an individual in or approve funding for residential or nursing home care (long term or temporary) or to provide or approve funding for day or domiciliary care*
ASC 4	Assistant Director – Personal Care & Support Policy and Commissioning Manager, Mental Health and Substance Misuse Service Managers	Decision to agree a 'top-up' under the Choice of Accommodation Directions 1992 as amended.
ASC 5	Assistant Director – Personal Care & Support Policy and Commissioning Manager, Mental Health and Substance Misuse	Decision to enter into a deferred payment agreement on agreed terms under s55 of the Health and Social Care Act 2001.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
ASC 6	Assistant Director – Personal Care & Support Policy and Commissioning Manager, Mental Health and Substance Misuse Service Managers	Decision to agree fee levels above the County's guidelines.
ASC 7	Assistant Director – Personal Care & Support Policy and Commissioning Manager, Mental Health and Substance Misuse Senior Managers	Decision to agree pre-payments to independent sector providers of residential/nursing care outside the County's guidelines, in consultation with the Director of Finance.
ASC 8	Assistant Director – Personal Care & Support Policy and Commissioning Manager, Mental Health and Substance Misuse Service Managers	Decision authorise placement of an individual in an establishment not on the Council's Resource Database.
ASC 9	Assistant Director- Personal Care & Support Assistant Director – Service Delivery Policy and Commissioning Manager, Mental Health and Substance Misuse Service Managers	Decision to change a service for or withdraw a service from an individual, based on an assessment of that individual's needs.
ASC 10	Assistant Director- Personal Care & Support Assistant Director –Service Delivery	Decision to exclude an individual from Council premises.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
ASC 11	Assistant Director – Personal Care & Support Policy and Commissioning Manager, Mental Health and Substance Misuse Service Managers	Decision to fund services for a carer under the Carers and Disabled Children Act 2000.
ASC 12	Assistant Director – Personal Care & Support Senior Practice Development Manager	Decision to accept a person to guardianship under s7 Mental Health Act 1983. Decision to agree a transfer of a person from hospital to guardianship under s19 mental Health Act 1983. Decision to authorise or agree a transfer of a person from the guardianship of one guardian to another under s19 Mental Health Act 1983. Decision to designate a named officer/s to fulfil the day-to-day functions and responsibilities of a guardian on behalf of the Council.
ASC 13	Assistant Director – Personal Care & Support Service Managers Senior Practice Development Manager	In accordance with the provisions of section 4A and Schedule A1 of the Mental Capacity Act 2005, decisions to: • authorise a managing authority to deprive a person of their liberty • to appoint a representative for the relevant person • to impose conditions in respect of an authorisation • to review authorisations • to grant an extension of an urgent authorisation to a managing authority.
ASC 14	Assistant Director – Personal Care & Support Service Managers	Decision to fund an adaptation under s2 of the Chronically Sick and Disabled Persons Act 1970 or to top up by way of further grant or loan a disabled facilities grant made by a district council, and to place a charge on the user's residence.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
ASC 15	Assistant Director – Personal Care & Support Service Managers Chair of ICES Area Equipment Board	Decision to fund equipment.
ASC 16	Assistant Director – Personal Care & Support Assistant Director - Commissioning Service Managers Team Managers	In accordance with the Surrey Safeguarding Adults Multi-agency Procedure: • Decision to investigate • Decision to terminate investigation
ASC 17	Assistant Director – Personal care & Support Assistant Director - Commissioning Service Managers Team Managers	In accordance with the Surrey Safeguarding Adults Multi-agency Procedure: • Decision to call inter-agency planning meeting • Decision to call a conference.
ASC 18	Assistant Director – Personal Care & Support Assistant Director - Commissioning Service Managers	In accordance with the Surrey Safeguarding Adults Multi-agency Procedure: • Decision to call a senior strategy meeting.
ASC 19	Assistant Director – Personal Care & Support Assistant Director - Commissioning Service Managers	In accordance with the Surrey Safeguarding Adults Multi-agency Procedure: • Decision to undertake an internal review as a result of an investigation or conference recommendation, • Decision to commission an independent investigation.
ASC 20	Assistant Directors	To decide, following a risk assessment, whether a complaint should be referred to an external investigator.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
ASC 21	Team Managers Service Managers	To agree a provisional response to a complaint.
ASC 22	Strategic Director of Adult Social Care Assistant Directors	To agree a final response to a complaint.
ASC 23	Director of Social Work	To approve appointments of individuals to act as approved mental health professionals under section 114 Mental Health Act 1983 or to suspend or end such approvals

NOTES:

1. The Senior Social Worker – Emergency Duty Team has authority to carry out functions marked * out of hours.

2. A decision to fund within this scheme of delegation should also be read as a decision to refuse funding.

BUSINESS SERVICES

Property Services

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
E1	Asset Strategy Partner(s) Services Delivery Manager Estates Manager Maintenance Manager Senior Project Manager(s) Workplace Delivery Manager Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To authorise staff, consultants and contractors to enter land for Statutory Purposes.
E2	Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To acquire land and buildings required for an approved scheme or where acquisition has been specifically authorised up to a total consideration of £250,000 in any one case, providing the acquisition has received approval from the relevant Cabinet Member, in conjunction with the Deputy Leader.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
E3	Asset Strategy Partner(s) Services Delivery Manager Estates Manager Maintenance Manager Senior Project Manager(s) Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To authorise the payment of relevant Surveyor's fees, costs and expenses in connection with any approved scheme.
E4	Asset Strategy Partner(s) Estates Manager	To authorise in consultation with and on the advice of the Head of Legal and Democratic Services, payment of an indemnity insurance premium up to a maximum of £50,000 in connection with any land transaction.
E5	Estates Manager Services Manager Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To take, grant and review the rent or other consideration in the case of any tenancy licence, easement or wayleave up to a value of £125,000 per annum.
E6	Estates Manager Services Manager Asset Investment and Regeneration Manager	To terminate or accept a surrender in the case of any property interest referred to in E5 above up to a consideration of £50,000.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
E7	Estates Manager Services Manager Asset Strategy and Planning Manager Asset Investment and Regeneration Manager	To authorise payment of statutory or contractual compensation (including mandatory and discretionary home loss payments and dilapidation claims) up to a maximum of £50,000 per compensatable interest for commercial or agricultural tenancies and £150,000 per compensatable interest.
E8	Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To authorise arbitration and tribunal proceedings to be taken under statute and contractual arrangements.
E9	Estates Manager Service Delivery Manager Workplace Delivery Manager Asset Strategy Partner(s)	To take or grant licences for repairs and alterations, variations or other matters relating to any lease held or granted by the County Council.
E10	Estates Manager Asset Strategy Partner(s) Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To request the Head of Legal and Democratic Services to take appropriate action in respect of: • service of Notices to Treat and/or taking entry in cases of acquisition of land and property where a confirmed Compulsory Purchase Order is in operation; or • obtaining or granting possession (on payment of interest if required) in advance of completion of legal formalities - where such earlier possession is required for the proper functions of the County Council (and irrespective of the limit imposed in the paragraph above) and authority for purchase has already been given.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
E11	Estate Manager Asset Strategy Partner(s)	To approve the sale of marketable trees, which, as part of the functions of estate management, require to be felled, and of other similar items which require to be disposed of in the interests of efficient estate management.
E12	Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To give written notice of the proposed development of land vested in the Council, in accordance with the provisions of the Town & County Planning General Regulations 1976.
E13	Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager	To authorise the sale of land and/or buildings declared surplus to the Council's requirements up to a consideration of £500,000 in any one case including setting a reserve figure for auction sales, providing the disposal has been approved by the relevant Cabinet Member in conjunction with the Deputy Leader.
E14	Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager	To approve terms of the grant of Deeds of release or variation of restrictive covenants up to a consideration of £500,000 in any one case.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
E15	Estates Manager Services Manager Asset Strategy Partner(s) Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To approve variations in the names of purchasers, vendors, lessees or tenants to give effect to previously approved property transactions.
E16	Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To act in relation to certain procedures (as determined by the former Land & Building Committee on 18 September 1984) for secure tenants wishing to exercise their possible right to buy as defined in the Housing Act 1985 where time limits apply.
E17	Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	To take all necessary steps to obtain repossession of a property, in the case of residential property after prior consultation with the relevant portfolio holder.
E18	Estates Manager Senior Project Manager(s) Asset Strategy Partner(s) Maintenance Manager	To approve the demolition of unsafe buildings. Note: demolitions linked to disposals will be approved as part of the relevant disposal decision, by Cabinet or Cabinet Member, as appropriate.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
E19	Asset Strategy Partner(s) Services Delivery Manager Estates Manager Senior Project Manager(s) Workplace Delivery Manager	To serve notices under statute or contract in respect of any matter arising in connection with the terms and conditions of any lease held or granted by the County Council.
E20	Estates Manager Service Delivery Manager	To implement the County Council's Tolerance Policy in relation to unauthorised gypsy encampments on County Council land.
E21	Estates Manager Service Delivery Manager	To ensure compliance by District and Borough Councils with the terms and conditions of the Agency Agreements relating to the management of authorised gypsy sites held by the County Council.
E22	Estates Manager Service Delivery Manager Asset Strategy Partner(s)	Approving documents for sealing by the Head of Legal and Democratic Services.
E23	Services Delivery Manager Estates Manager Maintenance Manager Senior Project Manager(s) Workplace Delivery Manager	Authorising by signature Bills of Quantities/Specifications relating to contracts under seal.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
E24	Senior Project Manager(s) Asset Strategy Partner(s) Maintenance Manager Estates Manager Asset Strategy and Planning Manager Transformation and Delivery Manager Asset Investment and Regeneration Manager Schools and Programme Manager	Submitting applications for Planning Permission on behalf of the Council.

Finance

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
F1	Director of Finance Deputy Head of Finance Pension Fund & Treasury Manager Financial Reporting Manager Senior Finance Managers	To sign creditor cheques/BACS transfers but with two such officers' signatures required for such payments of £100,000 or above.
F2	Senior Finance Managers	Submit quotations for external contracts.
F3	Pension Fund & Treasury Manager Deputy Head of Finance Financial Reporting Manager Senior Finance Managers	Authorise lending and borrowing.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
F4	Pension Fund & Treasury Manager Deputy Head of Finance Financial Reporting Manager Finance Managers	Authorise emergency bank (BACS and CHAPS) transfers.
F5	Director of Finance Pension Fund & Treasury Manager Financial Reporting Manager	Authorise cash transfers to pension fund managers.
F6	Deputy Head of Finance Pension Fund & Treasury Manager	To exercise on behalf of the Director of Finance such matter relating to the County Council's banking arrangements as s/he shall specify.
F7	Senior Finance Manager (Children's Schools & Families) Finance Manager Schools & Learning	To prepare, implement and review a scheme for the financing of schools maintained by the authority for the approval of the Schools' Forum.
F8	Finance Manager Schools & Learning	To prepare a statement before the beginning of each funding period relating to the local education authority's planned expenditure for the period and after the end of the period to produce a statement of the expenditure actually incurred.
F9	Finance Manager, Schools & Learning	Approval of additional permitted purposes for which surplus balances may be retained by schools as set out in paragraph 4.2 and Annex G of the Surrey Scheme for Financing Schools.
F10	Chief Finance Officer/ Strategic Finance Manager (Pension Fund and Treasury)	Borrowing, lending and investment of County Council Pension Fund moneys, in line with strategies agreed by the Pension Fund Board. Delegated authority to the Chief Finance Officer to take any urgent action as required between Board meetings but such action only to be taken in consultation with and by agreement with the Chairman and/or Vice Chairman of the Pension Fund Board and any relevant Consultant and/or Independent Advisor.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
F11	Group Manager, Accounts Receivable	Decision, under section 22 of the Health and Social Services and Social Security Adjudications Act 1983, to place a legal charge on the property of a person in Part III accommodation under the National Assistance Act 1948 who has been assessed to pay towards the cost of that accommodation but who has fallen into arrears of payment.
F12	Director of Finance Group Manager Insurance Services	To determine insurance claims and to defend legal proceedings in connection with claims falling within the Council's insurance excess including authority to settle proceedings.
F13	Director of Finance Group Manager Insurance Services Principal Insurance Officer	To determine and put in place appropriate insurance arrangements for the Council.
F14	Director of Finance	To approve individual business cases of up to £100,000 prior to capital/invest to save projects proceeding. All projects approved under this delegation to be reported for information to Cabinet Members.
F15	Strategic Manager, Pensions & Treasury	To exercise discretion in relation to the Local Government Pension Scheme except (1) where a policy on the matter has been agreed by the Pension Board and included in the Discretionary Pension Policy Statement published by the Council, (2) decisions relating to "admitted body status" and (3) decisions relating to individual cases as provided for in the separate delegation to the Pensions Services Manager. This delegation is subject to any limitations imposed and confirmed in writing from time to time by the Director of Finance.
F16	Director of Finance, Director of Legal and Democratic Services, Director of People and Development and the Strategic Manager Pensions and Treasury	Hear stage one or stage two appeals relating to disputes involving the Local Government Pension Scheme, Compensation Benefits and Injury Allowances provided that an officer hearing an appeal will not have been involved at an earlier stage in the process.

Human Resources and Organisational Development

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
H1	Head of Human Resources and Organisational Development	To issue the Council's Human Resources policies and amend and issue Human Resources procedures relating to policy including those relating to employment.
H2	Head of Human Resources and Organisational Development	To implement the decisions and recommendations of recognised national negotiating bodies on employee maters where relevant.
H3	Deputy Head of Human Resources and Organisational Development	In relation to staff below the level of Head of Service, to determine applications for the exercise of the Council's discretionary powers to award compensation and grant early payment of pension benefits. Provided that in cases where the capitalised cost of the proposed compensation exceeds £20,000 a decision will only be taken after consideration by the Corporate Scrutiny Group.
H4	Pensions Manager	To exercise discretion (excluding decisions on admitted body status) in relation to the Local Government Pension Scheme where no policy on the matter has been agreed by the Council and included in the Discretionary Pension Policy Statement published by the Council, subject to any limitations imposed and confirmed in writing from time to time by the Chief Finance Officer.
H5	Chief Finance Officer	To determine decisions conferring 'admitted body' status to the Pension Fund where such requests are submitted by external bodies.
H6	Health and Safety Consultant	To update and issue guidance on all matters relating to Health and Safety legislation in accordance with the Council's policy statement.
H7	Director of People and Development with relevant Head of Service	To determine pay progression for individual Officers who are not on senior pay in accordance with the Pay Policy Statement.

Information Management and Technology

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
I1	Head of Information Management and Technology Information and Data Governance Programme Lead.	To approve, update and issue policies prepared or amended in accordance with the Council's Information Governance Policy.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
I2	Head of Information Management and Technology Information and Data Governance Programme Lead.	To approve and issue guidance on all matters relating to Information and Data Governance in accordance with the Council's policy statement on Information Governance.

Procurement

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
PR1	Head of Procurement Procurement Manager Category Manager Senior Category Specialist	To approve suppliers of goods, services and works to the Council.
PR2	Head of Procurement Procurement Manager Category Manager Senior Category Specialist	To accept quotations and tenders for the acquisition of goods services and works, subject to the requirements of Procurement Standing Orders.
PR3	Head of Procurement Procurement Manager Category Manager Senior Category Specialist	To approve variations to existing contracts provided that the value of the variation does not exceed 10% of the value of the contract in any one year and subject to the financial limits applying to the officer exercising the delegation.

Shared Services

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
SS1	Pensions Services Manager	To exercise discretion in relation to the Local Government Pension Scheme on the following matters in individual cases: - allocation of death grants - determining co-habitation - determining whether a child meets criteria for a child's pension - allocation of pension for persons incapable of managing their own affairs - commutation, transfer in and forfeiture decisions - extension of time limits for decisions to be made by scheme members - minimum contribution levels for additional payments - determining reviews and effective dates of ill-health benefits -write offs up to £250 This delegation is subject to any limitations imposed and confirmed in writing from time to time by the Director of Finance.

CHILDREN, SCHOOLS AND FAMILIES

Children's Services

No.	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Children and Families (Social Care). Practice Accountabilities	
C1	Assistant Team Manager	Decisions on outcome of referrals and assessments
C2	Case Holder	Responsibility to assess case and make recommendations
C3	Team Manager	Responsibility to call a Child in Need Planning or review meeting
C4	Assistant Team Manager	Chairing of Child in Need meeting and reviews
C5	Area Head of Service/ Head of Countywide Services i.e. for CWD where care proceedings may be initiated. In absence of Head of Countywide Services function delegated to Service Manager for CWD	Authorisation to commence Public Law Outline
C6	Area Head of Service / Head of Countywide Services	Agreeing to accommodate a child (S20)
C7	Area Head of Service / Head of Countywide Services	Agreement to discharge a child who is accommodated under Section 20, 1989 Children Act
C8	Team Managers following strategy discussion. In exceptional circumstances, where delay would place the child at risk, delegated to Assistant Team Managers	Decision to apply for an EPO (Emergency Protection Order)
C9	Area Head of Service In exceptional circumstances, where delay would place the child at risk- delegated to Team Manager.	Decision to instigate care proceedings in any court
C9A	Area Head of Service	Decision to apply for any of the following under the Children Act 1989: Child Assessment order, Child

No.	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
		Safety Order; section 8 order
C10	Team Manager	Signing of applications to court
C11	Area Heads of Service	Endorse applications to court
C12	Area Head of Service	Signing of care plans to court
C13	Team Manager following Children Looked After (CLA) Statutory Review and in consultation with Area Head of Service	Decision to apply for discharge of care order
C14	Case holder and Team Manager	Lead on Progressing and Monitoring implementation of Child in Need and Core Group Meetings
C15	Area Head of Service/ Head of Countywide Services	Agreement to place with foster carers
C16	Area Head of Service in consultation with Head of Countywide Services	Agreement to place with Independent Fostering Arrangements
C17	Head of Countywide Services	Agreement to out of county residential placement
C18	Area Head of Service in consultation with Care Services Manager - can be referred to Head of Countywide Services if necessary e.g. out of county placement	Authority to change a child's placement in an unplanned way
C19	Head of Safeguarding with child's Area Head of Service	Authority to postpone a CLA Review beyond statutory time limits
C20	Case holder	Carrying out of statutory visits for CLA
C21	Registered Manager to inform Care Services Manager who informs Head of Countywide Services & Assistant Director Registered Manager informs social worker and Team Manager **Ref : 'The Arrangements for Identifying and Responding to Missing Children and** **Young People'**	Missing Children from Care: notify police, senior managers

No.	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Death of a child in care	
C22	Team Manager / Assistant Team Manager	Notify Area Head of Service
C23	Area Head of Service and Head of Countywide Services	Notify the Assistant Director
C23A	Area Head of Service	Notify parent in conjunction with social worker
C23B	Assistant Director	Notify Director
C23C	Assistant Director	Inform Cabinet Member
C23D	Head of Safeguarding Unit in consultation with child's Area Head of Service	Notifying Ofsted / Children's Services Advisor GOSE after consultation with the Assistant Director
	Children Looked After	
C24	Area Head of Service /Head of Countywide Services if not able to be obtained from parent	Consent to: Immunisation / vaccination (e.g. meningitis)
C25	Area Head of Service/ Head of Countywide Services if not able to be obtained from parent	Consent to emergency treatment
C25A	Area Head of Service/ Head of Countywide Services if not able to be obtained from parent	Consent to surgery
C25B	Area Head of Service /Head of Countywide Services if not able to be obtained from parent	Consent to contraceptive treatment
C25C	Area Head of Service / Head of Countywide Services if not able to be obtained from parent	Consent to marriage of CLA
C25D	Area Head of Service / Head of Countywide Services if not able to be obtained from parent in consultation with young person (if Fraser competent)	Consent to termination of pregnancy and HIV testing of CLA

No.	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
C26	Area Head of Service / Head of Countywide Services (applicant signatory) Social worker (counter signatory)	Signing a passport application of CLA
C26A	Area Head Of Service / Head of Countywide Services – Assistant Director will be informed of all trips aboard	Authorising a trip abroad for CLA
C27	Team Manager	Authorising request for CRB checks on children's carers
C28	Area Head of Service / Head of Countywide Services	Decision to take further action regarding CRB check results
C29	Registered Manager following consultation with the relevant Team Manager - Head of Countywide Services to be informed along with the Assistant Director	Consent to criminal proceedings being initiated for criminal damage (where this has occurred on Council property) against a young person in a residential unit
C30	Assistant Team Manager	Case allocation / closure
C31	Assistant Director following recommendation from Area Head of Service (Placement of Children with Parents Regulations. Request for Placement with Parents to be sent to Assistant Director 7 days prior to court date)	Authority to place CLA at home or with person who has parental responsibility
C32	Area Head of Service in consultation with Head of Countywide Services	High cost Care Plans - advance consultation and agreement between senior managers (decision making not permitted by Level 5 & 6 managers)
C33	Area Head of Service	Authority to place CLA with regulation 38 carers (family and friends)
C34	Team Manager	Authority to place siblings separately short term
C35	Area Head of Service with legal advice	Agreement to suspend contact (child on Care Order Section 34 (6) Children Act 1989) and application for order relating to contact under section 34
C36	Team Manager in conjunction with legal staff	Notification of all persons concerned in relation to a decision to suspend contact
C37	Team Manager	Contact at discretion of Local Authority following CLA Review and a risk assessment

No.	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Secure Accommodation	
C38	Area Head of Service/ Head of Countywide Services	Makes application to Assistant Director for Secure Accommodation who takes responsibility for each placement and must record her/his reasons for the decision and attach these to the report.
C38A	Assistant Director	Authority to endorse secure application
C38B	Assistant Director	Authority to progress secure application for under 13 year old to Secretary of State
	Residence Orders	
C39	Social worker	To recommend to ATM or TM and for TM to seek agreement from Area Head of Service
C40	Area Head of Service	Departmental agreements to fund an application to apply for Residence Order
C41	Area Head of Service	Departmental agreement to fund an application for a Special Guardianship Order
C42	Area Head of Service in consultation with Team Manager	Departmental approval for Kinship Care Placement
C42A	Head of Countywide Services	Authorisation of payments for residence order and special guardianship order allowances in excess of the agreed scheme in exceptional circumstances
	Child Protection	
C43	Team Manager	Decision to initiate Section 47 Enquiry
C44	Area Head of Service	Decision not to see the child / young person as part of the enquiry within 24 hours
C45	Team Manager in consultation with Area Head of Service	Decision to call Initial Child Protection Conference following Section 47 enquiry
C46	Area Head of Service	Decision not to call Initial Child Protection Conference following Section 47 enquiry
C47	Area Head of Service / Team Manager	Signing Child Protection Plans
C48	Chairs of Child Protection Conferences (Safeguarding Unit)	Chairing of Initial Child Protection Conferences
C49	Independent Reviewing Officer	Chairing of Review Child Protection Conferences

No.	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
C50	Chair of Child Protection Panels	Decision to remove child from Child Protection Plan
	Foster Care & Adoption	
C51	Level 4 manager as designated by Assistant Director	Approval or rejection of foster carers with any relevant conditions after recommendations from fostering panels
C52	Head of Countywide Services	Decisions relating to foster care allowances and financial assistance for foster carers
C53	Care Services Manager	Appointment of members of adoption panels and fostering panels
C54	Care Services Manager	Decision to make a prohibition notice or requirements in respect of private foster carers
C55	Level 4 manager as designated by Assistant Director	Approval of prospective adoptive parents and approval that children should be placed for adoption and approvals of placement of a child with an adoptive family following recommendations from adoption panel
C56	Head of Countywide Services	Decisions relating to adoption allowances and to pay legal costs for adopters in adoption cases
C57	Area Head of Service	Authorisation of applications under Adoption and Children Act 2002
	Data Protection	
C58	Area Head of Service	Authorisation of restricted access in relation to a Data Protection access to file request
C59	Area Head of Service	Authorisation to waive public interest immunity in relation to the disclosure of information in a criminal prosecution
	Child Employment	
C60	County Child Employment Enforcement and Strategy Manager	To monitor the employment of children of compulsory school age and register for entertainment licences. To investigate cases of illegal employment and take necessary action within the relevant sections of the Children and Young Persons Acts 1033 and 1963, The Children (Performances and Activities) (England) Regulations 2014, Section 559(1) and (2) of the Education Act 1996 and in accordance with current local byelaws.

Commercial Services

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
CO1	Head of Commercial Services Regional Manager Operations Manager Finance Manager	Acquisitions and disposal of services, supplies and equipment Submit tenders and quotations for external contracts and internal arrangements Employ staff to meet requirements of contracts in accordance with specifications and trade levels.
CO2	Premises Manager	Acquisitions and disposal of equipment.

Schools and Learning

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
SL1	Assistant Director for Schools and Learning	To ensure that service delivery in respect of schools and learning complies with the duties imposed on the Authority by legislation.
SL2	Assistant Director for Schools and Learning	To make, in consultation with the Cabinet Member, local education authority appointments to governing bodies of schools, further and higher education establishments and independent schools.
SL3	Assistant Director for Schools and Learning	To approve applications for free Home to School mainstream transport following initial refusal by the Principal Managers for Admissions and Transport, where there are exceptional circumstances or where new evidence is produced.
SL4	Assistant Director for Schools and Learning	To authorise school loans of less that £500,000 and to licence school deficits of up to 5% of a school's budget and less than £500,000. Note: deficits of more than 5% are referred to Cabinet/Cabinet Member for approval
SL5	Assistant Director for Schools and Learning	In consultation with the Director of Finance, to serve a notice of concern under paragraph 2.16 of the Surrey Scheme for Financing Schools where a school has not complied with the provisions of the Scheme.
SL6	Assistant Director for Schools and Learning	To serve a warning notice on a school under s15 of the School Standards and Framework Act 1998 that the Council may exercise its powers of intervention under the Act.
SL7	Head of School Commissioning Admissions and Transport Policy Manager	To fix the admission numbers for community and voluntary controlled schools.
SL8	Head of School Commissioning	To ensure that school premises conform to the standards prescribed.
SL9	Head of School Commissioning Admissions and Transport Policy Manager	To review and report to the Secretary of State annually on the supply of places.
SL10	Head of School Commissioning	To ensure compliance with class size of 30 legislation.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
SL11	Principal Managers for Admissions and Transport	To publish information as to schools' admission arrangements.
SL12	Principal Managers for Admissions & Transport	To enable parents to express a preference as to the school their child is to attend in accordance with any scheme for coordinating the arrangements for admissions with those of other admission authorities.
SL13	Principal Managers for Admissions & Transport	To comply with any preference expressed in accordance with the Authority's arrangements, and any scheme for coordinating these arrangements with those of other admission authorities unless compliance with the preference would prejudice the provision of efficient education use of resource.
SL14	Principal Managers for Admissions & Transport	To consult, at least once in every year, as to the proposed admission arrangements for schools.
SL15	Principal Managers for Admissions & Transport	To make arrangements for the provision of such free transport as the Authority considers necessary to facilitate the attendance of pupils at schools.
SL16	Assistant Director for Schools and Learning	To require a maintained school to accept a pupil named in a school Attendance Order.
SL17	Assistant Director for Schools and Learning	To direct a maintained school to admit a child who would otherwise be without a place.
SL18	Head of Special Educational Needs	To ensure that appropriate provision is made for pupils who have special educational needs.
SL19	Early Years and Childcare Service Manager	To ensure sufficient childcare places for working parents and to offer advice, guidance and support on meeting national standards.
SL20	Early Years and Childcare Service Manager	Duty to keep day care arrangements under review in conjunction with the local authority.
SL21	Head of Special Needs	To identify those children with special education needs which call for the authority to determine the special education provision which should be made for them and to review statements of special educational need on an annual basis.
SL22	Head of Special Needs	To ensure that, subject to qualifications, children with special needs are educated in the most appropriate mainstream or specialist setting.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
SL23	Early Years and Childcare Service Manager	To discharge duties regarding the creation of early education places for 3 and 4 year olds under the relevant statutory plans.
SL24	Early Years and Childcare Service Manager	To support and service the work of the Early Years and Childcare Partnership.
SL25	Early Years & Childcare Service Manager	To ensure that there is effective partnership working to support the provision of early education and childcare.
SL26	Early Years & Childcare Service Manager.	To ensure that there is the development of an integrated approach to early education and childcare and in particular through the programme of developing children's centres.
SL27	Assistant Director for Schools and Learning	To keep special education arrangements under review.
SL28	Strategic Lead for School Commissioning	In connection with section 106 Town and Country Planning Act 1990, to approve the nature and value of contributions to be made by developers in relation to educational provision after consultation with the Head of Property where these include possible property transactions

Services for Young People

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
YP1	Assistant Director for Services for Young People	To manage youth centres, outdoor education centres and neighbourhood based youth work To suspend or permanently exclude young people from centres or work in exceptional circumstances
YP2	Assistant Director for Services for Young People	To assist if requested the local authority's investigations of young people who have suffered or may have suffered `significant harm'
YP3	Assistant Director for Services for Young People	To deliver the service under the terms of Service Level Agreements with the voluntary sector and with Surrey Connexions.
YP4	Assistant Director for Services for Young People	To implement and manage the local Duke of Edinburgh Scheme
YP5	Head of Inclusion	To secure the admission of a pupil excluded from school to a place at another maintained school
YP6	Head of Inclusion	To secure provision of education 'otherwise than at school' where necessary to meet a pupil's need
YP7	Area Education Welfare	To ensure that the parent complies with his duty under

	Managers Court Presentation Officer Assistant Court Presentation Officer	Section 7 of the 1996 Education Act to cause his child of compulsory school age to receive efficient full-time education suitable to his age, abilities and aptitudes whether by regular attendance at school or otherwise and to authorise the prosecution of parents who fail to comply with this duty under Section 444 of the Education Act 1996.
YP8	Area Education Welfare Managers Court Presentation Officer Assistant Court Presentation Officer	Under Section 447 of the Education Act 1996, to consider whether an Education Supervision Order would be in the better interests of a child than prosecution of parents under Section 444 of the Education Act 1996 and to issue an application for an education supervision order under Section 36 of the Children Act 1989 where appropriate.
YP9	Area Education Welfare Managers Court Presentation Officer Assistant Court Presentation Officer	Under Section 437 of the Education Act 1996 to serve a school attendance order on the parent of a child of compulsory school age who does not appear to be receiving suitable education and to authorise the prosecution of parents who fail to comply with such an order under Section 443 of the Education Act 1996.
YP10	Area Education Welfare Managers Court Presentation Officer Assistant Court Presentation Officer	Under Section 444A and 444B of the Education Act 1996 and Section 105 of the Education and Inspections Act 2006 to issue penalty notices.
YP11	Area Education Welfare Managers Court Presentation Officer Assistant Court Presentation Officer	Under s223 of the Local Government Act 1972, these officers are authorised to prosecute, defend or appear in legal proceedings on behalf of the authority in relation to sections 443, 444, 446 and 559 of the Education Act 1996, section 36 of the Children Act 1989, section 20 of the Anti Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006.
YP12	Head of Commissioning and Development	To approve Youth Small Grants of £5,000 and under, in consultation with the relevant Local Committee and/or the Local Youth Task Group Chairman and the Divisional Member.

CUSTOMERS AND COMMUNITIES

Customer Services

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
S1	Head of Customer Services	In consultation with the Strategic Director and the Cabinet Portfolio holder to decide annually, or as otherwise required, whether to take the power to make payments to students in post-compulsory education.
S2	Head of Customer Services	To make arrangements to enable financial support to be provided to students attending higher education or other courses of post-compulsory education

Cultural Services

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
CS1	Head of Cultural Services	To ensure the delivery of Cultural Services in accordance with the duties imposed upon the authority by legislation
CS2	Head of Cultural Services Library Service Manager	To meet the requirements of the Public Libraries and Museums Act 1964, eg display of sensitive material, use of mobile libraries
CS3	Head of Cultural Services Library Service Manager	To supply information required to the Department of Culture, Media & Sport
CS4	Library Managers, Mid, East North-West and South West Surrey Heritage Manager	To exercise the powers under the Library Bylaws and Regulations, eg temporary closure of libraries in extenuating circumstances, exclusion of library users, setting of loan periods and fees and discounts where applicable
CS5	Library Managers, Mid, East North-West and South West Surrey Head of Cultural Services/ Library Operations Manager (in relation to Surrey Performing Arts Liobrary)	In consultation with the Chairman of the Local Committee or, in relation to Surrey Performing Arts Library, the relevant Portfolio Holder, to approve changes amounting to no more than 15% of a library's total hours of opening (whether managed directly by Surrey County Council or under a community partnership agreement)
CS6	Senior Manager Surrey Arts Heritage Manager	Within their area of responsibility to make grants to local groups within budget
CS7	Senior Manager Surrey Arts	Performing Arts Library: To deliver the service under the terms of the Service Level Agreement with West Sussex County Council

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
CS8	Heritage Manager Heritage Partnership and Learning Team Manager	To provide the service to the Surrey Museums Consultative Committee in accordance with its terms of reference.
CS9	Heritage Manager Heritage Stewardship and Preservation Team Manager	To safeguard and to make available records under the Public Records Acts 1958 as amended, the Parochial Registers and Records Measure 1978 and the Manorial Documents Rules (Law of Property Amendment Act 1925), the Local Government Act 1972, Section 224 and the Local Government (Records) Act 1962.
CS10	Heritage Manager Heritage Public Services Team Manager	To access sensitive or confidential material in accordance with Department of Health guidelines, Coroners' Rules and the Data Protection Acts of 1984 and 1998 and the Freedom of Information Act (as subsequently amended).
CS11	Heritage Manager Heritage Public Services Team Manager Heritage Conservation Team Manager Heritage Preservation and Stewardship Team Manager	To permit the use of material in accordance with the Copyright Acts
CS12	Heritage Manager Heritage Enterprise Team Manager	To enter into agreements with developers and others to ensure that archaeological work in connection with proposed or consented development is carried out.
CS13	Heritage Manager	To establish procedures relating to heritage assets to be owned or loaned to SCC.
CS14	Heritage Manager	To promote Heritage based learning and manage learning events and activities.
CS15	Heritage Manager	To apply for funding and enter into agreements with external funders to enable heritage activities to be carried out, in consultation with the Director of Finance.
CS16	Heritage Manager	To enter into agreements with partners to enable and ensure that heritage activities are carried out.
CS17	Heritage Conservation Team Manager	To manage a Heritage Environment Record for Surrey.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
CS18	Adult Learning Manager	To meet the requirements of the Learning & Skills Act 2000 to secure learning for adults, ensuring that the needs of adults with learning difficulties are considered.
CS19	Adult Learning Manager	To produce an annual Adult Learning Plan and submit this to the Learning & Skills Council (LSC).
CS20	Adult Learning Manager	To report to the LSC information required, in particular regarding Individual Learner Records.
CS21	Adult Learning Manager	• To set course fees for adult learning (and to offer discounts if applicable) and to set the Remissions Policy • To manage Adult Learning centres and to temporarily close such centres in extenuating circumstances • To suspend or permanently exclude learners from venues or courses in exceptional circumstances
CS22	Libraries Operations Manager	In connection with section 106 Town and Country Planning Act 1990, to approve the nature and value of contributions to be made by developers in relation to libraries provision after consultation with the Head of Property where these include possible property transactions

Community Partnership

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
LP1	Lead Manager Community Partnership Team Community Partnership Manager Community Partnership Team Leaders	To manage and authorise expenditure from a budget delegated to the Local Committee in accordance with the Local Committee's decisions
LP2	Lead Manager Community Partnership Team Community Partnership Manager Community Partnership Team Leaders	To make decisions on approval of Member Allocations in consultation with individual Members or the relevant local committee Chairman where it is not possible to obtain the individual Member's views.
LP3	Community Partnership Manager Community Partnership Team Leaders	To make decisions on the approval of Local Committee Capital Allocations following consultation with all County Members on the relevant Local Committee.

LP4	Lead Manager Community Partnership Team Community Partnership Manager Community Partnership Team Leaders	To manage and authorise expenditure from the Community Improvement Fund budget in accordance with the Leader's decisions.
LP5	Community Partnership Manager Community Partnership Team Leaders Senior Policy and Performance Manager, Customers and Communities Directorate Support	To determine applications made under the Repair and Renew Grant Scheme in accordance with the guidance agreed with Defra

Surrey Fire and Rescue

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR1	To exercise the powers of the County Council as Fire and Rescue Authority pursuant to the Regulatory Reform (Fire Safety) Order 2005 as follows:	
FR1A	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Group Manager (Protection)	To sign and serve any Alterations Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR1B	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Group Manager (Protection) Station Manager (Protection)	To withdraw any Alterations Notice served on behalf of Surrey County Council as the Fire and Rescue Authority
FR1C	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager (Protection) Station Manager (Protection)	To sign and serve any Enforcement Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR1D	Assistant Chief Fire Officer Deputy Assistant Chief Fire	To withdraw any Enforcement Notice served on behalf of Surrey County Council as the Fire and

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Officer Area Manager Group Manager (Protection) Station Manager (Protection)	Rescue Authority
FR1E	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager	To sign and serve any Prohibition Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR1F	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager (Protection) Station Manager (Protection)	To sign any Prohibition Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR2	To exercise the powers of the County Council as Fire and Rescue Authority pursuant to Fire Safety and Safety of Places of Sport Act 1987 and The Safety of Sports Ground Act 1975 as follows:	
FR2A	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager (Protection)	To sign any Prohibition Notice on behalf of Surrey County Council as the Licensing Authority
FR2B	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager (Protection) Station Manager (Protection) Safety at Sports Grounds Advisor	To withdraw any Prohibition Notice served on behalf of Surrey County Council as the Licensing Authority
FR2C	Assistant Chief Fire Officer	To sign any General Safety Certificate or Special Safety Certificate on behalf of Surrey County Council

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Deputy Assistant Chief Fire Officer Area Manager Group Manager (Protection)	as the Licensing Authority
FR2D	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager (Protection) Station Manager (Protection) Safety at Sports Grounds Advisor	To sign any Amendment Notice, Cancellation Notice, Transfer Notice on behalf of Surrey County Council as the Licensing Authority
FR3	To exercise the powers of the County Council as Fire and Rescue Authority pursuant to Health & Safety at Work Etc. Act 1974	
FR3A	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager Station Manager (Protection)	To sign any Improvement Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR3B	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager Station Manager (Protection)	To withdraw any Improvement Notice served on behalf of Surrey County Council as the Fire and Rescue Authority
FR3C	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager	To sign any Prohibition Notice on behalf of Surrey County Council as the Fire and Rescue Authority

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR3D	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager Station Manager (Protection)	To withdraw any Prohibition Notice served on behalf of Surrey County Council as the Fire and Rescue Authority
FR4	Head of Fire and Rescue and Chief Fire Officer	In respect of ranks below that of Assistant Chief Fire Officer, to determine arrangement for (1) any disciplinary meetings and appeals in relation to uniformed firefighters and (2) any appeals relating to the Firefighters' Pension Scheme which are not reserved to the People, Performance and Development Committee or Appeals and Representation Panel.
FR5	Chief Fire Officer Assistant Chief Fire Officer	To agree, in consultation with the Portfolio Holder and Local Member, consultation arrangements on any proposals for changes to fire and rescue services which have the potential to have a significant impact on one or more locality and to oversee any such consultations as part of the preparation of options to be considered by the Cabinet acting as Fire and Rescue Authority. This to include arrangements for consultations on options for changes to services to be considered by the Fire and Rescue Authority, such as the closure of a fire station or permanent reduction / relocation of fire engines and crew.

Trading Standards

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
TS1	Community Protection Manager	To be the Council's Chief Inspector of Weights and Measures
TS2	Community Protection Manager Policy and Operations Manager Investigations and Enforcement Manager West Business Advice and Compliance Manager East	To exercise all the powers and functions of the Council relating to Trading Standards, weights and measures, consumer protection, public safety and other related legislation including powers of enforcement, issuing suspension notices, fixed penalty notices, penalty charge notices, penalty notices for disorder, licensing and registration, prosecution and civil action

TS3	Community Protection Manager Policy and Operations Manager	To appoint inspectors, enforcement, sampling and other officers as the nominee of the Head of Paid Service
TS4	Community Protection Manager Policy and Operations Manager Investigations and Enforcement Manager West Business Advice and Compliance Manager East Business Intelligence and Legal Manager Senior Legal Officer	A. To institute and/or appear on behalf of the County Council in any proceedings relating to trading standards, weights and measures, consumer protection, public safety and other related legislation before any Court of Summary Jurisdiction, the Crown Court or in the County Court. B. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 in the Crown Court C. (Community Protection Manager only) To authorise senior trading standards officers to appear in any proceedings relating to trading standards, weights and measures, consumer protection, public safety and other related legislation before any Court of summary jurisdiction or in the County Court
TS5	Community Protection Manager Policy and Operations Manager	To approve in consultation with the Director of Finance, the future level of fees and any revisions calculated by the Local Authority Co-ordinators of Regulatory Services
TS6	Community Protection Manager Policy and Operations Manager	To authorise directed surveillance and the use of covert human intelligence sources (other than those authorisations that are likely to lead to the disclosure of confidential information, or where a juvenile or vulnerable individual is used as a source, which can only be authorised by the Chief Executive or in his absence a Director acting as his Deputy) and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000.
TS7	Community Protection Manager Policy and Operations Manager	To authorise Communications Data checks on submission from the Single Point of Contact under the Regulation of Investigatory Powers Act 2000 and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000
TS8	Strategic Director for Customers and Communities Community Protection Manager	To make arrangements with another local authority for it to carry out an investigation and initiate and conduct any legal proceedings relating to a cross-border matter where it is agreed that the other local authority should take the lead; the other authority will bear the costs and any liability arising from such proceedings

ENVIRONMENT AND INFRASTRUCTURE

Highways and Transportation

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
T1	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Maintenance Engineers Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer Streetworks Manager Team Manager Bus Team Manager Projects	To approve the placing of street furniture and small structures within highway limits, and to approve the placing of apparatus over, in or under the highway, in accordance with S.50 New Roads and Street Works Act 1991, including the erection of posts and bollards, and the laying of pipes and other incidental works, including hard-standing.
T2	Projects & Contracts Group Manager Structures Team Manager Structures Maintenance Team Leader Structures Projects Team Leader	To approve the adjacent installation, and/or attachment of pipes or cables, and the laying of ducts in and to bridges, and to highway structures.
T3	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Maintenance Engineers	To deal with applications for the construction of carriage crossings over footways and verges and to construct such crossings.
T4	Assistant Director Highways Local Highway Services Group Manager Highway Maintenance Team Manager Area Team Manager Projects & Contracts Group Manager Highway & Drainage Projects Team Manager Structures Team Manager, Operations Group Manager Highway Inspections Team Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	To erect fences (including guard rails), boundary posts, and, in emergencies, barriers and to install refuse or storage bins on the highway.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
T5	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Projects & Contracts Group Manager Structures Team Manager Maintenance Engineers Operations Group Manager Streetworks Manager Traffic and Streetworks Manager	To serve notices and take any other necessary action under the New Roads and Street Works Act 1991 and Traffic Management Act 2004
T6	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Maintenance Engineers Streetworks Manager	To grant permission for the deposit of builders' skips on the highway, for the erection of scaffolding referred to in S. 169 of the Highways Act 1980, (subject if necessary to technical approval having first been obtained), and to require the removal or repositioning of such skips or scaffolding.
T7	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Maintenance Engineers Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	To grant and withdraw licences for the planting and maintenance of trees, plants or grass in the highway pursuant to s.142 of the Highways Act 1980
T8	Assistant Director Highways Local Highway Services Group Manager Highway Maintenance Team Manager Highway Inspection Team Manager Area Team Manager Maintenance Engineers Operations Group Manager Countryside and Access Team Manager Senior Countryside Access Officer	To take action under the various provisions of the Highways Act 1980 or any statutory modification or re-enactment thereof, to carry out routine maintenance of the highway and to facilitate the prompt removal of encroachments, obstructions and dangers from the highway.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
T9	Assistant Director Highways Local Highway Services Group Manager Highway Maintenance Team Manager Highway Inspection Team Manager Projects & Contracts Group Manager Area Team Manager Maintenance Engineers Structures Team Manager Structures Maintenance Team Leader Structures Projects Team Leader Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	To exercise all the functions and duties of the County Council under S. 132 of the Highways Act 1980 in relation to the removal of any picture, letter, sign or other mark painted inscribed or affixed upon the surface of a highway or upon any tree or structure, or works on or in a highway.
T10	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Maintenance Engineers Projects & Contracts Group Manager Structures Team Manager Structures Maintenance Team Leader Structures Projects Team Leader	To exercise the powers delegated in T9 above on or in a highway structure owned by the County Council.
T11	Projects & Contracts Group Manager Structures Team Manager	To grant licences for the construction of private bridges over the highway in accordance with S. 176 of the Highways Act 1980.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
T12	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Projects & Contracts Group Manager Operations Group Manager, Countryside Group Manager Countryside Access Team Manager Asset Planning Group Manager Senior Countryside Access Officer Structures Team Manager Parking Strategy and Implementation Team Manager Highways and Drainage Project Team Manager Community Highway Improvement Manager Traffic and Streetworks Manager	To close roads or other public rights of way for a period not exceeding 21 days pursuant to s14 (2) Road Traffic Regulation Act 1984.
T13	Assistant Director Highways Local Highway Services Group Manager Area Highway Manager Operations Group Manager Highway Maintenance Team Manager Projects & Contracts Group Manager Highway & Drainage Project Team Manager	To authorise any person to enter onto land for the purpose of carrying out drainage works as laid down in s100 of the Highways Act 1980 and s287 of the Public Health Act 1936 after due notice has been served.
T14	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Operations Group Manager Highway Maintenance Team Manager Projects & Contracts Group Manager Highway & Drainage Project Team Manager	Following consultation with the Environment Agency to serve notices under s25 Land Drainage Act 1991 and in default of compliance with the notice to authorise any person to enter onto land to carry out works in default and to recover any expenses incurred in doing so

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
T15	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Projects & Contracts Group Manager Structures Team Manager	To consider Compulsory Purchase Orders affecting the highway and other Orders made by the Secretary of State and, subject to prior consultation with the Head of Legal and Democratic Services, to inform the Secretary of State that the County Council have no objection to the Order. NB A report will be submitted to the Local Committee in the event that the County Council wishes to object to the Order.
T16	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Operations Group Manager Projects & Contract Group Manager	To authorise the construction of schemes (other than bridge maintenance or strengthening) approved by the Local Committee or the Cabinet.
T17	Assistant Director Highways Operations Group Manager Projects & Contracts Group Manager Structures Team Manager Operations Group Manager	To authorise a programme of bridge maintenance and the construction of approved bridge strengthening schemes subject to the prior inclusion of such schemes in the LTP programme and the overall finance limits approved by the Cabinet.
T18	Assistant Director Highways Local Highway Services Group Manager Area Team Manager	To approve or consent to action which a District Council proposes to take in those cases where prior approval or consent of the County Council is required, and report to the Local Committee.
T19	Assistant Director Highways Operations Group Manager Traffic Signals Team Manager Transport Senior Procurement Officer Traffic and Streetworks Manager Traffic Management Team Leader	To instruct the invitation and acceptance of tenders in respect of new modifications to existing traffic signals, pelican and toucan crossing installations as part of schemes approved by the Local Committees.
T20	Assistant Director Highways Traffic and Streetworks Manager Traffic Management Team Leader Operations Group Manager Traffic Signals Team Manager Transport Senior Procurement Officer	To instruct the invitation and acceptance of tenders in respect of modifications and maintenance to existing traffic control systems, pelican and toucan crossing installations.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
T21	Assistant Director Highways Local Highway Services Group Manager Area Team Manager	To exercise all the functions and duties of the Council under Part 7 (a) S. 115A to 115K of the Highways Act 1980.
T22	Assistant Director Highways Operations Group Manager Streetworks Manager Local Delivery 7 Customer Services Group Manager Area Team Manager Parking Strategy & Implementation Team Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	To make (1) Temporary Traffic Regulation Orders under s14 (1), 15(2) and 15(8) of the Road Traffic Regulation Act 1984, including temporary orders for waiting/ parking restriction which would attract penalty charge notices for contraventions and (2) 'special events' orders under s16(a), (b) or (c) of the Road Traffic Act 1984 subject to informing the Chairman of the Local Committee (local Members also informed).
T23	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Parking Strategy and Implementation Team Manager	Where significant objections are received to an advertised Traffic Regulation Order to decide, in consultation with the divisional member, appropriate[1] borough councillor on the joint committee where the local committee is a joint committee and the Local Committee Chairman/ Vice Chairman, whether the Traffic Regulation Order may be made. The Parking Strategy and Implementation Team Manager or Area Team Manager, in consultation with the Divisional Member, appropriate borough councillor on the joint committee where the local committee is a joint committee and the relevant Local Committee Chairman or Vice-Chairman, will decide whether or not to accede to any unresolved objections received in relation to an advertised TRO, and whether the TRO may be made, either with or without modifications, with due regard to the provisions of regulation 14 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Where a TRO has been advertised and a substantial number of objections have been received or significant modifications are proposed to be made, the Parking Strategy and Implementation Team Manager or Area Team Manager, in consultation with the Divisional Member, appropriate borough councillor on the joint committee where the local committee is a joint committee and the relevant Local Committee Chairman or Vice-Chairman, may refer the decision

[1] Each Borough Councillor on the Joint Committee will be aligned to a County Council Electoral Division for this purpose.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
		on whether the TRO may be made to the Local Committee.
T24	Assistant Director Highways Local Highway Services Group Manager Area Team Manager	To respond to notifications by District Councils (which have adopted the Street Trading Code) of proposals to designate a street as prohibited, licence or consent a street, making any representations felt appropriate to ensure that no material effect upon the safe and expeditious flow of vehicular and pedestrian traffic will result, including any other representation thought appropriate on behalf of the County Council as Highway Authority.
T25	Assistant Director Economy, Transport and Planning Travel & Transport Group Manager	To exercise the Council's powers in relation to securing the provision of any service under sub-section 1 (a) of the Transport Act 1985, subject to prior reference to the Cabinet. The Local Committees to be informed.
T26	Assistant Director Highways Local Highway Services Group Manager Parking Strategy & Implementation Team Manager	To progress and implement proposals for changes in waiting and parking restrictions, following agreement by the Local Committee, including the placing of traffic signs.
T27	Assistant Director Highways Local Highway Services Group Manager Parking Strategy & Implementation Team Manager	To approve proposals by the District Councils for the provision and regulation of off-street car parks.
T28	Transport Senior Procurement Officer	To incur expenditure up to the limit of the sum included in the Cabinet's approved estimates for each financial year, in connection with the transport of primary and secondary school pupils between home and school.
T29	Assistant Director Highways Local Highway Services Group Manager Area Team Manager	To authorise Low Cost and Accident Remedial measures provided land acquisition is not required.
T30	Assistant Director Highways Local Highway Services Group Manager Area Team Manager	To grant consent for the construction or to issue notices for the removal of a vault, arch or cellar under the carriageway in accordance with S. 179 of the Highways Act 1980 where the vault, arch or cellar is not a highway structure.
T31	Projects & Contracts Group Manager Structures Team Manager	To exercise the powers set out in T30 above where the vault, arch or cellar is a highway structure.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
T32	Projects & Contracts Group Manager Structures Manager	To approve the design of structures referred to in S. 167 of the Highways Act 1980.
T33	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Asset Planning Group Manager Projects & Contracts Group Manager Drainage Team Leader	To serve notices requiring urgent works to private streets pursuant to s230 of the Highways Act 1980
T34	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer Projects & Contracts Group Manager Structures Team Manager	To authorise staff or consultants to enter on land for the purpose of survey as laid down in S.289 of the Highways Act 1980 and for the purpose of carrying out works as laid down in S.291 of the Highways Act 1980 after due notice has been served.
T35	Assistant Director Highways Local Highway Services Group ManagerLocal Highway Services Group Manager Area Team Manager	To grant licences for the construction of buildings over highways in accordance with S. 177 of the Highways Act 1980.
T36	Assistant Director Highways Local Highway Services Group Manager Area Team Manager	To grant consents for the placing of rails, beams, etc over highways in accordance with S. 178 of the Highways Act 1980.
T37	Projects & Contracts Group Manager Structures Team Manager	To exercise the powers set out in T36 above where the proposal involves a highway structure.
T38	Assistant Director Economy, Transport and Planning Assistant Director Highways Local Highway Services Group Manager Area Team Manager Countryside Group Manager Countryside Access Team Manager	To authorise the acceptance of the free dedication of land for highway purposes, at no cost to the County Council apart from the payment of agreed professional costs.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Senior Countryside Access Officer	
T39	Assistant Director Highways Local Highway Services Group Manager Area Team Manager Projects & Contracts Group Manager Highway & Drainage Project Team Manager Structures Team Manager Operations Group Manager Traffic Signals Team Manager Streetworks Manager Traffic and Streetworks Manager	To approve the placing of temporary traffic signals on the highway which extend across junctions in accordance with the Road Traffic Regulation Act 1984.
T40	Assistant Director Highways Operations Group Manager Traffic Signals Team Manager Traffic and Streetworks Manager Traffic Management Team Leader	To approve the placing of permanent traffic signals on the highway.
T41	Assistant Director EnvironmentTravel & Transport Group Manager Sustainability Group Manager	To approve the introduction and, following consultation with the divisional Member, withdrawal of school crossing patrols.
T42	Assistant Director Highways Local Highway Services Group Manager Countryside Group Manager Countryside Access Team Manager	To authorise the service of a notice in pursuance of sections 56(2) and 56(4) of the Highways Act 1980 in response to a notice served by a complainant under section 56(1).
T43	Projects & Contracts Group Manager Structures Team Manager	To authorise the service of a notice in pursuance of sections 56(2) and 56(4) of the Highways Act 1980 in response to a notice served by a complainant under section 56(1) where the subject of the original complaint is a highway structure.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
T44	Assistant Director Highways Local Highway Services Group Manager Area Team Manager	To authorise, in the case of highway improvements, entering into an agreement delegating powers from the County Council to the Secretary of State for Transport under section 4 of the Highways Act 1980. To authorise, in the case of highway improvements up to a maximum cost of £25,000 only, the entering into of an agreement under section 6 of the Highways Act 1980 relating to the delegation of powers relating to trunk roads from the Secretary of State for Transport to the County Council. To authorise, in the case of highway improvements up to a maximum cost of £25000 only, the entering into of an agreement with another local highway authority under section 8 of the Highways Act 1980 relating to the construction, reconstruction, alteration, improvement, or maintenance of a highway for which one party to the agreement is the highway authority.
T45	Area Team Manager	To authorise, in consultation with the relevant divisional Members, Community Pride Fund allocations where Members wish to combine their allocation to be spent in one or more divisions.
T46	Assistant Director Economy, Transport and Planning Group Manager Travel and Transport	To deliver the concessionary bus fare scheme for older and disabled people as part of the National Concessionary Travel Scheme (ENTCS), in accordance with and subject to relevant provisions of the Transport Act 1985, Transport Act 2000, Concessionary Bus Travel Act 2007 and all associated secondary legislation. This includes formally publishing the scheme and setting the bus operator reimbursement rate.
T47	Assistant Director Highways Asset Planning Group Manager	To exercise the Country's powers under the 2010 Flood and Water Management Act and the 2009 Flood Risk Regulations
T48	Assistant Director Highways Local Highways Services Group Manager Area Team Manager	To enter into agreements with other Borough, District, Parish or Town Councils to carry out improvement and/or maintenance of roundabouts in accordance with roundabout sponsorship arrangements

Planning

Key to abbreviations:		
EPA	-	Environmental Protection Act 1990
TCPA	-	Town & Country Planning Act 1990 (as amended)

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
P1	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Control Team Manager Planning Regulation 3 Team Leader	Where fewer than 5 objections have been received and no request has been made by the local member or a member of the Planning & Regulatory Committee for the application to be determined by that Committee, to determine planning applications for minerals, waste development and County Council development which comply with the development plan and national policies
P2	Planning & Development Group Manager Planning Development Control Team Manager Deputy Planning Development Team Manager Planning Regulation 3 Team Leader	Where fewer than 5 objections have been received and no request has been made by the local member or a member of the Planning & Regulatory Committee for the application to be determined by that Committee, and after consultation with the Chairman or, in his/her absence, Vice-Chairman of the Planning & Regulatory Committee, to determine planning applications for minerals, waste development and County Council development which do not comply with the development plan and national policies
P3	Planning & Development Group Manager Countryside Group Manager Countryside Access Team Manager	To authorise representation of the Council at public enquiries.
P4	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Planning Regulation 3 Team Leader	To determine whether county development applications meet the criteria of 'minor'.*

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
P5	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To determine whether minerals and waste applications meet the criteria of 'minor[2]'
P6	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Control Team Manager Planning Regulation Team Leader	To determine all details pursuant applications (applications relating to a previously granted permission) irrespective of the number of objections unless a request has been made by the local member or a member of the Planning & Regulatory Committee for the application to be determined by that Committee
P7	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Planning Regulation 3 Team Leader	i) To determine whether county development applications and minerals and waste applications constitute a 'non material amendment' within section 96A of the TCPA, and ii) To determine such applications, irrespective of the number of objections, unless a request has been made by the local member or a member of the Planning & Regulatory Committee for the application to be determined by that Committee.
P8	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Planning Regulation 3 Team Leader	a) To give the County Planning Authority's views on County Council applications for Listed Building Consent and Conservation Area Consent. b) Where the Secretary of State has granted Listed Building Consent or Conservation Area Consent subject to conditions requiring further details to be approved by the County Planning Authority, to determine applications submitted pursuant to those conditions.
P9	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To submit observations on behalf of the County Planning Authority in respect of proposals for development by District Councils.
P10	Spatial Planning Team Manager	To respond to strategic consultations on behalf of the County Planning Authority, including proposals for development by District Councils of a strategic nature,

[2] For the purposes of P4 and P5 'minor' is defined as:
(i) ancillary development to an existing use; or
(ii) details pursuant to a permission; or
(iii) variation or deletion of conditions previously imposed

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
		subject to prior consultation with the Planning and Regulatory Committee or its Chairman and Vice-Chairman.
P11	Planning & Development Group Manager Planning Development Team Manager	To determine whether any powers in S 324 of the TCPA should be exercised.
P12	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Planning Enforcement Team Leader	To authorise any person to enter any land pursuant to Section 196B of the TCPA.
P13	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Planning Enforcement Team Leader	To determine whether any powers in S196A of the TCPA should be exercised.
P14	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To instruct the Head of Legal and Democratic Services to take enforcement action and initiate the following legal proceedings where appropriate: (a) Issuing Enforcement Notices under the TCPA Section 172 (b) Serving Stop Notices under the TCPA Section 183 (c) Applications for injunctions under the TCPA Section 187B (d) Prosecutions arising from failure to comply with (a) and (b) above (e) Service of a temporary stop notice under section 171E of the TCPA (as amended)
P15	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	Following consultation with the Head of Legal and Democratic Services to determine not to initiate enforcement action under TCPA Act Section 172 in the case of unauthorised minerals or waste related development irrespective of the requirement for an environmental impact assessment.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
P16	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To negotiate and monitor a scheme of remediation in relation to waste related development where the powers contained in P14 above have been exercised.
P17	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Planning Enforcement Team Leader	To instruct the Head of Legal and Democratic Services to issue and serve: - (a) Breach of Condition Notices under the TCPA Section 187A (b) Planning Contravention Notices under the TCPA Section 171C (c) Notices requiring information under the TCPA Section 330 (d) To instruct the Head of Legal and Democratic Services to undertake prosecutions arising from failure to comply with (a), (b) and (c) above.
P18	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Minerals and Waste Policy Team Manager	Under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 to (a) determine requests or to respond to consultations by the District Council and adjoining Planning Authorities for screening and scoping opinions pursuant to Regulations 5 and 13 (b) form a screening opinion or to respond to consultations by District Council and adjoining Planning Authorities, where an application is not accompanied by an Environmental Assessment pursuant to Regulation 7; (c) form an opinion on the adequacy of an EIA submitted to the County Council and where necessary to request further information from the application pursuant to Regulation 22 (d) adopt a screening opinion before the issue of an enforcement notice pursuant to Regulation 32(1).
P19	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Minerals and Waste Policy Team Manager	Under the Conservation of Habitats & Species Regulations 2010 to make determinations and take actions in accordance with the requirements of: (a) Regulation 61 (assessment of implications for European Sites), Regulation 68 (grant of planning permission), and Regulation 102 (land use plans); (b) Regulation 63 (review of existing consents) and Regulation 69 (planning permission: duty to review); and (c) Regulation 73 (general development orders) and Regulation 75 (general development orders: approval of local planning authority).

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
P20	Planning & Development Group Manager Minerals and Waste Policy Team Manager	To respond to consultations in respect of Mineral Consultation Areas.
P21	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To respond to consultations by adjoining Planning Authorities on applications for mineral working and waste disposal.
P22	Planning and Development Group Manager Minerals and Waste Policy Team Manager	To respond to consultations by adjoining Planning Authorities on minerals and waste disposal plans.
P23	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To respond to notifications in respect of mineral exploration under Part 22 Class B of Schedule 2, and in respect of removal of material from Mineral Workings under Part 23 Class C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. S.I. 1995 No 418. (1)
P24	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To determine applications for operational development, maintenance and safety work at Mineral Workings under Classes B and C of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. S.1. 1995 No 418. (2)
P25	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To determine applications for Certificates of Lawful Use or Development or proposed Use or Development in respect of specified County Matters under SS 191 & 192 of the TCPA, and with the Head of Legal and Democratic Services to revoke Certificates pursuant to Section 193 of the TCPA.
P26	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To respond to consultations by the Environment Agency under Schedule 5, Part 1, paragraph 6 of the Environmental Permitting (England and Wales) Regulations 2010.
P27	Planning & Development Group Manager Planning Development Team	To respond to consultations and to submit observations on mixed-use development proposals involving minerals and waste related activities which are to be

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Manager Deputy Planning Development Team Manager	determined by the District Councils.
P28	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To determine applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 as amended by the Environmental Protection Act 1990, the Planning and Compensation Act 1991 and the Radioactive Substances Act 1993.
P29	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager Planning Regulation 3 Team Leader	To determine whether a proposal constitutes permitted development under any part other than Part 22 Class B and Part 23 Class C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1996. S.I. 1995 No. 418
P30	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To determine an application for postponement or a request for a minor extension of time for the submission of new conditions in the case of the first, second on subsequent Periodic Review Date of Mineral Planning Permissions pursuant to the Environment Act 1995.
P31	Planning & Development Group Manager Planning Development Team Manager	To instruct the Head of Legal and Democratic Services to issue and serve: (a) Revocation Orders under S97 of the Town and Country Planning Act 1990 (b) Modification Orders under S97 of the Town and Country Planning Act 1990 (c) Prohibition Orders under paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (d) Suspension Orders under paragraphs 5 and 6 of Schedule 9 of the Town and Country Planning Act 1990
P32	Planning and Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To determine, in consultation with the Chairman of the Planning and Regulatory Committee where appropriate, whether to issue a planning decision notice or to refer a planning application back to the Planning and Regulatory Committee where a delay has occurred in the issue of a planning decision following a delegated decision by officers or resolution to grant by Members of the Planning and Regulatory Committee.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
P33	Planning and Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To place on the appropriate part of the statutory Planning Register particulars of the suspension of minerals development under Regulation 49(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011
P34	Planning and Development Group Manager Planning Development Team Manager Deputy Planning Development Team Manager	To serve notices under Schedules 13 and 14 of the Environment Act 1995 for the Review of Mineral Planning Permissions.
P35	Planning & Development Group Manager Minerals and Waste Policy Team Manager	To make minor amendments/additional modifications, such as corrections, updating and re-wording/re-arranging, to development plan documents through the public examination process.
P36	Planning & Development Group Manager Minerals and Waste Policy Team Manager	To request, with the agreement of the Cabinet Member for Transport and Environment, the Inspector to recommend "main modifications" that go to the soundness of development plan documents being taken through the public examination process.
P37	Planning & Development Group Manager Transport Development Planning Team Manager - West Transport Development Planning Team Manager - East Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	To serve notices and take any other necessary action under the Highways Act 1980 and the New Roads and Street Works Act 1991.
P38	Planning & Development Group Manager Transport Development Planning Team Manager – West Transport Development Planning Team Manager - East	(1) To enter into, and amend if necessary, Legal Agreements with developers in order to secure the carrying out by them of works within highway boundaries in connection with development proposals and to enter into arrangements with developers whereby they make financial contributions towards County Council transportation initiatives and schemes; b) the adoption of new housing estate roads, and other areas of public utility as highways maintainable at the public expense when the work of making up

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
		has been satisfactorily completed. (2) Authorisation of the advertising, drafting and final implementation of those development related legal orders that need to be created or modified to facilitate development proposals in consultation with the divisional Member and Cabinet Member.
P39	Planning & Development Group Manager Transport Development Planning Team Manager – West Transport Development Team Manager – East	To grant licences for the construction of buildings over highways in accordance with Section 177 of the Highways Act 1980.
P40	Planning & Development Group Manager Transport Development Planning Team Manager – West Transport Development Planning Team Manager - East Countryside Group Manager Countryside Access Team Manager	To grant consents for the placing of rails, beams, etc over highways in accordance with Section 178 of the Highways Act 1980 or where the consent involves a structure.
P41	Planning & Development Group Manager Transport Development Planning Team Manager – West Transport Development Planning Team Manager – East	To make objection to applications in respect of Goods Vehicle Operators Licences under the Statutory powers contained within the Goods Vehicle (Licensing of Operators) Act 1995.
P42	Planning & Development Group Manager Transport Development Planning Team Manager – West Transport Development Planning Team Manager - East	To authorise the acceptance of the free dedication of land for highway purposes and the payment of agreed legal and surveyors charges.
P43	Planning & Development Group Manager Transport Development	To issue recommendations in appropriate cases on behalf of the local Highway Authority to a local planning authority, restricting the grant of planning permission and to make representations to such authority in other

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Planning Team Manager – West Transport Development Planning Team Manager - East Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	cases where he considers it necessary.
P44	Planning & Development Group Manager	To approve or consent to action which a District Council proposed to make under the terms of their agency Agreement or otherwise in those cases where prior approval or comment to the County Council is required.
P45	Planning & Development Group Manager Transport Development Planning Team Manager – West Transport Development Team Manager - East Asset Planning Group Manager Flood and Water Services Manager	To determine applications for s23 Ordinary Watercourse Land Drainage Consent under Schedule 2 of the Flood and Water Drainage Management Act 2010.
P46	Planning & Development Group Manager Transport Development Planning Team Manager – West Transport Development Team Manager - East Asset Planning Group Manager Flood and Water Strategy Manager	To instruct the Head of Legal and Democratic Services to issue and serve: a) Advisory letters b) Warning letters c) Notices to enforce/prohibit/ carry out works d) To instruct the Head of Legal and Democratic Services to undertake prosecutions arising from failure to comply with a), b), and c) above.
P47	Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	To exercise the powers of the Access Authority under Sections 18, 19, 35, 36 and 37 of the Countryside and Rights of Way Act 2000.
P48	Countryside Group Manager	To exercise the powers under Rights of Way Act 1990.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Countryside Access Team Manager Senior Countryside Access Officer	
P49	Assistant Director Highways, Highways and Countryside Countryside Group Manager Countryside Access Team Manager	To process all Public Rights of Way Orders under the Highways Act 1980, Wildlife & Countryside Act 1981 and Countryside and Rights of Way Act 2000 and make and confirm such orders where no objection has been maintained or compensation is payable. To proceed to written representations, hearing or Inquiry where objections are maintained after an Order is made. Where no significant objection has been received or compensation is payable and after consultation with the Chairman of the relevant local committee, local member and Director of Legal and Democratic Services, to make all Public Rights of Way Orders under the Highways Act 1980, Wildlife & Countryside Act 1981 and Countryside and Rights of Way Act 2000, which comply with national legislation and County policy. To proceed to written representations, hearing or Inquiry where objections are maintained after an Order is made.
P50	Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	To exercise the powers under the National Parks and Access to the Countryside Act 1949 for the removal of false or misleading notices from rights of way.
P51	Countryside Group Manager Countryside Access Team Manager	To give the views of the Highway Authority on proposals for the diversion, creation and extinguishment of rights of way.
P52	Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer	To authorise the erection of stiles or gates on public paths.
P53	Planning & Development Group Manager Minerals and Waste Policy Team Manager	To agree the annual Local Aggregates Assessment (LAA) after taking the advice of the South East England Aggregates Working Party (SEEAWP) into account and in consultation with the Cabinet Member for Transport and Environment.
P54	Planning & Development Group Manager Minerals and Waste Policy Team Manager	To represent the County Council on the South East England Aggregates Working Party (SEEAWP) and in particular with regard to its role of monitoring the operation of the Managed Aggregate Supply System.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
P55	Planning & Development Group Manager Transport Development Planning Team Manager – West Transport Development Planning Team Manager - East	To authorise the adoption of roads, forecourts and other made-up areas as highway maintainable at the public expense

Explanatory Notes:

(1) Part 22, Class B covers development in connection with mineral exploration. Part 23, Class C covers the removal of material from mineral workings. Both activities require the prior approval of the mineral planning authority.

(2) Part 19, Classes B & C cover certain operational development and work of a maintenance or safety nature at mineral workings for which the prior approval of the mineral planning authority is required.

Waste Management and Minimisation

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
W1	Assistant Director Environment	To carry out actions listed in annual European and Economic Development Action Plans as approved annually by the Cabinet.
W2	Assistant Director Environment	Under Section 63A of the Environmental Protection Act 1990, to arrange for or contribute towards the expense of doing anything which is necessary or expedient for the purpose of minimising controlled waste generated within Surrey.
W3	Assistant Director Environment	Under Section 3 of the Refuse Disposal Amenity Act 1978, to make arrangements with District Councils for the receipt and disposal of abandoned vehicles, including arrangement for the sharing of any expenses incurred or sums received as may be agreed between the District Council and the County Council, or in default or agreement, as may be determined by arbitration.
W4	Assistant Director Environment	Under Section 4 of the Refuse Disposal Amenity Act 1978, to dispose of any vehicle in the County Council's custody, to serve notices on vehicle owners and to recover costs in accordance with the prescribed regulations.
W5	Assistant Director Environment	Under Section 5 of the Refuse Disposal Amenity Act 1978, to recover prescribed charges for removal, storage and disposal of abandoned vehicles.
W6	Assistant Director Environment	Under Section 52(3) of the Environmental Protection Act 1990, to determine to which third party organisations recycling credit payments should be made.
W7	Assistant Director Environment	Under Section 51 of the Environmental Protection Act 1990, exercise the duties of the Waste Disposal Authority, including giving direction to Waste Collection Authorities under S51 (4) and S51(4A, 4B, 4C and 4D)

Part 4: Proper Officer Functions

1. The Council has appointed the following Proper Officers for the purposes of the statutory provisions set out below.

2. Subject to the proper officer appointments set out below, the Chief Executive and each Strategic Director shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their area of responsibility.

LOCAL GOVERNMENT ACT 1972

Section	Purpose of Appointment	Proper Officer
83	To witness and receive declarations of acceptance of the office of Chairman and Vice-Chairman of the County Council and of County Councillors.	Head of Legal and Democratic Services Group Managers Principal Solicitors/Lawyers
84	To receive written notice of the resignation from the office of Chairman and Vice-Chairman of the County Council and of County Councillors.	Chief Executive
88(2)	To convene, if necessary, a meeting of the Council when the office of Chairman of the Council is vacant.	Chief Executive
89(1)(B)	To receive written notice from two local government electors of a casual vacancy in the office of Councillor.	Democratic Services Lead Manager
100B(2) Inserted by Local Government (Access to Information) Act 1985	To decide whether part or the whole of reports should be excluded from public inspection before a meeting if they relate only to items during which the meeting is likely not to be open to the public.	Democratic Services Lead Manager
100B(7)(c)	To supply to the press additional material supplied to members of the Council in connection with the item to	Democratic Services Lead Manager

Section	Purpose of Appointment	Proper Officer
	be discussed.	
100C(2) Inserted by Local Government (Access to Information) Act 1985	To prepare a written summary of proceedings taken by a Committee in private.	Democratic Services Lead Manager
100D(1) Inserted by Local Government (Access to Information) Act 1985	To compile a list of background papers to a report to a Committee.	Strategic Director, Head of Service or other officer in whose name the report is written
100D(5)(a) Inserted by Local Government (Access to Information) Act 1985	Identifying background papers of reports.	Strategic Director, Head of Service or other officer in whose name the report is written
100F(2)	Identifying which documents contain exempt information not open to inspection by Members of the Council.	Democratic Services Lead Manager
115(2)	To receive from every officer of the Council all money committed to his charge in connection with his office.	Head of Finance
146	To sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the Local Authority.	Head of Finance
151	Responsibility for the administration of the Council's financial affairs.	Head of Finance
191	To receive applications made under Section 1 of the Ordnance Survey Act 1841 for assistance in surveying	Assistant Director Operations, Highways and

Section	Purpose of Appointment	Proper Officer
	disputed boundaries.	Countryside
210	To exercise certain residual functions relating to charities.	Head of Legal and Democratic Services
225	To receive and retain documents deposited with the Local Authority.	Chief Executive
229	To certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original document.	The Head of Legal and Democratic Services (generally) and the Officers listed in Part 2 of the Scheme of Delegation within their area of responsibility.
234	To sign any notice, order or other document on behalf of the Authority, any document purporting to be so signed being deemed to be issued by the Authority.	The Head of Legal and Democratic Services (generally) and the officers listed in Part 2 and Part 3 of the Scheme of Delegation within their area of responsibility
236	To send to the Council of every District in the County a copy of every byelaw made by the Council and confirmed by the Secretary of State.	Head of Legal and Democratic Services
238	Certification of copy of byelaws.	Head of Legal and Democratic Services
Schedule 12 (Paragraph) 4(2)(b)	To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted.	Chief Executive
4(3)	Receiving notice from a member of the address to which a summons to the meeting is to be sent.	Democratic Services Lead Manager

Section	Purpose of Appointment	Proper Officer
Schedule 29 4	To undertake those duties which arise at County Council elections, which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the "Proper Officer".	Chief Executive
4	For the purposes of the Registration Service Act 1953.	Head of Cultural Services
4	Appointment of Interim Superintendent Registrars or Interim Registrars of Births and Deaths under Section 9 of the Registration Service Act 1953.	Head of Cultural Services
4	In relation to the Registration of Births, Deaths and Marriages, to exercise the functions under the Marriage Act 1949.	Head of Cultural Services
4	In relation to the approval of premises for the solemnisation of marriages under Section 26(1) (bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.	Head of Cultural Services

Marriages and Civil Partnerships (Approved Premises) Regulations 2005

Section	Purpose of Appointment	Proper Officer
	To be the Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) the Civil Partnership Act 2004, the and the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 and to set fees and offer discounts where applicable.	Head of Cultural Services

LOCAL GOVERNMENT ACT 1974

Section	Purpose of Appointment	Proper Officer
30(5)	Giving public notice of receipt of report by a Local Commissioner	Head of Customer Services

HIGHWAYS ACT 1980

Schedule (Paragraph)	Purpose of Appointment	Proper Officer
59(1)	To certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
205(3)(4) & (5)	To undertake duties in relation to private street works.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
210(2)	To certify any amendments to estimated costs and provisional apportionment of costs of street works under the private street works code.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
211(1), 212(4), 216(2), and (3)	To make a final apportionment of expenses of street works executed under the private street works code as detailed in the Schedules.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
Section 295	Issuing a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
Section 321	Authentication of notices, consents, approvals, orders, demands, licences, certificates or other documents.	Assistant Director Operations, Highways and Countryside and Highways Area Managers

Schedule 9, Paragraph 4	Signing plans showing proposed prescribed improvement or building lines.	Assistant Director Operations, Highways and Countryside and Highways Area Managers

REPRESENTATION OF THE PEOPLE ACT 1983

Schedule (Paragraph)	Purpose of Appointment	Proper Officer
35	Appointing a Returning Officer.	Chief Executive
67	Giving public notice of the appointment of an Election Agent.	Chief Executive
131	Providing accommodation for holding election count.	Chief Executive

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Purpose of Appointment	Proper Officer
114, 115 and 115B	Responsibility for Chief Financial Officer Reports.	Head of Finance
116(1)	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the "Chief Financial Officer" (under section 114 and 115 above). Responsibility to notify the external auditor of decisions made at such a meeting.	Risk and Governance Manager

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Purpose of Appointment	Proper Officer
2	To receive on a deposit a list of politically restricted posts.	Head of Human Resources & Organisational

Section	Purpose of Appointment	Proper Officer
		Development
3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted.	Chief Executive (as Head of Paid Service)
4	Designation as Head of Paid Service.	Chief Executive
5	Designation as Monitoring Officer.	Head of Legal and Democratic Services
15 and 16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Democratic Services Lead Manager

FOOD SAFETY ACT 1990

Section	Purpose of Appointment	Proper Officer
49(3)	Signing any document authorised or required to be given, made or issued by the Food Authority.	Community Protection Manager Policy & Operations Manager Investigations and Enforcement Manager West Business Advice & Compliance Manager East

LOCAL GOVERNMENT ACT 2000
SECTION 9G and 9GA: MEETINGS AND ACCESS TO INFORMATION ETC
LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 (SI 2012/2089)

Section	Purpose of Appointment	Proper Officer
Regulation 7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public.	Democratic Services Lead Manager
Regulation 10	Informing the relevant Select Committee Chairman or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and making available for public inspection notices relating to this	Democratic Services Lead Manager
Regulation 12	Producing a written statement of Cabinet decisions made at meetings.	Democratic Services Lead Manager
Regulation 13	Producing a written statement of decisions made by individual Cabinet Members.	Democratic Services Lead Manager
Regulation 14	Making a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public.	Democratic Services Lead Manager
Regulation 15 and regulation 2	Making available for inspection a list of background papers.	Democratic Services Lead Manager
Regulation 16(5)	Determining whether certain documents contain exempt information.	Democratic Services Lead Manager
Regulation 16(7)	Determining whether certain documents contain advice provided by a political adviser or assistant.	Democratic Services Lead Manager
Regulation 20	Determining whether documents contain confidential information, exempt information or the advice of a political adviser or assistant.	Democratic Services Lead Manager

LOCAL GOVERNMENT ACT 2000
SECTION 34: LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000 (SI 2000/2852)

Section	Purpose of Appointment	Proper Officer
Regulations 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	Democratic Services Lead Manager

LOCALISM ACT 2011

Section	Purpose of Appointment	Proper Officer
29	Establish, maintain and publish a Register of Interests.	Head of Legal and Democratic Services (as Monitoring Officer)

LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Schedule	Purpose of Appointment	Proper Officer
1 (Part II)	Notifications to the Cabinet concerning appointments and dismissals	Head of Human Resources and Organisational Development

REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000

Section	Purpose of Appointment	Proper Officer
21, 22, 27, 28 and 29	The Senior Responsible Officer for RIPA Designation of officers empowered to grant authorisation for the carrying out of directed surveillance, to authorise the use of covert human intelligence sources, and communications data checks.	Strategic Director for Customers and Communities Chief Executive or in his absence a Director acting as his Deputy for direct surveillance and covert human

		intelligence sources authorisations that are likely to lead to the disclosure of confidential information or where a juvenile or vulnerable individual is used as a source In all other cases: Community Protection Manager Policy and Operations Manager
	The RIPA Monitoring Officer	Business Intelligence and Legal Manager

FREEDOM OF INFORMATION ACT 2000

Section	Purpose of Appointment	Proper Officer
36	Acting as a "qualified person" in respect of information held by Surrey County Council	Head of Legal and Democratic Services

LOCAL GOVERNMENT ACT 2003

Section	Purpose of Appointment	Proper Officer
25	When the annual budget report is considered by Cabinet or by the County Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves.	Head of Finance

CONSTITUTION OF THE COUNCIL

Part 4 – Standing Orders

PART 4

STANDING ORDERS

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STANDING ORDERS

INTRODUCTION

1. This edition of Standing Orders, as revised, was adopted by the County Council at its meeting held on 19 May 2015.

2. Standing Orders do not attempt to duplicate or restate the provisions of the Local Government Act 1972 (as amended) relating to local authority procedures.

3. Application of Standing Orders:

   Part 1 of Standing Orders applies to meetings of the County Council.
   Parts 2, 3 and 4 of Standing Orders apply to the Cabinet.
   Parts 2 and 3 of Standing Orders apply to select committees.
   Parts 2, 3 and 5 of Standing Orders apply to other Council committees as appropriate.

DEFINITIONS

"Constitution" shall be taken to mean the constitution including standing orders and other rules and protocols approved by the Council as such from time to time.

"Council" shall be taken to mean the Surrey County Council.

"Chairman" shall be taken to mean the Chairman of the Committee/Board or the presiding Chairman in his/her absence.

"Leader of the Council" shall be taken to mean the person appointed as such by the Council for a term of office of four years from the first annual meeting of the Council following the County Council election, in accordance with the Local Government Act 2000 and Article 5.

"Deputy Leader of the Council" shall be taken to mean the person appointed as such by the Leader for such term of office as he/she shall decide.

"Cabinet" shall be taken to mean the Cabinet appointed by the Leader in accordance with the Local Government Act 2000.

"Committee" shall be taken to mean a committee of the Council.

"Cabinet Member" shall be taken to mean an elected Member appointed to the Cabinet by the Leader.

“Cabinet Associate” shall be taken to mean the Cabinet Associate appointed to the Cabinet by the Leader to support a Cabinet Member with their portfolio.

“**Group Leader**” shall be taken to mean the person nominated by each political group to act as its leader in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

“Portfolio” shall be taken to mean a function or collection of functions of the Council allocated by the Leader to each member of the Cabinet.

“Board” shall be taken to mean any of the scrutiny boards appointed by the Council under Section 21 of the Local Government Act 2000.

“Local Committee” shall be taken to mean any of the 11 local committees appointed by the Council for each district/borough area of the County.

“Member” shall be taken to mean a Surrey County Councillor.

“Member Champion” shall be taken to mean a Member with cross service responsibility for championing an agreed interest or issue within the Council and the community.

All references to “Member” in Parts 2 and 3 of these Standing Orders shall also apply, where appropriate, to appointed Borough/District Council Members of local committees.

PART 1 OF STANDING ORDERS
COUNTY COUNCIL MEETINGS AND PROCEDURES

MEETINGS

1.1 Meetings of the County Council will be held at County Hall, Kingston upon Thames in February, (the Budget Meeting), May (the Annual Meeting), unless otherwise required, and at other times as and when required, but no less than quarterly.

1.2 Meetings of the Council will normally begin at 10am but the Chairman may fix an alternative starting time.

Summons and agenda

2.1 The Summons and agenda papers for Council meetings will be sent to all Members 5 clear days before the meeting.

2.2 Only the business on the agenda will be discussed at a Council meeting except for urgent matters that the Chairman rules may be considered.

Adjournment

3.1 The Council may adjourn at any time if it votes to do so under Standing Order 24. Any business which is adjourned will be dealt with at the next meeting unless at the time of the adjournment the Council decides to call an extra meeting to consider the adjourned business.

3.2 The Chairman will adjourn a meeting if there is not a quorum of Members present.

Quorum

4. The Quorum will be one quarter of the total number of Members (21 Members).

Interruptions and disorderly conduct

5.1 (a) If a member of the public interrupts the proceedings at a meeting the Chairman may ask him/her not to interrupt.

(b) If the interruption continues the Chairman may order his/her removal from the Council Chamber.

(c) If there is a general disturbance in all or part of the gallery the Chairman may order that part to be cleared.

5.2 (a) If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, "That the named Member be not further heard". If this motion is seconded it will be put to the vote and determined without discussion.

(b) If the motion is carried and the misconduct continues the Chairman may adjourn or suspend the sitting of the Council for as long as he/she considers appropriate.

ORDER OF BUSINESS

6.1.1 Unless changed by the application of Standing Order 6.2, the Chairman, following consultation with Group Leaders and the Monitoring Officer, will determine the order of business at Council meetings, although there will be an expectation that items requiring a decision by Council will usually be taken earlier in the agenda.

Extraordinary meetings

6.1.2 Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

(a) the Council by resolution;

(b) the Chairman of the Council;

(c) the Chief Executive; and

(d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Election of Chairman and Vice-Chairman

6.2 The first business at the Annual Meeting will be the election of the Chairman and Vice-Chairman of the Council. Where more than one Member is proposed for either office election will be by show of hands, or by a recorded vote if required.

6.3 A Member proposing to nominate another Member as Chairman or Vice-Chairman of the Council must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.

Election of the Leader of the Council

6.4 The Leader of the Council will be elected by the County Council at its first Annual Meeting following the County Council election.

6.5 Where more than one Member is proposed election will be by show of hands, or by a recorded vote if requested.

6.6 A Member proposing to nominate another Member as Leader must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.

6.7 A Member nominating another Member will be permitted to speak for 6 minutes in support of the nomination, and their seconder for 3 minutes. A representative from each political group, other than those of the proposer, will also be allowed 3 minutes to speak on each nomination.

Appointment of the Deputy Leader and members of the Cabinet

6.8 The Deputy Leader and other members of the Cabinet will be appointed by the Leader of the Council and reported to the Council at the AGM or at the next appropriate meeting of the Council.

Election of committee/board chairmen and vice-chairmen

6.9 The chairmen and, where appropriate, vice-chairmen of all of the standing committees/boards of the Council listed in Part 2 of Standing Orders will be elected by the County Council, generally at its Annual Meeting.

6.10 Where more than one Member is proposed election will be by show of hands, or by a recorded vote if requested.

6.11 A Member proposing to nominate another Member as chairman must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.

MINUTES

7.1 The Chairman will move the formal motion “That the minutes of the last meeting be confirmed and signed by the Chairman” and there may only be discussion if there is disagreement about their factual accuracy which will be resolved by a vote in the normal way.

7.2 The minutes of the last meeting will be approved at the next ordinary meeting of the Council.

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

REPORTS OF THE CABINET AND COMMITTEES

8.1 The reports and recommendations of the Cabinet and those committees reporting to a meeting will, except in cases of urgency, be printed in the County Council agenda and circulated with the summons and agenda for the meeting.

8.2 The Cabinet's report to Council will be agreed by or on behalf of the Leader of the Council. It will include the following:

(a) Recommendations for decision by the Council under Article 4 of the Constitution;

(b) Decisions by the Cabinet on reports and recommendations made to it by scrutiny boards under Article 7 of the Constitution, as appropriate;

(c) Matters on which the Cabinet would welcome a County Council view before taking a decision;

(d) Decisions taken by the Cabinet which it wishes to draw to the Council's attention because of their particular importance or significance;

(e) Decisions taken by the Cabinet/Cabinet Members as a matter of urgency, together with the reasons for urgency (to be reported quarterly); and

(f) Updates on important developments regionally and nationally.

8.3 The Council's agenda will include the formal minutes of meetings of the Cabinet held during the previous cycle. Any matters within the minutes of the Cabinet's meetings, and not otherwise brought to the Council's attention in the Cabinet's report, may be the subject of questions and statements by Members under SO8.8 upon notice being given to the Democratic Services Lead Manager by 12.00 noon on the working day before the meeting of the Council.

8.4 The Leader of the Council and committee/board chairmen will move the reception of their reports and may make a statement in introducing either the report as a whole or any particular part of it.

8.5 Motions for the reception and adoption of a report need not be seconded. The recommendations of a report will be put from the Chair without needing to be formally moved and seconded and the Leader of the Council or the chairman of the committee/board, as appropriate, will be treated as the proposer of the motion contained in the recommendation.

8.6 Amendments to the motion for the reception of the report will not be allowed except as provided in Standing Order 8.14 (b) (ii).

8.7 After a report has been received the Chairman will call each lettered paragraph and its associated recommendation(s) for debate.

8.8 When a paragraph is called a Member may do any or all of the following:

(a) without notice ask questions to obtain explanation of or information about the subject matter of the report;

(b) move the reference back of the paragraph for further consideration;

(c) move an amendment to a recommendation;

(d) make a relevant statement for not more than 3 minutes to which the Leader, Deputy Leader or another member of the Cabinet or committee/board chairman may reply if he/she wishes.

If action has already been taken after being authorised by the Cabinet or a committee the reference back of the report will not invalidate the action taken.

8.9 The Leader of the Council, Deputy Leader or appropriate Member of the Cabinet or Committee/board Chairman may make a statement on any matter within the responsibilities of the Cabinet or any Committee/board.

8.10 Once the Leader, Deputy Leader or another member of the Cabinet or committee chairman has replied to the statements or questions under Standing Order 8.8 there will be no further comment on the paragraph under discussion unless the Chairman decides it would be appropriate.

8.11 During the debate the Leader, Deputy Leader or the appropriate member of the Cabinet or committee/board chairman will be entitled to speak before the mover of the amendment replies to the debate.

8.12 In the absence of the appropriate member of the Cabinet the relevant Cabinet Associate will be entitled to speak.

8.13 When discussion of the report of the Cabinet or committee is concluded the Chairman will move "That the report be adopted" or "The report as amended be adopted" and, except for the next Standing Order, no amendment to the motion will be allowed.

8.14 Upon the motion in Standing Order 8.13 being put:

(a) the Leader, Deputy Leader or appropriate Member of the Cabinet or committee/board chairman may make a statement on any matter within the responsibilities of the Cabinet or committee/board as appropriate.

(b) (i) any Member may ask a question about any matter which had been considered at the previous meeting of the Cabinet or committee/board but not included in the report to Council; and

(ii) if the Chairman decides the matter is both urgent and important the Member may move a motion to amend the motion for the adoption of the report to express disapproval of the failure to include the matter in the report.

MEMBER STATEMENTS

9.1 Any Member may make a statement at a meeting of the Council on a local issue of current or future concern, subject to:

(a) all such statements being relevant to some matter on which the Council has powers or duties, or which affects the county;

(b) notice of every statement being given in writing to the Democratic Services Lead Manager by 12.00 noon on the working day before the meeting of the Council;

(c) all statements being time-limited to 2 minutes in each case; and

(d) every statement being put without discussion or reply.

9.2 The Leader's Statement will be included as a standard item on the agenda for each Council meeting (excluding the budget meeting). Members will be given the opportunity to ask questions and/or make comments on the Leader's statement.

9.3 Cabinet Members are encouraged prior to the commencement of any ordinary meeting of Council to submit to the Council a short written briefing of current events and issues relating to their portfolio.

9.4 Member Champions may make a statement on their area of responsibility at a meeting of the Council, and will provide a written report at the Annual Meeting of the Council. Member Champions will

also meet formally with the Cabinet and Corporate Leadership Team once a year.

QUESTIONS

10.1 At a meeting of the Council, Members may ask the Leader of the Council, the Deputy Leader or the appropriate member of the Cabinet, or the chairman of a committee/board any question on any matter in respect of which the Council has powers and duties or which affects the county.

10.2 In addition, Members may ask any Cabinet Member questions about a current briefing paper submitted in accordance with Standing Order 9.3 above.

10.3 Notice of questions on matters which are not included in a report to the Council must be given in writing to the Democratic Services Lead Manager by 12 noon four working days before the Council meeting, i.e. Wednesday. If the period in question includes a Bank Holiday then notice of questions should be received by 12 noon on the previous day, i.e. Tuesday.

10.4 Questions may be asked without notice if the Chairman decides that the matter is urgent.

10.5 Questions under Standing Order 8.8 do not require prior notice.

10.6 Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.

10.7 Every question will be put and answered without discussion.

10.8 Copies of all questions and answers will be circulated to Members by e-mail during the working day before the Council meeting. If the day before the Council meeting is a Bank Holiday, answers will be circulated on the previous Friday.

10.9 The Leader may arrange for a question to be answered by the Deputy Leader or appropriate member of the Cabinet and in their absence the relevant Cabinet Associate will be entitled to speak.

10.10 Questions may be answered orally or in writing.

10.11 If the Leader, Deputy Leader or member of the Cabinet (or Cabinet Associate in the absence of the Cabinet Member) or committee/board chairman is unable to answer any question at the meeting he/she may send a written answer to the Member who asked the question and to any other Members upon request.

10.12 Questions submitted under SO10 will be managed as follows:

- All first questions submitted by Members will be taken first. Second questions will follow, then third questions and so on.
- Question time will be limited to 45 minutes.
- In addition, questions on Cabinet Member briefings will be limited to 15 minutes.
- Following the initial reply by the Leader, Deputy Leader, Member of the Cabinet or committee chairman, the Chairman will allow at his/her discretion a period of up to 5 minutes per question in which Members of the Council may ask supplementary questions.

10.13 A record of all questions and answers will be included in the minutes of the meeting.

ORIGINAL MOTIONS

Notice of motion

11.1 Any Member may give notice of one motion for consideration at any meeting of the Council.

11.2 All motions must be relevant to some matter on which the Council has powers or duties, or which affects the county.

11.3 Notice of every motion (other than a motion under Standing Orders 11.6 and 27) must be given in writing to the Democratic Services Lead Manager at least 14 days before a meeting of the Council.

11.4 If notice is given of any motion which, in the opinion of the Chief Executive, is:

out of order;
illegal;
irregular; or
improper

it will not be accepted or placed on the agenda. If a motion is not accepted, the Democratic Services Lead Manager will inform the Member giving notice in writing.

11.5 In the event that a large number of motions are submitted or the number of motions received from one political group could prohibit the balance of debate across the Council, the Chairman has the discretion to determine the order in which they are debated following consultation with group leaders and others as appropriate.

11.6 There is a presumption against having original motions at the statutory Annual General Meeting and the Annual Budget Council meeting. Motions may be accepted at the Chairman's discretion however,

discussions must be contained within an indicative time limit of 45 minutes in total.

11.7 The Democratic Services Lead Manager will record the details of every notice on a register. The register will be open to the inspection of Members.

11.8 A motion may be considered without notice if the Chairman decides that the matter is urgent.

Moving the motion

12.1 A motion may only be moved by the Member who gave the notice, or by a Member authorised by him/her.

12.2 Where notice of a motion has been given for any meeting, and that motion is not moved, the notice will lapse. The motion may not be moved without further notice.

12.3 In each case where the Council is not required by statute to receive a Cabinet or committee report, before any Member speaks to the motion, the Council will be invited to decide whether to debate an original motion immediately, or to refer it to the Cabinet or the appropriate committee/board either for debate and report to the Council or determination by the Cabinet or Committee/Board. Before the Council takes the vote, the proposer of the original motion shall have the right to make a statement of up to two minutes in length as to why it should not be so referred and either the Leader or the Cabinet Member for the function(s) concerned or the chairman of the appropriate committee/board shall have the right to respond for up to two minutes. The question of referral shall then be put to the vote.

12.4 Any questions as to which committee(s)/board(s) a motion is to be referred will be decided by the Council.

12.5 When a motion is referred to the Cabinet or appropriate committee/board under Standing Order 12.3, the Member of the Council who has moved the motion and his/her seconder shall be notified of the meeting at which the Cabinet or committee/board will consider the motion. They shall have the right to attend the meeting and speak to the motion.

12.6 Where a motion is referred to the Cabinet or a committee/board, it will report upon the motion to the following ordinary meeting of the Council and Standing Order 8.8(b) and 8.8(c) shall not apply to such report.

12.7 The Cabinet or committee/board may recommend exceptionally that consideration of a motion should be deferred, in which case the appropriate member of the Cabinet or the committee/board chairman may explain the reasons for the recommendation. The mover and

seconder of the original motion may also speak. The recommendation will then be put to the Council without further debate.

12.8 If a notice of motion relates to a matter which, under legislation or the County Council's Constitution, is the responsibility of the Cabinet, the Motion may only call on the Council to request the Cabinet to consider a particular course of action, and may not bind the Cabinet.

Debating the motion

13.1 There is no cap on the number of motions that are set down for debate at ordinary Council meetings but a time limit of one and a half hours for the total debate on motions, subject to the Chairman's discretion to waive the time limit if it is deemed the matter is of particular importance.

13.2 When a motion comes before the Council with any report of the Cabinet or the appropriate committee(s)/board(s), the following order of speeches will apply:

(a) The mover of the motion.

(b) The seconder of the motion.

(c) The Leader, Deputy Leader or the appropriate member of the Cabinet or chairman of the committee(s)/board(s).

(d) At the conclusion of the debate on the motion, the mover of the motion may reply.

MOTIONS TO RESCIND OR AMEND RESOLUTIONS

14.1 A Member cannot move a motion to rescind or amend any resolution which has been passed by the County Council in the previous six months. Nor may a Member move a motion or amendment to the same effect as one rejected within the previous six months.

14.2 An exception will be allowed in either case where notice has been given and placed on the agenda. The notice must have the support of ten Members (including the proposer).

14.3 This Standing Order will not apply to any recommendation of the Cabinet or a committee to rescind a decision taken within the previous six months.

RULES OF DEBATE

15.1 When speaking, Members will stand and address the Chairman. Members will be called to speak by the Chairman. A Member who is speaking will immediately sit down if the Chairman rises, or if another Member raises a point of order.

15.2 Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing to the Chief Executive and read aloud before it is put to the meeting.

RIGHT TO SPEAK

16.1 A Member may only speak once on a motion or amendment except:

(a) the mover may reply to the debate, but in doing so, may only answer statements or arguments made in the course of the debate. He/she may not introduce any new matter;

(b) the mover of a motion may speak during the debate on any amendment to the motion;

(c) a Member who has already spoken may speak on a point of order or may, at the Chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood;

(d) the Leader, Deputy Leader or member of the Cabinet or committee/board chairman may speak before the mover of the motion or amendment replies to the debate.

16.2 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately or reserves his/her right to speak later in the debate.

Relevance

16.3 Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

POINTS OF ORDER

17. Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the Chairman whose decision will be final.

LENGTH OF SPEECHES

18. Except with the consent of the Chairman, the following time limits will apply to speeches:

ORIGINAL MOTIONS

(a) The mover of a motion or an amendment

(6 minutes)

(A Member may not speak for more than three minutes unless he/she has a seconder).

(b) The Leader or the Deputy Leader and the appropriate member of the Cabinet or chairman of a committee speaking to the debate on a motion or amendment.

(6 minutes)

(c) the Leader, Deputy Leader or member of the Cabinet or committee chairman speaking before the mover of the motion or amendment replies to the debate.

(3 minutes)

(d) The mover of a motion either speaking to an amendment or replying to the debate.

(3 minutes)

(e) The mover of an amendment replying to the debate on the amendment.

(3 minutes)

(f) The seconder of a motion or an amendment.

(3 minutes)

(g) A Member speaking in the debate on a motion or an amendment.

(3 minutes)

OTHER BUSINESS

(h) A Member speaking on a paragraph of a Cabinet report or of a Committee report or on the Leader's Statement or in a debate.

(3 minutes)

i) The Leader or the Deputy Leader and appropriate member of the Cabinet or a committee chairman either making a statement on the introduction of a report or any particular paragraph, or replying to the debate on a paragraph of a report.

(5 minutes)

(j) The Leader of the Council making the Leader's Statement.

(No time limit)

(k) The Leader of the Council in moving the reception of the Budget, or in replying to that debate.

(No time limit)

(l) Group Leaders speaking in the debate on the Budget.

(10 minutes)

AFTER REPLY DEBATE IS CLOSED

19. After the reply is made, the motion or amendment under discussion will be put from the Chair.

PROCEDURE FOR MOTIONS AND AMENDMENTS

20.1 A Member may not move or second more than one amendment on any motion.

20.2 Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Council.

20.3 With the consent of the Council, a Member may:

(a) alter a motion of which he/she has given notice; or

(b) with the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under Standing Order 21.1)

20.4 Motions or amendments relating to the annual consideration of the Budget should be submitted in a standard format to be set down by the Director of Finance.

AMENDMENTS

21.1 Every amendment must be relevant to the motion under discussion and either:

(a) move the reference back

(b) leave out words

(c) add words, or

(d) leave out words and add others.

21.2 An amendment which forms the negative of the motion will not be allowed.

21.3 Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the Chairman decides otherwise.

21.4 If an amendment is lost, other amendments may be moved on the motion.

21.5 If an amendment is carried, the motion as amended will become the substantive motion, on which further amendments may be moved.

MOTIONS RELATING TO PERSONAL NOMINATIONS

22.1 When considering a recommendation for the appointment or nomination of representatives to serve in any personal or representative capacity, additional names may be proposed and seconded by way of amendment. All the nominations will be placed in alphabetical order and votes in favour of each name will be taken separately.

22.2 Each Member may vote for as many persons as are to be nominated, and the Member receiving the highest number of votes will be declared to be appointed or nominated.

PROCEDURAL MOTIONS

"That the question be now put"

23.1 Any Member may, at the close of the speech of another Member, move "That the question be now put".

23.2 If he/she considers that there has been adequate debate, the Chairman may put the motion "That the question be now put" without debate. If the motion is carried with 20 or more Members voting in favour:

(i) the Leader, Deputy Leader or appropriate member of the Cabinet or committee/board chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and

(ii) the mover of the motion or amendment may reply.

The motion or amendment will then be put.

"That the Council do now adjourn"

24.1 Any Member may, at the close of speech of another Member, move "That the Council do now adjourn".

24.2 The motion for the adjournment must have the support of ten Members (including the mover and seconder), who will show their support by standing. If fewer than ten Members stand, the motion will be considered as withdrawn.

24.3 If the motion is supported, the Chairman will invite the mover to speak for not more than five minutes. The motion will then be put to the vote.

24.4 If the motion is carried, the motion or amendment under debate will stand adjourned to the next meeting.

24.5 The Chairman will then call over the remaining business, and any business which is opposed (by any Member so indicating) will stand adjourned. During the "calling-over" procedure each report will be formally moved by the Leader, Deputy Leader or appropriate member of the Cabinet or committee/board chairman and each paragraph and recommendation will be called by the Chairman in the usual way. No statements, comments, motions or questions will be permitted.

"That the debate be now adjourned"

25.1 Any Member may, at the close of the speech of another Member, move "That the debate be now adjourned".

25.2 The motion for the adjournment must have the support of ten Members, (including the mover and seconder), who will show their support by standing. If fewer than ten Members stand, the motion will be considered as withdrawn.

25.3 If the motion is supported, the Chairman will invite the mover to speak for not more than five minutes. The motion will then be put to the vote.

25.4 If the motion is lost it may not be moved again for half an hour, except by the Chairman.

25.5 If the motion is carried, the debate will continue at the next meeting of the Council. The Member who moved the adjournment will then be entitled to speak first.

25.6 The Council will then proceed to the next item of business.

"That the Council do now proceed to the next business"

26.1 Any Member may, at the close of the speech of another Member move "That the Council do now proceed to the next business".

26.2 The motion must have the support of ten Members, (including the mover and seconder), who will show their support by standing. If fewer than ten Members stand, the motion will be considered as withdrawn.

26.3 If the motion is supported, the Chairman will allow the mover to speak for not more than five minutes. The Leader, Deputy Leader or appropriate member of the Cabinet or the committee/board chairman may then speak if he/she has not already done so. Finally if there has been an "original" motion or amendment under discussion the mover of that may reply.

26.4 The motion “to proceed to the next business” will then be put. If lost, it may not be moved again for half an hour, except by the Chairman. The debate on the “original” motion or amendment will then be resumed.

26.5 If the motion “to proceed to the next business” is carried, then the matter under debate will be considered terminated or lost.

26.6 If, by operation of this Standing Order, an amendment to a motion is lost, the debate on the motion itself will be resumed.

SUSPENSION OF STANDING ORDERS

27.1 It is open to the County Council to suspend Standing Orders applying to meetings of the Council in whole or in part wherever that will assist it in carrying out its business in new and different forms. Suspension will only be for the duration of the meeting.

27.2 Any Standing Order may be suspended at any meeting upon:

(a) a recommendation by the Cabinet or a committee/board, or the Chief Executive; or

(b) a motion, notice of which has been given in writing by a Member to the Chief Executive by 12 noon on the working day before the meeting of the Council; or

(c) a direction by the Chairman in any case of urgency.

VOTING

28.1 Voting will be by show of hands unless, by standing, ten Members demand a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment will be recorded and entered in the minutes. A recorded vote must be undertaken for setting the Council’s annual budget.

28.2 Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against a motion to be recorded in the minutes.

28.3 On a formal motion put from the Chairman (e.g. “That the report be received”), the question may be decided by the voice of the Members, unless any Member demands a show of hands.

28.4 If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.

28.5 The person presiding at the meeting will have a second or casting vote.

INTERESTS OF MEMBERS

29.1 Where a Member attends a meeting which is considering a matter relating to a disclosable pecuniary interest they have, or any relevant gifts and/or hospitality they have received, and which is not listed on their register, they must disclose the interest to the meeting and, within the next 28 days, notify the Monitoring Officer of the interest for inclusion in the register.

29.2 SO 62 in Part 3 of Standing Orders shall apply to participation by a Member in relation to disclosable pecuniary interests.

ATTENDANCE OF MEMBERS

30. Members will sign a register of attendance.

PETITIONS

31.1 At the start of any ordinary meeting of the County Council any member of the public who is an elector of the Surrey County Council area may present a petition, containing 10,000 or more signatures. The county council will debate it unless it is a petition asking for a senior council officer to give evidence at a public meeting. The County Council will endeavour to consider the petition at its next meeting following the submission of a paper petition or the end date of an electronic petition, although on some occasions this may not be possible and consideration will then take place at the following meeting. The presentation of a petition on the following business will not be allowed:

(a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; and

(b) planning applications.

31.2 The petition organiser will be given five minutes to present the petition at the meeting. The relevant Cabinet Member will then be given five minutes for a right of reply before Members have an opportunity to debate the petition for no more than 30 minutes with each Member allowed to speak for a maximum of 3 minutes.

31.3 Notice of paper petitions must be given in writing to the Chief Executive at least 14 days before the meeting.

31.4 The County Council will decide how to respond to the petition at its meeting. It may, for example, decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for

example by a relevant committee. Where the issue is one on which the Cabinet or an individual Cabinet Member is required to make the final decision, the county council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision within five working days of the meeting. This confirmation will also be published on the Council's website.

31.5 The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed

PART 2 OF STANDING ORDERS
CONSTITUTION AND APPOINTMENT OF CABINET AND COMMITTEES

CONSTITUTION OF CABINET

31. The Cabinet will comprise the Leader of the Council, who will be its Chairman, the Deputy Leader and such other Members (up to a maximum of 8) as the Leader agrees. The Deputy Leader as Vice-Chairman of the Cabinet will preside if the Chairman is absent.

CONSTITUTION OF COMMITTEES

32. The constitution of the committees of the Council is as follows:

Name of Committee	Members of the Council	Ex-officio Members	Other Members	Total
Cabinet	Leader, Deputy Leader +up to 8	-	-	up to10
Select Committees:				
Council Overview Board	15	2	-	17
Social Care Services Board	15	2	-	17
Education and Skills Board	12	2	-	14
Resident Experience Board	12	2	-	14
Economic Prosperity, Environment & Highways Board	15	2	-	17
Wellbeing and Health Scrutiny Board	12	2	3	15
Audit and Governance	6	4	-	10
People, Performance and Development Committee	6	2		8
Planning & Regulatory	12	4	-	16
Surrey Pension Fund Board	6	-	4	10
Local Committees:				
One for each district/borough area	Between 5 and 10		Between 5 and 10	Between 10 and 20

CO-OPTED MEMBERS

33.1 Co-opted members of committees have no voting rights except for:

(a) Church and Parent Governor representatives appointed to select committees related to education matters;

(b) Borough/district councillors appointed to local committees with voting rights in relation to all matters, with the exception of Education, Youth and Member's Allocations.

(c) Borough/district councillors appointed to the Health Scrutiny Committee; and

(d) Representatives appointed to the Surrey Pension Fund Board;

33.2 Subject to subsequent report to the Council, committees/boards may co-opt members in addition to those required under statutory schemes related to education matters.

EX-OFFICIO ATTENDANCE

34.1 The Chairman and Vice-Chairman of the Council may attend and speak (but not vote) at meetings of all committees/boards except local committees.

34.2 The Leader and/or Deputy Leader of the Council may attend and speak (but not vote) at any meetings of the Planning & Regulatory and Audit & Governance Committees and the Surrey Pension Fund Board.

34.3 Ex-officio Members may not move or second motions or amendments.

CABINET MEMBERS

35.1 The individual portfolios to be allocated to Cabinet Members will be determined by the Leader of the Council. Their responsibilities are set out in the *"Member/Officer Protocol".*

35.2 The Chairman and Vice-Chairman of the Council may not be members of the Cabinet.

35.3 Members of the Cabinet may not be members of a scrutiny board.

APPOINTMENT OF COMMITTEES

36.1 The Council will:

(a) review the proportional political allocation of places on all committees/boards both annually and at other times as required; and

(b) at its Annual Meeting on receipt of a report from the Chief Executive appoint Members to serve on committees in accordance with the expressed wishes of political groups.

MEMBERSHIP OF COMMITTEES/BOARDS

37.1 Every person appointed to be a member of any committee/board as a Member of the Council will cease to be a member of that committee/board once he/she ceases to be a county councillor unless he/she has been re-elected as such and comes into office before the date of his/her retirement. This will apply similarly to district/borough Council members of County committees/boards.

37.2 Committees/boards may include persons who are not Members of the Council, provided that at least two-thirds of the members of a committee/board are county councillors (with the exception of Local Committees where paragraph 7.1 of Section 2 of the Scheme of Delegation applies).

COMMITTEE CHAIRMEN AND VICE CHAIRMEN

38.1 Chairmen and vice-chairmen of committees/boards will be elected by the County Council under SO 6.8. Any other committees/boards will elect a chairman, and if necessary also a Vice-Chairman, at the first meeting after their appointment each year. The person presiding at the meeting may exercise any power or duty of the chairman.

38.2 Where more than one Member is proposed election will be by show of hands, or if requested by a recorded vote.

38.3 During the interval between the appointment and first meeting of a committee/board, the retiring chairman and vice-chairman may continue to act as such if still members of the committee/board if a chairman and vice-chairman have not been elected by the Council.

38.4 A member of a committee/board proposing to nominate another Member as chairman or vice-chairman must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.

38.5 Where the constitution of committees/boards includes persons who are not county councillors, their chairman must be elected from among the appointed Council Members of the committee/board.

38.6 The Chairman of the Council may not be appointed as chairman of any committee/board with the exception of a Member Conduct Panel.

COMMITTEES'/BOARDS' TERMS OF OFFICE

39.1 All committees/boards will hold office until the first meeting of their successors, except in the year of a County Council election when, (subject to Standing Order 37.1) they and their respective chairmen may continue to act until their successors are appointed.

39.2 In the year of a County Council election, retiring Members of the Council serving as such on other bodies may continue to act until their successors are appointed. This will not however apply where the constitution of the body concerned requires the appointment of serving county councillors.

SUBSTITUTES

40. The following procedure will apply to the appointment of substitutes:

(a) A substitute Member will only attend if the appointed Member cannot do so;

(b) Political groups are permitted substitutes on each committee/board (except for local committees) in the ratio: Conservative Group 3; Liberal Democrat Group 1; Residents' Association & Independent Group 1; UK Independence Party Group 1, subject to paragraph (g) below;

(c) Substitute Members may attend meetings in that capacity only:

(i) to take the place of the ordinary Member for whom they are the designated substitute;

(ii) where the ordinary Member will be absent for the whole of the meeting; and

(iii) after notifying the proper officer as set out in paragraph (d) below.

(d) Attendance of a substitute at a forthcoming meeting will be notified in writing to the Democratic Services Lead Manager as soon as possible and by no later than half an hour before the start of the meeting. Either the absent Member or a group representative can notify; the substituting Member cannot give the notice. The committee manager will notify the chairman of any substitutes at the start of the meeting.

(e) The principle of substitute membership will apply to appointed county council Members and not to ex officio Members or co-opted members except for those representing the Church or parent governors.

(f) No substitutes are permitted for district/borough council co-opted members of local committees, unless a local committee agrees otherwise at its first meeting following the Council's annual meeting and in relation to all meetings in the following year. Named substitutes will be appointed to the Local Committee on the nomination of the relevant district/borough council.

(g) In the event of the long-term illness, death or resignation of a county councillor, in addition, a substitute may be allocated to each appropriate committee, without affecting the rules in the preceding sub-paragraphs, but until a by-election has taken place no permanent appointment may be made to fill the vacancy.

(h) The Council will appoint named substitutes to serve on the Planning and Regulatory Committee, comprising up to seven Members each from the Conservative, Liberal Democrat and Residents' Association & Independent Party Groups and up to two Members from the UK Independence Party Group, subject to no more than four Conservative, one Liberal Democrat, one Residents' Association & Independent and one UK Independence Party Group Member being substituted at any one time.

(i) The Council will appoint named substitutes to serve on the People, Performance and Development Committee and its Appointments Sub-Committee, comprising up to seven Cabinet Members and up to seven Members each from the Liberal Democrat and Residents' Association & Independent Groups, subject to no more than 50% of the membership of the committee/sub-committee being substituted on any one occasion.

(j) The Council will appoint named substitutes for the Wellbeing and Health Scrutiny Board, comprising up to seven Members each from the Conservative, Liberal Democrat and Residents' Association & Independent Group and up to two Members from the UK Independence Party Group, subject to no more than four members of the board being substituted on any one occasion.

41. The substitution rules will not apply to Cabinet Members attending meetings of the Cabinet.

APPOINTMENT OF POLITICAL ASSISTANTS

42. No appointment to a post established under Section 9 of the Local Government and Housing Act 1989 (Assistants for Political Groups) may be made until the Council has allocated a post to each of the groups which qualify for one under the Act:

(a) no political assistant post may be allocated to a political group which does not qualify for one under the 1989 Act;

(b) no political group may be allocated more than one political assistant post;

(c) subject to these Standing Orders, all political assistant posts must be filled in accordance with the wishes of the political group to which the post has been allocated.

(Note: it is open to a political group not to have such a post even though it is entitled to one).

MEMBER CHAMPIONS

43. The Council will agree at its annual meeting which interests or issues should be "championed" during the next Council year and the Leader will appoint Member Champions for such interests or issues following consultation with Group Leaders. Appointment of Member Champions shall be on an annual basis but appointments may be renewed.

PART 3 OF STANDING ORDERS
CABINET AND COMMITTEES:
MEETINGS AND PROCEDURE

NOTICE OF MEETING

44.1 The date, time and place of the fixed meetings of the Cabinet and every committee/board and Cabinet Member decision meetings will be on the Council's website. The notice, agenda, reports and other documents prepared for the Cabinet, Cabinet Members and committees/boards will be sent to Members as long beforehand as is reasonably practicable. In the case of the Cabinet and Cabinet Members and committees/boards exercising delegated powers this will not be less than five clear working days before the date of the meeting.

44.2 Only the business on the agenda will be discussed at a meeting of the Cabinet, of a Cabinet Member or of a committee/board except for urgent matters raised in accordance with the provisions in the Constitution or Section 100B(4)(b) of the Local Government Act 1972 (Article 6).

SPECIAL MEETINGS

45.1 A special meeting of the Cabinet or any committee/board will be convened to consider specific matters within its terms of reference if either:

(a) the Chairman of the Cabinet or that committee/board or one quarter of their members direct the Chief Executive; or

(b) the Chief Executive is of the opinion that a special meeting of the Cabinet or a committee/board should be convened as a matter of urgency.

45.2 At least five clear working days' notice of a special meeting must be given.

CONFIDENTIALITY

Committee/Board Papers, etc

46.1. All Members must respect the confidentiality of any papers made available to them whether for the purpose of meetings of the Cabinet, of Cabinet Members or of committees/boards or otherwise, for so long as those papers remain confidential.

Failure to observe

46.2. Any or all of the rights conferred on a Member of the Council under the Constitution may be withdrawn by the Council if it is satisfied that he/she has not observed the requirements of Standing Order 46.1 in relation to any of its papers.

QUESTIONS TO THE CABINET MEMBERS AND COMMITTEES/BOARDS

47.1 Any Member of the Council may, with the chairman's consent, ask one or more questions on matters within the terms of reference of the Cabinet or any committee/board. (This Standing Order shall also apply to borough/district council members of local committees).

47.2 Notice of questions must be given in writing to the Democratic Services Lead Manager (or relevant Community Partnership and Committee Officer in the case of Local Committees) by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.

47.3 Questions may be asked without notice if the chairman decides that the matter is urgent.

47.4 Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.

47.5 Every question will be put and answered without discussion.

47.6 Copies of all questions will be circulated to Members before the start of the meeting.

47.7 Questions may be answered orally or in writing.

47.8 If the Leader, Deputy Leader or member of the Cabinet or committee/board chairman is unable to answer any question at the meeting he/she may send a written answer to the Member asking the question.

47.9 At the discretion of the chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.

47.10 A record of all questions and answers will be included in the minutes of the meeting.

QUORUM

48.1 The chairman will adjourn the meeting if there is not a quorum present.

48.2 The quorum will be one quarter of the total number of voting members of the Cabinet or committee/board. A quorum may not be fewer than three voting Members.

RIGHT TO SPEAK

49.1 A Member may only speak once on a motion or amendment except:

(a) the mover may reply to the debate but, in doing so, may only answer statements or arguments made in the course of the debate. He/she may not introduce any new matter;

(b) the mover of a motion may speak during the debate on any amendment to the motion;

(c) a Member who has already spoken may speak on a point of order or may, at the chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood;

(d) the chairman may speak before the mover of the motion or amendment replies to the debate.

49.2 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately and reserves his/her right to speak later.

RELEVANCE

50. Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

POINTS OF ORDER

51. Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the chairman whose decision will be final.

LENGTH OF SPEECHES

52. Except with the consent of the chairman, the following time limits will apply to speeches:

(a) The mover of a motion or an amendment.

(10 minutes)

(A Member may not speak for more than five minutes unless he/she has a seconder).

(b) The Leader or the Deputy Leader and the appropriate member of the Cabinet or committee/board chairman speaking to the debate on a motion or amendment.

(10 minutes)

(c) The mover of a motion either speaking to an amendment or replying to the debate.

(5 minutes)

(d) The mover of an amendment replying to the debate on the amendment.

(5 minutes)

(e) The seconder of a motion or an amendment.

(5 minutes)

(f) A Member speaking on a report or in a debate.

(3 minutes)

(g) The Leader of the Council speaking on a report or in a debate.

(5 minutes)

AFTER REPLY DEBATE IS CLOSED

53. After the reply is made, the motion or amendment under discussion will be put from the Chair.

PROCEDURE FOR MOTIONS AND AMENDMENTS

54.1 Every motion or amendment must be moved and seconded and, if the chairman requires, must be submitted in writing to the Chief Executive and read aloud before it is put to the meeting.

54.2 A Member may not move or second more than one amendment on any motion.

54.3 Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Cabinet or committee/board.

54.4 With the consent of the Cabinet or committee/board a Member may:

(a) alter a motion of which he/she has given notice; or

(b) with the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under Standing Order 55.1).

AMENDMENTS

55.1 Every amendment must be relevant to the motion under discussion and will either:

(a) move the reference back

(b) leave out words

(c) add words, or

(d) leave out words and add others.

55.2 An amendment which forms the negative of the motion will not be allowed.

55.3 Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the chairman decides otherwise.

55.4 If an amendment is lost, other amendments may be moved on the motion.

55.5 If an amendment is carried, the motion as amended will become the substantive motion, on which further amendments may be moved.

MOTIONS RELATING TO PERSONAL NOMINATIONS

56.1 When considering a nomination for the appointment or nomination of representatives to serve in any personal or representative capacity, additional names may be proposed and seconded by way of amendment. All the nominations will be placed in alphabetical order and votes in favour of each name will be taken separately.

56.2 Each Member may vote for as many persons as are to be nominated, and the number receiving the highest number of votes will be declared to be nominated.

PROCEDURAL MOTION

"That the question be now put"

57.1 Any Member may, at the close of the speech of another Member, move "That the question be now put".

57.2 If he/she considers that there has been adequate debate, the chairman may put the motion "That the question be now put" without debate. If the motion is carried:

(a) the chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and

(b) the mover of the motion or amendment may reply.

57.3 The motion or amendment will then be put.

INTERRUPTIONS AND DISORDERLY CONDUCT

58. (a) If a Member of the public interrupts the proceedings at a meeting the chairman may ask him/her not to interrupt.

(b) If the interruption continues the chairman may order his/her removal from the room.

(c) If there is general disturbance in all or part of the public gallery the chairman may order that part to be cleared.

59. (a) If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the chairman, "That the named Member be not further heard". If this motion is seconded it will be put to the vote and determined without discussion.

(b) If the motion is carried and the misconduct continues the chairman may adjourn or suspend the sitting of the Cabinet or committee/board for as long as he/she considers appropriate.

VOTING

60.1 Voting will be by show of hands unless Members demand a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment will be recorded and entered in the minutes.

60.2 Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against the motion to be recorded in the minutes.

60.3 On a formal motion put from the Chair (e.g. "That the report be received"), the question may be decided by the voice of the Members, unless any Member demands a show of hands.

60.4 If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.

60.5 The person presiding at the meeting will have a second or casting vote.

INTERESTS OF MEMBERS

61 At any meeting where a Member becomes aware that a matter under consideration relates to:

(a) one of their disclosable pecuniary interests, not entered on the Council's register and/or

(b) the donor of any gift and/or hospitality they have accepted and not yet entered on the Council's register

The Member must disclose the interest to the meeting and, within 28 days, notify the Monitoring Officer of it for inclusion in the register.

Participation in relation to disclosable pecuniary interests

62 A Member with a disclosable pecuniary interest in any matter must:

(a) not participate in any discussion or vote relating to the matter;

(b) withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;

(c) not exercise executive functions in relation to that matter; and

(d) not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them)

unless he/she has obtained a dispensation from the Audit and Governance Committee.

ATTENDANCE OF MEMBERS

63. Members will sign a register of attendance.

MINUTES

64.1 The chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the chairman" and there may only be discussion if there is disagreement about their factual accuracy which will be resolved by a vote in the normal way.

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

PUBLIC PARTICIPATION IN CABINET/COMMITTEE BUSINESS (EXCLUDING LOCAL COMMITTEES)

Petitions

65.1 At the start of any ordinary meeting of the Cabinet, a Cabinet Member or a committee/board any member of the public who is an elector of the Surrey County Council area may present a petition, containing 100 or more signatures, relating to a matter within the terms of reference of the Cabinet, the Cabinet Member or the committee/board as appropriate. In addition, a local business may present a petition to an ordinary meeting of a local committee. The presentation of a petition on the following business will not be allowed:

(a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and

(b) planning applications.

65.2 A spokesman for the petitioners may address the Cabinet, Cabinet Member or the committee on the petition for no more than 3 minutes, but thereafter may not speak further. The petition may be referred without discussion to the next appropriate meeting of the Cabinet, Cabinet Member or committee at the discretion of the chairman.

65.3 Notice must be given in writing to the Chief Executive at least 14 days before the meeting.

65.4 No more than three petitions may be presented at any one meeting of the Cabinet, Cabinet Member or a committee/board.

65.5 The Chief Executive may amalgamate within the first received petition other petitions of like effect on the same subject.

65.6 The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed.

Public question time

66.1 At the start of any ordinary meeting of the Cabinet or any committee/board, any member of the public who is an elector of the Surrey County Council area may ask one question relating to a matter within the Cabinet's or committee's /board's terms of reference. In addition, a local business may ask one question at an ordinary meeting of a local committee. Questions will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications. Questions should relate to general policy and not to detail.

66.2 Notice must be given in writing or by e-mail to the Chief Executive at least 7 days before the meeting.

66.3 The Chief Executive may, having consulted the questioner, reword any question received to bring it into proper form and to secure reasonable brevity. Copies will be circulated to members of the Cabinet or the committee/board as appropriate.

66.4 Questions will be taken in the order in which they are received by the Chief Executive and directed to the Leader, Deputy Leader or appropriate Cabinet Member or committee/board chairman. Questions will be asked and answered without discussion. Any Member may decline to answer a question, provide a written reply or nominate another Member to answer it on his/her behalf.

66.5 Following the initial reply by the Leader, Deputy Leader or Cabinet Member or committee/board chairman, one supplementary question may be asked by the questioner. The Leader, Deputy Leader or Cabinet Member or committee chairman may decline to answer a supplementary question.

66.6 The number of questions which may be asked at any one meeting may not exceed six and the chairman may exercise his/her discretion to regard a single question which has been divided into a number of sub-questions as several different questions within the allowable total number which may be asked at the meeting. The chairman may also disallow questions which are repetitious.

66.7 Questions which are received after the first six to be received will be held over to the following meeting, or dealt with in writing at the chairman's discretion.

Public speaking at meetings of the Planning and Regulatory Committee and in relation to Public Rights of Way items at Local Committee

67.1 Members of the public and their representatives may address the Planning and Regulatory Committee on any planning applications and all applications relating to public rights of way (PROW) being considered by that committee. This Standing Order (67) also applies to applications relating to public rights of way being considered by local committees.

67.2 Speakers must first register their wish to speak by telephone or in writing to the committee manager by 12 noon one working day before a meeting stating on which item(s) they wish to speak.

67.3 Only those people who have previously made written representations in response to a planning application will be entitled to speak.

67.4 Speakers must declare any financial or personal interest they may have in the application.

67.5 Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.

67.6 The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.

67.7 Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.

67.8 No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.

67.9 Speeches will precede the committee's formal discussion on each application requiring the committee's attention.

67.10 The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the committee.

PUBLIC PARTICIPATION IN LOCAL COMMITTEE BUSINESS
(Excluding matters in relation to consideration of a PROW under which standing order 67 applies).

Petitions

68.1 Any member of the public who lives, works or studies in the Surrey County Council area may present a petition, containing 30 or more signatures or at the Chairman's discretion, relating to a matter within the terms of reference of the Local Committee. The presentation of a petition on the following business will not be allowed:

(a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985;

(b) planning applications; and

(c) matters in relation to a public rights of way under consideration by the local committee.

68.2 A spokesman for the petitioners may address the Local Committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion of a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the Cabinet, Cabinet Member or committee/board at the discretion of the Chairman.

68.3 Notice must be given in writing to the Community Partnership and Committee Officer on behalf of the Chief Executive at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through Surrey County Council's e-petitions website as long as the required number of signatures has been reached 14 days before the meeting.

68.4 No more than three petitions may be presented at any one meeting of the committee unless agreed otherwise by the Chairman.

68.5 The Community Partnership and Committee Officer may amalgamate within the first received petition other petitions of like effect on the same subject.

68.6 The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion.

Public questions and statements

69.1 At the start of any ordinary meeting of the Local Committee, any member of the public who lives, works or studies in the Surrey County Council area may ask one question or make a statement relating to a matter within the Local Committee's terms of reference. The Chairman may alternatively permit the question to be asked or statement to be made at the start of an item on the agenda if it relates to that item.

69.2 Questions or statements will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications or public rights of way matters under consideration.

69.3 Notice of questions or statements must be given in writing or by e-mail to the relevant Community Partnership and Committee Officer with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.

69.4 Written questions or statements must be submitted by the deadline set out in section 69.3. The Chairman may alternatively permit questions or statements to be made under relevant agenda items as they consider appropriate during the formal meeting.

69.5 The Community Partnership and Committee Officer may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be tabled and made available in the meeting room for members of the Local Committee and any member of the public in attendance.

69.6 Questions and statements will be taken in the order in which they are received by the Community Partnership and Committee Officer. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.

69.7 Following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.

69.8 The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may disallow questions or statements which are repetitious.

69.9 When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which such public participation has concluded and the Committee's formal discussion and decision making of the item is taking place.

PART 4 OF STANDING ORDERS
PROCEEDINGS AND BUSINESS

70. Where the Leader of the Council/Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 71.

71. Before the Council:-

(a) amends the draft plan or strategy;

(b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(c) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Leader/Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

72. Where the Council gives instructions in accordance with paragraph 71, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may –

(a) submit a revision of the draft plan or strategy as amended by the Leader/Cabinet (the "revised draft plan or strategy") with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or

(b) inform the Council of any disagreement that he/she/the Cabinet has with any of the Council's objections and the reasons for any such disagreement.

73. When the period specified by the Council, referred to in paragraph 72, has expired, the Council must, when

(a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Leader/Cabinet's reasons for those amendments, any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

74. Subject to paragraph 78 where, before 8 February in any financial year, the Council's Cabinet submits to the Council for its consideration in relation to the following financial year –

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;

(b) estimates of other amounts to be used for the purposes of such a calculation;

(c) estimates of such a calculation; or

(d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph 75.

75. Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 5(a), or issues a precept under Chapter IV or Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Leader's/Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

76. Where the Council gives instructions in accordance with paragraph 74 it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may –

(a) submit a revision of the estimates or amounts as amended by the Leader/Cabinet ("revised estimates or amounts") which have been reconsidered in accordance with the Council's requirements, with the reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

(b) inform the Council of any disagreement that he/she/the Cabinet has with any of the Council's objections and the reasons for any such disagreement.

77. When the period specified by the Council, referred to in paragraph 76, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 5(a), or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account:-

(a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(b) the reasons for those amendments;

(c) any disagreement that the Leader/Cabinet has with any of the Council's objections; and

(d) the Leader's/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

78. Paragraphs 74 to 77 shall not apply in relation to:

(a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

79. In this Standing Order

"Cabinet" and "Leader" have the same meaning as "Executive" and "Leader" in Part II of the Local Government Act 2000; and

"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

PART 5 OF STANDING ORDERS
APPOINTMENT AND DISMISSAL OF STAFF

80. Where the authority proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, it shall—

(a) draw up a statement specifying—

(i) the duties of the officer concerned, and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

81. Where a post has been advertised as provided in paragraph 80(b), the authority shall—

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with paragraph 80(b).

82. Subject to paragraphs 83 and 87 below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged by the Head of Paid Service or by an officer nominated by him.

83. Paragraph 82 shall not apply to the appointment or dismissal of, or disciplinary action against –

(a) the officer designated as the Head of the Council's Paid Service;

(b) a statutory chief officer within the meaning of section 2(6) of the Local Government & Housing Act 1989 (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of Section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of Section 9 of the 1989 Act (Assistants to Political Groups).

84.1 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment or dismissal of an officer designated as the Head of the Council's Paid Service, the Council must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

84.2 Where a committee or sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 83 above, at least one member of the Cabinet must be a member of that committee or sub-committee.

85.1 In this paragraph "appointer" means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, or sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.

85.2 An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 83 above must not be made by the appointer until –

(a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;

(b) the proper officer has notified every member of the Cabinet of the Council of –

(i) the name of the person to whom the appointer wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointer has notified to the proper officer; and

(iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the proper officer; and

(c) either –

(i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointer that neither he nor any other member of the Cabinet has any objection to the making of the offer;

(ii) the proper officer has notified the appointer that no objection was received by him within that period from the Leader; or

(iii) the appointer is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

86.1 In this paragraph, “dismisser” means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.

86.2 Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 83 above must not be given by the dismisser until –

(a) the dismisser has notified the proper officer of the name of the person who the dismisser wishes to dismiss and any other particulars which the dismisser considers are relevant to the dismissal;

(b) the proper officer has notified every member of the Cabinet of the Council of –

(i) the name of the person who the dismisser wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismisser has notified to the proper officer; and

(iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and

(c) either –

(i) the Leader has, within the period specified in the notice under sub paragraph (b)(iii), notified the dismisser that neither he/she nor any other member of the Cabinet has any objection to the dismissal;

(ii) the proper officer has notified the dismisser that no objection was received by him within that period from the Leader; or

(iii) the dismisser is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

87. Nothing in paragraph 82 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by –

(a) another person against any decision relating to the appointment of that person as a member of staff of the Council; or

(b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

88. In this paragraph 88

(a) "disciplinary action", "Chief Finance Officer", "Head of Paid Service" and "Monitoring Officer", have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and each of the aforementioned officers is a "relevant officer"

(b) "Independent Person" means a person appointed under section 28(7) of the Localism Act 2011

(c) "local government elector" means a person registered as a local government elector in the Council's area in accordance with the Representation of the People Acts

(d) " Panel" means a committee appointed by the Council under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council

(e) "'relevant Independent Person' means any Independent Person who has been appointed by the Council or, where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate

(f) "relevant meeting" means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer

88.1. A relevant officer may not be dismissed by the Council unless the procedure set out below is complied with.

88.2 The Council must invite relevant Independent Persons to be considered for appointment to a Panel, with a view to appointing at least two such persons to the Panel.

88.3 Subject to paragraph 88.4 the Council must appoint to the Panel such relevant Independent Person(s) who have accepted an invitation issued in accordance with paragraph 88.2 in accordance with the following priority order:~

(a) a relevant Independent Person who has been appointed by the Council and who is a Local Government Elector

(b) any other relevant Independent Person who has been appointed by the Council

(c) a relevant Independent Person who has been appointed by another authority or authorities

88.4 The Council is not required to appoint more than two relevant Independent Persons in accordance with paragraph 88.3, but may do so

88.5 The Council must appoint any Panel at least 20 working days before the relevant meeting.

88.6 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular

(a) any advice, views or recommendations of the Panel

(b) the conclusions of any investigation into the proposed dismissal,

and

(c) any representations from the relevant officer

88.7 Any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as independent person under the Localism Act 2011.

PART 6 OF STANDING ORDERS
AUTHENTICATION OF DOCUMENTS

91. The Council's common seal shall be kept by the Director of Legal and Democratic Services in a secure place at County Hall.

92. All documents which require to be sealed by the Council shall be witnessed by the Director of Legal and Democratic Services or such of his/her senior officers as he/she shall formally nominate for the purposes of this Standing Order. Any document sealed and so witnessed shall be deemed to have been duly and validly executed on behalf of the Council.

93. All documents so executed and witnessed shall give effect to decisions of the Council, the Cabinet, individual Member or other committee or officer of the Council acting under delegated powers and shall be recorded in a register which shall be available for inspection by Members.

94. The Director of Legal and Democratic Services (generally) and all Chief Officers (within their specific delegated authority) are authorised to act as the Proper Officer for the purposes of Section 234 of the Local Government Act 1972 for the signature of any notice, order or document which the Council is authorised or required to give, make or issue.

CONSTITUTION OF THE COUNCIL

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SURREY COUNTY COUNCIL

Making Surrey a better place

Code of Corporate Governance

Issue 9
May 2014

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COMMITMENT TO GOOD GOVERNANCE

1 The Corporate Strategy, 'Confident in Our Future' sets out the council's overall purpose to ensure good quality public services for the residents of Surrey so they remain healthy, safe and confident about the future.

2 Good corporate governance underpins confidence in public services and should be transparent to all stakeholders. The council is committed to demonstrating it has sound corporate governance and this Code of Corporate Governance sets out the way the council meets that commitment. This in turn promotes adherence to the council's values that guide the behaviour of all officers and Members:

3 Corporate governance is the manner through which the council directs and controls its functions and relates to its communities. A robust governance code provides assurance that Surrey is meeting best practice in protecting its assets and serving the community.

4 The council must review at least annually the effectiveness of its governance arrangements and produce an Annual Governance Statement (AGS), which recognises and records the governance framework and environment. The AGS must be signed by the Chief Executive and the Leader of the Council and be included within the Statement of Accounts, as required by the CIPFA / SOLACE framework, the Statement of Recommended Practice (SORP) 2007 and the Accounts and Audit Regulations (2011).

5 The Code of Corporate Governance sets out the mechanisms for monitoring and reviewing the corporate governance arrangements, which enables the council to identify good governance practice and also areas for improvement.

GOOD GOVERNANCE PRINCIPLES

Principles of Public Life

6 The council has made a commitment to ensuring that good governance is in place and that it is serving the local community in accordance with the seven principles of public life as defined by the Nolan Committee in 1994. These principles apply to everyone working in the public services and should be incorporated into all codes of conduct and behaviour to ensure residents and service users receive a high quality service.

7 The principles are as follows:

- **Selflessness**

Officers and members should act solely in terms of the public interest. They should not act in such a way in which to gain financial or other benefits for themselves, their family or their friends.

- **Integrity**

Officers and members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

- **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, officers and members should make choices on merit.

- **Accountability**

Officers and members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their role.

- **Openness**

Officers and members should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- **Honesty**

Officers and members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the people of Surrey.

- **Leadership**

Officers and members should promote and support the principles by leadership and example.

Core Governance Principles

8 The council has adopted six core governance principles, which ensure good governance, compliance with the principles of public life and support the achievement of the Corporate Strategy.

	Core Governance Principle	Corporate Strategy strand
1	Surrey County Council will focus on its purpose and will implement a vision for both Surrey and its local communities to achieve the intended outcomes for the community. It will meet this by: • Continuously developing and clearly communicating its purpose and vision; • Ensuring users receive a high quality of service; and • Making best use of resources.	Quality
2	The council's members and officers will work together to achieve a common purpose with clearly defined functions and roles. It will meet this by: • Ensuring there is a constructive working relationship between members and officers; • Ensuring responsibilities of members and officers are carried out to a high standard; and • Having clear relationships between the council, its partners and the public.	Partnerships
3	Surrey County Council will promote values and demonstrate good governance by upholding high standards of conduct and behaviour. It will meet this by:	People

	• Requiring members and officers to maintain high standards of conduct; and • Continuing to ensure that its values are promoted.	
4	Surrey County Council will take informed and transparent decisions that promote value for money and are subject to effective scrutiny and risk management. It will meet this by: • Promoting decision making that is rigorous and transparent; • Having good quality information, advice and support; • Ensuring that effective risk management and performance management systems are in place; and • Using its legal powers to the full benefit of residents and communities.	Stewardship
5	Surrey County Council will seek to develop the capacity and capability of members and officers to be effective. It will meet this by: • Aiming to ensure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles; • Engaging effectively with all sections of the community; and • Making best use of human resources through consulting and involving staff in decision-making.	Value
6	Surrey County Council will engage with Borough, District and Parish Councils, residents associations and other stakeholders as appropriate to promote robust public accountability. It will meet this by: • Promoting leadership through a robust scrutiny function; • Involving local people, partners, business and other stakeholders in the early development of policy; and • Taking an active and planned approach to dialogue with and accountability to the public.	Residents

SUPPORTING GOVERNANCE DOCUMENTS

9 The Code of Corporate Governance contains 32 council policies and processes that are of key importance in maintaining good governance, supporting the achievement of the Corporate Strategy and underpin compliance with the core governance principles. The documents are shown at Annex A against the six Corporate Strategy strands.

10 Responsibility for each governance document ultimately rests with the Chief Executive or one of the strategic directors, aside from statutory functions that fall within the personal responsibility of the Section 151 Officer or the Monitoring Officer. Cabinet Members must also demonstrate ownership within their individual portfolios.

11 Below those officers and members, the Code of Corporate Governance identifies, where appropriate, those officers who have a material input and control over governance documents. These officers are referred to as Policy Custodians and they are shown in Annex B**.**

GOVERNANCE REVIEW

12 The annual review of governance assesses the level of compliance with each of the core governance principles. A flowchart showing the process is shown at Annex C. The review consists of a number of parts as follows.

PART 1 – CUSTODIAN ASSURANCE

13 Policy Custodians are required to complete an annual Custodian Assurance Statement. A summary report is presented to the Governance Panel, which makes recommendations on the policies to be included in the annual Control Risk Self Assessment (CRSA) exercise outlined below.

PART 2 – POLICY COMPLIANCE (CRSA) AND REPORT ON INTERNAL CONTROL

14 Following agreement by the Governance Panel on the policies to be tested, questionnaires are sent out by the Internal Audit Team to a sample of staff and members. Audit reports are sent to Policy Custodians who then complete a management action plan for any improvement areas identified. A summary report is also presented to the Governance Panel and any significant areas included in the AGS.

15 The Chief Internal Auditor uses information gathered from internal audit reviews carried out as part of the annual audit plan, to report on the adequacy of the internal control environment. This report is presented to the Governance Panel and any significant areas included in the AGS

PART 3 – ASSESSMENT OF THE CORE GOVERNANCE PRINCIPLES

16 The Risk and Governance Manager carries out the annual assessment of the core governance principles. The review consists of:

- interviews with key officers,
- reviewing existing procedures, and
- assessing existing governance arrangements against best practice.

17 A summary report is then presented to the Governance Panel and any significant findings will be included in the AGS.

PART 4 – ADDITIONAL GOVERNANCE INFORMATION

18 In order to pull together a full picture of governance across the organisation, the Governance Panel also look at any relevant reports and findings from other inspectorates and groups, along with any self-assessments that the council has completed within the relevant year. Any significant issues are then included in the AGS and the information includes the following:

- External audit reports
- External inspection reports
- Annual review of the effectiveness of the system of internal audit
- Member task group reports and findings

PART 5 - AGS

19 Taking all the above information into account, the draft AGS is developed and agreed by the Governance Panel. The Chair of the Governance Panel consults with Continual Improvement Board before the AGS is presented to the Audit and Governance Committee and the Cabinet.

PART 6 - MONITORING

20 The Governance Panel monitors progress on any improvement actions identified and update reports are presented to senior officers and Audit and Governance Committee as appropriate.

ROLES AND RESPONSIBILITIES

21 All staff and members have a role in ensuring good governance but specific responsibilities are set out below:

ROLE	RESPONSIBILITIES
The Cabinet	• Approve the AGS for publication with the Statement of Accounts • Monitor any governance improvements required, as appropriate
Portfolio Holders	• Demonstrate ownership of individual policy areas • Approve governance policies as appropriate
Audit & Governance Committee	• Review the draft AGS and advise the Cabinet as appropriate • Monitor the effectiveness of the governance arrangements • Monitor compliance with the Code of Corporate Governance • Approve governance policies as appropriate
Continual Improvement Board	• Commission remedial action to address issues • Review related reports en route to the Cabinet e.g. AGS
Governance Panel	• Refer to the Terms of Reference – **Annex D**
Heads of Service and Assistant Directors	• Appoint Policy Custodians as required • Promote the delivery of policies within their service • Participate in the governance review and ensure that officers under their charge cooperate within the given timescales • Ensure governance improvements required within their service are acted upon in a timely manner and reported as necessary
Policy Custodians	• Maintain and regularly review policies to ensure they reflect legislative changes, best practice and organisational changes • Ensure policies are communicated effectively • Operate a standard process of version control on all policies • Ensure actions identified through the corporate governance review are acted upon in a timely manner and reported as necessary
Risk and Governance Manager	• Coordinate the corporate governance review • Carry out the annual assessment of core principles • Annually review the Code of Corporate Governance • Ensure provision of Corporate Governance training for staff and members
Internal Audit Team	• Conduct the annual review of policy compliance • Provide information on the internal control environment to inform the AGS

REVIEWING AND REVISING THE CODE

22 This Code of Corporate Governance will be reviewed annually to reflect any changes. For any queries or comments on this document please contact:

Cath Edwards, Risk and Governance Manager, Business Services

GLOSSARY

Annual Governance Statement (AGS)	A statement required by the Accounts and Audit Regulations (Amendment) (England) 2006 explaining how the council has complied with the code of corporate governance. It is signed by the Chief Executive and Leader of the Council and published as part of the annual Statement of Accounts.
Chartered Institute of Public Finance and Accountancy (CIPFA)	The leading accountancy body for public services.
Constitution of the Council	Sets out how the Council operates, how decisions are made and the procedures that are followed to ensure efficiency, transparency and accountability.
Control Risk Self Assessment (CRSA)	An annual self assessment undertaken using questionnaires to ascertain the levels of compliance with governance policies.
Corporate Governance	How local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
Custodian Assurance Statement (CAS)	An annual submission from each Policy Custodian providing assurance that each policy is up to date and detailing any work that has been undertaken throughout the year.
Effectiveness review	A requirement of the Accounts and Audit Regulations 2006 for the council to annually conduct a review of the effectiveness of its system of internal audit.
External Audit	An external annual review of the Council's accounts.
Governance Panel	Chaired by the Head of Legal and Democratic Services, the panel ensures that the council has a robust appraisal of governance. It advises Corporate Board, Audit & Governance Committee and Cabinet on the adequacy of the governance arrangements and proposes areas for improvement through the Annual Governance Statement.
Internal Audit Team	An independent appraisal function that objectively examines, evaluates and reports on the adequacy of internal control. They are part of the Policy and Performance Service within Chief Executives Office.
Monitoring Officer (Head of Legal and Democratic Services)	The statutory officer in accordance with section 5 of the Local Government and Housing Act 1989 with responsibility for: • Maintaining the Constitution • Ensuring lawfulness and fairness of decision making • Receiving reports • Receiving and dealing with allegations of misconduct • Access to information • Advising whether executive decisions are within the budget and policy framework • Providing advice

Policy Custodian	Officer(s) with oversight for a governance document. They have responsibility for ensuring that it is up to date and promoted across the authority.
Continual Improvement Board	Chaired by the Strategic Director for Environment and Infrastructure, it ensures effective self-regulation, oversight and assurance of governance.
Section 151 Officer (Chief Finance Officer and Deputy Director for Business Services)	The statutory officer with responsibility for: • the proper administration of the Council's affairs under section 151 of the Local Government Act 1972 • Ensuring lawfulness and financial prudence of decision making • Contributing to corporate management • Providing advice • Giving financial information
Society of Local Authority Chief Executives and Senior Managers (SOLACE)	The representative body for senior strategic managers working in local government, promoting effective local government.

Annex A

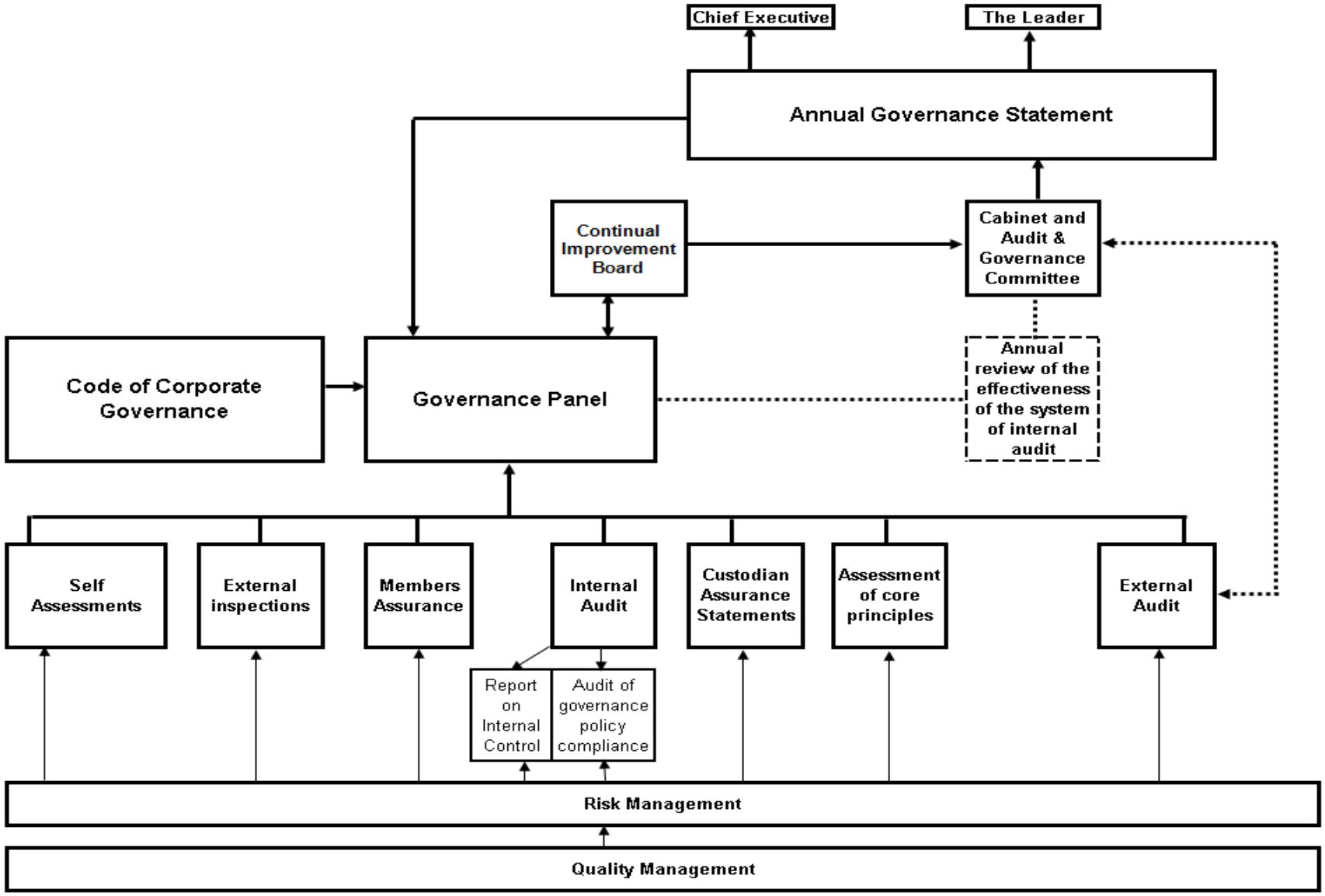
Supporting Governance documents

RESIDENTS **Actively involving local people and stakeholders**	**QUALITY** **Ensuring a high quality service**
Fairness and Respect Communication and Engagement Strategy	Complaints Freedom of Information People Strategy
VALUE **Taking informed and transparent decisions that promote value for money**	**PEOPLE** **Maintaining high standards of conduct**
Procurement Standing Orders Cabinet Forward Plan Scheme of Delegation Standing Orders	Capability Change Management Codes of Conduct (officers and Members) Arrangements for dealing with complaints about Members Disciplinary Ending Harassment, Bullying and Discrimination Grievance Safer Recruitment Member/Officer Protocol
PARTNERSHIPS **Having clear relationships**	**STEWARDSHIP** **Ensuring effective risk and performance management systems**
Surrey Compact Voluntary, Community and Faith Sector (VCFS) Framework Partnership Framework and Principles: • Memorandums of Understanding • Joint Working Arrangements	Data Protection IT Security Premises Security Strategy Against Fraud and Corruption Regulation of Investigatory Powers Act (RIPA) Resilience Policy Financial Regulations Risk Management Health and Safety Whistleblowing

Governance Custodians **Annex B**

Document	Custodian
Arrangements for dealing with complaints about Members	Head of Legal and Democratic Services
Cabinet Forward Plan	Cabinet Business Manager
Capability	Deputy Head of Human Resources
Change Management	Deputy Head of Human Resources
Code of Conduct for Staff	Deputy Head of Human Resources
Code of Conduct for Members	Head of Legal and Democratic Services
Communications and Engagement Strategy	Head of Communications
Complaints	Customer Services Improvement Manager
Data Protection	Corporate Information Governance Manager
Disciplinary	Deputy Head of Human Resources
Resilience Policy	Head of Emergency Management
Ending harassment, bullying and discrimination	Equality Inclusion and Wellbeing Manager
Fairness and Respect	Lead Manager, Policy and Strategic Partnerships
Financial Regulations	Chief Finance Officer
Freedom of Information	Freedom of Information Officer
Grievance	Deputy Head of Human Resources
Health and Safety	Senior Health and Safety Manager
IT Security	Head of IMT
Member / Officer Protocol	Head of Legal and Democratic Services
Partnership Framework and Principles	Strategic Director for Change and Efficiency
People Strategy	Head of HR and Organisational Development
Premises Security	Area Delivery Manager
Procurement Standing Orders	Head of Procurement and Commissioning
Regulation of Investigatory Powers Act (RIPA)	Community Protection Manager
Risk Management Strategy	Risk and Governance Manager
Safer Recruitment	Deputy Head of Human Resources
Scheme of Delegation	Head of Legal and Democratic Services
Standing Orders	Democratic Services Lead Manager
Strategy against Fraud and Corruption	Chief Internal Auditor
Surrey Compact	Democratic Services Lead Manager
VCFS Framework	Democratic Services Lead Manager
Whistle blowing	Deputy Head of Human Resources

Annex C Governance Review Process



Annex D

Governance Panel - terms of reference

Scope

The Governance Panel (the panel) ensures that the Council has a robust method of scrutiny and appraisal of Governance. The panel advises Continual Improvement Board[1], Audit & Governance Committee (A&GC) and Cabinet on the adequacy of the arrangements and proposes areas for improvement through the Annual Governance Statement (AGS).

The panel reviews reports from Internal Audit, Risk & Governance, External Audit and other relevant documents.

The Role of the Governance Panel

The Governance Panel collectively, is responsible for:

- Reviewing reports from Internal Audit, Risk & Governance, External Audit and other relevant inspectorates
- Agreeing the sample of governance policies to be tested
- Approving changes to the Code of Corporate Governance
- Reviewing significant changes to governance policies
- Reporting on significant governance improvements and weaknesses to the Audit and Governance Committee
- Being a key point of escalation to Continual Improvement Board
- Monitoring improvement plans and reporting to the Audit & Governance Committee
- Reporting progress and key concerns to members

Membership

The following officers form the Governance Panel:

Chair	-	Head of Legal and Democratic Services (Monitoring Officer)
Standing members	-	Chief Finance Officer (Section 151 Officer)
	-	Deputy Head of HR & Organisational Development
	-	Chief Internal Auditor
	-	Representative from Policy and Performance
	-	Risk & Governance Manager
Advisors	-	Policy custodians
	-	Representatives from Internal Audit

Individual Roles and responsibilities

Chair

- Proactively chair panel meetings, ensure meetings are effective and actions have been completed

[1] Consisting of Strategic Director for Environment and Infrastructure (Chair), Chief Finance Officer, Head of HR and Organisational Development, Head of Policy and Performance, Heads of Service/Assistant Directors from Adult Social Care; Childrens, Schools and Families; Environment and Infrastructure; Customers and Communities.

- Present panel reports to Continual Improvement Board, A&GC and Cabinet and feed back to the rest of the panel members
- Report back to the panel on key issues from other governance meetings as appropriate, including partnerships

Panel members

- Proactively participate at panel meetings
- Report back to the panel on key issues from other governance meetings as appropriate, including partnerships

Risk and Governance Manager

- Provide reports to the panel on areas of risk and governance, including strategic and significant service risks, annual governance review reports and progress reporting
- Prepare panel reports for Continual Improvement Board, A&GC and Cabinet
- Report key issues from external audit and inspection reports including the Annual Audit Letter and the Annual Governance Report
- Undertake the annual review of the Code of Corporate Governance and recommend changes to the panel

Chief Internal Auditor

- Provide reports to the panel on internal control and Control Risk Self Assessment (CRSA) findings

Policy Custodians

May be required to attend any panel meetings at the request of the Chair

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SURREY
COUNTY COUNCIL

Making Surrey a better place

Financial Regulations

October 2014

Financial Regulations

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Introduction

1 Financial Regulations govern the manner in which the council's financial activity is conducted and its financial interests are safeguarded. All councillors, officers and contractors must comply with the Financial Regulations ('the regulations). Locally managed schools have their own financial governance and regulations, as set out in the Surrey Scheme of Financing Schools and the Schools' Finance Manual.

2 An officer of the council with the appropriate qualifications must ensure proper management of the council's financial affairs under Section 151 of the Local Government Act 1972. The Director of Finance and Deputy Director of Business Services is the Section 151 Officer for Surrey County Council.

3 . All officers with delegated responsibility for undertaking financial duties are responsible for their compliance with these regulations. The Section 151 Officer is, in turn, accountable to Council.

4 The regulations outline the financial responsibilities of the Director of Finance, senior managers and budget holders within the council, defining what the council does financially, and why it does it. The Section 151 Officer is also required to define more detailed requirements in respect of financial activity (Financial Management toolkit) that facilitate compliance with the regulations and ensure there are clear operational practices.

Governance

5 The regulations are part of the council's Constitution. The relevant parts of the Constitution are Article 6 (Budget and Policy Framework) and Article 13 (Contracts and Legal matters and Scheme of Delegation).

6 The Leader of the Council determines the Scheme of Delegation that sets out the level of authority for officers and members. The regulations are aligned to the Scheme of Delegation and amended accordingly.

7 The Director of Finance reviews the regulations annually and proposes any amendments to the Leader.

Regulation 1: Officer roles and responsibilities

Director of Finance

1.1. The Director of Finance's responsibilities to administer and steward the financial affairs of the council are decreed by statute:

- Section 151 of the Local Government Act 1972
- Section 114 of the Local Government Finance Act 1988
- Local Government and Housing Act 1989
- Local Government Act 2003
- Accounts and Audit Regulations 2011.

1.2. The Director of Finance's key responsibilities are to:

a) provide strategic financial planning and advice to the Chief Executive, senior managers the Cabinet, other committees and member task groups

b) ensure proper administration arrangements are in place for the council's financial affairs

c) report to members on the overall budget performance and recommend corrective action

d) ensure that the council or any officer of the council does not make any unlawful financial transaction or action

e) comply with the relevant accounting and financial procedures and standards in accordance with best accounting practices, and that all transactions are conducted in the spirit of the council's values (listen, responsible, trust and respect)

f) agree and ensure those locally managed schools and other local financial management arrangements are aligned to these regulations

g) nominate an appropriate council officer to perform these responsibilities in the absence of the Director of Finance.

1.3. The Director of Finance must be given access to any necessary information to comply with these statutory duties.

Senior Managers

1.4. Senior Managers of the organisation, including Strategic Directors, Assistant Directors and Heads of Service, shall (jointly with the Director of Finance) propose a revenue and capital budget to Cabinet for each service, within their budget guidelines set by the Cabinet.

1.5. Senior Managers must produce a monitoring report every month on the progress and projected spend of their approved revenue and capital budgets within agreed timescales.

1.6. Senior Managers are responsible for ensuring that there is a nominated budget holder responsible for controlling each part of their total budget. Senior

Managers will align budgetary accountability with managerial responsibility when nominating budget holders for the use of resources as closely as possible.

1.7. Each Senior Manager is responsible for the effective operation of the relevant financial systems to the extent that they are operated or controlled within their directorate, taking into account the advice of the Director of Finance.

Budget holders

1.8. Budget holders should make all relevant staff aware of these regulations (and associated documents) and highlight the relevance and compliance of the regulations to their team members. Finance officers can assist budget holders in this.

1.9. Budget holders shall make arrangements to ensure that the actual revenue expenditure does not exceed the approved budget in accordance with paragraph 2.21 below.

1.10. Risk criteria (size, complexity, volatility and political sensitivity) are applied to each budget as part of the budget setting process, which then determines how a budget will be monitored during the financial year (the risk based approach).

a) High risk – the budget is monitored monthly and a budget narrative reported to Cabinet every month.

b) Medium risk – the budget is monitored monthly and a budget narrative reported to Cabinet every quarter.

c) Low risk – the budget is reviewed every quarter and reported by exception.

Any variances more than £50,000 and over 10% of the actual spend to date and budget spend to date position; and the full year forecasted spend and the full year budget, must be monitored monthly until the variance is stable.

1.11. Budget holders are responsible for providing the budget narrative as part of monthly budget monitoring reports to Cabinet. Combining more than one budget holder report into a service report is the responsibility of Senior Managers. The Finance Service can support Senior Managers in producing budget narratives.

1.12. The Director of Finance and relevant Senior Manager should approve all arrangements, guidelines and procedures for the proper administration of the service's financial affairs.

Regulation 2: Revenue financial planning and management

Revenue budget and medium term financial plan preparation

2.1. In late January or early February, the Leader and Cabinet propose the level of council tax precept for the coming financial year for Council to set. In proposing the council tax precept, the Leader and Cabinet propose the following year's overall revenue budget, capital programme (see Regulation 3) and five year medium term financial plan (MTFP) for Council's approval. In setting council tax and approving the budget and MTFP, Council is responsible for ensuring it aligns with the corporate strategy.

2.2. The Director of Finance submits a report to the Cabinet and Council on the robustness of the budget proposals submitted for Council approval in compliance with the requirements of Section 25 of the Local Government Act 2003.

2.3. In developing the council's overall high level revenue budget, Cabinet, and the Director of Finance agree budget guidelines for each year of the MTFP. Senior Managers and Budget holders must propose revenue budgets for the MTFP period that are sustainable for the council and are within the agreed guidelines. Senior Managers must present their budgets to the Director of Finance, and others as required, and incorporate an explanation of key assumptions and risks.

2.4. The Leader presents the budgets for the five year MTFP to Cabinet in January or February and to Council in February.

2.5. Any revenue budget changes must follow virement regulations (see paragraph 2.16).

Fees and charges

2.6. Every year Services must update and/ or review their fees and charges with a view to ensuring all are reviewed fundamentally on a cyclical basis. The review cycle must not exceed four years. In developing fees and charges proposals, services must consult, either formally or informally, with appropriate Select Committee representatives. The Director of Finance will provide appropriate guidance in the Financial Management Toolkit.

2.7. Annually, when it approves the MTFP in March, Cabinet must review and agree the schedule of fees and charges to be applied in the next financial year. Cabinet will note fees and charges agreed under delegated authority and/or approve others not otherwise delegated.

2.8. All income properly due to the council must be collected promptly and recorded to the council's benefit, unless specific authority to waive, discount or write-off such income is approved through Cabinet, Cabinet Members or under delegated powers to officers. Senior Managers have authority to waive fees and charges for reasons outlined in Financial Management toolkit, up to a cumulative value of £25,000 per year in any one case. Any waiver of higher value requires Cabinet approval. Waivers granted in year must be reported in year end financial outturn reports to Cabinet.

2.9. Cabinet must agree proposals to start charging for or trading in goods or services not previously subject to charging or trading with third parties.

Grant conditions

2.10. Senior Managers must comply with any grant conditions where they budget to meet expenditure from grant income to ensure the service receives the maximum relevant grant income.

Mid-year changes

2.11. Cabinet has discretion to use and allocate resources within the budget approved by Council. Any decision of Cabinet, a committee, individual Cabinet Members, officers, local committees or a joint body discharging executive functions which would incur expenditure beyond the approved budget requires Council's agreement.

2.12. Occasionally, new projects will arise in year that were not included in the MTFP and require specific funding. Cabinet may approve such new projects, provided their funding is within the overall limits of the budget.

2.13. Revenue Invest to Save scheme proposals must follow the Investment Panel process set out in paragraph 3.5. Budget holders must not commit or incur expenditure on projects arising in year until Cabinet has granted approval. This includes projects services develop to access external funding.

2.14. Senior Managers may request to carry forward a budget to the next financial year. Cabinet can approve carry forwards in the context of the total outturn position, or forecast outturn position, taking the Director of Finance's advice into account.

2.15. At the beginning of the financial year, it can be difficult for services to estimate revenue government grants accurately and grant adjustments will be required. These grant changes will amend the revenue expenditure levels for the relevant directorates. Budget holders must seek approval through the virement process outlined in paragraph 2.17 for such amendments. Cabinet notes all grant virements reported within the Leader's budget monitoring reports.

2.16. Approval of all previous year carry forwards, grant changes and other budget virements amend the MTFP budget, which becomes the updated budget.

2.17. The approval requirements depend on the virement.

Virement type	**Approval required**
Technical e.g. incorrect coding, capital transfers, redistributing funding	Relevant finance manager
Administrative i.e. already approved by Cabinet	Within a service - Assistant Director or Head of Service Within a directorate – strategic director Across directorates – Director of Finance

Virement type	Approval required
Without existing Cabinet approval	Under £500,000 (full year effect) - Director of Finance
In line with key decision threshold (3.27)	Over £500,000 , (full year effect) and within a portfolio - relevant Cabinet Member
	Over £500,000 (full year effect) and across portfolios- formal approval by Cabinet after informal communication with the relevant Cabinet Member and the Leader

Monitoring

2.18. Budget holders are required to monitor and report on their revenue and projects budgets in accordance with risk ratings determined using the criteria in paragraph 1.11.

2.19. Budget holders must forecast the income and expenditure position for their budget throughout the year. Using the council's forecasting tool, budget holders submit year-end forecasts and commentary to their line manager, Strategic Director and Finance according to the budget monitoring timetable.

The budget commentary should include:

a) the extent of any under or overspend
b) the reasons for any under or overspend, such as information on activity or volume levels, contract or price variations
c) what the service is doing to address any under or overspend ;and
d) the implications for future budgets and forecasts over the MTFP period

2.20. Senior Managers and Finance review and validate completed budget monitoring forecasts and commentaries.

2.21. Budget holders can only commit to spend against budgets within their delegated responsibility. Changes to delegated responsibility require a virement to effect the change to the budget (paragraph 2.16).

2.22. If a budget holder forecasts to over-spend or under-recovery (for income) then in consultation with the relevant Cabinet Member they can:

a) reduce expenditure or take action to increase income with Cabinet approval
b) re-direct resources by making a virement between budgets (paragraph 2.16)
c) in very exceptional circumstances, request Cabinet to approve a supplementary budget allocation.

2.23. The budget holder must include comments about such actions taken in their budget monitoring commentary.

Reporting

2.24. The Director of Finance uses Senior Managers' budget monitoring commentaries to prepare the overall budget monitoring report Cabinet each month.

2.25. At the financial year end, the Director of Finance reports to Cabinet on the outturn of expenditure and income and the performance of each directorate compared with the updated budget.

Revenue budget – schools budget

2.26. If an individual school overspends, it carries that overspend forward and it becomes the first call on the school's budget in the following year. In highly exceptional circumstances, the Council may approve additional funding for a school in financial difficulties. If schools as a whole overspend collectively, the overspends would still be carried forward and they would each be required to recover the funds from their following year's budgets. Again, in highly exceptional circumstances, the Council may approve additional funding for a school in financial difficulties.

2.27. The Department for Education restricts use of Dedicated Schools Grant (DSG) to budgets delegated to schools and specified central expenditure on schools and pupils.. Statuterequires that most categories of central expenditure from DSG (other than on high cost SEN) must be approved by Schools Forum (or Secretary of State) and various other constraints are imposed by the current school finance regulations. If there is an overspend on the Schools Budget, that can only be funded from DSG in the following year with the approval of Schools Forum or of the Secretary of State.

Debt write offs

2.28. The Director of Finance, in consultation with the Director of Legal and Democratic Services, has authority to write off individual debts of up to £100,000 they consider to be irrecoverable, where:

a) the debtor has gone into liquidation;
b) the debtor is deceased and there are no funds and the debt has been registered as a liability to the executor;
c) the evidence against a debtor is inconclusive, and the Head of Legal and Democratic Services recommends write-off;
d) the debtor has absconded and all enquiries have failed; or
e) the debtor is in prison and has no means to pay.

2.29. The Director of Finance can approve the write off of irrecoverable debts under £10,000 not covered by the criteria above. For debts between £10,000 to £100,000 not covered by the criteria above, the relevant Cabinet Member in consultation with the Leader can approve the write off of irrecoverable debts in their portfolio, having taken into consideration the advice of the Director of Finance and the Director of Legal and Democratic Services. All other write offs require Cabinet approval.

2.30. The year end financial outturn reports to Cabinet set out debt write offs granted in the year.

Stock write offs

2.31. The relevant Senior Manager and the Director of Finance's nominee can agree to write off individual categories of stock items to a maximum value £10,000. All

other write offs require Cabinet approval. The year end financial outturn reports to Cabinet set out stock write offs granted in the year.

Consultancy services

2.32. Procurement Standing Orders (PSOs) set out the thresholds for appointing consultants and contractors.

2.33. The Leader and the Chief Executive must approve consultant or contractor appointments where the fee exceeds £50,000 a year (or in proportion where the engagement is for less than one year) before the contract starts.

2.34. Procurement must subject all consultant or contractor engagements with an aggregate value of £100,000 or over to competitive tender and review by the Procurement Review Group before approval by the Leader and Chief Executive. Under no circumstances will the Leader and Chief Executive approve such engagements retrospectively.

Regulation 3: Capital planning and management

Budget setting

3.1. In late January or early February, the Leader and Cabinet propose the overall five year capital programme for Council's approval. The Director of Finance supports this with: aggregate and detailed capital budgets, capital programme financing and assurances about the council's compliance with the Prudential Code's requirements.

3.2. Senior Managers must ensure any planned capital spend included within the MTFP does not exceed the capital resources allocated to that programme or scheme. In particular, they must ensure:

a) capital programme proposals are consistent with the council's corporate strategy, capital strategy, asset management plan and directorate strategies;
b) each capital scheme or project is assessed for both financial and service risk;
c) the proposed timetable for the programme is realistic;
d) the available revenue resources (or planned revenue resources likely to be made available) can contain all consequential revenue costs in current and future years; and
e) Investment Panel has reviewed the business case for each scheme or project for robustness.

3.3. The approved capital programme gives 'in principle' approval for capital projects, and schemes. Expenditure on new capital projects or schemes can commence only following the approval of the Capital Working Group or Investment Panel as described below. For developer contributions and specific grant schemes follow the key decisions approval regulation (3.26 – 3.27).

Capital Working Group & Investment Panel

3.4. Each year Council gives "in-principle" approval for a list of capital schemes, plus allocations for recurring programmes such as minor works and maintenance. For all new schemes not previously included in the approved capital programme, budget holders must present a business rationale to Capital Working Group (CWG). CWG conducts the initial review of proposals to determine whether they should be presented to Cabinet for decision to identify schemes in the MTFP capital programme.

3.5. Investment Panel considers the robustness of business cases identified as part of the council's main capital programme approved by Cabinet. Sufficiently robust business cases proceed for approval to procure and start work to:

a) Cabinet for schemes valued at greater than £1m;
b) Cabinet Member in conjunction with the Leader for schemes valued between £100,000 and £1m; and
c) Director of Finance for schemes valued at less than £100,000.

3.6. Investment Panel applies the following policy to exempt schemes from business case review:

a) capital schemes where the council carries out work funded by, and on behalf of a third party e.g. extending a Diocese run school;
b) capital schemes determined by local committees;
c) grant funded schemes awarded on a bid basis where CWG had considered the business rationale and Finance had agreed the council's business case included in its funding bid; and
d) highways and property maintenance programmes where prioritisation criteria exist within the services to manage the budgets for this work.

3.7. To allow exemption from business case review based on prioritisation criteria, CWG considers and approves the prioritisation criteria for the service before the start of each financial year and agrees a schedule for the service to report to Investment Panel on how it has applied the criteria for that year. This gives Investment Panel oversight of the programmes and enables it to monitor progress.

3.8. The rules on virements (paragraph 3.18) apply for approval of additional allocations, advances or deferrals of approved scheme. The same approval process applies to projects receiving additional government capital grant funding in year.

Procurement Review Group

3.9. Procurement Standing Orders require approval by Procurement Review Group (PRG) for award of contracts valued at £100,000 or more over the life of the contract (e.g. £25,000 a year for four years). PRG essentially covers route to market for procuring goods and services and awarding the contracts. Prior to seeking tenders, heads of service must present a strategic procurement plan proposing the preferred route to market for the project to PRG. PRG reviews the proposal for: overall effectiveness of the proposed route to market, legality, affordability and value for money. Following PRG approval, for proposals valued over £500,000 and under £1m, heads of service present proposals to the appropriate Cabinet Member, in conjunction with the Leader for approval; and for proposals valued over £1m, heads of service present proposals to Cabinet for approval.

3.10. Following return of tenders, Senior Managers must submit proposals for contract award to PRG. PRG reviews the proposal for: overall effectiveness, legality, affordability and value for money. Following PRG approval, for proposals valued over £500,000 and under £1m, the appropriate Cabinet Member, in conjunction with the Leader must approve; and for proposals valued over £1m, Cabinet must approve.

3.11. If the final tendered cost exceeds the last estimate reported formally to either Cabinet or Cabinet Member by 5% or £200,000, whichever is the lower, the head of service, after consultation with the strategic director and appropriate Cabinet Member, determines whether to meet the additional cost from savings already identified on other projects within the existing capital programme or whether to make further savings on other approved capital projects to offset the increased costs. If the head of service cannot absorb the increased costs they must submit

a report to the Cabinet Member in conjunction with the Leader or Cabinet proposing other action to take.

Mid-year changes

3.12. Deletion of a scheme that has been individually approved as part of the capital programme must be approved by the Cabinet Member, in consultation with the Leader if its value is below £1m and Cabinet if its value is over £1m.

3.13. Where it is likely the total cost of a project already in progress will exceed its latest approved budget allocation, the relevant Senior Manager must report this with advice on how the head of service proposes to fund the overspend:

a) to the appropriate strategic director and Cabinet Member; and
b) in the budget monitoring report to Cabinet.

3.14. The Senior Manager must explain the reasons for any overspend in each scheme's post implementation review.

3.15. Senior Managers must refer all proposals to enter into leasing arrangements, including those by schools, to the Director of Finance for agreement prior to finalisation.

3.16. Senior Managers must conduct a post-completion review for capital projects, in line with requirements specified in the Financial Management toolkit. The Senior Manager must advise Council Overview and Scrutiny Committee, Investment Panel, appropriate select committee and the relevant strategic director and Cabinet Member on a timely basis of all such reviews conducted.

3.17. In respect of additional capital grant funding awarded in-year, spending proposals should follow the Investment Panel process.

3.18. Virements are permissible subject to the following limitations:

Virement type	**Approval required**
Technical e.g. incorrect coding, capital transfers, redistributing funding	Relevant finance manager
Administrative i.e. already approved by Cabinet	Within a service - Assistant Director or head of service Within a directorate – strategic director Across directorates – Director of Finance

Virement type	Approval required
Without existing Cabinet approval	Under £500,000 (full year effect) - Director of Finance
In line with key decision threshold (3.27)	Over £500,000 , (full year effect) and within a portfolio - relevant Cabinet Member
	Over £500,000 (full year effect) and across portfolios - formal approval by Cabinet after informal communication with the relevant Cabinet Member and the Leader

3.19. The only type of capital virement exempt from the above rules is one between the Members' Allocation budget to another capital budget, as local committees have already approved them ,this will be defined as an administrative virement.

3.20. Cabinet approval is required to reprofile a capital scheme's budget across years, or to carry forward capital budgets at the end of the financial year.

3.21. The Director of Finance can approve virements from revenue to capital below £500,000 and the Cabinet can approve if the amount is above £500,000. Virements are not permissible from capital to revenue budgets.

Reporting and monitoring

3.22. The Director of Finance collates the overall capital budget monitoring report and presents it to Cabinet At the end of the financial year, the Director of Finance reports to Cabinet on the income and expenditure outturn and the performance of each directorate, as set out in the MTFP, compared with the updated budget.

Acquisition and disposal of assets

3.23. The acquisition of land or buildings for an approved scheme or for a specifically authorised acquisition, with value of more than £500,000 in any one case requires Cabinet Member approval, or with value of more than £1m in any one case requires Cabinet approval. This value relates to freehold and leasehold interests. Acquisitions authorised under the Scheme of Delegation must use a relevant professional valuation in line with the purchase price. These should be agreed in consultation with the Director of Finance.

3.24. The sale of land or buildings declared surplus to the council's requirements and valued at £1m or more in any one case requires Cabinet approval. This value relates to freehold and leasehold interests and includes setting a reserve figure for auction sales.

3.25. Acquisitions or disposals below £1m require approval of Cabinet Member in conjunction with the Leader.

Key decisions – other than above

3.26. The Constitution determines that the financial threshold for key decisions is £500,000. This is for any items that are not already highlighted in the above

paragraphs. Depending on the issue, a note to Capital Working Group or Investment Panel is required on the decision. Decisions should be approved by;

- Under £500,000 (full year effect), Director of Finance
- Over £500,000 (full year effect) and within a portfolio, the relevant Cabinet Member.
- Over £500,000 (full year effect) and across portfolios, formal approval by Cabinet after informal communication with relevant Cabinet Member and the Leader

3.27. Delegated authority to take decisions in respect of matters outlined in this document must not contradict the general provisions on key decisions in the Constitution.

Regulation 4: Risk management

4.1. The council's approach to risk management is a continuous and evolving process that runs through the council's strategies and service delivery. It ensures key risks are managed and resilience is strengthened in order to support the delivery of the council's priorities and goals.

4.2. The Risk Management Policy Statement and Strategy outline the arrangements in place to ensure the council identifies and deals with the key risks it faces. The Risk Management Framework complements the statement and strategy and ensures a consistent approach to risk management across the organisation by detailing the council's approach to risk identification, assessment, control and reporting.

Internal Audit

4.3. As a key part of internal control, on behalf of the council, an adequate and effective system of internal audit of the accounting records and systems of internal control must be maintained, to the satisfaction of the Director of Finance and the Audit and Governance Committee. To facilitate independence and objectivity in reporting, the reporting lines of this function should be unfettered by line management structures so that direct access to any officer, Member or external regulating authority (eg External Audit) will be available.

4.4. Internal audit staff will have access to all such documents, books, computer records, property, assets and explanations as considered necessary for the purposes of the audit from any Member, officer, agents or contractors of the council. Any material unresolved issues emerging from audit work undertaken will be referred to the Audit & Governance Committee and/or the Cabinet, as appropriate.

4.5. Members, Senior Managers, other senior officers and any other employees must notify the Chief Internal Auditor of any matter that involves or is thought to involve any instance of suspicion of corruption or financial irregularity in the exercise of the functions of the council. An internal audit investigation of such allegations will be undertaken in line with the council's Strategy Against Fraud and Corruption.

Fraud and corruption

4.6. The Director of Finance will ensure that measures to counter fraud and corruption and to facilitate such disclosures are defined, documented, widely distributed and reviewed at appropriate intervals, in consultation with the Chief Internal Auditor, as appropriate. Any investigations of this type undertaken by internal audit will be under the direction of the Chief Internal Auditor, in consultation with the Director of Finance, with a report to the Audit and Governance Committee, the Leader and Chief Executive as appropriate. The Head of Human Resources and Organisational Development will ensure that 'whistle-blowing' procedures are defined, documented, widely communicated and reviewed at appropriate intervals, in consultation with the Director of Legal and Democratic Services and the Chief Internal Auditor.

Business Continuity

4.7. The Director of Finance will ensure that procedures are documented and made available to users for those systems identified as business-critical. Systems so identified will be specified in the Financial Management toolkit, together with the location of the relevant documentation.

Money Laundering

4.8. The Chief Internal Auditor acts as the council's Money Laundering Reporting Officer (MLRO). The MLRO will ensure that there is an Anti Money Laundering Policy published on the council's external website which sets out the procedures which must be followed to enable the council to comply with its legal obligations. This policy states that no payment to the council will be accepted in cash if it exceeds £5,000.

Security and insurance of assets

4.9. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, benefits the council and represents value for money.

4.10. The Director of Finance will ensure that there are sufficient arrangements in place to protect the County Council against insurable risks.

System controls

4.11. The corporate financial systems documented procedures will be updated and amended as necessary to ensure their continued accuracy and applicability.

4.12. The Director of Finance will ensure that appropriate systems of internal financial control are maintained across the council and will ensure that any finance-related issues raised by Internal Audit, the External Auditor or by the Annual Governance Statement are appropriately addressed.

4.13. The Director of Finance will ensure that key financial systems are regularly tested to ensure that they are secure and reliable.

Regulation 5: Reserves, balances and closure of accounts

Reserves and balances - reporting

5.1. The Director of Finance must annually advise the Cabinet and Council on the prudent level of reserves and general balances for the authority, taking into account prevailing and anticipated levels of risk and uncertainty. In year, the Director of Finance should report on any financial forecast or anticipated event that could threaten the council's ability to maintain reserves of at least the stated level, drawing attention to any material financial implications.

5.2. Planned spending from reserves, provisions and funds must be approved as a part of the budget or budget monitoring processes. The use of reserves, provisions and funds for purposes other than those planned must be reported to and agreed by the Cabinet.

5.3. The Director of Finance will report to the Cabinet for its approval to use reserves, provisions and funds held by the council.

Accountancy arrangements

5.4. The Director of Finance must ensure that all the financial transactions of the council are accurately reflected in the council's accounting records.

5.5. The accounting policies, practices and procedures adopted by the council will be determined by the Director of Finance and will reflect professional standards and recommended good practice. All services are required to adhere to these policies, practices and procedures in recording the financial transactions of the council.

5.6. Any proposed changes to accounting policies, practices or procedures or material departures from professional standards or recommended good practice must be declared and must be acceptable to the Director of Finance and to the council's external auditors before implementation.

5.7. Services must use corporate financial systems, unless the prior agreement of the Director of Finance has been obtained and he / she is satisfied that the local system proposed contains adequate financial controls and is capable of feeding required data into corporate systems.

5.8. The Director of Finance will make appropriate arrangements for and advise officers and Members of the council on, all taxation issues that affect the authority.

5.9. The Director of Finance will sign off the annual statement of accounts once satisfied that the statement represents a true and fair view of the financial position of the council. The accounts of the Council and associated opinions and reports of the external auditor will be presented to the Audit and Governance Committee.

5.10. Senior Managers must sign a manager's assurance statement each year as prescribed by the Director of Finance.

Regulation 6: Contracting arrangements

6.1. All procurement and purchasing undertaken must adhere to corporately specified processes as agreed by the Continuous Improvement & Productivity Network and follow the requirements of PSO's and the PRG (see paragraph 3.9). The Financial Management toolkit sets out the requirements for the use of purchasing cards in emergencies.

6.2. All material assumptions and risks inherent in evaluations of proposed contracts must be fully disclosed, (before the contract award) to those officers and Members making decisions on the award of contracts.

6.3. Long-term strategic contracts must include provisions to secure continuous improvement, improved efficiency and value for money.

6.4. All work undertaken for third parties should follow the contract procedures in the PSO's.

6.5. Goods and services commissioned from the voluntary or community sectors must assure value for money for the council. Financial relationships must be in the form of grants or contracts made under the relevant corporate guidance within the Financial Management toolkit.

6.6. In this context, partnerships are deemed to be joint arrangements involving the council pooling financial and/or other resources with other bodies in the pursuit of agreed joint objectives.

6.7. All partnership arrangements and pooled budgets must be under written terms appropriate to the extent of the financial risk to the council and may be entered into only following appropriate advice from the Chief Financial Officer and the Head of Legal and Democratic Services. Where the council's contribution to or financial risk from such an arrangement exceeds £100,000, the Cabinet's agreement to the pooled arrangement is required.

6.8. Prior to the council entering into any proposed partnerships requiring an annual contribution (financial or otherwise) to the value of £100,000 or more, the approval of the Cabinet will be required.

6.9. The thresholds for the appointment of consultants and contractors are set out in the PSO's.

Regulation 7: The pension fund and treasury management

The pension fund

7.1 The Director of Finance has delegated authority to take any urgent action as required between Pension Fund Board meetings but such action only to be taken in consultation with and by agreement with the Chairman and/or Vice Chairman of the Pension Fund Board and any relevant Consultant and/or Independent Advisor.

7.2 The Director of Finance will ensure that monitoring reports on the Pension Fund's investment performance and activities, and any other business are considered by the Pension Fund Board at least quarterly.

7.3 The Director of Finance will ensure that a report on the triennial actuarial valuation of the pension fund is taken to the Pension Fund Board.

7.4 The Director of Finance will ensure that a report on the annual accounts and associated external audit of the pension fund is taken to the Audit and Governance Committee and the Pension Fund Board.

Treasury management

7.5 The Director of Finance will propose for adoption by the Council the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, which governs treasury management activity, and will ensure that its provisions are implemented.

7.6 The Director of Finance will define and propose for agreement by Council, a treasury management policy statement, stating the policies, objectives and approach to risk management in keeping with the code's recommendations and will monitor these throughout the year.

7.7 The Director of Finance will ensure that Council receives an annual investment strategy as part of the Prudential Code report.

7.8 The Audit and Governance Committee is responsible for ensuring effective scrutiny of the treasury management strategy and activity. The Director of Finance will submit a mid-year review and an annual outturn report on treasury management activity to the Audit and Governance Committee.

7.9 The Director of Finance will ensure that treasury management activities are administered within the parameters defined and agreed by Council and those defined by statutory requirements and professional best practice.

Glossary

Asset management plan	A strategic overview of the property portfolio that sets a broad direction for asset management over the medium term.
Balances	See *Revenue Reserves*.
Budget	A document stating the council's policy for using resources for the first year of the MTFP period. May also include information on non-financial resources such as manpower.
Business case	Prepared and submitted to Investment Panel for approval to spend capital and Invest to Save revenue schemes.
Cabinet	Comprises a Leader (an elected councillor) and up to nine other elected councillors, one of which must be the statutory portfolio holder for Children's Services. It is responsible for key decisions and policy.
Capital budget	Statement of approved capital expenditure for present and future years.
Capital grants	Money received towards capital spending for a particular service or scheme.
Capital strategy	Outlines the council's approach to capital investment, summarising the principles, policies, priorities and practices that will underpin investment planning over the medium to long term (ten years), ensuring that value for money is secured.
Capital Working Group (CWG)	Conducts initial reviews of proposed capital schemes.
Carry-forwards	Unspent revenue or capital budgets that services can use in future years.
CIPFA	The Chartered Institute of Public Finance and Accountancy. The leading accountancy body for local government.
Continuous Improvement and Productivity Network	Provides leadership, challenge and oversight to issues relating to the delivery of the Corporate Strategy, including finance and risk.
Council Investment Panel	Provides assurance that robust business cases support capital and invest to save project proposals, ensuring value for money.
Dedicated Schools Grant (DSG)	The Dedicated Schools Grant provides 100% ring-fenced funding for schools from the Department for Education. Local authorities are responsibility for distributing this funding to schools according to local needs and priorities.
Estimate	Expected expenditure in a given year by committee, service and expenditure description.
Fees and charges	Income arising from the provision of services such as school meals, further education and meals on wheels.
Financial control	Good financial practice, including budgetary control, audit and financial regulations.
Financial Management toolkit	Guidance, instructions and support relating to the council's financial activity.
Financial year	1 April to 31 March - the year of accounts for Surrey County Council.
Government grants	Central Government contributions towards the cost of local services.
Income	The amount received, or expected to receive, from any source. Service revenue income includes grants, sales, rents, fees and charges.

Invest to Save	Schemes that are funded from the council's invest to save fund as the initial investment is paid back through savings over the life of the scheme.
Medium term financial plan	Sets out the council's spending and funding plans for the following five years including detailed plans by Directorate for both capital and revenue budgets.
Outturn	The actual income and expenditure for a particular year of account.
Pension Fund Board	A member committee responsible for the governance and administration of the council's pension fund.
Precept	A charge levied by one local authority on another.
Procurement	The process of gaining the use of supplies, services and construction work.
Procurement Review Group (PRG)	Considers the robustness of business cases identified as part of the council's main capital programme approved by Cabinet.
Procurement Standing Orders (PSO)	Set out how the council authorises spending, including all types of goods, works and services, as well as non-permanent workforce such as temporary and agency staff and consultants.
Projection	An estimate of expenditure in future years.
Provisions	Money set aside to pay for known, future costs.
Prudential Code	Sets out the principles that local authorities must follow when borrowing.
Revenue budget	An estimate of annual income and expenditure that sets out the financial implications of the council's policy for the budgeted year.
Revenue expenditure	The day-to-day spending on employment costs, other operating costs and capital charges less any income from fees, and charges.
Risk Based Approach (RBA)	Risk criteria applied to each budget as part of the budget setting process. Determines how a budget is monitored during the financial year.
Senior Managers	The Senior Managers of the council include the Chief Executive, Assistant Chief Executive, Strategic Directors, Directors, Chief Fire Officer, Assistant Directors, and Heads of Service
Statement of Accounts	The council's accounts for the financial year.
Statutory Officers Meeting	The council's statutory officers led by the Chief Executive and includes the Strategic Directors for Adult Social Care, Children, Schools & Families, Director of Finance, Director of Legal & Democratic Services and Chief Internal Auditor.
Surplus	When income is higher than expenditure.
Virement	The authorised transfer of a budget from one expenditure head to another.
Whistle blowing	Raising concerns about wrongdoing.
Write off	Reduces the value of an asset to zero in a set of accounts.

Financial Framework for Members' Allocations and Local Committees

Framework Principles

1. As with all expenditure by the Council, spending of members' allocations and budgets delegated to local committees should:
   - Be directed to activities for which the County Council has legal powers;
   - Meet demonstrable local needs;
   - Deliver value for money, so that there is evidence of the outcomes achieved;
   - Be consistent with County Council policies;
   - Be approved through a process that is open and transparent, consultative, accountable, and auditable;
   - Where appropriate, allow opportunities to be taken to pool funds with partner organisations.

Members' Allocations and Local Committee Capital Allocations

2. These are spent to respond to local needs either in accordance with the County Council's general power of competence (as set out within the Localism Act 2011) or another relevant statutory power. They must also be spent in accordance with this Financial Framework which details the financial management arrangements to ensure proper stewardship and accountability and other policies of the County Council. As regards members' allocations a maximum sum is identified in the budget per County Councillor to be spent each year on needs arising in the Member's electoral division or pooled with other allocations to meet local needs in a number of divisions within the relevant Borough/District area.

3. With regards to budget setting and planning, the County Council will agree each year the actual amount of funding available to each Member and Local Committee, subject to the provision made within the Medium Term Financial Plan.

4. Approval of both Members' allocations and Local Committee capital allocations are delegated to officers within the Community Partnership Team to make decisions on expenditure in consultation with Members.

5. Members' allocations and Local Committee capital allocations are allocated following an agreed application process.

<u>Exclusions</u>

6. The following exclusions apply:
   - Funding of Political organisations is not permitted
   - Members' Allocations expenditure is intended to be of a one-off nature or serve as 'pump-priming'. Funding to cover ongoing revenue costs, including salaries is not permitted

- Funding is not to be used by any other local authority to meet its statutory obligations
- Projects must not contravene any of the Council's agreed policies or priorities. Funding may not be used to support projects which involve taking sides on a planning dispute or relate to matters in which the County Council is a statutory consultee.

7. Where there is any doubt over the appropriateness of intended expenditure, a local member must seek advice from the Community Partnership Team.

Restrictions

8. The following restrictions apply:
   - Funding to individuals, private companies, other local authorities, private clubs or other membership organisations will be considered only in those cases where the wider community benefit/s of the project are clearly demonstrated.
   - Funding may only be used to supplement existing funding available from the County Council towards a project, if the additional community benefits derived from Members' Allocations are clearly demonstrated.
   - Retrospective funding applications are discouraged and will only be considered in cases where the proposed project has been brought to the attention of the Community Partnerships Manager or the Community Partnership Team Leader before the event/ purchase/ expenditure takes place.
   - Caution will be exercised in relation to supporting organisations from Members' Allocations where they are already under contract to the County Council following a tendering process; or receiving a grant from the County Council. In order to avoid hidden subsidies or double funding applicants must state any contractual obligations to the County Council within the application for Members' Allocations.
   - Funding must not be used for costs wholly or mainly incurred for the delivery of the national curriculum as this is already resourced on a formula basis by the County Council.
   - Funding can only be used solely for the purposes specified in the application form.

Guidelines for funding applications

9. The following guidelines apply for both applicants and in assessing applications received:
   - Applications need to have regard to the principles of Equality & Diversity (as set out within the Equality Act 2010).
   - Applicants shall have regard to economy, efficiency and effectiveness in all expenditure.
   - Applicants will be required to acknowledge the receipt of funds from SCC when publicising the event/project.
   - When applying for funding, applicants will be required to state whether they are in receipt of any other funds from SCC, or have any other outstanding applications submitted to SCC.

- Applicants will also be asked to state whether they have previously applied to SCC for funding and for what purpose.
- Any application must not bring the reputation of SCC into disrepute.

Guidelines for Members' Allocations

10. The application must have been endorsed by the appropriate local Member(s) unless it is not possible to obtain these views. (Where it is not possible to obtain an individual member's views, e.g. because of long term illness or incapacity, the relevant Local Committee Chairman's view will be sought prior to the Member's allocation being spent).
    - Proposals must be primarily for the benefit of residents in the Member's division from which funding is sought. Members may contribute to proposals based in other Divisions within the Borough/District area provided there is a benefit to their own residents.
    - Members' allocations are a revenue budget but can also be used to fund capital projects.

Guidelines for Local Committee Capital Allocations

11. All County members on the relevant local committee are to be consulted on applications for funding. Where required the views of the Council Leader may be sought in relation to proposed expenditure.

Capital Expenditure

12. Capital funding can only be used for capital projects, and may not be used to support revenue expenditure, such as staffing. Capital projects are those that create or extend the useful life of an asset and are consistent with the County Council's accounting policies in line with the requirements of the statutory accounting framework.

13. The budget allocation for capital grants must meet the following criteria:
    (a) it must be applied to physical assets with a life of more than one year; such assets include land, buildings, property refurbishments, vehicles, plant, major items of equipment etc; and
    (b) this funding must not be applied to meet staffing costs or other routine running costs.

14. The applicant shall not sell or otherwise dispose of any assets purchased wholly or partly using SCC grant funding, nor allow a third party to take a change of such assets without the written consent of SCC.

Devolved Funding to Local Committees

15. Where a local committee receives devolved capital or revenue budgets the committee may not vire this funding to other borough/district areas or delegated responsibilities without the consent of the Section 151 Officer.

16. Devolved budgets are agreed annually in consultation with Members and approved by the Cabinet.

17. Devolved budgets may be supplemented by Members' allocations or Local Committee Capital funds.

18. In relation to devolved highway budgets the local committees must take account of Surrey Transport Plan objectives and maintenance priorities for their area. It is for the Local Committee to determine the split between improvement or maintenance works as they determine appropriate, subject to the restrictions for capital funding as detailed above from paragraph 12.

19. Devolved Highways revenue budgets can be used to supplement Highways capital works, in consultation with Corporate Finance.

Budget Monitoring and Management

20. Where members' or Local Committee capital allocations are used to commission a Surrey County Council service, expenditure will be incurred by the service. There will be a transfer from the allocations budgets to fund this expenditure.

21. Where member allocations or Local Committee capital allocations, are used to commission an external organisation to carry out works for the Council, the normal financial regulations and procurement standing orders for the County Council will apply. Where commissioning voluntary sector services, the requirements of the Surrey Compact and associated codes of practice should be met. The Community Partnerships Team will record and administer payments.

22. Transparency of allocation budget decisions will be maintained as funding decisions and will be reported to the next relevant local committee meeting. Decisions will also be posted online on the Surrey website.

23. Proposals to carry underspendings forward will be subject to Cabinet approval as part of the County Council budget monitoring and outturn reporting processes.

24. To ensure effective use of public funds, applicants will need to keep records that show the cost of the project and the use to which the funding has been put. This can be requested by SCC at any time. Evidence of expenditure and achievement of the objectives must be submitted to SCC within 12 months of receiving the funding. Failure to supply the evidence against use of funding as requested may result in SCC requiring the return of funding awarded.

Procurement Standing Orders

Rules to be followed when buying on behalf of the council

October 2013

Issue 5

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Issue 2 April 2007
Issue 3 April 2009
Issue 4 December 2010
Issue 5 October 2013

1 Introduction

Note: In these Orders, 'You' means anyone who needs to buy from an external supplier.

1.1 Key Principles

These Procurement Standing Orders are based on these key principles:

- To get good **value for money** through appropriate market competition for contracts, so that we offer best value for services to Surrey residents.
- To be **transparent** to our residents about how we spend their money.
- To make sure we spend public money **legally and fairly**, and to **protect** us from undue criticism or allegation of wrongdoing.
- To support **sustainability** and **social value** objectives, and our public sector **equality** duty, encouraging local small businesses in Surrey.

1.2 Compliance

All Officers, and any external contractors empowered to form contracts on behalf of the council, must comply with these Orders at all times. If you breach them, you are breaching the council's Constitution and this will lead to disciplinary action.

You must not artificially separate contracts or spending to avoid these orders applying at any level, except insofar as this is necessary to enable small or medium-sized enterprises to compete, whilst remaining compliant with the law.

Where there is a difference between current legislation governing procurement and these Orders, the legislation prevails and you must comply with it.

Where these Orders appear to conflict with other council-determined rules the Head of Procurement and Commissioning determines which takes precedence.

The Procurement & Commissioning Service reports breaches of these Orders to the Procurement Review Group (PRG) see section 3.6.2), which has the option of two courses of action:

Informal Notice – Where the non-compliance was as a result of lack of information or beyond your control, the PRG makes recommendations to ensure future compliance.

Formal Warning – Where there is evidence of deliberate non-compliance the PRG advises the Head of Human Resources of a formal breach of your terms and conditions for appropriate action to be taken and recommendations made to ensure future compliance.

1.3 Scope

These Orders set out how the council authorises spending by Officers. This includes all types of goods, works and services, as well as non-permanent workforce such as temporary and agency staff and consultants.

Apart from the exceptions listed below, these Orders cover all spend with external suppliers regardless of how they are funded (for example, revenue, capital, grants, ring-fenced government money and/or any third party funding).

These Orders do not apply to the following items, which are managed by separate policies**:**

Exclusion	**Relevant Policy/Law**
Contracts for the acquisition or lease of land and/or real estate	Managed via Property Services
Contracts for permanent or fixed-term employment	HR/Recruitment Policies
Works or Orders placed with utility companies (eg re-routing pipe-work)	This is carried out as part of larger construction contracts
Direct payments to customers following care assessment (for example, payments under Self-Directed Support or Individual Budgets)	Dept of Health Community Care Assessment Guidance 2004
Non-trade mandatory payments to third parties, such as insurance claims, pension payments, payments to public bodies	These are not subject to competition due to their nature
Fees for external auditors	These are appointed by the Audit Commission under the Local Govt Finance Act 1982
A declared emergency authorised by the Emergency Planning Officer	The Civil Contingencies Act 2004

1.4 Roles and Responsibilities

The Head of Procurement and Commissioning is responsible for the complete process from procurement through to ordering and paying suppliers (known as 'Procure-to-Pay') across all Services and local systems. Any developments in the design of the process require the approval of the Head of Procurement and Commissioning or authorised delegate.

The Procurement and Commissioning Service is responsible for:

(a) Providing expert market knowledge to help you find the best supplier to meet specified needs

(b) Managing and executing all tenders and contract awards over £100,000

(c) Engaging colleagues from Finance, Legal and HR in all contract strategies and awards

(d) Developing strategic action plans for each category of spend

(e) Taking a commercial lead on all strategic or critical contracts and relationships with suppliers

(f) Ensuring that good practice contract and supplier management is written in to agreements with our strategic and critical suppliers

(g) Developing our supply chain to deliver performance improvements

(h) Ensuring transparency over spend, contracts and contract opportunities

(i) Embedding social value across the supply chain

(j) Working closely with Shared Services to manage a master database on SAP of suppliers that you may use

(k) Working closely with Shared Services to ensure effective purchasing practice

Anyone who buys from external suppliers is responsible for:

(a) Following these Orders

(b) Using suppliers on the Product Directory or via consultation with Care Sourcing teams

(c) Checking there is adequate budget available

(d) Involving Procurement and Commissioning at the earliest opportunity when you need a new supplier

(e) For new purchases of £50,000 and over, consulting with and obtaining approval from your Finance Manager

(f) Ensuring technical specifications meet your requirements

(g) Ensuring specifications take into account equality and diversity as well as social value implications, and carrying out Impact Assessments where appropriate

(h) Putting in place effective monitoring of the performance and management of contracts

1.5 Transparency

This section sets out how we meet our obligations to be transparent in our procurement, and maintain proper accountability to the public.

1.5.1 Publication of Contract Opportunities, Spend and Contracts

We publish details of all spend with suppliers over £500 on our website, in accordance with current government requirements, as well as a list of current contracts.

We also publish all opportunities for contracts over £10,000 via our website, and on the national Contracts Finder website. Contracts over the current EU threshold are advertised via the Official Journal of the European Union (OJEU).

1.5.2 Freedom of Information

Under the Freedom of Information Act 2000, we have an obligation to publish specific information in the public domain on request. However, the FOIA enables certain confidential information and commercially sensitive material to be withheld. You must therefore ensure tender information is kept confidential at all stages, especially during tender evaluation and after the contract is awarded. Suppliers must also be given the opportunity to highlight in their tender any information that they would not wish disclosed under FOIA.

1.5.3 Developing Surrey suppliers

The Council is committed to encouraging businesses in the county to compete for contract opportunities in order to support the development of the local economy, and provides information and support via dedicated websites and through supplier events. For purchases under £100,000 we actively encourage the use of Surrey-based suppliers where they can offer best value for money.

1.5.4 Conflict of Interest

Our market searches, procurement and purchasing must be carried out free from any conflict of interest to support our transparency objectives. An 'interest' means any consideration or anything of economic value, including future consideration.

Conflicts of interest can arise when someone who is involved in these processes has a close connection with another party who is also involved which may mean they could influence, or be influenced by, the outcome of a buying decision.

Conflicts of interest can arise in the procurement process in a number of ways, including:

a. Where someone who is actually buying goods or services for the council, or giving budgetary approval for the purchase, has an interest in the supplier's business
b. Where someone with an involvement in a tender or other sourcing process has an interest in the a potential supplier's business
c. Where Suppliers bidding for a contract with the council have an interest which could enable them to influence unfairly the outcome of a sourcing process

If you are a council employee you must follow the HR Policy on Conflicts of Interest, ensure they are declared appropriately, and ensure you do not participate in any buying activity where these Conflicts of Interest could arise.

Temporary & agency staff, and other consultants or contractors must abide by the terms of their contract with the council and follow the council's HR policy on Conflicts of Interest and on Equalities and Diversity.

Staff may supply goods, works and services as long as the policy has been followed, and any interests declared at the time a contract is agreed. Staff who become suppliers must not have access to systems to raise Shopping Carts or other Purchase Orders, or to view spend reports. There must be demonstrable transparency and fairness in any transactions of this nature.

Suppliers bidding for contracts with the council are required to declare any conflict of interest.

2 Buying via existing contracts

2.1 Using the Product Directory to find an existing supplier

To buy goods, works or services from external suppliers you must use the Product Directory, which is a searchable A-Z list of products and suppliers maintained by Procurement and Commissioning on S-Net.

Once you have found the right supplier, you must not make verbal commitments but must raise a Purchase Order (via a SAP SRM Shopping Cart or equivalent service-specific system). This must be approved according to the council's Financial Regulations before it is sent to the supplier.

You must not raise the order retrospectively (that is, once the invoice has already arrived from the supplier). This is to ensure that the purchase is properly approved in advance and that the commitment against the budget is clearly visible to the budget-holder. Failure to raise an order in advance is a breach of these orders.

2.2 Service-specific arrangements

2.2.1 Ordering using Service-based systems

Several Council Services use local systems to send orders to suppliers, for example: Adults Social Care, Transport, Highways, Property and Libraries. All such systems must support financial approval of orders in accordance with the Financial Regulations. Shared Services will maintain all supplier master data on these systems to ensure it is of high quality and consistent with the master database of suppliers kept in accordance with section 1.3 of these orders.

2.2.2 Buying Direct Care

Direct Care is defined as 'services commissioned to directly support the well-being and health of an individual'. Procurement ensures that only suppliers pre-qualified according to external regulation and insurance liabilities (referred to as Approved Suppliers) are permitted to provide services for Direct Care. All Approved Suppliers are published on the Product Directory on S-Net.

Anyone buying Direct Care, regardless of value, must use the Product Directory. Once you have identified the approved supplier, you must have a care instruction financially approved and issued to the supplier. Approval, as with all orders, must be in accordance with the council's Financial Regulation

2.2.2.1 Where a suitable Approved Supplier is available

The council provides Care Sourcing teams to advise and order certain types of Direct Care. These are identified on the Product Directory, and where they exist you may not engage any other supplier unless Care Sourcing team has first approved them in writing.

When buying Direct Care via a Care Sourcing team, you must submit a completed Care Plan (confirming the individual's needs and approved budget) to the appropriate Team who review and recommend the most appropriate supplier(s). You must then update the Care Plan and provide a care instruction to the approved supplier.

2.2.2.2 Where no suitable Approved Supplier is yet available

Where the Care Sourcing team or Product Directory cannot identify a suitable approved supplier for a named individual, then you may propose an alternative via a request to Shared Services using the appropriate on-line form, who will issue a Pre-Qualification Questionnaire to the identified supplier to assess their suitability. Where the conditions are satisfied, the supplier will be contracted and logged. You will then be authorised to raise a care instruction to the supplier.

Procurement rejects new requests where there is a suitable approved supplier that can meet the individual's needs as defined within the Care Plan, or where the proposed supplier does not fulfil minimum safeguarding / social care requirements

You may not engage any supplier not already pre-qualified by Procurement unless it is defined as an Emergency Placement, where it can be demonstrated an individual's health or well-being is at risk. Only the individuals below may authorise an Emergency Placement:

- *Business Hours (0700 – 1900)* The Adults Sourcing Manager may authorise a placement prior to the return of the pre-qualification questionnaire as long as an emergency placement letter is signed and returned by the supplier and the full questionnaire is subsequently completed.

- *Out of business hours (1900 – 0700)* the Emergency Duty Manager may authorise the use of a non-approved supplier; all such requests must be communicated to Procurement the next working day.

3 Finding and contracting with new suppliers

3.1 Overview and summary table

Whenever it is necessary to contract with a new supplier, you must take into account the 'aggregate' spend forecast. That is, the total amount you expect to spend with a supplier for the duration of the contract. This value is used to determine the approach to be used to find a supplier and put a suitable contract in place.

If you are discussing developments with new suppliers you should take care to ensure that you do not inadvertently share key commercial information such as budgets, existing pricing from other suppliers, or suggestions for improvements unless you have a non-disclosure agreement in place. This protects the council's interests and our intellectual property. Procurement and Commissioning are responsible for putting these agreements in place where appropriate, and can provide commercial advice in dealing with suppliers.

A summary table overleaf sets out these different approaches for each threshold aggregate value, and is followed by more detail of each.

3.1.1 Summary table – Process for finding new suppliers at each threshold level

Aggregate value	Purchase Card permitted?	How many quotes are required?	How should you approach the market?	Who approves the Market Search?	Who leads Market Search?	Should the contract be formally advertised?	What type of contract is required?	Who must approve the contract award?	Who signs the contract on our behalf?	What is the minimum sourcing time?
£0 to £9,999	Yes, within individual card transaction/ credit limits	One	Email / Call Supplier. Use a Surrey supplier if they offer best value.	Shared Services Buying Solutions Team (contact My Helpdesk)	Service Officer	No	SCC Standard Terms (see SCC website)	Service Officer	Not Required	n/a
£10,000 to £99,999	Only in formal emergency cases	Minimum of Three	Send the Request For Quotation to the Buying Solutions Team Seek at least one quote from a Surrey supplier if available.	Shared Services Buying Solutions Team (contact My Helpdesk)	Shared Services Buying Solutions Team	Yes, via Contracts Finder, or via mini-competition against a framework. Suppliers must be given 7 working days to respond	SCC Standard Terms, or if via tender, a specific contract approved by Legal Services	Shared Services Buying Solutions Team	Head of Service or delegated manager	7 Days, or 30 days if via tender
£100,000 to £499,999	No	(via tender process)	Issue Tender via Procurement	Procurement and PRG	Procurement	Yes, via Contracts Finder & OJEU for 30 days or as determined by Procure-ment and regulations	Specific contract approved by Legal services	PRG	Chair of PRG & Head of Service	80 Days (when over EU procure-ment threshold)
£500,000 and over	No	(via tender process)	Issue Tender via Procurement	Procurement and PRG	Procurement		Specific contract approved by Legal services	PRG and Cabinet[1]	Sealed as a deed via Legal Services	85 Days (to include cabinet call-in)

[1] **Contracts between £500,000 and £999,999.99 must be approved by the relevant Cabinet Member (in consultation with the Leader) and contracts of £1m and over must be approved by the Cabinet.**

3.2 Collaboration and the use of frameworks and collaborative agreements

The council enters into collaborative agreements with other public bodies wherever possible. The council may also chose to award framework agreements, or make use of framework agreements awarded by other public sector bodies. A framework agreement is a general term for an agreement with suppliers that sets out terms and conditions, under which specific purchases, or call-offs, can be made throughout the life of the agreement. The procurement activity to establish a framework agreement is subject to the EU procurement rules. There are different mechanisms for placing call-off orders under a framework agreement and at all times the council must ensure transparency and non-discrimination.

There are a number of established central purchasing bodies, such as the Government Procurement Service and the 'Pro5' organisations, who establish framework agreements which the council can use via a 'mini-competition' to select the best value supplier from the framework.

Use of these contracts remains subject to the internal approval procedures and requirements. Legal Services must be instructed to satisfy themselves that to the best of their knowledge the original agreement:

(i) was tendered for in accordance with the Public Contracts Regulations 2006 for the potential use by the council,

(ii) is in the interests of the council and

(iii) contains conditions of contract acceptable to the council.

Procurement & Commissioning can provide advice on all aspects of the operation and use of collaborative and framework agreements.

3.3 Deciding when to use a grant or a contract

A grant is a sum of money given to an individual or organisation for a specific project or service. A grant usually covers only part of the total costs involved in the project or service.

A grant is usually given on the basis that if it is not used for the purposes for which it is given the funder can ask for all or part of the money back and maybe able to take legal action for breach of the terms of the Grant Agreement for sums paid.

The grant process involves an applicant submitting a proposal (or submission) to a potential funder, either on the applicant's own initiative or in response to a Request for Proposal from the funder. A procedure is provided on S-Net, which must be followed to decide if a project or service should be delivered via a grant or by a contract.

If, having followed this procedure, your requirement can be delivered through a **grant** then you must follow the grant process on S-Net.

If, having followed this procedure, your requirement can be delivered through a **contract** then follow the instructions at sections 3.6 to 3.8 below.

If you are not clear, then contact My Helpdesk.

3.4 Using Purchase Cards

You may only use a Purchase Card where there is no suitable supplier available on the Product Directory and the spend value is below £10,000, unless otherwise agreed in writing by Procurement, or in life-critical circumstances (see also section 3.9)

Shared Services monitor all Purchase Card expenditure to ensure new suppliers are only used when no existing supplier is available.

Purchase Cards are only issued to permanent council employees and are allocated according to OM position.

- Heads of Service and above are issued with a Purchase Card as standard.

- Other Officers may be issued with a Purchase Card following completion of an application form (details available on "S" Net), with the approval of the Budget Holder or Head of Service.

Except in the case of a declared emergency, Purchase Cards **must not** be used for the following types of spend:

- Where a suitable supplier is available on the Product Directory
- Direct Care
- Cash
- Consultants
- Agency Staff
- Construction work
- Stationery for SCC office use
- Alcohol
- IT equipment or consumables for SCC Office use and/or connected to the network
- To settle outstanding invoices
- Travel and subsistence. This must be claimed via the expenses system.
- For any personal spend

<u>Key Responsibilities</u>

All Card-holders must:

- Comply with the 'Purchase Card Rules and Guidance' maintained on S-Net.
- Complete the available e-learning prior to a card being issued, and signify their agreement to comply with the rules.
- Ensure that all transactions are both promptly and properly reconciled on the system provided in accordance with the Rules and Guidance.
- Complete transaction reconciliation within the monthly deadline.
- Retain physical evidence of all purchases, eg receipts.
- Ensure their card is returned when they leave the Council.

Budget holders:

- Are responsible for monitoring and approving expenditure via Purchase Cards in accordance with the Rules and Guidance
- Must ensure best value is being obtained.
- Must approve (or challenge) all transactions in a timely way – at least every month.

Shared Services are:

- Responsible for maintaining a database of authorised Card-holders.
- Responsible for monitoring compliance
- Storing monitored data and logging consequent actions. Responsible for informing Audit department of any misuse.

Accountability

Everyone involved in using and monitoring Purchase Cards is accountable to the Council and Surrey residents for proper use, in line with the Council's Code of Conduct. Any misuse may result in a Card being suspended or withdrawn and disciplinary action being taken.

3.5 Approval for Consultant/Contractor engagements

3.5.1 Definition

A consultant/contractor is defined by HR as a person or company that advises on organisational change and/or provides subject matter expertise on technical, functional and business topics during development or implementation.

- No contract of employment is involved, even if one individual consultant is retained, but there is a contract for services that is defined as being 'self-employed'.
- This should be made clear in all documentation and payment made for the service on the basis of a fee, not a salary.
- Ordinarily consultants / contractors will be VAT registered; subject to Schedule D tax, and have professional indemnity insurance.

All external legal opinion and advice as required by the Head of Legal Services is exempt from the provisions of this section and is classified as goods, works and services.

3.5.2 Approval for Consultant/Contractor engagements

If you are contemplating using consultants/contractors you must refer to the processes and limits in section 3.1.1 of these Orders. You must raise all requests for consultants via My HelpDesk, who will pass them on to Procurement. At least three quotes must be sought for **all** engagements under £100,000, with one being from a Surrey-based supplier if possible.

You must refer all engagements of an aggregate value of £50,000 per annum *pro rata* for approval from the Leader of the Council and the Chief Executive before the contract can be started. Engagements of £100,000 or over must be referred to procurement, who will decide the appropriate approach to market subject to the approval of the Procurement Review Group. Under no circumstances may this approval be sought retrospectively.

Consultant/Contractors must have clearly defined project objectives and performance targets. You should also evaluate the use of a consultant/contractor in terms of delivery against these.

You should include a requirement for skills transfer to internal staff where appropriate.

Consultants/Contractors must have the appropriate level of professional indemnity insurance – see para 3.10.1.

You must source all other interim staff covering OM positions, and all temporary or agency staff by reference to the Product Directory and the appropriate contract.

3.6 New suppliers for spend up to £9,999

If you need to use a new supplier and the aggregate value is under £10,000 you should search the market for a suitable supplier, and you must get a written quotation. However, to ensure best value, it is advisable to seek further quotations. If they offer best value, you should use a Surrey-based supplier. Note the separate arrangements for consultancy engagements at para 3.5.2 above.

If you are a Purchase Card-holder, you may use it within your assigned limits to pay the supplier. Otherwise you must raise a 'Describe Requirement' Shopping Cart and the Shared Services Buying Solutions team will set the supplier up on the system and process the order. If the supplier is to be used regularly then they will be added to the online catalogue and Product Directory on S-Net. If the supplier is a 'one-off', this must be indicated in a note on the Shopping Cart.

In the case of purchases relating to Service-specific ordering systems, you must request the setup of the supplier via Shared Services.

Note: If the aggregate spend with the supplier is expected to exceed a higher threshold over time then you must use the appropriate sourcing approach as set out in the table above (3.1.1).

3.7 New suppliers for spend £10,000 to £99,999

Note: for new consultancy engagements, see para 3.5.2 above.

If you need to use a new supplier and the aggregate value is between £10,000 and £99,999, you must first contact My Helpdesk to confirm that the Product Directory cannot meet your requirements. If you do need to find a new supplier there are two main options – a Request for Quotation, or a mini-competition under an existing framework agreement. The Shared Services Buying Solutions team will carry out these activities for you.

My Helpdesk can supply a Request for Quotation form, which you complete and attach to a Describe Requirement Shopping Cart. This sets out your requirement for the purchase, and you can propose a preferred vendor to be included in the market search.

The Shared Services Buying Solutions team then decide the most appropriate approach to the market to get you the best value. Where a framework agreement exists and offers best value, they will carry out a mini-competition exercise to select an included supplier. This is normally done via the agreement owner's website. The Buying Solutions team will check with Legal Services before starting a mini-competition, in order to ensure the council can legally access the agreement

Otherwise, they will advertise the opportunity to the market. All such opportunities are also advertised to Surrey suppliers via the Supply2Surrey website. If practicable, at least one quote should be sought from a Surrey-based supplier.

Prior to contract award you must confirm budget availability with the appropriate Finance Manager. Once a suitable supplier has been accepted, the Buying Solutions team will add them to the online catalogue and Product Directory.

All purchases must be delivered under a form of contract approved by Legal Services and Procurement & Commissioning. Where a standard contract cannot be used, the Buying Solutions team will inform Legal Services as early as possible in order for the appropriate legal resources to be made available. Documents such as a specification and tender submissions may also be sent to Legal Services to assist with the contract drafting.

Note: If the aggregate spend with a supplier is expected to exceed a higher threshold over time then you must use the appropriate sourcing approach as set out in table 3.1.1.

3.8 New suppliers for spend £100,000 or over

3.8.1 Procurement Strategic Sourcing Gateway Process

If the aggregate value is £100,000 or over Procurement and Commissioning must lead the sourcing exercise. This exercise and the subsequent contract award follows the Procurement Strategic Sourcing Gateway Process. This ensures we

- follow proper legal procedure, where the value exceeds the current threshold under EU/UK law.
- manage the progress of our projects,
- maintain a record of the sourcing decisions made on behalf of the council.

The process has five gateways that must be completed by a project as it progresses from stage to stage:

Gateway Zero: Used internally in Procurement & Commissioning to identify pipeline projects agreed at a strategic level with senior Service managers as part of the business planning process.

Gateway One: Initiate, where the requirement is confirmed and work begins on the Strategic Procurement Plan (Project Brief section)

Gateway Two: Formal Approval, where the PRG reviews the Strategic Procurement Plan and approves those that are acceptable

Gateway Three: Implement, where the resulting contract is awarded

Gateway Four: Handover & close, where the contract is mobilised and ongoing responsibilities are identified and implemented, including contract and supplier management

Note that the acceptance, opening and evaluation of formal tenders must be carefully controlled to ensure fairness to all bidders. This process is managed within Procurement and Commissioning and is controlled by the electronic tendering system.

Because we must comply with EU and UK law on procurement, we must observe certain minimum timescales for delivery that are designed to ensure that fair competition is maintained at each stage. When planning for procurement projects, you need to allow several months for this, depending on the exact process that is to

be used. Procurement Category Specialists can advise you about the detailed timescales relevant to your particular project.

3.8.2 Procurement Review Group

The Procurement Review Group (PRG) is mandated to control expenditure, ensure best value and monitor compliance for all procurement activity for an aggregate value of £100,000 or more. The PRG approves the procurement strategy and contract awards as set out in a Strategic Procurement Plan document and in accordance with the Procurement Gateway process. The PRG also enforces compliance with these Orders and advises Human Resources of any areas of deliberate disregard. Procurement keeps a record of all submissions to the PRG, which is cross-referenced to contract documents in the contract management system.

To be approved, you must obtain both written budget approval from the appropriate Finance Manager and the unanimous consent of all of the managers listed below who are present at the meeting. There must be a minimum of 2 representatives present, of which one must be from Procurement:

- Head of Procurement and Commissioning, or delegated substitute
- Section 151 Officer, or delegated substitute
- Head of Legal Services, or delegated substitute

The PRG is chaired by Procurement. Any delegated substitute is responsible and has the authority as if the Officer themselves had attended. The PRG meets regularly; all submissions must be provided at least 3 working days prior to the meeting.

Whilst awaiting PRG approval you may take no further action regarding your purchase.

3.8.3 Sustainability and Social Value

The Social Value Act 2012 places an obligation on us to consider the economic, social and environmental well-being of our area when we award services contracts over the EU threshold. We apply this informally to all procurement over £100,000 as well.

The council has adopted a Sustainability Framework, which commits us to sustainable economic development for Surrey, minimises the impact on the environment and supports social cohesion. Our procurement approach covers these areas:

(i) Economic Sustainability – we aim to purchase goods, works and services which enhance the local economy of Surrey. We recognise the importance of Small & Medium Enterprises to the local community and ensure every effort is made to make our contract opportunities and tender processes accessible to them.

(ii) Social Sustainability - we aim to purchase goods, works and services which promote community well-being, and that supply chain partners operate fair and ethical working practices.

(iii) Environmental Sustainability – we aim to purchase goods, works and services which minimise our carbon footprint, encourage a positive impact on the local environment, and have the best value costs and benefits taking into account their whole life cycle from origination to disposal.

(iv) Equalities & Diversity - we only purchase goods, works and services from suppliers who meet our standards of equality of employment and service

delivery, and we ensure that the tender process is free from discrimination or perceived discrimination in accordance with the council's Equality Policy

(v) Surrey Compact – where we are purchasing from the voluntary, community and faith sector you must comply with the Surrey Compact best practice code.

Procurement & Commissioning must consider Social Value when planning tenders for all contracts over £100,000. A Social Value Assessment must be carried out and the results recorded in the Strategic Procurement Plan. Procurement & Commissioning ensures that our practice is aligned with the council's policies in this area, for example in driving apprenticeship opportunities and increasing local spend.

3.8.3.1 Sourcing of sustainable timber

The EU Timber Regulation 2013 prohibits anyone from placing illegally sourced timber on the EU market. To support and encourage compliance, the council has signed up to the WWF Gold Pledge in relation to the purchase of forest products, which commits us to using only products which are legally and sustainably sourced and establishes a monitoring system in Property Services to record such purchases. Further information is available on S-Net and via My Helpdesk.

3.9 Waivers and emergencies

These Orders are mandatory and must be adhered to at all times, so **Waivers** are only granted in exceptional circumstances and cannot be given if they would contravene the Public Contracts Regulations 2006 or any other applicable legislation.

In any remaining exceptional circumstances you must obtain approval in writing prior to progressing with your purchase, as follows:

Where the aggregate purchase value is for less than £100,000 a Procurement Category Manager or above may grant a waiver to these Orders. This will be very much the exception; opportunities must normally be advertised to the market via the Buying Solutions Team in Shared Services.

Where the aggregate value of the purchase is for £100,000 or more the Procurement Review Group (PRG) must ratify the waiver. In certain circumstances the PRG may refer the waiver request to the Cabinet for further approval. **No** waiver is granted retrospectively; this is viewed as non-compliance with these Orders and is reported to PRG.

It is important to note that a waiver can only be made with respect to these Orders. A waiver cannot be made with respect to the council's obligations under the Public Contracts Regulations 2006 or any other legislation.

Procurement maintains a log of all waivers approved by Procurement and by PRG.

An **emergency** purchase is only allowed in the case of life-critical requirements for purchasing outside the hours 9am to 5pm. You can use a Purchase Card, within your allocated limits, to pay. If the supplier does not accept Purchase Cards then you may give a verbal order and raise a formal purchase order the following working day. You must also inform My Helpdesk of any emergency purchases on the following working day.

3.10 Liability and Security

3.10.1 Insurance Liability

To protect the Council, the following insurance liability criteria should be applied:

- All procurements where there is a direct advice and/or design service provided by a contractor, including all consultancy arrangements, must have and maintain Professional Indemnity insurance.

  For contracts up to £499,999 cover of £1 million or higher is required,

  For contracts £500,000 and over cover of £5m is required.

- All suppliers of works (and designated services) must have and maintain Public Liability insurance and Employers' Liability insurance.

  For contracts up to £499,999 cover of £5 million or higher is required,

  For contracts £500,000 and over cover of £10m is required, in addition to any other insurance recommended by the Insurance Section. (Sole traders with no employees are not required to have Employers' Liability insurance.)

The Head of Procurement and Commissioning may agree other insurance values for public liability and professional indemnity cover. All variations to agreed levels must be made in discussion with the Principal Insurance Officer or Litigation and Insurance Group Manager. All variations must be recorded in writing and stored on the contract management system.

3.10.2 Financial Security

Procurement and/or Finance must confirm that suppliers are financially robust prior to contract award.

If either the total aggregate value of the contract exceeds £2m within twelve months, or there is doubt as to the financial credibility of a supplier but the council has decided to accept the level of risk, then additional forms of security to a level determined between Legal and Financial Services are required, for example:

- a Parent Company, Ultimate Company or Holding Company guarantee where their finances prove acceptable;
- a Director's Guarantee or Personal Guarantee where finances prove acceptable;
- a Performance Bond, retained funds or cash deposit;
- any other security as determined by Finance and/or Legal Services.

All documents inviting tenders must contain a statement that the supplier needs to provide security of performance and the level of security needed.

Additional documentation, where required, should be stored on the electronic tendering system.

3.10.3 Document Retention periods

The retention of tenders and contractual documentation is prescribed in the Limitation Act 1980 and the Public Contracts Regulations 2006

- All received Tenders & PQQs must be retained for a minimum of eighteen months following the issue of the Contract Award Notice.
- All signed contracts under £499,999 (including all tender documentation) must be retained for a minimum of six years following contract expiry.
- All signed contracts signed over £500,000 (including all tender documentation) must be retained for a minimum of twelve years following contract expiry.

Procurement must maintain an online record confirming location of contract/tender and scheduled date of destruction.

4 Awarding and Managing Contracts for best value

All purchases must be delivered under a form of contract approved by Legal Services and Procurement & Commissioning. The council manages the process of awarding contracts via its e-tendering and contract management systems, to ensure that contracts are properly filed and documented.

Where contract funding is received by the council from a third party (for example, an incoming grant), the contract terms must include a provision for the termination of the contract should that funding cease to be available.

4.1 Evaluation

Tenders over £100,000 are evaluated by Procurement based on the identification of the 'Most Economically Advantageous Tender (MEAT)'. This takes price into account, alongside quality and social value considerations, but does not require the tender to be awarded to the lowest priced bidder.

4.2 Mobilisation of new contracts

All contracts, including any variations or amendments, must be registered and maintained by Procurement & Commissioning. The Council's contract management system can be used to store both scanned copies and summary data relating to all contracts over £10,000.

All original signed contracts must have a completed summary contract certificate and be stored in a secure fireproof location. Contract certificates are supplied by the Category Specialist, who ensures the signed contract is submitted for scanning and safe storage.

All contracts over £100,000 must have a designated Contract Manager, recorded on the contract certificate and on the contract management system. This role is agreed as part of Gateway Four Handover and Close.

In the case of suppliers where spend is via Purchase Order rather than a specific signed contract, the council's standard terms and conditions apply. The suppliers are logged on the SAP system as part of the vendor approval process, and their availability listed on the Product Directory.

4.3 Who must sign contracts, amendments and extensions?

The arrangements for contract signature are shown in table 3.1.1. All contracts over £500,000 must be sealed as a deed, via Legal Services. These arrangements include amendments and extensions and the aggregate value of the contract determines the signatory requirement.

4.4 Remedies Directive

Should a successful challenge be made after a contract has been awarded the Court could order the contract to be ineffective. This means that the contract will be cancelled and an alternative method of delivering the service will have to be found. This could result in significant costs to the council, but if the appropriate standstill periods are correctly applied the council will be able to minimise the risk of any challenge. Procurement Category Managers are responsible for ensuring the correct contract award processes are followed, including observing a standstill period and publishing an Award Contract Notice for all contracts over OJEU thresholds.

4.5 Contract Extensions / Amendments

A contract may only be amended (or varied) if the contract permits such a variation and is allowable under the Public Contract Regulations, which state that any variation may only be up to 50% of the original advertised value of the contract. The agreement of Legal Services and the Head of Procurement and Commissioning is also required. The amendment (or variation) must be evidenced in writing and signed by the Authorised Officers as detailed in table 3.1.1 The amendment must then be recorded and retained with the original contract.

Requests to extend or amend contracts must be discussed with the relevant Procurement Category Specialist. Such variations must be planned in a timely way, and not be used as a way to avoid the proper tender procedures. Variations must also take into account any requirement for supplier diversity in the specification and consider if this needs updating to meet current needs.

4.6 The management of critical and strategic contracts

The Procurement Service identifies the strategic and critical contracts (based upon value, business and reputational risk) required to deliver key council services in consultation with the relevant Service. Procurement takes responsibility for the commercial relationships with these suppliers, working with the designated contract managers who lead on the operational performance of the contract. For all other remaining contracts, the Service is responsible for contract management. Training for contract managers is available via S-Net. Procurement will provide second line support where performance failure is demonstrated and ensure best practice guidance and frameworks are communicated.

All identified strategic and critical contracts must have a written business continuity plan, to be held on the contract management system. Commercial discussions about the development of products/services provided via these contracts must be led by Procurement and Commissioning..

5 Paying our suppliers

5.1 Invoice Payments

Suppliers must issue all invoices direct to the address provided by Shared Services. No invoice may be received or processed directly by the Service unless it is agreed as a payment exception by the Head of Procurement and Commissioning, who may agree general exceptions where Service-specific systems are in use – for example, Swift for Adult Social Care. Shared Services are responsible for maintaining a register of all agreed payment exceptions.

All invoices received in Shared Services must include a purchase order number. Invoices without a PO number will be returned to the supplier.

In the case of certain pre-defined Goods, Works and Services, (usually non-fixed price category items) the supplier cannot be paid until you have confirmed that the requirement has been satisfactorily delivered. It is the 'shopper's' responsibility to ensure all purchases are receipted to the appropriate value and in a timely fashion.

5.2 Payment Terms

Payments to suppliers are normally made 30 days in arrears, from the invoice date, via BACS (electronic bank transfer). You must obtain the agreement of the Category Specialist for the spend category concerned for any deviation from the standard payment terms. This must be in writing as a Payment Exception. The council discourages paper invoices and suppliers are expected to provide electronic invoices.

The Late Payment of Commercial Debt Regulations 2013 require us to pay interest and fixed charges if we pay suppliers late. The council is a signatory of the Government/ICM Prompt Payment Code, and aims to pay all invoices within the agreed terms.

6 Disposing of surplus goods

The same competitive process for buying supplies, services and works is also applied to the disposal of surplus goods, though separate procedures apply to the sale of land and/or property. In principle:

£0 - £9,999	A minimum of 1 bid is required
£10,000 - £99,999	A minimum of three bids must be invited;
£100,000 and over	A minimum of three sealed bids must be invited

You must seek advice from Procurement & Commissioning when making valuations and the book value of the asset will be primarily used to calculate value. In most cases, it is anticipated that the highest bid received will be accepted.

Care must be taken to ensure that environmental sustainability as well as security and other associated issues are considered when arranging for the disposals of goods.

7 Legal status of these Procurement Standing Orders

The council is required by section 135 of the Local Government Act 1972 to maintain these Orders as part of our Constitution.

The Head of Procurement and Commissioning is the custodian of these Orders and is responsible for keeping them under review. If the EU Directives or any other law is changed in a way that affects these Orders then the Head of Procurement and Commissioning will issue a bulletin and the change must be observed until the Orders can be revised.

8 Glossary of terms

Term	Description
Aggregate value	The total spend with a supplier over the period of a contract, or the proposed period for new contracts. Individual or annual costs are irrelevant where goods, services or works are of the same type or have similar characteristics. The total cost of the contract (including any extensions available) must be used when deciding which process to use to find a new supplier
Collaborative agreement	A contract tendered by a group of authorities acting together, which can usually then be accessed by other authorities through a simple form of access agreement.
Consortium	A grouping of two or more organisations who agree to work together in order to deliver goods, works or services to the council.
Consultant	A person or company that advises on organisational change and/or provides subject matter expertise on technical, functional and business topics during development or implementation
Contract	An agreement having a lawful objective entered into voluntarily by two or more parties, each of whom intends to create one or more legal obligations between them. The elements of a contract are "offer" and "acceptance" by "competent persons" having legal capacity, who exchange "consideration" to create "mutuality of obligation."
Contract Management	The monitoring and development of the performance of a contract during its lifetime
Framework Agreement	An agreement or other arrangement between one (or more) contracting authorities and one or three or more suppliers which establishes the terms (in particular the terms as to price and, where appropriate, quantity) under which the supplier will enter into one or more contracts with a contracting authority in the period during which the framework agreement applies. Generally framework agreements do not have any guaranteed minimum volumes of spend. Contracts awarded via a framework can be via a direct award to a supplier on the framework or by holding a secondary (mini-competition) process that specifies the specifics of the actual contract being procured.
Gateway (in project)	A milestone in a project where formal approval is given to move to the next stage
Grant	A non-repayable sum of money given to an individual or organisation for a specific project or service, usually covering only part of the total costs.
Purchase Card	A credit card which can be used by authorised people to buy low-value goods or services for the council. The bill for the card is settled centrally in Shared Services, once the card-holder has assigned all transactions to the appropriate cost codes
Purchase Order	A formal order to a supplier for goods or services. This can refer to an order generated by a service-specific system such as

	PAMS or Swift, as well as from SAP.
Request for Quotation	A formal request to a supplier to provide a price for specified goods or services. The RFQ will also indicate how the quote will be evaluated in comparison with others to decide best value
Shopping Cart	A preliminary request in SAP SRM to buy goods or services, which, once approved financially, is turned into a purchase order to the supplier
Social Value	Those aspects of a contract which support a) community well-being, fair and ethical working practices by the supply chain, b) the local economy and local businesses, and c) improvements to the environment
Supplier Management	The process of driving improvements from contracts by developing robust performance plans with the supplier
Supply chain	The chain of suppliers and customers of all the component goods and services that go into delivering a given finished good or service
Tender	The procurement process of inviting and evaluating sealed bids from people and organisations to provide goods, works or services

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Confident in our Future, Risk Management Policy Statement and Strategy

Risk Management Policy Statement

Introduction

Risk management aims to maximise opportunities and minimise exposure to ensure the residents of Surrey remain healthy, safe and confident about the future.
How successful the council is in dealing with the risks it faces can have a major impact on the achievement of key priorities, goals and service delivery to the community. The Risk Management Policy Statement and Strategy supports and underpins the council's Corporate Strategy: Confident in our Future, and the six key areas of focus - residents, value, partnerships, quality, people and stewardship.

The focus of good risk management is the identification and treatment of risks and opportunities. It increases the probability of success and reduces the likelihood of failure and the uncertainty of achieving objectives. Risk management should be a continuous and evolving process, which runs throughout the council's strategies and service delivery.

Learning lessons from past activities helps inform current and future decisions by reducing threats and optimising the uptake of opportunities. Celebrating and communicating successful risk management in turn encourages a more bold but calculated approach.

Risk Management principles

The council's approach to risk management is built on the following principles:

- Alignment with objectives
  Enhancing opportunities for success and eliminating or minimising the threat of failure will enable the council to determine risk appetite and tolerance levels to support the achievement of objectives.

- Clear guidance
  Effective management of risk is encouraged through an open and transparent approach that is suitably resourced and consistently applied.

- Informs decision making
  Risk information is used to objectively inform decision-making and the achievability of desired outcomes.

- Achieves measurable value
  Benchmarks and measures are used to monitor and report on how risk management contributes added value to the organisation.

- Facilitates continuous improvement
  Significant events and incidents are reviewed to ensure lessons are learnt and actions for improvement are identified and implemented.

Benefits

The following benefits are realised through the above principles:

- Improved organisational resilience through strengthening our ability to achieve objectives and enhance the value of the services we provide
- Proactive management of risk
- Improved governance enabling informed decision-making
- Stakeholder confidence and trust
- Flexibility to respond to new pressures and external challenges

Realisation

The realisation of the principles and benefits will be achieved through the operation of the council's risk approach and arrangements.

The Risk Framework contains specific information on the council's risk arrangements and the risk process and procedures.

Compliance with these documents will ensure that the council achieves excellence in its approach to and management of risk.

Risk Management Strategy

Introduction

Risk management is an integral part of good management practice and a key part of corporate governance. This strategy outlines the arrangements put in place to ensure the council identifies and deals with the key risks it faces.

Objectives

The objectives of this strategy are to:

- Fully embed risk management into the culture of the council and ensure staff and members are equipped to work with and support the risk culture;
- Ensure consistency in the management of risk and that the risk management framework is implemented and understood by all staff who have a direct operational responsibility for managing risk;
- Communicate the council's approach to risk management to stakeholders;
- Ensure the benefits of risk management are realised through maximising opportunities and minimising threats;

Risk Management

The council has adopted proactive risk management arrangements to enable decisions to be based on comprehensively assessed risks, ensuring the right actions are taken at the right time.

The risk management arrangements help to support and underpin the council's corporate strategy, 'Confident in our Future.' How successful the council is in dealing with the risks it faces can have a major impact on the achievement of its key strategies, priorities and service delivery to the community.

The focus of good risk management is the identification and treatment of risks. It increases the probability of success and reduces the likelihood of failure. Risk management should be a continuous and evolving process, which runs throughout the council's strategies and service delivery.

Learning lessons from past activities and events helps inform current and future decisions. Celebrating and communicating successful risk management in turn encourages a more daring but calculated approach.

Integrated Risk Management

In order to create an integrated risk management culture that is embedded into day to day activity, a collaborative approach to risk is undertaken. Service, financial and risk plans are developed using a five-year business planning cycle and are regularly reviewed using an iterative process.

There are a number of levels of risk register:

- Leadership risk register – owned by the Chief Executive
- Directorate risk registers – owned by individual Strategic Directors

- Service risk registers – owned by individual Heads of Service.

Roles and responsibilities

All employees and members involved in managing risk should be aware of their risk management responsibilities, which includes risk and opportunities across the whole organisation, as well as in specific service areas. However, the ultimate responsibility for risk management lies with the Leader of the Council and the Chief Executive.

Specific responsibilities for risk management are shown in the table below.

ROLE	RESPONSIBILITIES
The Cabinet	◆ Oversee effective risk management across the council. ◆ Ensure that key risks are identified, effectively managed and monitored.
Portfolio Holders	◆ Ensure that risks within their portfolio are identified and effectively managed through discussions with Strategic Directors and Heads of Service. ◆ Contribute to the Cabinet review of risk and being proactive in raising risks from the wider Surrey area and community.
Members of Select Committees	◆ Monitor and challenge key risk controls and actions.
Audit & Governance Committee	◆ Provide independent assurance to the council on the effectiveness of the risk management arrangements. ◆ Annually approve the risk management policy statement and strategy.
Corporate Leadership Team (CLT)	◆ Ensure effective implementation, monitoring and review of the council's risk management arrangements. ◆ Identify, own and manage the key risks facing the council.
Strategic Directors	◆ Own their directorate risk register and regularly identify, prioritise and control risks within their area of responsibility as part of wider council performance. ◆ Ensure that risk management within their directorate is consistently implemented in line with the council's Risk Management Strategy. ◆ Challenge heads of service on key risks relating to their services. ◆ Proactively raise risks issues at CLT and with Portfolio Holders
Heads of Service	◆ Own their service risk register and regularly identify, prioritise and control risks within their area of responsibility as part of wider council performance. ◆ Report to Strategic Directors on any perceived new risks or failures of existing control measures. ◆ Support and have a regular dialogue with their dedicated risk champion to ensure that risk management within their area is implemented in line with the council's risk management strategy. ◆ Challenge risk owners and actions to ensure that controls are being put in place and monitored.
Managers	◆ Take ownership for actions they are responsible for and report to their head of service. ◆ Co-operate and liaise with the risk champion. ◆ Report any perceived new risks or failure of control measures to their manager.

Staff	◆ Assess and manage risks effectively in their job and report risks to their manager.
Risk and Governance Manager	◆ Co-ordinate and facilitate the implementation of the risk management arrangements. ◆ Moderate and challenge risk across the organisation. ◆ Provide training and communication. ◆ Centrally holding and publishing all council risk registers. ◆ Facilitate the review and challenge of the Leadership risk register.
Strategic Risk Forum	• Review directorate risk registers through challenge and moderation. • Make recommendations to the Corporate Leadership Team on changes to the corporate risk arrangements and strategic risks. • Identify and escalate common themes and risk management issues across the council through sharing learning and best practice. • Lead on the review of risk culture across the organisation.
Risk champions	◆ Key contact for risk within their directorate and/or service. ◆ Support management with the review of risk, including the risk register, as part of performance monitoring. ◆ Promote risk to embed and aid understanding.
Internal Audit Team	◆ Audit the Council's risk management process. ◆ Use risk information to inform the annual internal audit plan. ◆ Ensure that internal controls are robust.

Other officer groups deal with specific areas of risk management and these include the Health & Safety operations team and the Council Risk and Resilience Forum. These groups are represented on the Strategic Risk Forum so that their work can be coordinated with the overall management of the risks facing the council.

Risk Management framework

Effective risk management requires an iterative process of identifying, measuring, managing and monitoring risks.

Risk Identification

Cabinet Members, the CLT, Heads of Service and managers continually undertake risk identification as part of strategic and service planning and delivery. Focus for risk identification should be at a level that is material to strategic / service objectives, targets and service sustainability.

Risk Assessment

Risk assessment ensures that risks are judged on a uniform scale, enabling risks to be objectively scored and compared across the organisation.

The outcome of service level risk assessment is the categorisation of risks according to their impact (financial, service level, reputation) and likelihood. It assesses the relative importance of the identified risks so as to allow risk owners, where necessary, to prioritise action to mitigate them.

The output from the risk assessment is a consolidated risk register. The total risk scores are assigned into bands (red, amber or green) according to the severity of the risk.

Risk Control and reporting

Actions to address significant risks need to be specified and regularly reviewed. These mitigating actions should be focused on reducing the impact or likelihood of risks.

Surrey County Council

Corporate Resilience Policy

2014

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Authorising signature:

Susie Kemp
Assistant Chief Executive **20th December 2013**

This Policy was signed off by the Assistant Chief Executive on 20 December 2013. A signed copy is held by the Emergency Management Team in Room 194, County Hall.

Distribution

The Corporate Resilience Policy is published on the County Council intranet (S::Net) Emergency Management section and public website and can be provided in other languages and Braille on request so that all persons working for or on behalf of the organisation have access to this document.

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1.0 Introduction, purpose and objectives

1.1 Surrey County Council has the duty to provide various services to the communities of Surrey and other partner organisations**.** Many of these duties are set by legislation and other duties come from common law. Many have a direct impact on the health and quality of life of the residents of Surrey.

1.2 The Civil Contingencies Act 2004 places a duty on Surrey County Council to ensure critical services are resilient in order to respond to disruptive events.

1.3 The purpose of this policy is to ensure the following objectives are met:

(a) That Surrey County Council has a planning process in place that encompasses **anticipation**, **assessment**, **prevention** and **preparation**, so that we are ready to deal with rapid increased demands for services caused by emergencies.
(b) That Surrey County Council **responds** to these increased demands for service efficiently and effectively,
(c) That Surrey County Council will have a **business continuity** process in place to enable vital services to be maintained in the face of a serious and / or widespread disruptive incident, including disruption to services during an emergency,
(d) That Surrey County Council will have in place business **recovery** plans and community recovery plans to ensure a rapid return to normal or a new normal.
(e) That Surrey County Council maintains a training and exercising programme for staff to ensure effective implementation of this policy.

1.4 The Chief Executive will ensure on behalf of the Council that the provisions of the Policy are fulfilled.

1.5 This Policy will be reviewed annually and if necessary be amended to take into account new legal requirements, non-statutory guidance from central government and revisions and implementation of relevant British Standards and International Standards.

1.6 This Policy also covers other statutory Emergency Planning functions the County Council has, as outlined in the following legislation and regulations.

(a) Local Government Act 1972, Section 138
(b) Reservoir Act 1975
(c) Notification of Installations Handling Hazardous Substance (NIHHS) Regulations 1982
(d) The Pipelines Safety Regulations 1996
(e) The Control of Major Accident Hazards (COMAH) Regulations 1999
(f) The Radiation (Emergency Preparedness & Public Information) Regulations (REPPIR) 2001
(g) The Flood and Water Management Act 2010
(h) Health and Social Care Act 2012

2.0 Scope

2.1 This policy applies to all activities for which the Council has direct responsibility. The Council will also seek to promote this policy with all partners, stakeholders and contractors. Surrey Fire and Rescue Service is a category one responder under the Civil Contingencies Act 2004 and have specific arrangements in place for business continuity management. In the case of School Governing bodies for example the Council will promote practices and procedures, which are consistent with this policy.

3.0 Commitment and Intention

3.1 The Council accepts its responsibilities for the provision of services to the residents of Surrey and acknowledges that many of these services are critical to health and quality of life within Surrey.

3.2 The Council is committed to ensuring critical services will continue to be delivered and that increased demand for services due to emergencies are met. In meeting this commitment services and activities will be prioritised and reviewed periodically through business impact analysis.

3.3 The Council will comply with the Civil Contingencies Act 2004, regulations and statutory guidance.

3.4 The Council will adopt and promote best practice for preparedness, response and resilience, including minimising the impact of emergencies on the Council and the communities of Surrey.

3.5 The Council will regularly assess its business continuity arrangements through internal audit and peer review. It will seek to align itself against International Standard BS ISO 22301:2012.

3.6 The Council will provide information, instruction, training and supervision for employees to help them understand their role in the resilience processes of the County Council and to allow them to contribute positively towards the preparedness and resilience of the organisation.

3.7 The Council is committed to the effective management of contracts and their performance to ensure preparedness and resilience standards in their business arrangements with and on behalf of the Council.

3.8 The Council is committed to working closely with all staff to develop and implement preparedness and resilience measures that ensure the Council is able to deal with disruptive events.

4.0 Roles and Responsibilities

4.1 Elected Members

4.1.1 The Elected members are seen as crucial in the scrutiny of the Civil Contingencies Act 2004 duties in line with the expectation of the wider community of Surrey.

4.1.2 Elected members will monitor the overall preparedness and resilience of the Council and its compliance with relevant legislation, and ensure that decisions taken when developing Council policies and services reflect the County Council's Preparedness and Resilience commitment. The Community Safety Cabinet Member has responsibility for leading member activity on this issue. The Cabinet will:

(a) Receive annual reports on preparedness and resilience,
(b) Ensure that adequate resources are available to discharge the Council's preparedness and resilience commitments.
(c) Consider overall preparedness and resilience trends and issues likely to affect the Council.
(d) Promote a positive preparedness and resilience culture within the Council.

4.1.3 The Oversight and Scrutiny Committee will receive reports on this work and scrutinise the response of the Council to its Category 1 responsibilities under the Civil Contingencies Act 2004.

4.2 Chief Executive Officer (CEO)

4.2.1 The Chief executive of Surrey County Council has the overall responsibility for achieving this Corporate Resilience Policy and accounts to the elected members for the operations of the County Council complying with all Civil Contingencies legislation and standards.

4.2.2 The Chief Executive is responsible for ensuring that all statutory requirements are adhered to, and for reviewing the effectiveness of this policy. The Chief Executive will:

(a) Ensure strategic representation at the Surrey Local Resilience Forum.
(b) Ensure members of the Corporate Leadership Team establish and demonstrate commitment to the Corporate Resilience Policy.
(c) Delegate the Assistant Chief Executive to be accountable for the Corporate Resilience Policy.
(d) Promote a positive preparedness and resilience culture embracing and encouraging positive attitudes amongst all staff and in the interface with other agencies and the community.
(e) Ensure appropriate priority is given to emergency management and business continuity in County Council strategic planning.
(f) Ensure that emergency management and business continuity performance is reviewed annually and at other times when necessary.

4.2.3 Ensure that the emergency response and business continuity arrangements are included in the business planning process, other strategic plans and job descriptions and objectives as appropriate.

4.3 Strategic Directors and the Assistant Chief Executive

4.3.1 Strategic Directors are responsible for ensuring adequate emergency management and business continuity arrangements are in place for their Directorates.

4.3.2 The role of Strategic Directors and the Assistant Chief Executive is to:

(a) Promote a positive preparedness and resilience culture.
(b) Ensure the Corporate Resilience Policy procedures and its associated guidance is followed.
(c) Prepare a statement of their Directorate's emergency management and business continuity arrangements, explaining the requirements of Head's of Service and other managers and staff.
(d) Ensure that emergency management and business continuity responsibilities within their Directorate are properly assigned and fulfilled with the support of the Emergency Management Team.
(e) Ensure resources are made available as necessary for fulfilling the Council's commitment to Emergency Management and Business Continuity in their Directorate.
(f) Ensure emergency preparedness and business continuity is adequately reflected in service business plans and risk registers.
(g) Sign off the documented list of key services, the business impact analysis and risk assessment to ensure that the work has been appropriate, is accurate and reviewed when circumstances require.
(h) Ensure that service specific risks relating to the risk of service disruption through either an external risk impact on the communities of Surrey or an internal business continuity crisis are reflected in the directorate and service risk registers as per the Risk Management Strategy and Corporate Governance.

4.4 Deputy Directors / Assistant Directors / Heads of Service

4.4.1 Heads of Service are responsible for the provision of emergency preparedness and business continuity arrangements within their Service. The Emergency Management Team will assist them with this activity. Services need to ensure that they are prepared to deal with rapid increase in demand for services resulting from an emergency and to deal with disruptive events that will impact on the performance of their unit. This should be reflected in the performance management processes.

4.4.2 The role of each deputy director / assistant director / head of service is to:

(a) Promote a preparedness and resilience culture within their service, encouraging activities that develop the resilience of the service and requiring consideration of preparedness and resilience in the provision of their services.

(b) Adopt and implement corporate codes of practice, procedures and guidance.

(c) Ensure emergency management and business continuity responsibilities within the service are properly assigned and fulfilled, and that job descriptions reflect these responsibilities.

(d) Ensure all staff in their Service are aware of current emergency management and business continuity issues that may impact on the service.

(e) With the help of the Emergency Management Team ensure that staff are trained and systems are tested as appropriate.

(f) Ensure that service business continuity arrangements are tested and exercised periodically, documented, and learning fed back into plans and arrangements.

(g) Participate in, and sign-off on, Service Business Impact Analysis, Service Business Continuity Plan, Emergency Risk Analysis and performance review to assist in the development of an annual plan to address emergency management and business continuity issues, including resourcing.

(h) Appoint a service preparedness and resilience representative to lead on Emergency Planning and Business Continuity and represent the service at the Council Resilience Forum.

(i) Activate emergency and business continuity plans they are responsible for as necessary.

(j) Support the Head of Emergency Management in his role of corporate coordinator in responding to emergencies or business continuity events.

(k) Support all Strategic Directors and other Heads of Service with appropriate planning and deployment of staff and resources in an emergency.

(l) Ensure that Business Continuity and Emergency Planning activities are reflected in Service Delivery Plans.

(m) Ensure service risk registers have due regard for both internal and external risks, which have the potential to cause disruption to critical services.

(n) Ensure services adhere to Council Risk Management Strategy and Code of Corporate Governance.

4.5 Head of Policy and Performance

4.5.1 The Head of Policy and Performance is central to monitoring the success of the Business Continuity Management System. The Head of Policy and Performance shall ensure internal audits are conducted at planned intervals to determine:

(a) The Council conforms to planned arrangements for Emergency Management and Business Continuity.

(b) The Emergency Management and Business Continuity programme is properly implemented and maintained.

(c) Is effective in meeting the Corporate Resilience Policy.

4.6 Head of Emergency Management

4.6.1 The Head of Emergency Management will:

(a) Advise and brief the Statutory Responsibility Network to assure the achievement of the Council's Emergency Management and Business Continuity commitment.

(b) Maintain the County Council's Corporate Resilience Policy, and ensure that the most up-to-date version is available to all staff.

(c) Develop Corporate Emergency and Business Continuity Plans that outline corporate response procedures.

(d) Develop and manage the emergency planning process.

(e) Through the Emergency Management Team provide professional and specialist advice, support and guidance to Cabinet Members, Chief Executive's Board, Preparedness and Resilience Liaison Officers, Heads of Service and other managers and supervisors.

(f) Ensure that the corporate training programme makes adequate provision for the development of emergency management and business continuity skills.

(g) Maintain adequate records, which reflect staff training and skills.

(h) Ensure that adequate arrangements are made for consultation with staff, including representatives and unions.

(i) Liaise with nominated Emergency Management and Business Continuity representatives from service units.

(j) Undertake performance measurement in emergency management and business continuity.

(k) Represent the Chief Executive in Local Resilience Forum inter-agency groups, regional and national activities.

(l) Be responsible for the activation of the County Emergency Plan or the County Council Corporate Incident Management Plan.

(m) On behalf of the Chief Executive, coordinate the corporate response of Surrey County Council to emergencies and business continuity events.

(n) Ensure appropriate emergency planning and business continuity resources are in place to support the Director of Public Health in discharging responsibilities under the Health and Social Care Act 2012 including the Surrey Local Health Resilience Partnership.

4.7 The Risk and Governance Manager

4.7.1 The Risk and Governance Manager will ensure that the identification, control and treatment of risks that could affect the Council's Resilience are assessed and included on the corporate risk register as appropriate. They will also be responsible for ensuring that where appropriate treatment plans are in place for identified risk as per the Risk Management Strategy and Corporate Governance.

4.8 Managers and Supervisors

4.8.1 Managers and Supervisors will be responsible for the implementation of the Corporate Resilience Policy. Their role is to:

(a) Promote a preparedness and resilience culture within their service through regular engagement with their nominated Council Resilience Forum Representative
(b) Activate emergency and business continuity plans they are responsible for as necessary.
(c) Ensure staff are trained to the necessary competence
(d) Ensure that plans are regularly tested as necessary, documented and learning fed back into arrangements and plans.

4.9 Individual Employees

4.9.1 Individual employees must:

(a) Be aware of the emergency and business continuity responsibilities of the County Council, their service group, unit and team.
(b) Understand their role within an emergency and business continuity response.
(c) Help ensure there is a preparedness and resilient culture within their team.
(d) Undertake appropriate training through the corporate training programme and with the Emergency Management Team

5.0 Continual improvement

5.1 The County Council will continually improve the suitability, adequacy or effectiveness of the Business Continuity Management System through training, workshops, exercising and review of incidents.

6.0 Consultation and acknowledgements

6.1 Consultation with Unions and staff representatives

6.1.1 The Council has a duty to consult with staff on any matters that effect health, safety and welfare at work. In areas where this policy and supporting corporate codes, plans, procedures and guidance impact on health safety and welfare there will be full consultation conducted within the normal service unit arrangements. Corporately, consultation will be carried out with unions and representatives of staff.

6.2 Acknowledgements

6.2.1 The Council is mindful of the growing level of work and services delivered in partnership with organisations within and outside of the County. As a result, business continuity and emergency planning is looked at more holistically to ensure arrangements are complimentary to partner organisations. We acknowledge the support from the neighbouring counties of Hampshire and West Sussex County Councils in reviewing our arrangements.

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CONSTITUTION OF THE COUNCIL

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SURREY COUNTY COUNCIL MEMBER CODE OF CONDUCT

As a member or co-opted member of Surrey County Council you shall have regard to the following principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

3. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit and must be impartial and seen to be impartial.

4. You must co-operate fully with whatever scrutiny is appropriate to your office.

5. You must be as open as possible about your decisions and actions and the decisions and actions of Surrey County Council and should be prepared to give reasons for those decisions and actions.

6. You will on occasions be privy to confidential and sensitive information, such as personal information about someone, or commercially sensitive information which, if disclosed, might harm the commercial interests of the Council or another person or organisation. This information must not be revealed without proper authority.

7. You should be mindful of the requirement to declare and record any disclosable pecuniary interests in a manner conforming with the procedures set out in the box below.

8. You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. For guidelines on the personal use of Council IT resources by Members, please refer to the IT Code.

9. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

10. In addition to compliance with the Member Code of Conduct, you are expected to comply with the following codes:
    (a) Member/Officer Protocol
    (b) Planning Code of Best Practice

Registering and declaring pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify the authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.[1]

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the authority places on your involvement in matters where you have a pecuniary interest.

Registering and Disclosing Gifts and Hospitality

In addition, you must notify the authority's monitoring officer of any gift or hospitality with a value of £100 or above which you have been offered in your role as a Member or Co-opted Member, within 28 days of accepting or refusing the offer and you must declare the acceptance of any such gift or hospitality at any discussion of, vote on, or discharge of any function relating to the donor.

[1] A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS

1 Context

1.1 Surrey County Council has 81 elected Councillors known as "Members" The Council is committed to promoting and maintaining high standards of conduct amongst its Members and has adopted a Code of Conduct setting out the conduct it expects of its Members and Co-opted Members as they carry out that role.

1.2 These are the Council's arrangements for dealing with any complaint it receives, alleging that an elected or co-opted Member of Surrey County Council has failed to comply with its Code of Conduct. These arrangements will form the basis for investigating and deciding any such complaints.

1.3 The Council will appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on any allegation which it has decided should be investigated. The Council may also seek the view of the Independent Person at any other stage it chooses and a Member against whom an allegation as been made can also consult the Independent Person.

2 The Code of Conduct

2.1 A copy of the Council's Code of Conduct for Members is set out below. It is also available for inspection on the Council's website and on request from Democratic Services.

2.2 The Code applies to Members when they go about the work of the Council or their role as a Member. The Council will not investigate complaints relating to a Member's private life.

3 Making a complaint

3.1 Anyone wishing to make a complaint about the behaviour of a Surrey County Councillor ("Member"), should write or email to –

The Monitoring Officer
Surrey County Council
County Hall
Kingston Upon Thames
KT1 2DN
Or email monitoringofficer@surreycc.gov.uk

3.2 The Monitoring Officer is the member of the Council's staff who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of member misconduct.

3.3 Only written complaints will be investigated and the Council will require a name and a contact address or email address to acknowledge receipt of the complaint and keep the complainant informed of its progress. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. The Monitoring Officer will disclose the name of the complainant to the Member unless specifically asked to withhold it. Only in very exceptional cases will the Council be able to progress a complaint to an investigation without disclosing the identity of the complainant to the Member.

3.4 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it, and will keep the complainant informed of the progress of the complaint. The Monitoring Officer will also inform the Member that a complaint has been received.

4 How a complaint is resolved

4.1 The Monitoring Officer will review every complaint received. Where they are of the view that your complaint, if proven, would not amount to a breach of the Members Code of Conduct they will notify you of this and will not progress the matter further.

4.2 Wherever possible the Monitoring Officer will seek to resolve your complaint through informal resolution. Informal resolution may avoid the need for a formal investigation and could, for example, consist of the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council. The Monitoring Officer will consult the Chairman of the Member Conduct Panel before recommending informal resolution and will notify you and the Member concerned of any recommendation and how that will be progressed.

5 When a complaint will be investigated

5.1 On some occasions informal resolution will not be possible, because one of the parties does not agree to cooperate with an informal process. If this happens the Monitoring Officer will seek a ruling from the Independent Person, who will decide whether the matter proceeds to an investigation or progresses no further. In order to inform that decision the Monitoring Officer will disclose information to the Independent Person, including details of the complaint, steps taken to achieve informal resolution and why this has not been successful. The complainant and the Member will be notified of the outcome.

5.2 On some occasions the Monitoring Officer may consider that the conduct alleged, if proved to have occurred, would amount to a breach of the Members Code of Conduct and would not be capable of informal resolution. If this is the case, after consultation with the Chairman of the Member Conduct Panel, the Monitoring Officer will decide whether the complaint merits formal investigation. In making that decision the Monitoring Officer will take into account both the seriousness of the alleged breach and the information provided in support of the complaint. Where the Monitoring Officer requires additional information in order to come to a decision, they may contact either the complainant or the Member to request that information.

5.3 If a complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

6 How is the investigation conducted?

6.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. This may be a member of the Council's staff or an external investigator. The Investigating Officer will decide whether to speak to the complainant and to any other witnesses and may collect written evidence, such as correspondence, or minutes of meetings.

6.2 The Investigating Officer will contact the Member and provide them with a copy of the complaint, and ask the Member to provide his/her explanation of events, and to identify what documents the Investigating Officer needs to see and anyone they should interview. In very exceptional cases, where the Monitoring Officer, after consulting the Independent Person, considers that disclosing details of the complaint to the Member might prejudice the investigation, these will be withheld from the Member until the investigation has progressed sufficiently.

6.3 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the member concerned, to give them both an opportunity to identify any inaccuracies in the report and to comment on their findings. Having received and taken account of any comments that you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6.4 The investigation and the Investigating Officer's report will be kept confidential at this stage.

7 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will send a copy of the Investigating Officer's report to the Chairman of the Member Conduct Panel and to the Independent Person and seek their views on whether to convene a member Conduct Hearing Panel. Where a hearing is inappropriate the Monitoring Officer will write to the parties, notifying them that they are satisfied that no further action is required. The Monitoring Officer will send them both a copy of the Investigating Officer's final report, which will no longer be confidential at this point.

8 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct the Monitoring Officer will arrange for the Member Conduct Panel to hold a meeting, within three months of the Investigator's final report being issued, so that it can take a decision on the complaint.

8.1 The Monitoring Officer will invite the Member to reply in writing to the Investigation Officer's report, in particular to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Member will be invited to give a view on whether the Panel should meet in public or in private. The Chairman of the Member Conduct Panel will set a date for the hearing and may issue directions as to the manner in which the hearing will be conducted, including whether or not the Member Conduct Panel will meet in public or private.

8.2 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct.

8.3 The Member will also have an opportunity to give evidence, to call witnesses and to make representations to the Member Conduct Panel as to why they consider that they did not fail to comply with the Code of Conduct.

8.4 After hearing from all the parties the Member Conduct Panel may conclude either:

- that the Member did not fail to comply with the Code of Conduct or
- that the Member did fail to comply with the Code of Conduct, in which case it will also decide what action to recommend or to take.

The Member Conduct Panel will not announce its decision at the Hearing. Before reaching a final decision on the complaint and any sanction, the Chairman of the Member Conduct Panel will report its

finding to the Independent Person, whose views will be sought and taken into account by the Panel before a final decision is made.

9 What action can the Member Conduct Panel take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Member Conduct Panel the power to take such action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Member Conduct Panel may –

9.1 Decide that no action is needed

9.2 Issue a statement of censure

9.3 Recommend to the Member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she consider all any of the following sanction:

- the Member be removed from any or all Committees or Sub-Committees of the Council;
- the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- the Member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.

9.4 Report its findings and recommendations to the next available meeting of the County Council.

The Member Conduct Panel has no power to suspend or disqualify the Member or to withdraw members' or special responsibility allowances.

10 How are the Panel's finding communicated to me?

As soon as reasonably practicable after the Panel has made its final decision, the Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Member Conduct Panel, and send a copy to the complainant and to the Member and will make that decision notice available for public inspection.

11 Who are the Member Conduct Panel?

The Member Conduct Panel is a cross party Panel of Members of the Council chaired by the Chairman of the County Council. Any hearing will be conducted by three of their number, one of whom shall be the Chairman or Vice Chairman of the Council, who will chair the meeting. In the event that neither the Chairman nor Vice Chairman are able to chair the meeting the hearing will be conducted by three members of the Panel and the election of one of their number to chair the hearing will be the first item of business at the meeting.

12 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is the appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- is, or has been within the past 5 years, a member, co-opted member or officer of the Council; or
- is a relative, partner or close friend, of a member, co-opted member or officer of the Council; or
- is an active member of a political party.

13 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Member Conduct Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

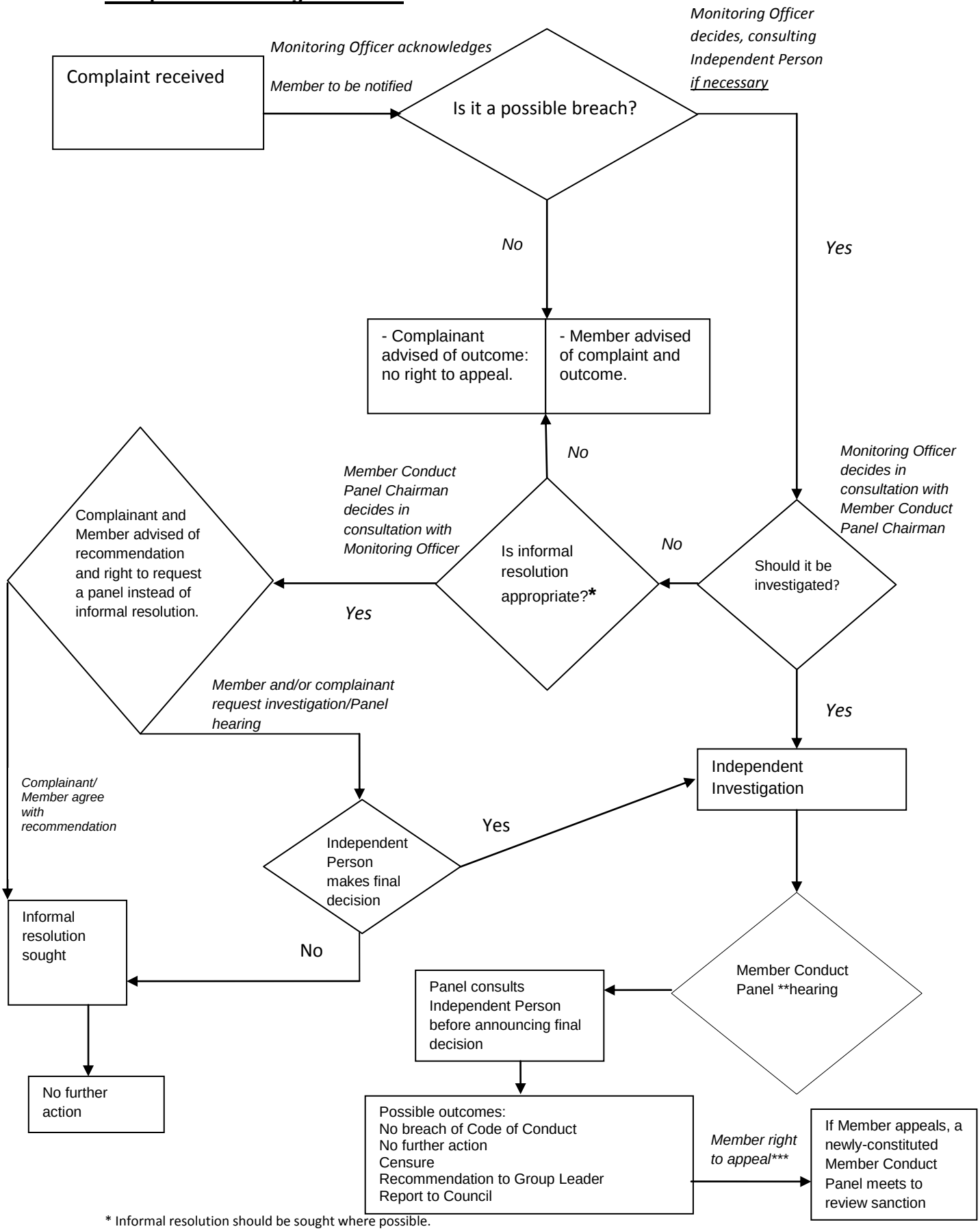
14 Appeals

A Member is expected to comply with the decisions taken through the process and has no right of appeal against a finding of breach of the Code of Conduct. However a Member may require that a further Member Conduct meeting reviews any sanction imposed at a hearing.

15 Local Government Ombudsman

Where a complainant concludes that the authority has failed to deal properly with a complaint they may make a complaint to the Local Government Ombudsman.

Complaints handling flow chart



* Informal resolution should be sought where possible.

** Three Members drawn from standing panel, chaired by Chairman of Council

** *No right to appeal for complainant. Member can appeal to Member Conduct Appeals Panel on Sanction

Officer Code of Conduct

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1 Welcome to the Code of Conduct Policy

The purpose of this Code is to help employees support the County Council's aim to provide high quality services fairly and efficiently in line with its values of listening, responsibility, trust and respect. Members have their own Code of Conduct and there is also protocol which outlines how members and officers work together.

The Code of Conduct applies to all employees of the County Council, agency workers, contractors and their staff whilst working for, or on behalf of, the Authority.

Any breach of the Code of Conduct will be regarded as a disciplinary offence and may be taken into account in performance appraisal**.**

2 Organisational Ethics

The Council needs to ensure its decisions and operations are open, accountable and in line with recognised ethical standards. Officers of the Council are therefore required to be aware of and act in accordance with The Seven Standards of Public Life, which are:

Selflessness - Officers and members should act solely in terms of the public interest;

Integrity - Officers and members should avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work;

Objectivity - Actions and decisions should be taken impartially, fairly and on merit using the best evidence and without discrimination;

Accountability - Officers and members are accountable to the public and submit themselves to the scrutiny necessary to ensure this;

Openness - Actions and decisions should be taken in an open and transparent manner and information should not be withheld from the public unless there are clear and lawful reasons for so doing;

Honesty - Officers and members should be truthful; and

Leadership - Officers and members should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3 Personal Conduct

The Council expects all employees to promote and maintain high standards of personal conduct to sustain the good reputation of the Council and its services.

i) Employees must perform their duties to the highest possible standards, with **honesty, integrity and impartiality**, and be **accountable** for their own actions.

ii) Employees have a **duty of trust** to the County Council as their employer, and to the local community and service users.

iii) Employees are expected to treat others with respect, fairness and dignity at all times and to work to resolve differences where these exist.

iv) Employees have a collective **responsibility** to communicate to the appropriate manager any concerns about the quality of service provided, as this will assist the County Council to ensure that service standards are achieved, and areas for improvement identified.

v) Employees are expected to apply the Code of Conduct and other Council policies to their use of work related social media. Where an employee identifies themselves as a SCC employee the same rules that apply to actions in general, apply to conduct online, including on personal social media sites.

Further information about the way that we work and our shared organisational values is set out on s-net.

4 Compliance with County Council Instructions

The Council expects all employees to comply with lawful written and oral instructions.

This will ensure that we take a consistent approach across the County Council in relation to how we procure services and goods, carry out people management activities and how we approach financial management.

The relevant procedures and instructions are published on snet – see related information.

4 Health and Safety

The Council has a legal duty of care for the health, safety and welfare of its employees. In addition, all employees must take reasonable steps to protect their own health and safety and that of other people who may be affected by their work. Some employees, particularly managers, have specific responsibilities and these are detailed in the Council's safety policies and procedures. The Council's Health and Safety Policy and Manual are published on the website

5 Treatment of Information

The treatment of information falls into two different areas:

a) **Information relating to the County Council**, its business and its employees, that is made available to employees in the course of their duties and which they may need to disclose
b) **Information that all employees must declare to the County Council**, as their employer, regarding any **Personal Interests** and/or **Outside Commitments** that may conflict or impact on matters in which the authority has an interest.

Handling and Treatment of Information relating to the County Council

It is generally accepted that open government is best. All employees should be aware as to what information should be made available to Members, auditors, government departments, service users and the public, and **which information should remain confidential**. Any information made available should be provided in a clear and concise way.

Employees should **not use any information** gained in the course of their employment for **personal gain**, or pass it on to others who might use it in such a way. Information concerning a service user, resident, employee's or Member's personal affairs **should not** be divulged without prior approval, except where that disclosure is required or sanctioned by law. It is important that employees take all relevant steps to comply with data protection requirements and ensure that confidential information is kept secure. For further information you should read the Information governance guidance.

Declaring Personal Interests and Outside Commitments

All employees **must declare**:

i. Any non-financial or financial interest which might conflict with the authority

ii. Membership of any organisation that is **not open to the public** without formal membership and commitment of allegiance and which has secrecy about rules, membership, or conduct

iii. Membership of **other groups, clubs and societies**, , that an employee believes could be relevant to declare in particular circumstances.

Declarations should be made to Heads of Service who should ensure that a written record is made on the employee's personnel file. Declarations must extend to acknowledging the involvement of a relative or partner of an employee in an organisation in which the County does or seeks to do business, particularly if they are directors, partners or hold senior managerial positions in those organisations.

Employees should be aware of any **contractual restrictions** on taking outside employment. In any case, outside employment should not be taken which conflicts with the council's interests.

For guidance see Conflict of interest.

Where employees are in any doubt about whether any personal relationships, interests, or outside commitments should be declared in particular circumstances, they should either declare the information in any case, or else seek further advice from their manager or HR by contacting Shared Services by phone on 0208 541 9000 or e-mail myhelpdeskhr@surreycc.gov.uk.

Declaring Related Party Transactions

The County Council is obliged to fulfil a disclosure requirement in respect of related party transactions. This reporting requirement aims to provide assurance to readers of financial statements that any material transactions entered into between the organisation and those in a position of power to influence its decisions are disclosed and above board.

Senior Managers Levels 1 – 4, must **declare:**

I. Positions of influence they hold within partnerships, companies, trusts or any entities providing services to the County Council
II. Positions of influence they hold (in a personal capacity) within organisations receiving grant funding from the County Council.

Declarations must extend to a relative or partner of the employee if they have an interest in any such organisation. Senior Managers Level 1 – 4 will be required to declare this and complete an annual return.

Whistleblowing

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the code of conduct for employees, the employee should report the matter in line with the council's confidential reporting procedure – see Whistleblowing.

Employees who blow the whistle have specific protections afforded them under the Public Interest Disclosure Act 1998

6 Working Relationships

Internal and external relationships with colleagues, service users and contractors should be conducted in a professional, friendly and respectful manner.

Members

Mutual respect between employees and members is **essential** to good local government. **Close personal familiarity** between employees and individual members can damage the relationship and should therefore be **avoided**.

For further information about working relationships between officers and members please see the Members/Officers protocol

Political Neutrality

i. Members are elected to direct the policies and activities of Surrey County Council. **Employees** should ensure they **serve all members**, not just those of the controlling group, and respect their individual rights.

ii. Employees should ensure that their own **personal or political opinions should not interfere** with any policy of the authority. Where employees advise political groups, **political neutrality must be retained**.

(Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from political neutrality).

Certain posts are designated as politically restricted by the Local Government and Housing Act 1989. Your contract of employment will tell you whether you hold one of these posts and, if you do, you will be required by law to observe certain restrictions regarding your out of work activities. For further information see the Politically restricted posts protocol.

Employment Matters

Employees should not be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions of another employee, or prospective employee to whom they are related or have a close personal relationship. Employees must ensure compliance with all the County Council's employment policies.

The Local Community & Service Users

Employees should ensure courteous, efficient and impartial service delivery to all.

Equality Issues

i. Employees must ensure compliance with the County Council's **Equalities Statement** and other employment policies in relation to equality issues.

ii. Employees should not be involved in **harassment or bullying** against colleagues, other employees or job applicants. All members of the local community have a right to be treated with **fairness and equality**.

7 Contractors and Competitive Tendering

Contractors may include individuals who are temporarily working alongside County Council employees, or employees of an external firm that has been awarded a contract to provide services on behalf of the County Council. All Contractors should be treated with courtesy and respect.

Contractors

Any orders and contracts must be awarded by **fair and open competition** against other tenders. No special favour should be shown to businesses with particular connections to employees.

Employees should **declare any relationship** with a particular contractor, or any potential contractors, to the Head of Service and should not participate in any buying activity where these Conflicts of Interest could arise. See the Procurement standing orders for further information.

Separation of Roles During Competitive Tendering

i. Employees should be clear on the separation of **client and contractor roles**. Senior employees who have both a client/contractor responsibility must be aware of the need for accountability and openness.

ii. Employees privy to **confidential information** on tenders of costs relating to contractors should not disclose the information to any unauthorised party or organisation.

iii. Employees should ensure no special favour is shown to **current or recent former employees**, or associates, in awarding contracts.

8 Gifts, Hospitality, Sponsorship or Endorsements

County Council employees should exercise caution concerning the **acceptance of gifts or hospitality** from external suppliers and contractors; and any **involvement in sponsorship events,** or **endorsement of a product or service**, where there may be a **conflict of interest**.

Offers of Gifts, Hospitality or Sponsorship

i. Employees must be aware that it is a **criminal offence** for them corruptly to receive any gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour, or disfavour, to any person in their official capacity. The **acceptance of gifts** and hospitality (including sponsorship of a local government activity) must be treated with **extreme caution**.

ii. The receipt of minor articles, for example, **diaries and calendars** will not be regarded as the acceptance of a gift, although employees should not accept significant personal gifts from contractors and outside suppliers. Offers of **hospitality and invitations** should be accepted only if there is a genuine need to impart information or represent the local authority.

iii. All gifts and hospitality should be properly recorded. In particular any offer over the value of £25 should be recorded. and can only be accepted if agreed by the Head of Service. Where an officer receives a series of gifts or hospitality from the same person or organisation in one year with a cumulative value of £100 or over, must be registered. No officer of the Council should continue to accept gifts or hospitality after the cumulative value of items reached in a single financial year reaches £200 or more.

Heads of Service should ensure that all of their staff are aware of the arrangements.

For further information about the information that needs to be recorded see the Gifts and hospitality policy

iv. Where the **authority** wishes to sponsor an event, no employee must benefit in a direct way without there being **full disclosure** to an appropriate manager of any such interest. Where the authority gives support in the community through whatever means, employees must ensure that there is no **conflict of interest**.

Endorsements of a product or service

i. Employees must exercise caution before providing any statement endorsing the quality or operation of any product or service that may be used for publicity purposes. Such endorsement may put the County Council at risk of misrepresentation or legal challenge. Employees are therefore advised to seek further advice from their manager where such circumstances arise.

ii. In no circumstances should a statement ever be made in return for personal gift, or money.

For further information about the information that needs to be recorded see Gifts and hospitality

9 Use of the County Council's Materials, Equipment or Resources

Employees should not make personal use of any County Council property, facilities, materials, or resources unless properly authorised to do so.

Property and Resources

County Council property and resources should be used solely in respect of its work. No improper use should be made of any facility such as vehicles, equipment, stationery or secretarial services which the County Council provides for its own business.

The Authority recognises that there are times when calls must be made during working hours, for emergencies or to utility companies, for example. Reasonable usage of the telephone in these cases is permissible, but employees are expected to keep the length of call to the minimum possible.

Intellectual Property

Employees should follow County rules on the ownership of intellectual property or copyright created during their employment. Any invention, improvement or design made or conceived by you while you are engaged to work for the County Council which is in the existing, or contemplated, scope of the business of Surrey County Council shall become and remain the exclusive property of Surrey County Council.

Related information

Values	Behaviours	Members/Officers protocol
Equalities information	Conflict of interest	Gifts and hospitality
Politically restricted posts	Disclosing information	Health & Safety
IMT policies	Whistleblowing	Financial governance
Information governance	Procurement guidelines	

MEMBER/OFFICER PROTOCOL

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INTRODUCTION

1. The Member/Officer Protocol is designed to provide a guide to good working relations between Members and Officers, to define their respective roles and provide some principles governing conduct.

2. Given the variety and complexity of Member/Officer relations, this protocol cannot and does not seek to cover every eventuality, but it does seek to clarify possible areas of doubt and to offer advice as to how any difficulties which might arise can be best resolved properly. The guidance included in the protocol should, as far as is possible, be uniformly followed throughout the Council.

3. This Protocol is part of the Council's Constitution. The guidance set out supplements that included elsewhere in the Constitution, particularly the Members' code of conduct, the code of conduct for staff and Standing Orders.

4. This Protocol will also apply to co-opted members of committees.

5. A "Member" refers to a county councillor, elected every four years to represent one of the electoral divisions in Surrey, as well as "co-opted Members" appointed to sit on any of the Council's committees. An "Officer" refers to a member of staff, employed by Surrey County Council.

ROLES AND RESPONSIBILITIES

6. Both Members and Officers are servants of the public but their responsibilities are distinct. This section details the different roles of Members and Officers as well as guidance on working effectively together.

7. Role of Members

Members are democratically accountable and have political affiliations. They are responsible to the electorate and serve only so long as their term of office lasts. All Members have an important role to play in representing their constituents and promoting the welfare of the communities they represent, as well as acting together as the County Council. Members formulate policy, make decisions and seek to ensure that their constituents' issues are addressed. Members can also be appointed to represent the Council on a range of external bodies whose work is important to the Council and the community. Non-Cabinet Members are members of select committees, reviewing and scrutinising performance by services and holding the Cabinet to account on decisions made and/or of quasi-judicial committees executing statutory functions.

8. The Leader of the Council appoints the Cabinet and the Council appoints Members to serve on the Council's committees in line with Standing Orders. Individual Members may take on a range of roles, for example becoming a Cabinet Member, a Chairman of a committee or Chairman of the Council. A role profile for each such position within the County Council is attached at appendix A for reference.

9. The leaders of the minority groups act as the leading spokesmen for their respective groups at meetings of the Council. Minority groups may choose to appoint spokesmen to represent them on committees, in which case the spokesman will be recognised by other groups and Officers as the normal channel for communications with groups on matters affecting the committee.

10. Members should ensure that they take proper advice on council procedures. If Members are ever in any doubt in terms of law, the Code of Conduct and declarations of interest, Standing Orders, general propriety, conflicts of interest, etc, then the Monitoring Officer or Deputy Monitoring Officer (Democratic Services Lead Manager) should be consulted.

Role of Officers

11. Officers must be politically neutral in their work. Their job is to give advice to Members and the Council and to carry out the Council's work under the direction and control of the Council and the Leader/Cabinet. Officers advise the Council, the Cabinet, and committees. Officers are also responsible for implementing decisions taken by the Council, Cabinet and/or the appropriate committee as well as taking decisions delegated to them under the Scheme of Delegation.

12. Officers are responsible to the Chief Executive, and not to individual Members of the Council whatever office they might hold. The Chief Executive, Strategic Directors, and Senior Officers will need to work closely with the Cabinet if there is to be effective policy development and executive decision-making. This relationship has to function without compromising the ultimate responsibilities of staff to the Council as a whole.

Member/Officer Working

13. For the effective conduct of County Council business, there must be mutual dignity, trust and courtesy between Members and Officers. Members and Officers should also avoid close personal familiarity with each other and not use their relationship to advance their personal interests or influence decisions improperly.

14. To support a healthy and constructive working relationship Officers can expect Members:

    a) To speak with and relate to them in an appropriately professional manner, avoiding undue pressure, particularly in relation to more junior staff.

    b) Not to single out individual Officers for blame or criticism, in a way which would amount to a personal attack, particularly in publications, press statements or meetings attended by the public.

    c) To avoid words or actions which could undermine respect for Officers by the public.

    d) Not to require an Officer to carry out work on a matter which is not justified in terms of budgetary controls, Council policy or the Officer's duties and responsibilities.

    e) Not to require an Officer to carry out work within unreasonable deadlines or work that imposes an excessive workload.

f) To avoid becoming a de facto member of Directorate/Service management teams, for example by always attending management team meetings (although it is recognised that, on occasion, Officers may invite Members to such officer meetings for specific items.)

15. Similarly, Members can expect Officers:

a) To speak with and relate to them in an appropriately professional manner.

b) To be mindful that they work in a political environment.

c) To ensure that they communicate clearly and effectively with Members providing a timely response to any appropriate queries.

d) To perform their duties effectively, efficiently and without discrimination.

e) Not to lobby Members to make a decision which benefits them personally or any group or association to which they have a close personal connection.

PROVIDING ADVICE AND INFORMATION FOR MEMBERS

16. Members need to have adequate and relevant advice and information available to them in order to carry out their tasks- as Members of the Council, Cabinet or any relevant Committees and in particular in their role as local Members in relation to matters affecting their division. This will enable Members to make properly informed decisions, be effective community leaders and scrutinise and develop policy. It is important that Officers assist Members by providing such advice and information in a timely way when needed.

Support for Members when dealing with Council business

17. The Chief Executive is responsible for ensuring that Members are fully and effectively supported by Officers in exercising both executive and non-executive functions.

18. The Chief Executive is the principal policy adviser to the Council, committees and Cabinet, with responsibility for co-ordinating and ensuring that they receive appropriate policy and operational advice on service issues. The Head of Legal and Democratic Services will provide legal advice to the Cabinet and committees. The Head of Finance will be responsible for financial advice to the Cabinet and committees.

19. Members can expect to be fully informed on matters on which they will be expected to take decisions in meetings of the Cabinet and any committee. It is the duty of each Strategic Director to ensure effective and timely arrangements are in place to inform, consult and listen to Members and, where requested, for Members' views to be reported before any decision is made.

Requests for Information

20. Members may request copies of any agenda for meetings of the Cabinet, Cabinet Members, and of committees of which they are not appointed Members.

21. The statutory rights of Members to access other information held by the Council is described in Articles 2 and 4 of the Council's Constitution.

22. Any Member of the Council may ask the relevant Officer for factual information about a service where it relates to his/her division, or to the work of a committee on which he/she serves. Such requests will be met in a timely and accurate way, subject to any overriding legal requirements, or if on referral to him/her, the Strategic Director considers the cost of providing the information unreasonable.

Keeping the Local Member informed

23 To enable them to carry out their divisional role effectively, Members can expect to be informed as early as possible and kept fully informed about matters affecting their division.

24. Senior Officers must ensure that effective and timely arrangements are in place to inform Members of such matters, thus allowing Members to promote and develop their representative role.

25. Whenever a meeting is organised by the Council to consider a local issue, all the Members representing the divisions affected should be invited to attend the meeting as a matter of course.

26. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant Officer.

Provided the meeting has not been arranged on a party political basis:

- an Officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

No such meetings should be arranged or held using Council resources in the immediate run-up to Council elections.

27. Where a politically sensitive matter is being handled by an Officer under delegated authority, he/she will be responsible for keeping the local Members informed. Where the matter may possibly be politically sensitive or contentious, the relevant Cabinet Member or committee chairman and vice-chairman (as appropriate) will be consulted before any action is taken, so that if necessary the matter can be brought before the Cabinet or a committee.

28. The Officer responsible for preparing a report for the Cabinet, a Cabinet Member or a committee will, in conjunction with the committee manager, notify the local Members concerned by sending them a copy of the report.

29. Where an issue relevant to a local Member is to be discussed by the Cabinet, at a Cabinet Member meeting, or by a committee on which the local Member does not serve, he/she may attend the meeting for consideration of the item and, with consent of the chairman (which will not normally be withheld), speak on it if he/she wishes to do so.

30. Members should also be invited to attend official openings or other similar ceremonies within their electoral division.

Confidentiality

31. Any Council information provided to a Member must only be used by the Member for the purposes for which it was provided, that is in connection with the proper performance of the Member's duties as a Surrey County Councillor.

32. Confidential information provided to Members should not be divulged to anyone. The Council requires Members to take appropriate legal advice, e.g. from the Monitoring Officer, before disclosing information that they believe or ought reasonably to believe was given to them in confidence.

33. If Members are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled to carry out their duties as County Councillors they should contact the Monitoring Officer. Officers, if they feel it necessary, may check with the Monitoring Officer before releasing confidential information to a Member.

Political Group Briefings

34. Any political group may ask for a private and confidential briefing from an Officer on matters of policy which have been, or which may be, the subject of formal meetings. In response to a request, officers:

a) will be able to attend group meetings to give advice.

b) will notify any other groups of this and the nature of the subject matter under discussion.

c) may give factual information, and advice on potential options.

d) must withdraw before Members start to consider the decisions they wish to see taken.

ADMINSTRATIVE SUPPORT TO MEMBERS

35. The Council can only lawfully provide support services, materials and equipment (e.g. stationery, typing, printing, photocopying, transport, PCs, phone lines, etc.) to Members to assist them in their role as Members of the Council. Support services, materials and equipment must therefore only be used for Council business. They should never be used in connection with party political or campaigning activity.

36. Officers will always assist Members in their official County Council work and in dealing with their constituents' problems relating to County Council services. They cannot carry out tasks for Members of a purely political or personal nature, or do work arising from service by a Member on another local authority.

37. Any correspondence that is personal between Members or is intended to be confidential between the correspondents, so far as the law allows, will be treated as such. Correspondence between Members, or between an individual Member and an Officer, should not be copied by Officers to another Member unless the author expressly requests or agrees that this should be done. Where correspondence is copied, this should always be made clear on the face of the document and there should be no "blind" copies.

38. Similarly, information requested by a Member (or a political assistant on behalf of a Member of a political group) should be provided by Officers in confidence. It should not be shared with other Members without the consent of the Member making the request or the political assistant acting on his/her behalf.

39. Information and correspondence to Members legitimately pertaining to their role, whether by electronic means or post, will not be delayed or interfered with by Officers or Members.

RELEASE OF INFORMATION TO THE MEDIA

40. There is a code of practice which regulates local authority publicity, in particular publicity must:

- have the principal purpose of explaining or commenting upon the Council's policy;
- not include material whose main effect is party political (i.e. designed to affect public support for a political party);
- relate to a function of the County Council; and
- not contain material which is disparaging of parties or members of parties.

41. Press releases on decisions by the Council, the Cabinet, Cabinet Members or any committees, and generally on approved policies and initiatives, will be prepared by the Head of Communications in conjunction with the relevant Strategic Director(s). They must be cleared with the appropriate Cabinet Member or chairman before being issued and they may include a statement from the Cabinet Member or chairman.

42. Press releases on routine service issues will be authorised by Strategic Directors and the Head of Communications, and will contain a factual quotation from the appropriate Officer.

43. Copies of all press releases will be circulated as appropriate internally to all Members and Strategic Directors and externally to district and borough councils and to the Surrey MPs and MEPs. Press releases will include the contact details of the local Member where the release relates to a specific local area, in order to allow the local Member to be contacted directly by the press for comment regarding the issue.

44. Personal or group statements will be handled by the political groups. Members making such statements will make every effort to ensure that they are not construed as official statements.

45. The Code of Practice on Local Authority Publicity requires particular care about publicity issued in an election period. This applies to any election or by-election affecting the area. At such times, the Head of Communications will issue guidelines for Members and Senior Officers.

HOW TO RESOLVE ISSUES

46. Members and Officers are encouraged to work together and seek to resolve differences by talking to each other about any concerns at the earliest opportunity. However, there may be exceptional occasions where resolution is not possible.

47. If a Member feels that they have not been treated with proper respect, courtesy or efficiency by any Officer or that an Officer has acted in breach of this protocol, they may raise the matter with the individual's line manager, Head of Service, Strategic Director or the Chief Executive as appropriate. If the matter cannot be resolved informally, any such referral will be processed in line with the Council's employment procedures and policies. The Member and the Officer will be kept informed of progress with the complaint and the action to be taken. An individual Member does not have the power to discipline any Officer.

48. If an Officer feels that a Member has acted in breach of this Protocol, or has otherwise not been shown proper respect and courtesy by any Member, they should raise the matter with their line manager, Head of Service, Strategic Director or the Chief Executive as appropriate. The Head of Service or Strategic Director should discuss the matter informally with the Member and the appropriate Group Leader. If the matter cannot be resolved informally, the Officer may refer the issue to the Monitoring Officer for consideration. The Officer and Member will be kept informed of progress with the complaint and the action to be taken.

49. In order to respond to changes in legislation, this Protocol will be subject to regular review.

THE SURREY COUNTY COUNCILLOR

County Councillors are elected every four years to represent the people of Surrey. Surrey has 81 divisions, each represented by one County Councillor who is democratically accountable to the electorate. County Councillors are politicians and most have a publicly declared political affiliation. All are expected to comply with the Council's Constitution.

In this role you might be expected:

- To listen to people in Surrey and represent their views.
- To represent effectively the needs and interests of the division for which the councillor was elected.
- To promote County Council engagement with all citizens and groups, and ensure that there are opportunities for the views of under-represented groups to be heard.
- To be an active community leader and promote social, economic and environmental well-being and sustainability.
- To support access to County Council services:
  - Ensuring good communication between the Council and its customers
  - Trouble-shooting when things go wrong and ensuring that complaints are properly dealt with
  - Mediating fairly and constructively between people with conflicting needs.
- To engage constructively with officers in delivering Council objectives.
- To build collaborative working relationships with local partners, including the Police.
- As a Select Committee member: To continuously review and improve the Council's policies, budget, strategies, service delivery and performance through the overview and scrutiny processes, with a view to assessing their effectiveness in meeting the strategic objectives of the authority and the needs of its residents.
- As a Regulatory Committee member: To participate in informed and reasoned decision making on committees to which they are appointed.
- To promote continuous improvement in service delivery by monitoring, identifying shortfalls and encouraging appropriate action.

Specific Tasks

- To deal with enquiries and case work on behalf of constituents, representing their interests or enabling them to take action themselves as appropriate.
- To liaise with Cabinet Members, other council Members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported, and agreed local actions are carried out.
- To identify individual learning and development needs and participate fully in training opportunities provided.
- To be actively involved with local organisations in order to keep up-to-date with local concerns.

- To act as the County Council's representative and advocate on any outside bodies and joint organisations to which appointed, ensuring effective two-way communication.
- To use local allocations to support local initiatives.
- To make recommendations for the appointment of local authority school governors, identifying candidates with the skills and experience to support the work of the school and a commitment to, and an interest in, education.
- To fulfil the responsibilities as 'corporate parent' of Looked After Children, accepting responsibility for children in the Council's care, making their needs a priority and seeking for them the same outcomes any good parent would want for their own children.
- To participate fully in the work of the full Council, local committee and any other committee to which appointed.
- To develop knowledge of relevant specialist work areas as well as a wider general understanding of other strategic and corporate issues.
- To participate actively and effectively as a Member on any scrutiny, regulatory or other Committee, panel, group or forum to which the Member is appointed.
- To contribute to the formation and scrutiny of the council's policies, budget, strategies and service delivery.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Open-minded
- Creative
- Committed to representing own local community
- Is engaging and empowering for constituents and volunteers
- Represents all constituents equally and without prejudice
- Thinks Surrey-wide, taking into account local needs
- Recognises the political dimension
- Supports transparency in the decision-making process
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Patient

- Respects and maintains confidentiality
- Is an advocate of the County Council
- Approachable, empathetic and understanding
- Encourages trust
- Manages workload effectively
- Makes clear decisions

Skills/Knowledge

- Good communication skills:
  - Concise
  - Confident public speaking
  - Effective listening
- Confident use of ICT, and a willingness to further develop skills and knowledge
- Knowledge of own local area
- Ability to work as part of a team

As a Committee Member:

- Ability to work effectively with Council officers, the public, the media and outside organisations
- Knowledge of corporate and service-specific plans and budgets
- Ability to present relevant and well-reasoned arguments
- Ability to manage conflicting priorities, stress and time
- Understand the legislation relating to duties, obligations and rights of elected Members
- Have a good understanding of how local, national and European government operates, including the statutory and financial frameworks
- Ability to keep informed of issues affecting local government
- Understanding of political dimensions
- Possess active listening and questioning skills.

LEADER OF THE COUNCIL

(Holds office for four years from the first annual Council meeting following the election)

Purpose

- To provide effective political leadership and strategic direction for the Council.
- To ensure effective corporate governance.
- To form a vision for the Council and community.
- To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery.

Specific Tasks

- To lead the Cabinet and be responsible for the Council's corporate and resource planning.
- To appoint a Deputy Leader and up to eight other Cabinet Members and designate appropriate portfolios to ensure that the Cabinet achieves its terms of reference.
- To retain or delegate executive functions to Cabinet, Cabinet Members, committees, individual local Members and officers.
- To ensure the effective running of the Cabinet by managing the forward work programme and chairing meetings of the Cabinet in line with the Constitution.
- As Leader of the Council, to be the key contact for outside organisations (including Central Government, other Local Authorities, Associations and Council partners) and the Corporate Leadership Team.
- To ensure effective Corporate Governance including working with opposition groups to seek to achieve, where possible, cross party cooperation.
- To be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations and to positively promote the Council as a whole in the media.
- To act as the political spokesperson for the Council.
- To promote the long-term financial, business and economic stability of the Council.
- To encourage the highest standards of probity and corporate governance for the well being of the county.
- To liaise with the Chief Executive, and other appropriate officers, on a regular basis.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Committed to equal opportunities and values diversity
- Thinks Surrey-wide, taking into account local needs
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- The ability to analyse and grasp complex issues
- A good understanding of how local, national and European government operates, including the statutory and financial frameworks
- A clear understanding of the operation of the Council, including the economic and social situation within Surrey
- Business and financial acumen, including the ability to understand and manage the Council's budget
- Effective leadership skills
- Excellent political knowledge and awareness
- The ability to chair meetings and facilitate open discussion
- The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE: The above responsibilities are in addition to the Member's role as a County Councillor and Cabinet Member (see separate job profiles)

DEPUTY LEADER OF THE COUNCIL

Purpose

- To fulfil the duties of the Leader in his or her absence.
- To assist the Leader in specific duties as required.

Specific Tasks – see Leader's profile

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Committed to equal opportunities and values diversity
- Thinks Surrey-wide, taking into account local needs
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- The ability to analyse and grasp complex issues
- A good understanding of how local, national and European government operates, including the statutory and financial frameworks
- A clear understanding of the operation of the Council, including the economic and social situation within Surrey

- Business and financial acumen, including the ability to understand and manage the Council's budget
- Effective leadership skills
- Excellent political knowledge and awareness
- The ability to chair meetings and facilitate open discussion
- The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE: The above responsibilities are in addition to the Member's role as a County Councillor and Cabinet Member (see separate job profiles)

CHAIRMAN OF THE COUNTY COUNCIL

Purpose

- To provide effective civic, ceremonial and community leadership to the Council.
- To chair County Council meetings and ensure its business is carried out efficiently and in line with the Constitution.

Specific Tasks

- To be politically impartial and uphold the democratic values of the Council.
- To represent the Council at civic and ceremonial functions, acting on behalf of the whole Council in a non-partisan manner.
- To act as the principal spokesman for the Council on civic and ceremonial occasions.
- To act as an ambassador for the County Council and Surrey itself.
- To uphold and promote the purposes of the Constitution and interpret the Constitution when necessary, working with officers to keep the Constitution under review to ensure it is relevant to the Council's needs.
- To preside over meetings of the Council, acting impartially and ensuring that business is carried out efficiently and effectively whilst protecting the rights of individual County Councillors and the interests of the Surrey public.
- To promote public involvement in the Council's affairs and ensure that at Council meetings, matters of concerns to local communities can be debated by their County Councillors.
- To promote and support good governance of the Council and its affairs.
- To provide community leadership and liaison and promote active citizenship, fostering community identity and pride and promoting public involvement in the Council's activities.
- To receive whistle-blowing allegations as necessary.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding

Skills/Knowledge

- Good communication and interpersonal skills
- A good understanding of how local, national and European government operates, including the statutory and financial frameworks
- A clear understanding of the operation of the Council, including an understanding of the Constitution, in particular Standing Orders
- The ability to chair meetings and facilitate open discussion
- The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE: The above responsibilities are in addition to the Member's role as a County Councillor (see separate job profile)

VICE-CHAIRMAN OF THE COUNTY COUNCIL

Purpose

- To support the Chairman of the Council in providing effective civic, ceremonial and community leadership to the Council.
- To chair County Council meetings in the Chairman's absence and ensure its business is carried out efficiently and in line with the Constitution.
- To support the Chairman in promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council.

Specific Tasks

- At the Chairman's request, to preside at meetings in connection with the activities of the County Council
- To assist the Chairman in the management of Council meetings, as appropriate
- At the Chairman's request, to represent the County Council and, when appropriate, the county of Surrey, at civic and ceremonial functions, and to host such functions on behalf of the County Council
- At the Chairman's request, to act as host to royalty, civic dignitaries and similar visitors to the County Council
- In the Chairman's absence, to perform the specific tasks set out in the role profile for the Chairman of the Council
- To chair Member Conduct Panels as necessary to consider allegations that a Member or co-opted member of the Council has failed or may have failed to comply with the Code of Conduct.
- In the Chairman's absence, to provide advice and guidance to the Monitoring Officer in accordance with the published arrangements for dealing with any written allegation that a Member or co-opted member has failed or may have failed to comply with the Code of Conduct.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Responsibility
  - Listen
  - Trust
  - Respect
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding

Skills/Knowledge

- Good communication and interpersonal skills
- A good understanding of how local, national and European government operates, including the statutory and financial frameworks
- A clear understanding of the operation of the Council, including an understanding of the Constitution, in particular Standing Orders
- The ability to chair meetings and facilitate open discussion
- The ability to work effectively with Council officers, the public, the media and outside organisations

NOTE: The above responsibilities are in addition to the Member's role as a County Councillor (see separate job profile)

CABINET MEMBER

Purpose

- To provide collective and individual leadership as part of the Cabinet.
- To undertake lead responsibility and be accountable for allocated portfolios.
- To contribute effectively towards the strategic direction of the Council.

Specific Tasks

- Participate effectively as a Member of the Cabinet – take joint responsibility for all actions and be accountable collectively. Challenge issues prior to making decisions if felt appropriate to do so.
- To exercise delegated powers in accordance with the Council's Constitution.
- Shape and develop the strategic priorities and vision of the Council, participating in debates and discussion about policy issues across the range of services provided by the Council.
- Act as the Lead Member for a particular portfolio as may be determined by the Leader of the Council, but in doing so, have regard to the overall collective responsibilities of the Cabinet and the Council's corporate policy objectives. Champion the portfolio concerned within that strategic context.
- Work closely with Strategic Directors to ensure that the Directorates' strategies reflect the political priorities set by the Council.
- In connection with the portfolio:
    - Build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level.
    - Attend meetings with officers as appropriate without compromising the distinct role of both Members and officers.
    - Keep abreast of related developments and policies at national, regional and local level.
    - Enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks.
- Aim for Surrey to be at the forefront of service development and provision where possible; take an active interest in related performance indicators and rankings, including visiting exemplars of good practice.
- Attend Select Committees at their request in connection with any issues associated with the Cabinet Member portfolio that are being scrutinised.
- Be aware of issues of importance to the community and other stakeholders concerning portfolio services (for example, through issues raised at Local Committees), and work towards implementing the Community Strategy.
- Be responsible for ensuring the effective management of the budgets within the Cabinet Member's portfolio.

- Monitor the performance of services within the Cabinet Member's portfolio and hold the Strategic Director to account to meet objectives.
- Represent the Council on external bodies, as appointed, and feedback to the Cabinet any issues of relevance/importance.
- Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships such as Surrey Strategic Partnership.
- Along with colleague Cabinet Members and the Corporate Leadership Team, be available as appropriate for other Members to discuss any queries or matters of concern.
- To positively promote the portfolio and, where appropriate, to act as the spokesperson with the media for that portfolio area only.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Thinks Surrey-wide, taking into account local needs
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues
- An understanding of national and local government statutory and financial frameworks
- An understanding of the Council, including the economic and social situation within Surrey
- The ability to understand the Council's budget especially in respect of the relevant portfolio
- Leadership skills

- Political knowledge and awareness
- Ability to build and work as part of an effective team
- Ability to influence and work effectively with Council officers, the public, the media and outside organisations

NOTE: The above responsibilities are in addition to the Member's role as a County Councillor (see separate job profile.)

CHAIRMAN OF A SELECT COMMITTEE

Purpose

- To provide leadership and direction to the work of the Select Committee in contributing to the continuous improvement of the Council's services through the full range of its work.
- To chair committee meetings and ensure the committee achieves its terms of reference.
- To work as part of a team with other Committee Chairmen in establishing Select Committees as an integrated group of committees, by sharing experience, exchanging ideas and best practice and co-ordinating work programmes.

Specific Tasks

- To ensure the effective running of the Select Committee, chairing meetings in line with the constitution and adopting an investigative, evidence-based approach with witnesses, visits and written evidence in preference to formal reports and traditional committee practice.
- To encourage the committee to adopt an outward-looking focus by actively engaging service users, other stakeholder groups and the public in its work.
- To encourage committee members to obtain the necessary skills to carry out the scrutiny role and to work with officers to provide training if necessary.
- To endeavour to engage all members of the committee within the scrutiny process, allowing robust debate and constructive criticism leading to clear and measurable outcomes.
- To lead the committee in prioritising its work so as to ensure effective scrutiny, and to lead the committee in conducting a six monthly review of performance.
- To develop a constructive relationship with the Cabinet, especially with relevant portfolio holders.
- To develop a constructive relationship with the Strategic Directors/Heads of Service in the areas that the committee scrutinises.
- To co-ordinate the committee's work with Chairmen of other Select Committees, especially in developing flexible arrangements for handling cross-cutting issues, and in ensuring that it delivers positive outcomes which make clear recommendations for service improvement.
- To introduce committee reports to the Cabinet and Council and elsewhere, and to represent the agreed views of the committee.
- To speak on behalf of the committee in promoting effective communications with the media and the public in its work.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Thinks Surrey-wide, taking into account local needs
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues
- Leadership and chairing skills
- Project and time management skills
- Ability to influence and work constructively with Members, officers, the public and outside organisations
- Ability to build and work as part of an effective team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (see separate job profile).

VICE-CHAIRMAN OF A SELECT COMMITTEE

Purpose

- To work with the Chairman to provide leadership and direction to the work of the Select Committee in contributing to the continuous improvement of the Council's services through the full range of its work.

  - To support the Select Committee Chairman in chairing committee meetings and ensure the committee achieves its terms of reference.

  - To support the Chairman in achieving the specific tasks as set out in the Select Committee Chairman's role profile.

  - To fulfil the duties of the Chairman in his or her absence.

  - To chair task groups as appropriate, with the agreement of the Select Committee.

  - To be aware of Members' views on issues being brought to the Select Committee and to alert the Chairman and Committee Members to any concerns.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Responsibility
  - Listen
  - Trust
  - Respect
- Thinks Surrey-wide, taking into account local needs
- Committed to equal opportunities and values diversity
- Works in partnership, particularly with local bodies
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues

- Leadership and chairing skills
- Project and time management skills
- Ability to influence and work constructively with Members, officers, the public and outside organisations
- Ability to build and work as part of an effective team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (see separate job profile).

CHAIRMAN OF PLANNING & REGULATORY COMMITTEE

Purpose

- To provide leadership and direction to the work of the committee, and to ensure compliance with the Surrey Code of Best Practice in Planning Procedures.
- To chair committee meetings and ensure the committee achieves its terms of reference.
- To demonstrate to the public, applicants and objectors, fair and open decision-making by or on behalf of the committee.

Specific Tasks

- To ensure that Members appointed to the committee fully understand the committee's work and receive training in planning procedures as specified by the Council.
- To lead the committee, in consultation with officers, in prioritising its work and setting meeting agendas.
- To ensure that the committee takes clear and unambiguous decisions based on sound planning considerations.
- To facilitate public participation in meetings by the public and their representatives in accordance with Standing Orders.
- To introduce committee reports to the Cabinet and Council and elsewhere, and to represent the agreed views of the committee.
- To speak on behalf of the committee in promoting effective communications with the public on its decisions.
- To represent the committee at public inquiries held into appeals against decisions made by the committee.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Thinks Surrey-wide, taking into account local needs
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development

- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues
- Leadership and chairing skills
- Project and time management skills
- An understanding of planning legislation and procedures
- Ability to influence and work constructively with Members, officers, the public and outside organisations
- Ability to build and work as part of an effective team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (see separate job profile).

VICE-CHAIRMAN OF PLANNING & REGULATORY COMMITTEE

Purpose

- To work with the Chairman to provide leadership and direction to the work of the committee, and to help ensure compliance with the Surrey Code of Best Practice in Planning Procedures.
- To support the Chairman in chairing committee meetings and ensure the committee achieves its terms of reference.
- To support the Chairman in achieving the specific tasks as set out in the Planning & Regulatory Committee Chairman's role profile.
- To fulfil the duties of the Chairman in his or her absence.
- To demonstrate to the public, applicants and objectors, fair and open decision-making by or on behalf of the committee.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Thinks Surrey-wide, taking into account local needs
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues
- Leadership and chairing skills
- Project and time management skills
- An understanding of planning legislation and procedures
- Ability to influence and work constructively with Members, officers, the public and outside organisations
- Ability to build and work as part of an effective team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (see separate job profile).

CHAIRMAN OF AUDIT & GOVERNANCE COMMITTEE

(This role may be filled by a Member from one of the minority groups)

Purpose

- To provide leadership and direction to the work of the committee, contributing to the continuous improvement of the Council's services through the full range of its work.
- To chair committee meetings and ensure the committee achieves its terms of reference.

Specific Tasks

- To work with the Chief Internal Auditor and the Risk and Governance Manager to ensure the committee meets the standards of best practice set out in the Cipfa Guidance for Audit Committees.
- To set and drive a diverse agenda and fully engage members of the committee in all aspects of its work including developing a work programme which achieves a proper focus for its work across the whole of the committee's terms of reference.
- To ensure the effective running of the committee, chairing meetings in line with the constitution and adopting an investigative and evidence-based approach, including through the use of task groups as may be considered necessary.
- To endeavour to engage all members of the committee, allowing robust debate and constructive criticism leading to clear and measurable outcomes.
- To develop a constructive and positive working relationship with the Cabinet, the Leader of the Council and other Cabinet Members over the management of the committee's business.
- To introduce committee reports to the Cabinet and Council and elsewhere, and to own and represent the agreed views of the committee.
- To speak on behalf of the committee in promoting effective communications with the media and the public in its work.
- To work with the Audit and Inspection Manager and the Risk and Governance Manager to ensure that adequate and appropriate training is available to members of the committee.
- To receive whistle-blowing allegations as necessary.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- To be committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect

- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues
- Leadership and chairing skills
- Project and time management skills
- Ability to influence and work constructively with members, officers, the public and outside organisations
- Ability to build and work as part of an effective team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (see separate job profile).

VICE-CHAIRMAN OF AUDIT & GOVERNANCE COMMITTEE

(This role may be filled by a Member from one of the minority groups)

Purpose

- To work with the Chairman to provide leadership and direction to the work of the committee, contributing to the continuous improvement of the Council's services through the full range of its work.
- To support the Chairman in chairing committee meetings and ensure the committee achieves its terms of reference.
- To support the Chairman in achieving the specific tasks as set out in the Audit and Governance Committee Chairman's role profile.
- To fulfil the duties of the Chairman in his or her absence.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- To be committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues
- Leadership and chairing skills
- Project and time management skills
- Ability to influence and work constructively with members, officers, the public and outside organisations
- Ability to build and work as part of an effective team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (see separate job profile).

CHAIRMAN OF A LOCAL COMMITTEE

Purpose

- To provide leadership and direction to the work of the Local Committee in contributing to the continuous improvement of the Council's services through the full range of its work.
- To chair committee meetings and ensure the committee achieves its terms of reference.
- To encourage Local Committee members in their community leadership roles.

Specific Tasks

- To provide leadership and direction to the work of the Local Committee, to build the committee as a team and in conducting its committee business, to set the agenda for the Committee, and to conduct its meetings in an open, approachable and efficient manner.
- To ensure the effective running of the Local Committee, chairing meetings in line with the Constitution, and, where applicable, the Committee's locally agreed protocol.
- To actively engage partners, stakeholder groups, including businesses, and local people in the work of the committee and in issues of concern in the district/borough area, and to involve them in the development of solutions.
- To develop a constructive working relationship with the Cabinet and Cabinet Members over the management of the committee's business.
- To introduce committee reports to the Cabinet, County Council and elsewhere, and to represent the agreed views of the committee.
- To speak on behalf of the committee in promoting effective communications with the media and public on its decisions, and, through the Local Committee, in promoting the work of county council services locally, and its partnership with other agencies, organisations and community groups.
- To liaise with and advise the Community Partnerships Team on the committee's behalf.
- To be consulted by the Community Partnerships Team in respect of the approval of grants from Members' revenue allocations and in accordance with any conditions or criteria imposed by the Council or the relevant Local Committee.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Listen
  - Responsibility
  - Trust
  - Respect

- Committed to equal opportunities and values diversity
- Thinks Surrey-wide, taking into account local needs
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Leadership and chairing skills
- Project and time management skills
- Ability to influence and work constructively with Members, officers, the public and outside organisations
- Ability to build work as part of an effective team

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (see separate job profile).

VICE-CHAIRMAN OF A LOCAL COMMITTEE

Purpose

- To work with the Local Committee Chairman to provide leadership and direction to the work of the Local Committee in contributing to the continuous improvement of the Council's services through the full range of its work.

- To support the Local Committee Chairman in chairing committee meetings and ensure the committee achieves its terms of reference.

- To support the Local Committee Chairman and supporting the Community Partnership Team in promoting effective engagement with the public and improved working with local councils.

- To support the Local Committee Chairman in encouraging Local Committee members in their community leadership roles.

- To support the Local Committee Chairman in achieving the specific tasks as set out in the Local Committee Chairman's role profile.

- To fulfil the duties of the Local Committee Chairman in his or her absence.

Personal Attributes

- Committed to the role and public service
- Professional – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
  - Responsibility
  - Listen
  - Trust
  - Respect
- Thinks Surrey-wide, taking into account local needs
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues
- Leadership and chairing skills
- Project and time management skills
- Ability to influence and work constructively with Members, officers, the public and outside organisations
- Ability to build and work as part of an effective team
- Good working knowledge of the communities within the Local Committee area

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor (see separate job profile).

GROUP SPOKESPERSON OF OPPOSITION GROUP

(Leaders of opposition groups are required to inform the majority group of the identity of group spokespersons)

Purpose

- To be the principal spokesperson for members of their own political group. (Precise remit to be defined by the group).
- To ensure efficient sharing of information within the group
- To act as the main conduit for offering appropriate constructive challenge/feedback, proposing alternatives and suggesting amendments on behalf of their group
- To take the lead on particular items on behalf of the group, for example, on call-in and on specific media issues.
- To chair task group(s) as appropriate, with the agreement of the committee chairman.

Personal Attributes

- Committed to the role and public service
  - Acts professionally, in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
  - Committed to and demonstrates the County Council's Values:
    - Responsibility
    - Listen
    - Trust
    - Respect
  - Committed to equal opportunities and values diversity
  - Seeks continuous personal development to ensure the effectiveness of the role
  - Supports transparency in decision-making processes

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues, including interpreting performance information
- An understanding of national and local government statutory and financial frameworks
- A clear understanding of how the County Council operates and an understanding of the Council's budget
- Political knowledge and awareness
- Ability to facilitate open discussion
- Ability to influence and work constructively with Members, officers, the public and outside organizations
- Ability to build and work as part of an effective team

CABINET ASSOCIATE

Purpose

- To provide support and assistance to the Cabinet.
- To contribute effectively towards the strategic direction of the Council.
- To assist Cabinet Members with the effective leadership of their portfolios.

Specific Tasks

- To assist, support and advise the relevant Cabinet Member(s) in the exercise of his or her responsibilities.
- To champion specific themes and/or county priorities, as directed by the Leader.
- To carry out particular tasks as agreed with the Cabinet Member from time to time.
- To attend public and private meetings of the Cabinet as an observer where appropriate and, in the absence of the Cabinet Member, to propose motions and speak (but not to vote).
- In the absence of the Cabinet Member, to answer questions and speak at meetings of the Council on matters relating to the allocated portfolio area(s).
- To substitute for Cabinet Members at appropriate meetings and briefings.
- To attend select and local committee meetings on behalf of the Cabinet Members for items matters relating to the allocated portfolio area(s).
- To lead on the development of policy proposals.
- To advise the Cabinet Member on decisions to be taken.
- To represent the Council and Cabinet Member(s) at external meetings as appropriate.
- To chair relevant Advisory Boards, as appropriate.
- To handle media interviews and enquiries on behalf of the Cabinet Member(s) in his/her absence.

Personal Attributes

- Committed to the role and public service
- Standards – acts in keeping with the responsibilities of the role and upholds the Council's Code of Conduct, Constitution and ethical standards
- Committed to and demonstrates the County Council's Values:
    - Listen
    - Responsible
    - Trust
    - Respect
- Thinks Surrey-wide, taking into account local needs
- Committed to equal opportunities and values diversity
- Works in partnership
- Seeks continuous personal development
- Is an advocate of the County Council and Surrey
- Supports transparency in decision-making processes
- Approachable, empathetic and understanding
- Makes clear decisions

Skills/Knowledge

- Good communication and interpersonal skills
- Ability to analyse and grasp complex issues
- An understanding of national and local government statutory and financial frameworks
- An understanding of the Council, including the economic and social situation within Surrey
- The ability to understand the Council's budget especially in respect of the relevant portfolio
- Leadership and chairing skills
- Political knowledge and awareness
- Ability to influence and work constructively with Members, officers, the public and outside organisations
- Ability to build and work as part of an effective team

NOTE: The above responsibilities are in addition to the Member's role as a County Councillor (see separate job profile.)

SURREY COUNTY COUNCIL'S STRATEGY AGAINST FRAUD AND CORRUPTION

1. Introduction

1.1 Surrey County Council is one of the county's largest organisations; employing over 26,000 people, with a gross spend of over £1.6 billion per annum in 2010/11 and it is required by law to protect the public funds it administers. In delivering its objectives the County Council maintains a zero tolerance approach to fraud and corruption, whether it is attempted from outside the Council (the public, clients, partners, contractors, suppliers or other organisations) or within (Members and employees). It is committed to this Strategy against Fraud and Corruption which:

- acknowledges the threat of fraud;
- encourages prevention;
- promotes detection;
- identifies a clear pathway for investigation; and
- sets out the appropriate sanctions, including the recovery of losses.

1.2 The Audit Commission Fraud Manual defines fraud and corruption as follows:

- Fraud is the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain.
- Corruption is the offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person or the misuse of entrusted power for personal gain. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe and to request, agree to receive or accept a bribe. In addition there is a corporate offence of an organisation failure to prevent bribery in the course of its business.

2. Expectation

2.1 Surrey County Council wishes to promote a culture of openness with the core values of trust, respect and responsibility enshrined within it. The Council is totally opposed to any form of fraud and corruption.

2.2 The Council's expectation on propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. The Council also expects that individuals and organisations, e.g. the public, partners, suppliers, contractors and other service providers, with whom it deals, will act towards the Council with integrity and without thought or actions involving fraud and corruption. All would be expected and encouraged to tell the Council about any fraud or corruption they suspect. There is advice on how to do this in Appendix A.

2.3 The Council will ensure that all allegations received are taken seriously and investigated in an appropriate manner. Anonymous allegations will be considered within the limitations of the information available. Investigations will be subject to the requirements of the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000.

2.4 Senior management is expected to deal swiftly and firmly with those who defraud or seek to defraud the Council, or who are corrupt. The Council will always be robust in dealing with financial malpractice or those who breach statutory and legal obligations and its code of conduct. A Fraud Response Plan is included as Appendix B

3. Roles and responsibilities

The Role of Elected Members

3.1 As elected representatives, all Members of the Council have a duty to act in the public interest and do whatever they can to ensure that the Council uses its resources in accordance with statute.

3.2 This is achieved through Members operating within:

- the Council's Member Code of Conduct; and
- the Constitution, including Corporate Governance Assurance Framework, Financial Regulations and Procurement Standing Orders.

3.3 The Localism Act 2011 requires Members to declare and register disclosable pecuniary interests to the Monitoring Officer as these may cause potential areas of conflict between Members' County Council duties and responsibilities and any other areas of their personal or professional lives.

The Role of Employees

3.4 Employees are Surrey County Council's first line of defence and the Council will expect and encourage them to be alert to the possibility of fraud and corruption and report any suspected cases.

3.5 Employees are expected to comply with the Council's Code of Conduct for staff, which forms part of each employee's contract of employment and is available on the Human Resources and Organisational Development section of the Council's Intranet (S-net). Employees should also follow standards of conduct laid down by their own professional body or institute (where applicable).

3.6 Employees are responsible for ensuring that they follow the instructions given to them by management and comply with the procedures and rules laid down by the Council in the Corporate Governance Assessment Framework. They are

under a statutory duty to account for money and property committed to their charge.

3.7 All employees are required to comply with Section 117 of the Local Government Act 1972. This requires a written declaration of any pecuniary or close personal interests in contracts that have been, or it is proposed will be, entered into by the County Council to be held on their personal file. The legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration. Failure to disclose an interest or the acceptance of an inappropriate reward may result in disciplinary action or criminal liability.

3.8 Managers at all levels are responsible for the communication and implementation of this Strategy in their work area. They are also responsible for ensuring that their employees are aware of the arrangements to secure corporate governance, and that the requirements are being met in their work activities.

3.9 Managers are expected to create an environment in which their staff feel able to approach them with any concerns that they may have about suspected irregularities.

Others

3.10 Surrey County Council expects the public, clients, partners, contractors, suppliers and any other organisations to act honestly in their dealings with it and will check contractors' and suppliers' references as well as carrying out suitable financial checks.

4. Surrey County Council's Commitment

4.1 Theft, fraud and corruption are serious offences against the authority and employees will face disciplinary action if there is evidence that they have been involved in these activities. Members will also be disciplined if there is evidence of involvement in theft, fraud and corruption. Where appropriate, cases will be referred to the Police.

4.2 A key measure in the prevention of fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees in terms of their propriety and integrity. Employee recruitment should, therefore, be in accordance with the procedures laid down by the Head of Human Resources and Organisational Development (HR&OD), which are available on the Council's Intranet (S-net), and include:

- obtaining references and checking qualifications;
- confirming the right to work in the United Kingdom; and
- checks by the Disclosure and Barring Service.

The recruitment of temporary and permanent employees is dealt with in a similar manner.

4.3 In all cases where financial loss to the authority has occurred, the authority will take appropriate action to recover the loss.

4.4 Updates on counter fraud and corruption activity, including updates to this Strategy, will be publicised in order to make employees and the public aware of the authority's continuing commitment to taking action on fraud and corruption when it occurs.

4.5 To promote knowledge in current anti-fraud and anti-corruption matters Internal Audit will forward advice and information received from the National Anti-Fraud Network (NAFN) to relevant Services across the Council.

5. Detection and Investigation

5.1 It is the responsibility of management to maintain an adequate internal control environment to prevent and detect fraud and corruption. It is often the alertness of staff and the public that enables detection and appropriate action to be taken.

5.2 The Council's Financial Regulations require all suspected financial irregularities to be reported (verbally or in writing) to the Chief Internal Auditor so that an internal audit investigation of the allegations can be undertaken in line with the Fraud Response Plan included as Appendix B. This is essential to the Strategy to ensure consistency of treatment, adequate investigation and protection of the Council's interests.

5.3 The Chief Internal Auditor will ensure that the individual reporting any suspected irregularity is appropriately supported throughout this process, taking particular account of the likely sensitive nature of such an investigation.

5.4 Any decision to refer a matter to the Police will be made by the Chief Internal Auditor. The Council expects the Police to be made aware of, and investigate independently, any offence where material financial impropriety may have occurred.

5.5 The County Council's disciplinary procedure will be used where the outcome of an investigation indicates improper behaviour by a member of staff. Referral to the Police will not prohibit disciplinary action under the Disciplinary Policy.

5.6 In the case of allegations against Members being in breach of their Code of Conduct, these are reported to the Council's Monitoring Officer (Head of Legal

and Democratic Services) and will be investigated by the Monitoring Officer or a person appointed by her.

5.7 Surrey County Council is required to participate in the National Fraud Initiative data matching exercise run by the Audit Commission. The Council provides particular sets of data, including payroll, to the Audit Commission under its powers in Part 2A of the Audit Commission Act 1998. It does not require the consent of the individuals concerned under the Data Protection Act 1998. Details of the data used are set out in the Audit Commission's guidance, which can be found at www.audit-commission.gov.uk /nfi.

5.8 Arrangements are in place, and continue to develop, to encourage the exchange of information between the County Council and other agencies on a national and local level to combat fraud and corruption, including the National Fraud Agency, National Anti-Fraud Network (NAFN), police fraud team and UK Borders Agency.

6. Awareness and Training

6.1 Surrey County Council recognises that the continuing success of its Strategy against Fraud and Corruption and its general credibility, will depend partly on the effectiveness of training and the responsiveness of employees throughout the organisation.

6.2 The Council supports induction training, staff appraisal and development. It supports governance and fraud-awareness training. All staff, especially those involved in internal control systems, and also Members need to understand their responsibilities and duties in regard to the prevention and reporting of suspected fraud and corruption. It is important to regularly highlight and reinforce this.

6.3 The investigation of fraud and corruption is undertaken by the Council's Internal Audit team.

7. Availability

7.1 This Strategy is available to all employees and members via the Surrey County Council intranet (S-net). Copies can also be obtained from Council employees through key public access points across the County such as libraries, as well as being accessible through the Council's external web site.

8. Conclusion

8.1 Surrey County Council has in place systems and procedures to assist in the fight against fraud and corruption. Internal Audit will monitor the success of these measures to ensure that all opportunities for preventing and detecting

fraudulent or corrupt activity are maximised. This strategy will be subject to regular review by Internal Audit and approved by Audit and Governance Committee.

DAVID MCNULTY,
Chief Executive, September 2012

APPENDIX A

Advice on reporting suspected fraud or corruption

Surrey County Council expects all its employees, Council Members, partners, contractors, the public, clients and organisations to provide information if fraud or corruption is suspected. This is often known as whistle blowing. Our whistle blowing policy can be found on s-net. In addition, an employee, raising concerns in good faith, should be aware of the protection afforded to them by the Public Interest Disclosure Act (PIDA) 1998.

Examples of concerns include the following:

- criminal offence;
- false documentation;
- failure to comply with a statutory or legal obligation;
- improper use of public or other funds;
- abuse of the Council's systems;
- maladministration, misconduct or malpractice;
- endangering health and safety;
- damage to the environment;
- misuse of an individual's personal position;
- the offer or acceptance of a bribe; and/or
- deliberate concealment of any of the above.

All information or concerns received will be treated seriously and in strict confidence and employees should raise issues with their line manager in the first instance or the officer directly responsible for the area concerned. If anyone feels unable to speak to their line manager or the officer directly responsible for the area they are concerned about, they can contact any of the individuals on the table overleaf.

Members, the public, partners, contractors and organisations can also contact Surrey County Council via these contacts if they suspect theft, fraud or corruption. The Chief Internal Auditor should be advised of any such referrals received as complaints to Services.

If anyone feels unable to raise their concerns in the above ways, then they may wish to phone Expolink our independent reporting hotline on 0800 374 199 or consult Public Concern at Work on 020 7404 6609, which is a registered charity providing free and strictly confidential advice.

All allegations of theft, fraud or corruption received will be investigated and should be referred to the Chief Internal Auditor for a decision on how an investigation should proceed in line with the Fraud Response Plan included as Appendix B.

Contact Information for reporting on possible theft, fraud or corruption at Surrey County Council

Contact	Telephone	E-mail
Chief Internal Auditor	020 8541 9190 /9299	sue.lewry-jones@surreycc.gov.uk internal.audit@surreycc.gov.uk
Chief Finance Officer (S151 Officer) and Deputy Director for Change & Efficiency	020 8541 7012	sheila.little@surreycc.gov.uk
Head of Legal and Democratic Services as the council's Monitoring Officer	020 8541 9001	ann.charlton@surreycc.gov.uk monitoringofficer@surreycc.gov.uk
County Chief Executive	020 8541 9008	david.mcnulty@surreycc.gov.uk
Elected Members		See website www.surreycc.gov.uk Your Council – Councillors and Committees – Surrey County Councillors
Leader of the Council		david.hodge@surreycc.gov.uk
Chairman of Audit & Governance Committee		nicholas.harrison@surreycc.gov.uk
County Council's external auditors (Grant Thornton)	020 7383 5100	See website www.grant-thornton.co.uk
Audit Commission	084560522646	www.audit-commission.gov.uk
Expolink – SCC independent confidential hotline	0800 374 199	See website http://www.expolink.co.uk/
Public Concern at Work – charity offering free advice	020 7404 6609	See website http://www.pcaw.org.uk/

APPENDIX B

Fraud Response Plan

Introduction

1.1 This Fraud Response Plan forms part of the Council's overall Strategy against Fraud and Corruption and covers the Council's response to suspected or apparent irregularities affecting resources belonging to or administered by the Council, or fraud perpetrated by contractors and suppliers against the Council.

1.2 It is important that Managers know what to do in the event of fraud, so that they can act without delay. The Fraud Response Plan provides such guidance to ensure effective and timely action is taken. Other documents that should be referred to when reading the Plan include:

- Code of Conduct for staff
- Disciplinary Policy and procedures
- Financial Regulations

Objective of the Fraud Response Plan

2.1 To ensure that prompt and effective action can be taken to:

- Prevent losses of funds or other assets where fraud has occurred and to maximise recovery of losses
- Identify the perpetrator and maximise the success of any disciplinary or legal action taken
- Reduce adverse impacts on the business of the Council
- Minimise the occurrence of fraud by taking prompt action at the first sign of a problem
- Minimise any adverse publicity for the organisation suffered as a result of fraud
- Identify any lessons which can be acted upon in managing fraud in the future

How to respond to an allegation of theft, fraud or corruption

Initial Response

3.1 Listen to the concerns of staff and treat every report seriously and sensitively.

3.2 Obtain as much information as possible from the member of staff, including any notes or evidence to support the allegation. Do not interfere with this evidence and ensure it is kept secure.

3.3 Contact the Chief Internal Auditor to discuss the allegation as required by Financial Regulations and agree any proposed action. An evaluation of the case should include the following details:

- Outline of allegations
- Officers involved, including job role and line manager
- Amount involved / materiality / impact
- Involvement of any other parties
- Timescales – one off or ongoing
- Evidence – where held and access

3.4 Where it is appropriate to do so (i.e. without alerting the alleged perpetrator), initial enquiries may be made by the manager or Internal Audit, as agreed with the Chief Internal Auditor, to determine if there actually does appear to be an issue of fraud or other irregularity.

3.5 During the initial enquiries, managers should

- Determine the factors that gave rise to the suspicion
- Examine the factors to determine whether a genuine mistake had been made or whether a fraud or irregularity has occurred
- Where necessary, carry out discreet enquiries with staff and/or review documents.

3.6 The Chief Internal Auditor should be informed of the results of the initial enquiry so that the case can be closed or a more detailed investigation organised. Regulation 10 of the County Council's Financial Regulations gives the Chief Internal Auditor and her staff the power to access documents, obtain information and explanations from any officer for the purpose of audit.

3.8 Where the initial enquiry appears to indicate misconduct by a council employee the manager should inform Internal Audit of

- All the evidence gathered
- The actions taken with regard to the employee (e.g. suspension or redeployment) or any other action taken to prevent further loss.

3.9 The manager should liaise with HR and be aware of the council's requirements regarding the disciplinary process (as published on S:net). If suspension is necessary, it needs prior approval by the Head of Service as the act of suspension is service led.

3.10 If it is found that an allegation has been made frivolously or in bad faith then disciplinary action may be taken against the person making the allegation. If however, it is found that an allegation has been made maliciously, or for personal gain, then disciplinary action should be taken against the person making the allegation.

Internal Investigation

4.1 Depending on the size of the fraud or the circumstances of its perpetration, the Chief Internal Auditor will consider whether Internal Audit staff should undertake the investigation. If appropriate, advice and guidance will be provided to enable an investigation to be undertaken by an appropriate officer in their Service.

4.2 Internal Audit will review the outcome of the investigation (irrespective of whether undertaken by its own staff or Service staff), to ensure that appropriate action is taken to help disclose similar frauds and make recommendations to strengthen control systems.

Investigating Officer

4.3 The Investigating Officer (either from the directorate or from Internal Audit) will:

- Deal promptly with the matter
- Should covert surveillance be considered necessary, then the Regulation of Investigatory Powers Act 2000 (RIPA) must be observed and authorised by the Chief Executive
- Record all evidence that has been received
- Ensure that evidence is sound and adequately supported
- Secure all of the evidence that has been collected
- If criminal acts are being investigated then take advice on the interview of potential suspects so that the guidelines of the Police and Criminal Evidence Act 1984 (PACE) are followed
- Where appropriate, contact other agencies (e.g. Police, Serious Fraud Office)
- When appropriate, arrange for the notification of the Council's insurers
- Report to senior management, and where appropriate, recommend that management take disciplinary/criminal action in accordance with this strategy and the Council's Disciplinary Procedures.

4.4 Where circumstances merit, close liaison will take place between the Investigating Officer, Internal Audit, S151 Officer, Monitoring Officer, the respective Service/Directorate, Human Resources and relevant outside agencies as appropriate.

4.5 Where an irregularity results in a loss exceeding £10,000 a declaration has to be made to the Audit Commission.

Sanctions and Recovery of Losses

Disciplinary Action

5.1 The manager is responsible for taking the appropriate disciplinary action as set out in the Council's Disciplinary policy.

5.2 If a criminal offence is discovered, it may be appropriate to pursue a criminal prosecution. This could be instigated by the Council under S222 of the Local Government Act 1972 or by referring the evidence to the police.

Police

5.3 The Chief Internal Auditor will determine whether the police need to be involved either from the start or at a later stage in the investigation. If the police are involved, Internal Audit will support the police investigation as necessary.

Recovery of Losses

5.4 Where the Council has suffered a loss, restitution will be sought of any benefit or advantage obtained and the recovery of costs will be sought from individual(s) or organisations responsible.

5.5 Where an employee is a member of the Surrey County Council Pension scheme and is convicted of fraud, the Council may be able to recover the loss from the capital value of the individual's accrued benefits in the scheme, which are then reduced as advised by the actuary.

5.6 The Council will also take civil action (as appropriate) to recover the loss.

Media and Publicity Protocol

Introduction

1. This protocol will operate along with the Member/Officer Protocol.

2. The provisions of the Local Government Act 1972, the Local Government Act 1986 and the Code of Local Authority Publicity 2001 govern this protocol. All media and communications work done by the Council will comply with these Acts and the code.

3. A key paragraph of the code worth remembering is paragraph 12 which says “Any publicity describing the Council’s policies and aims should be as objective as possible, concentrating on facts or explanations or both”. This principle will underpin our approach.

Role of the communications function

4. The communications function will continue to develop and promote the Council’s reputation across the full range of its activities. It will provide objective professional advice to the whole Council, will remain non-party political and will support and advise both the executive and scrutiny functions. It will:

   (a) promote corporate initiatives in consultation with the Leader of the Council, the Chief Executive and officers, including media information, briefings, publications, events and other communications;
   (b) promote agreed Cabinet initiatives in consultation with the Leader of the Council, Cabinet Members, the Chief Executive and chief officers;
   (c) promote agreed service initiatives as requested by senior managers in consultation with Cabinet Members and the Leader of the Council where appropriate; and
   (d) promote the role of scrutiny as a key part of the democratic process in consultation with the Chief Executive and chief officers.

Political groups

5. The communications function will provide information on request to the political groups within the protocols and the Constitution of the Council. It will provide professional non-party political advice to Members on request within the existing publicity code.

6. Political groups will be responsible for issuing their own information and party political media releases. This is a legitimate part of the democratic process; however, this should not be done using Council resources.

Council meetings

7. The Communications Service will promote its role in the democratic process by:

   (a) issuing factual media information before the meetings as appropriate to highlight key issues as agreed by the Leader, the Chairman and Chief Executive to explain and promote the Council's policies and services.
   (b) issuing media materials as appropriate following the meeting describing the decisions to promote Council policies and services. These will quote the Leader of the Council or the appropriate Cabinet Member as agreed by the Leader, Chairman and the Chief Executive.
   (c) responding to all media enquiries before and after the meeting, providing an objective, factual explanation of the issues to promote understanding and awareness of the Council and its services in consultation with the Leader, the Chairman and Chief Executive. This will include facilitating interviews and photo opportunities as appropriate.
   (d) promoting the valuable democratic role of elected Members as appropriate in consultation with the Leader, the Chairman and the Chief Executive.
   (e) referring all requests for political comment to the relevant group leader.
   (f) arranging briefings on issues as appropriate in consultation with senior officers and the Leader of the Council or their nominee.

Cabinet

8. The Cabinet is a key focus of the Council and its decision-making process. We will proactively promote the work of the Cabinet as an important public face of the authority by:

   (a) issuing media information/releases as appropriate with the agenda highlighting important issues and initiatives to explain and promote the Council, its policies and services. Where appropriate these will quote the Leader of the Council or the appropriate Cabinet Member as agreed by the Leader and the Chief Executive.
   (b) issuing media materials as appropriate in consultation with the Leader or relevant member of the Cabinet and the Chief Executive following the meeting describing the decisions taken to promote Council policies and services. These will quote the Leader of the Council or the appropriate Cabinet Member as agreed by the Leader and the Chief Executive.

(c) responding to any media enquiries prior to the meeting by providing a factual explanation of the issue. Where a matter of policy is in question, we will consult the appropriate chief officer and Cabinet Member in conjunction with the Leader.
(d) responding to media enquiries following the meeting by providing a factual explanation of the decision. Where a matter of policy is in question, we will consult with the appropriate chief officer and Cabinet Member in conjunction with the Leader.
(e) referring all requests for political comments to the appropriate group leader.

Scrutiny and monitoring

9. The scrutiny processes should be recognised publicly by the Council to help convey the legitimacy of the decision making processes. For that reason, the communications function will support the scrutiny role in the following ways:

(a) issuing factual media material as appropriate at the request of the chairman and vice-chairman of a select committee and agreed by both, factually describing the outcome of the meeting and reflecting the majority view of the committee.
(b) responding to any media enquiries prior to the meeting by providing a factual explanation of the issue. Where a matter of policy is in question, we will consult with the appropriate chief officer and Cabinet Member.
(c) responding to media enquiries following the meeting by providing a factual explanation of the decision. Where a matter of policy is in question, we will consult with the appropriate chief officer and Cabinet Member.
(d) referring all requests for political comments to the appropriate group leader.

General media enquiries

10. (a) media officers will continue to field general media enquiries and provide factual, objective information on the policies and decisions of the Council in consultation with the Leader of the Council, the relevant member of the Cabinet or chief officer.
(b) any requests for political comments will be referred to the appropriate group spokesperson.

PROTOCOL FOR HANDLING REPORTS FROM SELECT, LOCAL AND OTHER COMMITTEES TO THE CABINET

Article 6.04 2 (b)(ii) of the Constitution (Cabinet Procedure Rules) states that 'the business at Cabinet meetings will include consideration of reports from select committees, local committees and any other committees of the Council, where the subject matter relates to more than one portfolio area or as determined by the Leader, and reports from borough/district scrutiny committees on matters relating to a Local Area Agreement improvement target …' and that 'the Cabinet will always formally respond to reports and recommendations made to it by any committees of the Council.'

Article 6.04 2 (e)(ii) of the Constitution states that 'the business at Cabinet Member meetings will include consideration of reports from select committees, local committees, any other committees of the Council where the subject matter relates to the Cabinet Member's portfolio area….' and that 'the Cabinet Member will always formally respond to reports and recommendations made to him/her by any committees of the Council.'

The Cabinet/Cabinet Member, in responding, should:

(1) Refer to all recommendations individually.

(2) Include mechanism and timescales for implementation where appropriate.

(3) If recommendations are not agreed, give reasons for this.

(4) Ensure that responses to reports and recommendations of committees are made within two months of receipt of the report.

(5) Ensure that responses to reports from borough/district scrutiny committees on matters relating to a Local Area Agreement improvement target are made within two months.

Committees, in submitting reports and recommendations to the Cabinet or Cabinet Member, should:

(1) In making recommendations ensure any actions required are specific.

(2) Identify any resource implications and specify timeframe.

(3) Monitor progress against any agreed actions to ensure effective implementation.

PROTOCOL FOR SELECT COMMITTEE SCRUTINY OF CONTRACTS

Purpose

1. The Council's select committees intend, as part of their published programme of work, to scrutinise the council's procurement and contract management processes and key Council contracts in order to:-

   1.1 Confirm that an effective procurement process is in place and that all procurement is operating in line with that process

   1.2 Confirm that the Council's contracts are being properly monitored and managed in accordance with the Council's contract management procedures.

   1.3 Identify at an early stage any concerns about the performance of any contract.

2. The Council's contracts are commercially sensitive. This protocol is designed to ensure that select committees operate within their remit, as set out in the Council's Constitution, and that the confidentiality of the Council's contracts is not breached.

3. This protocol excludes contracts of employment, which are not available for scrutiny by select committees.

Remits of the select committees

4. Within its remit, the Council Overview & Scrutiny Committee can scrutinise:-

   4.1 The procurement process - why a decision was taken to procure externally by means of a contract; the process for letting the contract; competition and best value;

   4.2 The contract preparation process - how the contract was set up to achieve the benefits and minimise the risks identified by the Cabinet in its original decision; that robust KPIs have been included in the contract appropriate to the identified benefits and risks.

   4.3 The contract management process - that an effective process for monitoring and managing the contract is in place and being followed; that steps have been taken to ensure that all staff managing contracts are properly trained and equipped.

   4.4 The performance of individual contracts within the Change and Efficiency Directorate and Chief Executive's Office - how the contracts are performing against their agreed KPIs.

5. Service-focused select committees can scrutinise

   5.1 The procurement process, contract preparation process and contract management process as set out in 4.1 –4.3 above in relation to those contracts that fall within the remit of that select committee.

   5.2 The performance of individual contracts within the remit of that select committee. How the contracts are performing against their agreed KPIs; whether the contracts are meeting the needs of Surrey citizens and communities.

Access to contract documents

6. Select committee members are entitled to copies of any document "which is in possession or control of the Cabinet and which contains material relating to any business transacted at a public or private meeting of the Cabinet", provided that:-

   6.1 It is not in draft form and

   6.2 It is relevant to an action or decision that it is scrutinising or intending to scrutinise as part of its agreed work programme.

7. A select committee must agree a programme of work that demonstrably scrutinises decisions made by the Council or by the Cabinet/Cabinet Members and actions taken in connection with those decisions. Contractual documentation is only relevant as evidence of those decisions and actions. The relevant Scrutiny Officer will notify the Head of Legal and Democratic Services and Head of Procurement and Shared Services in advance of any item of scrutiny on the committee's forward programme that is likely to require access to a contract.

8. The select committee, or a task group or Member authorised by the select committee, may have a photocopy of a contract provided that:-

   8.1 It is relevant to a decision/action being scrutinised by the select committee and

   8.2 The Member(s) follows the procedure set out in paragraph 11 below.

Maintaining confidentiality

9. Paragraph 6 of the Members' Code of Conduct specifies:-

   "You will on occasions be privy to confidential and sensitive information, such as personal information about someone, or commercially sensitive information which, if disclosed, might harm the commercial interests of the Council or another person or organisation. This information must not be revealed without proper authority".

10. Under Standing Order 61 and 62, any select committee member with a disclosable pecuniary interest in a contract/party to a contract or has received a gift or hospitality from a contractor/party to a contractor being scrutinised by that select committee must disclose that interest and not participate in any scrutiny of the contract.

11. Any contract documentation made available to a member of the select committee must not be copied, handed to or discussed with any third party, except another member of that select committee or designated officers involved in the scrutiny process. A failure to conform with this will constitute a breach of confidentiality and therefore of the Code of Conduct.

12. Any Member receiving a copy of any contract will be required to confirm by signature their understanding of and agreement to maintaining the confidentiality of the document.

Status of task groups and individual select committee members

13. A select committee may appoint a task group or ask an individual select committee Member to undertake a specified task of scrutiny and analysis on behalf of the committee. Any task group or individual must keep to the task that they have been given and report back their findings to the agreed meeting of the full select committee in order that that select committee can agree its course of action and/or formulate its recommendations to the Cabinet/Cabinet Member. Select committees should not appoint task groups or individuals to carry out a roving commission.

14. The Council's main contracts are extremely complex. A suggested list of questions for select committee members to apply in order to effectively scrutinise a contract is attached at **Annexe A.**

Ann Charlton
Head of Legal and Democratic Services

CONTRACT QUESTIONNAIRE (SAMPLE) **Annexe A**

Reference	XXXXX		
Contract Owner	Mark Glaister		
Type	Services		
Commodity	Families	Sub Category	Social Care
Contract Description	Residential Care		
Supplier		Care UK	
Start date	31/03/2006	End date	31/03/2007
Is there a provision to extend the term?			
What is the available extension period (months)?			
Has the extension option been taken?			
Total contract value			
Is this fixed or estimated?			
Approximate annual value			
Is this contract open to other local authorities?			
Was it subject to OJEU Procedures?			
What are the payment terms?			
Brief outline of the scope of supply:			
Are there provisions for measuring supplier performance?			
Are there financial recourses for poor supplier performance?			
Is there a provision that allows termination of the contract for poor performance?			
Is there a provision that allows either party to terminate for convenience?			
Is there a provision that allows only SCC to terminate for convenience?			
Is there a provision that allows for adjustment of the contract through benchmarking?			
The benchmarking includes the following			
Is there a provision that allows for a review of the price?			
Does this include indexation?		If yes, what index?	
Does the contract allow for management reviews in line with the Procurement Governance Process?			
Is there a provision for transitioning to another supplier at the end of the contract?			

POLITICALLY RESTRICTED POSTS AND EXEMPTIONS FROM POLITICAL RESTRICTION

Explanatory Note:

This protocol explains how the rules restricting the political activities of certain local government employees apply in the Surrey County Council (SCC) context and sets out procedures for applying to the Chief Executive for a post to be exempt from or included in the list of politically restricted posts.

1 The Effect of Political Restriction

The main provisions regarding politically restricted posts are set out in Part 1 of the Local Government and Housing Act 1989 (as amended).. The law aims to ensure the political impartiality of local government staff who hold posts involving duties of a politically sensitive nature.

The effect of including a post on the list of politically restricted posts is to prevent the post holder from having any active political role either in or outside the workplace, in particular:

- Standing as a candidate for publicly elected office, unless the employee resigns prior to announcing his or her candidature.
- Acting as an election agent or sub agent for any candidate for election.
- Holding office in a political party.
- Canvassing at any elections.
- Speaking or writing publicly (other than in an official capacity) with the intention of affecting public support for a political party (the only exception to this is that displaying a poster or other documents at the post holder's home or in their car is allowed).

Employees within politically restricted posts are permitted to join political parties but must have no active participation within the party.

2 Categories of Politically Restricted Posts

2.1 Politically restricted posts fall into four categories of local government officer as follows:

1 Posts individually identified in the legislation, either by name or by their relationship to other senior officers.

2 Posts where the duties of the post include giving advice on a regular basis to the authority themselves, to the executive, to any committee or sub-committee of the Council or any joint committee on which the Council is represented and/or speaking on behalf of the Council on a regular basis to journalists or broadcasters.

3 Posts to which duties have been delegated under the Scheme of Delegation to Officers.

4 Political Assistants.

Secretarial, clerical or support staff, even if they report to the Chief Executive or directors will not fall into category 1 for the purposes of political restriction. They may however be deemed to be in politically restricted posts under 2 above.

Politically Restricted Posts at Surrey County Council

2.2 Posts set out in the Table 1 are politically restricted without rights of exemption

Table 1

Description of post in the Local Government and Housing Act 1989	Council's Designated Post
The Head of the Authority's Paid Service	Chief Executive
Statutory Chief Officers	Strategic Director Children, Schools and Families Strategic Director for Adult Social Care Head of Finance Head of Fire and Rescue
Non Statutory Chief Officers	Strategic Director Environment and Infrastructure Strategic Director Change and Efficiency Strategic Director Customers and Communities Assistant Chief Executive
Deputy Chief Officers	Assistant Directors Heads of Service Any other employee who reports directly to or is directly accountable to any of the posts listed in the above three categories
The Monitoring Officer	Head of Legal and Democratic Services
Political Assistants	Political Assistant to Conservative Group Political Assistant to Liberal Democrat Group Political Assistant to the Residents' Association/Independent Group
Posts with functions delegated to them under the Scheme of Delegation to Officers	Posts with functions delegated to them under the Scheme of Delegation to Officers set out in Part 3 Section 3 of the Constitution

2.3 Posts set out in Table 2 must be recorded on the list of politically restricted posts and post holders may apply for exemption from political restriction if they can demonstrate that the criteria set out in the Table do not apply to their posts:

Table 2

Description of posts in the Local Government and Housing Act 1989 (as amended)	Council's Designated Posts
Posts whose duties include giving advice on a regular basis to the authority themselves, to the executive to any committee of that executive, or to any member of that executive who is also a member of the authority, to any committee or sub-committee of the authority or any joint committee on which the authority is represented and/or speaking on behalf of the authority on a regular basis to journalists or broadcasters	Posts whose duties include giving advice on a regular basis to the Council, to Cabinet, to the Leader or any portfolio holder, to any committee or sub-committee of the Council, to any local committee or any joint committee on which the Council is represented (such as Health Scrutiny when it meets jointly with other authorities) **and/or** speaking on behalf of the Council on a regular basis to journalists or broadcasters.

3 The Role of the Chief Executive (Head of Paid Service)

The Chief Executive, as the Head of Paid Service, has statutory responsibility for the grant and supervision of exemptions from political restriction and will consider applications from members of staff for exemption from political restriction in respect of a post he or she holds with the Council and consider applications for a direction that the Council include any post in the list of politically restricted posts maintained by it.

4 Guidance for Human Resources

4.1 The Council is required to maintain a list of its posts falling within 2.3 above. The Head of Human Resources and Organisational Development is the Council's "Proper Officer" designated to maintain this list who will update and publish this.

4.2 Where the Chief Executive issues a direction regarding a post, the Head of Human Resources and Organisational Development will amend the list accordingly.

4.3 Where new appointments are made to posts included in any of the categories of posts referred to in section 2 above, the Council's letter of appointment must refer to the fact that the post is politically restricted.

5 Guidance for Employees

5.1 What political restrictions apply to officers?

The appointment or conditions of employment of every person holding a politically restricted post under a local authority are deemed to incorporate requirements to restrict his or her political activities. These restrictions are set out in the Local Government Officers (Political Restrictions) Regulations (SI 1990/851).

If you hold a politically restricted post with the Council:

- If you intend to stand for election as a Member of the House of Commons, the European Parliament, the Scottish Parliament, Welsh Assembly or any local authority (excluding parish/town councils) you must, by notice in writing, addressed to your manager and the Chief Executive, resign with immediate effect prior to announcing your candidature. It is left to the discretion of the Chief Executive whether or not to reinstate an employee who resigns his/her post and consequently loses an election.

- You cannot act as an agent or election agent for a candidate standing for election to any of the bodies mentioned above.

- You cannot be an officer in a political party or canvass on behalf of a political party or for a candidate standing for election to any of the bodies mentioned above.

5.2 Who can apply for an exemption from political restriction?

5.2.1 Any Council employee and in some circumstances any successful candidate for a post at Surrey County Council whose post has been identified as falling within the categories set out in section 2.3 above is eligible to apply to the Chief Executive for the post to be removed from the list of politically restricted posts if he/she considers that the criteria have not been correctly applied. Those posts within the categories set out in 2.2. are not eligible for exemption from political restriction.

5.2.2 It is in the interests of anyone applying to the Chief Executive for exemption from political restriction to ensure that they submit their application at least two months before they intend to stand for election.

5.2.3 The Local Government and Housing Act 1989 (as amended) requires an application for exemption to be made by the post holder in respect of a particular post. An original exemption cannot therefore be transferred to another local authority or to another post.

5.3 How to apply for an exemption

5.3.1 Post holders applying for an exemption in relation to their post may apply on the grounds that the criteria referred to in Section 2(3) Local Government and Housing Act 1989 do not apply to their post.

5.3.2 If you want to apply for a political exemption you should write to the Head of Human Resources and Organisational Development stating the title of your post, the basis upon which the post is currently deemed to be politically restricted and the reason why you do not consider that the relevant criteria apply. You must include the current job profile for the post approved by your line manager.

5.3.3 The Head of Human Resources and Organisational Development or her nominee will confirm whether the post should be politically restricted and the reasons for this.

5.3.4 Your application will be presented to the Chief Executive for a decision on whether the post should be exempted from political restriction.

5.3.5 If the Chief Executive determines that the duties of the post do not fall within the remit of Section 2(3) of the Local Government and Housing Act 1989, the Chief Executive will direct that for so long as the direction has effect, the post will not be regarded as politically restricted and should be removed from the list of politically restricted posts maintained by the Council. The Head of Human Resources and Organisational Development will remove the post from the relevant politically restricted list and keep the post under review.

6 Consideration of Applications by the Chief Executive

6.1 Procedure to be followed

6.1.1 The Chief Executive, in consultation with the Monitoring Officer, will consider any applications for exemption from or inclusion of posts on the list of politically restricted posts maintained by the Council.

6.1.2 Any employee or future employee whose post is included in the list of politically restricted posts may make an application to the Chief Executive for a direction that his or her post should be removed from the list of politically restricted posts if they consider that the criteria set out in Section 2(3) Local Government and Housing Act 1989 do not apply to their post. The Chief Executive will however only consider applications for exemption from future joiners if they have received formal job offers from the Council. The Chief Executive will not consider applications from people who are only considering applying for a Council post but have not received a job offer.

6.1.3 In addition to the application from the post holder, the Chief Executive will require a copy of the post holder's job description, approved by their line manager (or in the case of a future joiner a copy of the job description provided by the recruitment team). The Head of Human Resources and Organisational Development will also produce a report clarifying why the

post has been designated as a politically restricted post and the basis on which the relevant criteria apply.

6.1.4 The Chief Executive will consider applications based on the written representations in the first instance. However, if it is considered necessary by the Chief Executive, he may invite the applicant to attend a meeting to consider the application at which the applicant may be accompanied by an accredited trade union representative or work colleague. In this instance, the Head of Human Resources and Organisational Development or her nominee would also be invited to attend to present her views.

6.1.5 Once the application has been considered, the Chief Executive will notify the Head of Human Resources and Organisational Development and the post holder of his decision.

6.1.6 In cases where any person is seeking a direction from the Chief Executive as to whether a particular post should be added to the list of politically restricted posts, the application should be made to the Head of Human Resources and Organisational Development who will refer the case to the Chief Executive. He will deal with such an application in a similar way to that set out above in relation to exemptions, considering written representations in the first instance or, if necessary, hearing from both the applicant and the Head of Human Resources and Organisational Development before making a decision.

6.1.7 The Head of Human Resources and Organisational Development will implement any direction for inclusion of a post in or exclusion of a post from the list of politically restricted posts.

6.1.8 The decision of the Chief Executive is final; there is no right of appeal.

6.2 Criteria for determining applications

6.2.1 Those posts to be included on the list of politically restricted posts are described in Section 2(3) of the Local Government and Housing Act 1989 as follows:

"The duties of a post under a local authority fall within this subsection if they consist in or involve one or both of the following, that is to say –

a. *Giving advice on a regular basis to the authority themselves, to any committee or sub committee of the authority or to any joint committee on which the authority are represented, or where the authority are operating executive arrangements to the executive of the authority, to any committee of that executive, or to any member of that executive who is also a member of the authority;*
b. *Speaking on behalf of the authority on a regular basis to journalists or broadcasters*."

6.2.2 Adjudication of matters arising as a result of differing interpretations of Section 2(3) is for the Chief Executive. However the Chief Executive must reach a reasonable decision and give reasons for that decision. The Chief Executive may wish to seek evidence by way of job description, and any representations it receives from or on behalf of the applicant and the Council, bearing in mind the following points:

- *Giving advice to the Council, its Cabinet and Committees:* Guidance from the Independent Adjudicator has established that advice must be to the Council and/or its decision makers and committees. Advice to individual backbench members does not fall within this definition.
- "*On a regular basis*" – Something more than an occasional attendance to present a formal report to a committee is needed to establish that advice is needed on a regular basis.

- Overview and scrutiny committees are *committees of the authority* and therefore giving advice on a regular basis to overview and scrutiny committees and sub-committees comes within the scope of Section 2(3) (a) of the 1989 Act.

Granting Dispensations: Processes

Introduction

Under the Localism Act 2011, the County Council has delegated to the Audit and Governance Committee the power to grant dispensations for Members allowing them to speak and vote at a meeting when they have a disclosable pecuniary interest. This note outlines the process via which a dispensation may be granted.

Making a Request for a Dispensation

- The Member who wishes to be granted a dispensation must submit an application in writing to the Monitoring Officer.
- The Monitoring Officer will arrange for the dispensation to be considered in public by the Audit and Governance Committee.

Process to Determine the Granting of Dispensations

- Following receipt of a request for dispensation, an item will be added to the next meeting of the Audit and Governance Committee or, with the agreement of the chairman, an additional meeting of the committee will be convened to consider the request for dispensation.
- The Committee will consider the application of legal criteria and locally agreed criteria to the request for dispensation.
- The Member making the request for dispensation has the option of making an oral representation to the Committee.
- The Committee has the discretion to decide the nature of any dispensation or to refuse to grant a dispensation.
- Following the meeting, a decision notice will be issued to the Member requesting the dispensation, the Chairman of the relevant Committee, and a copy will be kept with the authority's Register of Interests and published online.

Legal Criteria

Dispensations may be granted:

- for speaking only, or for speaking and voting.
- for one meeting or on an ongoing basis up to a maximum of four years.

The Audit and Governance Committee may grant a dispensation to a Member or co-opted Member of an authority if it considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business;

- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote;
- the granting of the dispensation is in the interests of people living in the council's or authority's area;
- without the dispensation each member of the council's Cabinet would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

It should be noted that a dispensation will not be given to allow a Cabinet Member with a disclosable pecuniary interest in an item of executive business to take an executive decision about it on their own.

Locally Agreed Criteria

Under the Localism Act, the Audit and Governance Committee can also grant a dispensation if they consider it appropriate for other reasons.

The Audit and Governance Committee will consider any reason put forward by a member as part of their application on a case-by-case basis and may grant a dispensation to a Member or co-opted Member of an authority if it considers that:

- the nature of the Member's interest is such that allowing them to participate would not damage public confidence in the conduct of the authority's business;
- the interest is common to the Member and a significant proportion of the general public; or
- the participation of the Member in the business that the interest relates to is justified by the Member's particular role or expertise.

THE SURREY CODE OF BEST PRACTICE IN PLANNING PROCEDURES

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THE SURREY CODE OF BEST PRACTICE IN PLANNING PROCEDURES

1 INTRODUCTION

1.1 The third report of the Committee on Standards in Public Life (the Nolan Committee) recommended that all planning committees should consider whether their procedures were in accordance with best practice, and adapt their procedures if necessary, setting them out in a code accessible to members, staff and the public.

1.2 This Code of Best Practice aims to provide clear guidance to Members about how they should carry out their duties in relation to planning and development proposals.

1.3 This Code should be considered in conjunction with the Members' Code of Conduct, the Member/Officer Protocol and the Media & Publicity Protocol.

2 ROLE OF MEMBERS

Committee members

2.1 Members of the Planning & Regulatory Committee act in a semi-judicial capacity making decisions on planning and development proposals.

2.2 It is recognised that voting members of the Planning & Regulatory Committee have an overriding duty to the whole community, and not just the people living or working in their division, when considering proposals brought to the committee. Whilst Members should bring to planning decisions a sense of the community's needs and interests, they have the difficult task of marrying their duty to represent the interests of the community with an obligation to remain within the constraints of planning law. They must only take account of relevant matters, i.e. sound land use planning considerations and must have regard to the development plan and government policy. Local feelings may run high but these must be weighed carefully against all material considerations. The officer's report will deal specifically with these matters so that Members can arrive at an informed decision.

2.3 Members of the Committee are required to observe the Members' Code of Conduct as set out in this Constitution.

Local Members on the Committee

2.4 It is recognised that a local Member can give support to a body of opinion whilst not advocating for a particular outcome. If a member of the committee felt they wished to support a particular outcome on a local matter coming to the committee for consideration, the Member could speak as the local Member as long as they declare their intention at the meeting, move to act as the local Member and do not vote on the application.

2.5 Members of the committee who wish to act as the local Member on a particular application must inform the Chairman of the committee and Committee Manager of

their wish to speak as such following the agenda publication and prior to the committee meeting. They will then be entitled to speak as a local Member rather than a member of the committee.

2.6 If there were several items for consideration at the meeting where the committee member wished to act as the local Member, it would be better for the Member to appoint a substitute and attend the meeting as the local Member only.

2.7 If a Committee member wished to participate in the consideration and voting on a particular issue at the committee, they should avoid leading a campaign or organising support for or against the planning application.

Local Members not on the Committee

2.8 Members who are not members of the Planning & Regulatory Committee may wish to address the committee on a matter within their division. In this circumstance, they will inform the Chairman and Committee Manager of their wish to speak prior to the meeting. They will then be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the committee in accordance with Article 2.03 (b)(ii) of the Council's Constitution. the Chairman may terminate a speech by a Member if s/he considers that it is not contributing to the effective working of the meeting.

Twin-Hatted Members

2.9 Members of the Planning & Regulatory Committee who sit on borough, district or parish councils need to ensure that, when they consider planning applications on which they have been consulted in their capacity as a councillor of another Council, that they come to the matter with an open mind

2.10 Where an application has been discussed at a meeting at another Council at which the Member was present they should declare this before proceeding to consider the matter at County level on the basis of the reports and information presented to the committee.

Planning applications by Council Members

2.11 When the committee considers a planning application submitted by a Council Member, the Member who submitted the application will be entitled to speak to officers prior to the committee as an applicant but not as a Council Member. The Council's Monitoring Officer will be informed of all applications by Members and officers.

2.12 When the committee considers a planning application submitted by a committee member, the Member must withdraw from the committee, speak on the application when the applicant is provided the opportunity to address the meeting, and then withdraw from the room for the consideration and voting on the application.

2.13 If a Member has acted in a professional capacity for any individual, company or other body pursuing a planning matter then that Member must declare any disclosable pecuniary interest and act in line with the Members' Code of

Conduct. If the Member is a member of the committee, they should withdraw from the committee for this item.

3 DECLARATION AND REGISTRATION OF INTERESTS

Members will make oral declarations at Planning Committee of significant contact with applicants and objectors, in addition to the usual disclosure of pecuniary interests.

3.1 The law and guidance on the declaration of disclosable pecuniary interests as set out in the Members' Code of Conduct and the Council's Standing Orders, must be observed and upheld by all Members and officers. At committee meetings Members will make oral declaration of significant contact with applicants or objectors

3.2 Members who have substantial property interests or involvement with the property market or other interests which would prevent them from voting on a regular basis will avoid serving on the Planning & Regulatory Committee.

3.3 Members should bear in mind the potential for their interests to affect the decisions they may take on such matters, even if such interests do not amount to disclosable pecuniary interests. If a member's interest in a matter would lead them to predetermine a decision, it would not be appropriate for that member to participate in the decision, even if they are not subject to any specific statutory prohibition relating to disclosable pecuniary interests. If they were to do so, they would be at risk of breaching the code of conduct and making the authority's decision vulnerable to challenge.

4 TRAINING

Before sitting on the **Planning and Regulatory Committee new Members must undertake a period of training in planning law and procedures**

4.1 No Member can act as a member of the Planning & Regulatory Committee without having previously attended training by the Council's lawyers and planning officers on the legal and practical aspects of the operation of the Town and Country Planning system such training will also be required for both ex-officio Members and named substitutes.

4.2 Members are encouraged to attend training sessions relating to planning or related legal matters, these sessions are open to all Members.

4.3 The County Council will from time to time consider and review the form of training that is most appropriate. The Council will welcome suggestions from Members on any other subjects which they would like to see covered and any other training procedures that they would wish to adopt.

5 SITE VISITS

5.1 Site visits will be arranged to familiarise members with land or buildings which are the subject of a planning application and the surrounding area where there is a clearly identified benefit to be gained because a proposal is contentious or particularly complex and/or the impact might be difficult to assess or visualise from the submitted information or plans.

5.2 A record will be kept by the Committee Manager of such visits and those attending.

5.3 The need for a site visit will be determined by the Planning Manager in consultation with the Chairman of the committee in advance of the application being considered by the committee. Any member of the committee who considers that a site visit would be useful in respect of a particular application should contact the Committee Manager in advance of the committee meeting

5.4 All members of the committee are invited to attend site visits, together with the local Member(s). Where a proposal could have a significant impact on an adjoining electoral division or divisions the adjoining local Member(s) will also be invited.

5.5 All Members attending site visits should be accompanied by an officer. If access to private land is necessary the case officer will secure the prior agreement of the land owner/operator/applicant who will be advised against lobbying and asked to provide only factual answers or information to Members.

5.6 Any persons present at a site visit who are neither Members nor officers of the Council may observe but not participate in the site visit.

5.7 Site visits are not part of the formal consideration of the planning application therefore public rights of attendance and speaking do not apply.

6 LOBBYING OF AND BY COUNCILLORS

Members and officers should avoid indicating the likely decision on an application or otherwise committing the Authority during contact with applicants and objectors.

6.1 Members of the Planning & Regulatory Committee keep an open mind when considering planning applications in accordance with the relevant planning considerations. Members must not favour any person, company, group or locality. However Members who have previously done something that directly or indirectly indicated what view they took, would or might take in relation to a matter and the matter was relevant to the decision but who come to the Committee prepared to hear all relevant considerations will not be perceived to have a closed mind when voting on the application

6.2 Members involved in decision making on planning applications should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Members, act as advocate or put pressure on officers for a particular recommendation. However, Members not on the Committee can make written representations on an application

Attendance at public meetings

6.3 When Members attend public meetings, they may request that an officer attends with them. Wherever possible such meetings should ensure that representatives of both proposers and objectors are allowed to present their views. Members will be subject to lobbying on specific applications and in such cases it is essential that care is taken to protect the public perception of the independence of the planning process.

7 COMMITTEE MEETING PROCEDURE

7.1 The following procedure will apply in respect of each item when any of the persons identified are eligible to speak at the meeting:

- Chairman introduces the item
- Representations by objector(s)
- Representations by supporter(s)
- Representations by applicant or agent
- Representation by local Member(s)
- Introduction of item by officer(s)
- Consideration of application by committee

8 OFFICER REPORTS TO COMMITTEE

All applications considered by a Planning Committee should be the subject of full written reports from officers incorporating firm recommendations.

8.1 All applications considered by the Committee will be the subject of a full written report by officers incorporating firm recommendations. These reports will deal with national and local plan policies and guidance and representations made by statutory consultees, local residents and other interested parties. An updating sheet will be provided at Committee only if there have been any significant developments or changes to the report.

8.2 Proposals for the County Council's own development must by law be determined by the Planning & Regulatory Committee and will be treated in the same way as any application submitted by a private developer. Decisions will be made strictly on planning merits.

8.3 In any case where the Planning & Regulatory Committee is minded to refuse a planning application for County Council development, it will refer the application back to the applicant with the grounds for refusal which would apply were it to determine the application. This will provide the applicant an opportunity for the applicant to reconsider the application in discussion with the Planning Manager before deciding whether or not to resubmit the original application or to amend it in some way.

8.4 Where the committee decides to approve or refuse an application when the officer's recommendation has been to permit the application, the Committee must provide detailed reasons for its refusal.

8.5 If, having read the committee report, a member of the committee is minded to vote against the officer recommendation they may find it helpful to liaise with the Planning Manager, Development Control Team Leader or Case Officer with regards to wording of possible reasons for refusal that could be put forward to the

committee if they are still so minded following the discussion at the committee. There is nothing to prevent a Member from seeking advice from officers before a committee meeting. In this instance, the committee member should declare that s/he had discussed possible reasons for refusal prior to the meeting but that s/he would consider all the information presented at the meeting before deciding what course of action to take.

9 LEGAL REPRESENTATION AT COMMITTEE

9.1 An officer from the Council's Legal and Democratic Services will attend meetings of the Committee to advise Members on legal and procedural matters.

10 DETERMINATION OF APPLICATION

The reasons given by a Planning Committee for refusing or granting an application should be fully minuted.

10.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the development plan, if material to the application, and all other material considerations.

10.2 The County Council recognises that planning decisions are often matters of fine judgement. The officer's report will normally rely heavily on planning policy and Members may exercise their discretion to permit an application as an exception to policy or disagree with the recommendation.

10.3 Where the committee wishes to make a decision contrary to the officer's recommendations (whether for approval or refusal) a member will move a motion which will be seconded and a vote taken. If the motion is carried the committee will agree the reasons for refusal (or any conditions if approved) after taking advice from officers on the correct policy references. If this cannot be completed during the debate, the committee may then adjourn or proceed with the agenda whilst the Planning Manager considers the formal wording of the decision to go against officer recommendation. This wording will then be presented to the committee when the meeting reconvenes to approve or amend the wording.

10.4 If a decision cannot be reached on the wording of reasons at the meeting, the committee may delegate this action to the Planning Manager or Development Control Team Manager in consultation with the Chairman of the committee, the proposer and the seconder of the approval or refusal of the proposals.

10.5 There will be full and accurate minuting of resolutions with a careful record being kept of the debate when a resolution is proposed which is contrary to an officer recommendation. In such cases the Chairman will summarise, or cause to be summarised, the salient points of the debate, and ensure the text of the proposition is clearly understood before putting the matter to the vote. The officers will support the decision of the committee.

10.6 A Member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the committee throughout the consideration of that particular item.

SURREY CODE OF BEST PRACTICE
IN RIGHTS OF WAY PROCEDURES

CONTENTS

1. Introduction
2. Summary
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9. Officer reports to Committee
10. Determination of application

THE SURREY CODE OF BEST PRACTICE IN RIGHTS OF WAY PROCEDURES

1 INTRODUCTION

1.1 The Surrey Code of Best Practice has been produced so that there is clarification regarding the procedures in rights of way when they go to Local Committees for decisions.

1.2 This Code should be considered in conjunction with the Members' Code of Conduct, the Member/Officer Protocol and the Media & Publicity Protocol.

1.3 Local Committees have four roles. They:

- decide on local services and budgets delegated to them by the Cabinet
- decide on local services and functions handed down to them within a framework of agreed performance standards and budgets
- monitor the quality of services locally
- engage local people in issues of concern, and influence the County Council and its Cabinet on county-wide plans and services in the light of local needs.

1.4 One of those areas of responsibility is rights of way issues. Those issues include but are not limited to rights of way diversions, definitive map modification orders, and traffic regulation orders.

1.5 To have your say on Rights of Way items please visit the Local Committees pages where guidance is available for speaking at Local Committee on those issues. The Rights of Way public notices page also advertises legal orders, which keep members of the public informed about current orders.

2 SUMMARY

2.1 The Surrey Code of Best Practice in Rights of Way Procedures is to clarify what Members can expect from Officers, and the public from Members, for all committee decisions relating to public rights of way in Surrey.

2.2 All rights of way decisions considered by a Local Committee (or other decision-making committee) will be the subject of full, written reports from officers incorporating firm recommendations. The reasons given by the committee for refusing or granting a recommendation should be fully minuted, especially where these are contrary to officer advice and/or Surrey County Council or other policies.

2.3 Members taking part in the consideration of items relating to rights of way issues are encouraged to undertake a period of training in rights of way procedures as specified by the Authority.

2.4 Members and officers should avoid indicating the likely decision on a procedure or otherwise committing the Authority during contact with applicants and objectors.

2.5 The law and guidance on the declaration of disclosable pecuniary interests as set out in the Member's Code of Conduct and the Council's Standing Orders, must be observed and upheld by all Members and officers.

3 The Code

3.1 The Surrey Code of Best Practice in rights of way procedures is to clarify what Members can expect from Officers and the public from Members for all decisions relating to public rights of way in Surrey.

4 Training

4.1 Members are encouraged to undertake a period of training in rights of way procedures before taking part in the formal consideration (and voting) of items relating to rights of way issues.

4.2 The County Council will from time to time consider and review the form of training that is most appropriate. Such training will also be required for both ex-officio Members and substitutes. A register of those who have attended training will be kept.

4.3 In the first instance there will be a series of short seminars by Countryside Access Officers on the legal and practical aspects of the operation of the relevant legislation and procedures surrounding rights of way matters.

4.4 This training will be open to all Members and brief handouts will be provided where appropriate. The Council will welcome suggestions from Members on any other subjects that they would like to see covered and any other training procedures that they would wish to adopt.

5 Lobbying of and by Councillors

Members and officers should avoid indicating the likely decision on an application or otherwise committing the Authority during contact with applicants and objectors.

5.1 Members should keep an open mind when considering rights of way items in accordance with the relevant considerations. Members must not favour any person, company, group or locality. However Members who have previously done something that directly or indirectly indicated what view they took, would or might take in relation to a matter and the matter was relevant to the decision but who come to the committee prepared to hear all relevant considerations, will not be perceived to have a closed mind when voting on the item.

5.2 Members involved in decision making on rights of way items should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Members, act as advocate or put pressure on officers for a particular recommendation. However, Members not on the Committee can make written representations on an item.

6 Attendance at public meetings

6.1 Where possible Members who attend public meetings, should inform an Officer so they can attend and take notes. Wherever possible, such meetings should ensure that representatives of both proposers and objectors are allowed to present their views.

6.2 It is recognised that Members will be subject to lobbying on specific rights of way matters. In such cases it is essential that care is taken to maintain the Council's and Members' integrity and to protect the public perception of the processes involved with rights of way matters.

6.3 Whilst Members should bring to rights of way decisions a sense of the community's needs and interests, they have the difficult task of marrying their duty to represent the interests of the community with an obligation to remain within the constraints of national legislation. They must only take account of relevant matters laid by the relevant Act under which the right of way issue is being considered. Local feelings may run high but these must be weighed carefully against all material considerations. The officer's report will deal specifically with these matters so that Members can arrive at an informed decision.

7 Site Visits

7.1 The purpose of a site visit conducted by Members and officers is to gain information relating to the rights of way decision and which would not be apparent from the officer's report and recommendation to be considered by the Committee. A site visit may also assist Members in matters relating to the context of the decision in relation to the characteristics of the surrounding area.

7.2 Formal site visits will be held where there is a clearly identified benefit to be gained from holding one i.e. where a proposal is contentious or particularly complex and the impact is difficult to assess or visualise from the submitted information or plans contained in the information before the Committee. The Committee Manager or Countryside Access Officer will keep a record of why such visits are being held and who attended.

7.3 The need for a site visit will be determined by the Countryside Access Manager in consultation with the Chairman of the Committee in advance of the report being considered by the Committee. All Members of the Committee will be invited to attend the site visit, together with the local Member(s), or Members may defer making a decision until they have held one.

7.4 All Members attending site visits should be accompanied by an officer. If access to private land is necessary, the Committee Manager in consultation with the case officer will secure the prior agreement of the land owner/tenant/applicant who will be advised that lobbying is unacceptable and that only factual answers or information should be given to Members.

7.5 At the discretion of the Chairman of the Committee, the relevant District and Parish Councils will be notified of any site visit and invited to attend and observe. Any persons present at a site visit who are neither Members nor officers of the Council may observe but not participate in the site visit.

8 Declaration and registration of interests

Members will make oral declarations at a Local Committee of significant contact with applicants and objectors, in addition to the usual disclosure of pecuniary interests.

8.1 The law and guidance on the declaration of personal and prejudicial interests as set out in the Members' Code of Conduct and the Council's Standing Orders, must be observed and upheld by all Members and officers. At Committee meetings Members will make oral declaration of significant contact with applicants or objectors.

8.2 Members should bear in mind the potential for their interests to affect the decisions they may take on such matters, even if such interests do not amount to disclosable pecuniary interests. If a Member's interest in a matter would lead them to predetermine a decision, it would not be appropriate for that Member to participate in the decision, even if they are not subject to any statutory prohibition relating to disclosable pecuniary interests. If they were to do so, they would be at risk of breaching the code of conduct and making the authority's decision vulnerable to challenge.

9 Officer reports to Committee

9.1 All items considered by the Committee will be the subject of a full written report by officers, which incorporates firm recommendations. These reports will consider national legislation, Surrey County Council policies and guidance, and representations made by statutory consultees, local residents and other interested parties. The report will contain all the relevant material known at the time the report is despatched to Members. An updating sheet will be provided at Committee only if there have been any significant developments or changes to the report.

9.2 Rights of Way items, which may be submitted to the Planning and Regulatory Committee for determination will relate to: Minerals and Waste applications, cross boundary applications and locally contentious issues.

9.3 Decisions for rights of way on Surrey County Council, Borough or District land will be treated in the same way as any decision on private land. Decisions will be made strictly on legislation and Surrey County Council policy without regards to any financial or other gain that might accrue to the Council in respect of the decision. The County Council recognises that its own rights of way applications may not be treated any differently from any other.

9.4 Applications for changes to the rights of way network relating to Minerals and Waste applications will be considered by the Planning and Regulatory Committee usually when the decision on the planning application itself is made.

9.5 Definitive Map Modification Orders must be determined either way within twelve months in accordance with national legislation; officers conduct a comprehensive consultation and all responses get included in the officers report. Should Members recommend deferring the decision of an application a reason must be fully minuted. New evidence can be submitted to Officers, and a recommendation taken back to the following Local Committee.

9.6 Where rights of way proposals cross Borough and District boundaries, a report would normally go to both Local Committees. For example, in the consideration of Traffic Regulation Orders a report has to go twice; once for a decision on whether to publish a Notice of Intention to make an order and a second time to consider any representations from that Notice and determine whether an Order should be made. In this instance, the rights of way application may go to the Planning and Regulatory Committee for determination following an initial consultation with the appropriate local committee chairmen. Similarly, the Planning and Regulatory Committee can consider items that are particularly contentious locally.

10 Determination of rights of way matters

10.1 The reasons given by a Local Committee for refusing or granting a recommendation should be fully minuted, especially where these are contrary to officer advice or the county policy.

10.2 The County Council recognises that rights of way decisions are often matters of fine judgement where the balancing of considerations is difficult. The officer's report will normally rely heavily on national legislation and the Council's policies for Rights of Way as stated in the Rights of Way Statement for Surrey (January 2010). Members may wish to exercise their discretion to choose a recommendation as an exception to policy or may not agree with the recommendation. Where the Committee wishes to make a decision contrary to the officer's recommendations (whether for approval or refusal) the Committee will agree the reasons for the decision during the debate on the item, after taking advice from officers. If for any reason this cannot be completed during the debate, the Committee may delegate approval of the detailed drafting of the reasons to the Committee Chairman in consultation with officers. Should the matter end at Public Inquiry as a result of the decision, a Member will be required to attend and give evidence in support.

10.3 There is nothing to prevent a Member from seeking advice from officers, including advice on wording for an alternative recommendation, before a Committee meeting provided that he/she comes to the meeting with an open mind.

10.4 There will be full and accurate minuting of resolutions with a careful record being kept of the debate when a resolution is proposed, which is contrary to an officer recommendation. In such cases the Chairman will summarise, or cause to be summarised, the salient points of the debate. They will also ensure the text of the proposition is clearly understood before putting the matter to the vote. The officers have a duty to support the decisions of the Committee.

10.5 A Member shall decline to vote in relation to any rights of way decision unless he or she has been present in the meeting of the Committee throughout the consideration of that particular item.

10.6 Members of the public and their representatives may address the Local Committee on items relating to public rights of way being considered by the Committee. Speakers must first register their wish to speak by telephone or in writing/e-mail to the Community Partnership & Committee Officer by 12 noon one working day before a meeting stating on which item(s) they wish to speak.

10.7 Only those people who have previously made written representations to the Countryside Access Team, in response to an item will be entitled to speak. These representations should have been received during the formal consultation period. Further information about speaking at Local Committees can be found on the Surrey County Council website.

CONSTITUTION OF THE COUNCIL

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MEMBERS' ALLOWANCES SCHEME

The Surrey County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1990 and Amendment Regulations 1995, hereby makes the following amended scheme:

INTRODUCTION

1. This scheme may be cited as the Surrey County Council Members' Allowances Scheme, and shall have effect for the part-year commencing 6 May 2014 and until otherwise amended.

2. In this scheme,

   'councillor' means a member of the Surrey County Council who is a councillor;

   'year' means the 12 months ending with 31 March.

3. The scheme should be read in conjunction with the Guide to Members' Allowances.

BASIC ALLOWANCE

4. Subject to paragraph 9, for each year a Basic Allowance of £12,418 shall be paid to each councillor.

SPECIAL RESPONSIBILITY ALLOWANCES

5. (1) For each year, a Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.

   (2) The amount of each such allowance shall be the amount specified against that special responsibility in Schedule 1.

ATTENDANCE ALLOWANCES

6. No Attendance Allowances shall be paid.

TRAVELLING AND SUBSISTENCE ALLOWANCE

7. Travelling and Subsistence Allowances will be paid for 'Approved Duties' as set out in Schedule 2 to this Scheme.

CO-OPTEES' ALLOWANCE

8. No co-optees allowances are payable. However, co-opted members may claim travel expenses.

CHILDCARE AND DEPENDENT CARERS' EXPENSES

9. The Council will reimburse Members for expenditure incurred in providing child care arrangements for children for whom they have parental responsibility to enable them to attend an approved duty subject to a number of requirements specified in the Guide to Members' Allowances.

10. The Council also provides for the reimbursement of expenditure incurred by Members in providing care for dependant adults or children who are frail and/or disabled at a rate based on actual cost up to a specified limit.

11. The rates which may be claimed amount to a maximum of £8.00 per hour for childcare and £14.50 per hour for carers of dependent adults and children. These allowances may only be claimed for attendance at approved duties as specified in the Guide to Members' Allowances.

PENSIONS

12. All eligible Members of the County Council may elect to join the Local Government Pension Scheme (LGPS). Where Members elect to join the scheme their Basic Allowance and any Special Responsibility Allowance to which they are entitled will be treated as amounts in respect of which a pension is payable. The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 apply to Members who elect to join the LGPS.

RENUNCIATION

13. A councillor may by notice in writing given to the Democratic Services Lead Manager elect to forego any part of his/her entitlement to an allowance under this Scheme.

PART-YEAR ENTITLEMENTS

14. (1) If an amendment to this Scheme is made which affects payment of a Basic Allowance or a Special Responsibility Allowance in the year in which the payment is made, a councillor shall be entitled to receive payment in accordance with the revised Scheme for the period of the year in which that Scheme is in operation.

(2) If a councillor becomes or ceases to be eligible for a Basic or Special Responsibility Allowance during the course of a year, the entitlement will be adjusted by reference to the number of days for which entitlement existed relative to the number of days in that year.

CLAIMS AND PAYMENTS

15. A claim for travelling and subsistence allowances under this scheme shall be made in writing within two months of the date of the meeting in respect of which the entitlement to the allowance arises.

16. Subject to any in-year amendments to the Scheme or changes in entitlement, Basic and Special Responsibility Allowances will be paid in instalments of one-twelfth of the amount specified in this Scheme on the last Thursday of each month.

SUSPENSION OF MEMBERS' ALLOWANCES

17. Under the Local Authorities (Members' Allowances) England regulations 2003:

(1) Allowances may be withheld during any period of suspension.

(2) Part of any Special Responsibility Allowance payable to a Member may be withheld in respect of the responsibility or duties from which the Member is suspended or partially suspended.

(3) In the event of suspension of a Member from a post of special responsibility, and the appointment of another Member to fill that post, then the full allowance relating to the post should be paid to the Member acting in that capacity.

(4) That suspension should not have any implications for membership of the Local Government Pension Scheme.

(5) That the implications of suspension on the rules governing the attendance at meetings should be taken into account by the Standards Committee when considering what sanctions should be made against a Member.

18. The foregoing Scheme was made pursuant to the authority given by the County Council at its meeting held on 6 May 2014.

SURREY COUNTY COUNCIL
SCHEME OF MEMBERS' ALLOWANCES

SCHEDULE 1

A Special Responsibility Allowance will be paid to those Members of the Council/Independent Representatives who hold the following offices:

Chairman of the Council	£18,000
Vice-Chairman of the Council	£8,000
Leader of the Council	£43,000
Deputy Leader of the Council	£31,250
Members of Cabinet other than the Leader and Deputy Leader of the Council	£22,500 per Member
Cabinet Associate	£12,500
Lead Member for Scrutiny of the Police & Crime Commissioner	£8,000
Opposition Group Leader	£5,000
Members of Adoption and Fostering Panels	£1,000

	Committee Chairmen £	**Vice-Chairmen £**
Select Committees		
Council Overview & Scrutiny	12,000	1,500
Adult Social Care	10,000	1,500
Children & Education	10,000	1,500
Communities	10,000	1,500
Environment & Transport	10,000	1,500
Health Scrutiny	10,000	1,500
Statutory Committees		
Planning & Regulatory	12,000	1,500
Audit & Governance Committee	9,000	1,500
Local Committees	8,000	1,500
Pension Fund Board	8,000	1,500

If a Member qualifies for a Special Responsibility Allowance for more than one post, all allowances may be claimed.

Officers of Political Groups

£170 per group Member:

	£
Conservative	9,860
Liberal Democrat	1,530
Residents' Association/Independent	1,530
UK Independence Party	510

SCHEDULE 2

Approved Duties

Travelling and subsistence allowances are payable in respect of the approved duties listed in Appendix 1.

APPENDIX 1

APPROVED DUTIES

Approved duties are defined as follows:-

(a) a meeting of the Council, the Cabinet (or a Cabinet Member meeting), any committee, or any formally constituted task groups or panels appointed by the Council, the Cabinet or any committees;

(b) any other meeting (including, for example, a site visit or tour or induction or training seminar) convened by the Council, the Cabinet or a committee, or convened by the Chairman of the Council, the Cabinet or committee acting on their behalf (but not a meeting convened by an officer of the Council), provided that it is a meeting to which members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);

(c) attendance by the Chairman of the Cabinet or a committee at a meeting of any Task Group of the Cabinet or that committee of which he/she is not a member;

(d) attendance by a non-member of the Cabinet, a committee or task group in the following circumstances:

(i) an item on the agenda in which they have a local interest and on which, with the Chairman's consent, they would wish to speak;

(ii) an Original Motion in their name which stands referred to the Cabinet or a committee under Standing Orders;

(iii) an item on the agenda of which they have given notice under Standing Orders; or

(iv) a question of which they have given notice under Standing Orders.

and where advance notice has been given to the Democratic Services Lead Manager.

(e) attendance by an individual or named group of Members especially appointed by the Cabinet or a committee or task group to examine a particular problem or site or to meet representatives of other organisations or individuals as part of an agreed programme of activity;

(f) attendance by Members at local briefing meetings at the invitation of an officer of the Council, provided that members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);

(g) attendance by Members at public consultation meetings on significant matters of policy or service change, provided that members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);

(h) attendance by Members at joint briefings on the business to be transacted at committee meetings, organised by officers under the Member/Officer Protocol, provided that members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);

(i) attendance at County Hall or elsewhere by -

(i) the Chairman or Vice-Chairman of the Council

(ii) the chairmen and vice-chairmen of committees

(iii) Cabinet Members

for the purpose of agenda planning and 'call-over' prior to a meeting; conferring with officers; visiting County establishments; inspecting sites; or being engaged in a similar manner directly in connection with the discharge of any of the functions -

(i) of their respective offices; or

(ii) of their respective committees.

(j) meetings held in connection with Local Ombudsman investigations; provided that they are meetings to which members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);

(k) a meeting of the Local Government Association, or of any committee, or other Member group of the Association to which a Member of the Council has been duly appointed;

(l) attendance as a duly appointed County Council representative or nominee at meetings of those bodies listed in Appendix 4.

(m) visits by Members to County Council establishments including children's homes, other social services' residential establishments and special schools in accordance with a pre-determined rota;

(n) meetings between leaders of the political groups;

(o) meetings of parish and town councils and residents associations;

(p) attendance at official openings at the specific invitation of the Chairman or Vice-Chairman of the County Council;

(q) attendance at formally arranged meetings with officers or representatives of external organisations to discuss a significant issue relating to a County Council service or affecting the Member's Electoral Division.

(r) Attendance at a meeting with a constituent from the Member's own Division in direct response to a request about County Council services.

APPENDIX 2

TRAVELLING EXPENSES

(a) **MOTOR CYCLES**

24p per mile

(b) **MOTOR CARS**

45p per mile for the first 10,000 miles

25p per mile for mileage over 10,000

An additional claim of 5p per mile may be made for each car passenger (not exceeding four) for whom travel expenses would otherwise be payable.

(c) **TAXI FARES**

Actual fare and a reasonable gratuity for travel by taxi. A taxi should only be used in cases of urgency or where no public transport is available.

(d) **HIRED MOTOR VEHICLES (OTHER THAN A TAXI OR MINICAB)**

Reimbursement may be claimed not exceeding the rate allowed for the use of a Member's own car.

(e) **TRAVEL BY PUBLIC TRANSPORT**

The actual expenditure may be claimed but Claims for reimbursement should normally be restricted to the cheapest available fares for the chosen mode of transport. Claims for first class travel may only be made if no alternative ordinary fares were available at the time of booking or where exceptional circumstances apply.

(f) **TRAVEL ABROAD**

Where travel abroad is necessary, for example for meetings or site visits, the officers involved will make the necessary travel arrangements. In any circumstances where individual Members need to travel abroad and officers are not directly involved in setting up the visit, they should obtain approval from the Leader of the County Council and contact the Democratic Services Lead Manager, who will make the necessary arrangements. Bookings for travel abroad will normally be made using the cheapest appropriate available fare.

(g) CYCLE ALLOWANCE

The current rate for cycling allowance is 20p per mile.

APPENDIX 3

SUBSISTENCE ALLOWANCES

DAY SUBSISTENCE

1. Breakfast Allowance (more than 4 hours away from normal place of residence before 11.00am e.g. 7 am - 11 am) **£5.30**;

2. Lunch Allowance (more than 4 hours away from the normal place of residence including a lunchtime between 12 noon and 2.00pm e.g. 10 am - 2 pm; 12 pm - 4 pm) **£7.25**;

3. Tea Allowance (more than 4 hours away from the normal place of residence including the period 3.00pm to 6.00pm e.g. 2 pm - 6 pm) **£2.90**;

4. Evening Meal Allowance (more than 4 hours away from the normal place of residence ending after 7.00pm e.g. 4 pm - 8 pm; 5 pm - 9 pm) **£9.00**.

OVERNIGHT SUBSISTENCE

5. For absence overnight (deemed to cover a continuous period of 24 hours) from the usual place of residence, **£85.80**, or where the absence overnight is in London or for attending one of the approved conferences, **£97.85**.

6. Overnight subsistence may only be claimed by Members to reimburse them for the cost of hotel accommodation and meals when attending one of the approved conferences, and up to the maximum rate set out in the guide.

   If overnight allowance is claimed the Member may not claim allowance for meals which are provided as part of the overnight allowance e.g. breakfast, evening meal etc.

   In most cases where the Member attends an approved conference, the booking arrangements are made by Democratic Services and the invoices will be paid directly by them on the Member's behalf. It will therefore not usually be necessary to claim overnight subsistence.

APPENDIX 4

OUTSIDE BODIES

Bodies with a County-wide, regional or local remit, but especially those which have important working relationships with the County Council or a particular service.

40 Degreez (formerly Farnham Youth Project)
Active Surrey Sports Partnership
Admissions Forum
Adoption Panel
Age UK – Surrey
Ashtead Common Consultative Committee
Basingstoke Canal Joint Management Committee
Biggin Hill Airport Consultative Committee
Blackwater Valley Countyside Partnership
Brightwells Gostrey Centre
Brooklands College Governing Body
Charity of Robert Phillips
Charterhouse Board of Governors
Colne Valley Community Interest Company (CIC)
Countryside Access Group
County Councils Network Council
Crossroads Care Surrey
Downlands Countryside Management Project
Duke of Edinburgh Award Scheme Committee
Epsom & Walton Downs Training Grounds Management Board
Esher College Corporation
Esher Older Persons' Advisory Panel
Fairoaks Aerodrome Consultative Committee
Farnborough Aerodrome Consultative Committee
Frimley Park Hospital NHS Foundation Trust – Council of Governors
Gatwick Airport Community Trust
Gatwick Greenspace Partnership
Godalming Together
Guildford & Waverley Grants Panel
Guildford Royal Grammar School
Guildford Station Member Working Group
High Weald Area of Outstanding Natural Beauty
Holmwood Common Local Committee
Horley Town Centre Management Group
IeSE Board
John Beane's Charity
Joint Waste Collection Services Committee
Kingston University Board of Governors
Leatherhead Town Centre Forum
LGA Fire Commission
LGA General Assembly
LGA Rural Commission
LGA Urban Commission
Lifetrain

Lingfield Guest House
London (Gatwick) Airport Consultative Committee
London (Heathrow) Airport Consultative Committee
Lower Mole Countryside Management Project
Margaret Pope's Educational Charity
Painshill Park Trust
Preston Regeneration Implementation Board
Redhill Aerodrome Consultative Committee
Redhill Regeneration Forum
Regional Flood Defence Committee
Reigate Priory Museum Society (Executive Committee)
River Thames Alliance
Royal Holloway College, London
Royal Surrey County Hospital NHS Foundation Trust
Sandy Hills Bungalow Trust
Save Surrey Board
Secure Accommodation Review Panel
SOLD Forum (Surrey Outside Learning and Development Forum)
South East Reserve Forces & Cadets Association
Standing Advisory Council for Religious Education
Strategic Aviation Special Interest Group
Surrey Climate Change Partnership
Surrey Community Action
Surrey Countryside Access Forum
Surrey Countryside Partnership (Surrey Wildlife Trust)
Surrey Heathland Project
Surrey Historic Buildings Trust
Surrey Museums Consultative Group
Surrey Playing Fields Association
Surrey Rural Partnership
Surrey Waste Partnership
Surrey Youth Focus
Thames Landscape Strategy
Thames Regional Flood and Coastal Committee
Thames Young Mariners Advisory Committee
The Maltings, Farnham
Virginia Water Community Association
Voluntary Association for the Surrey Disabled
Young Epilepsy (Board of Trustees for Overall Organisation)
Young Epilepsy (EGB)
Young Epilepsy (FE Governing Body)
Yvonne Arnaud Theatre Management Board

CONSTITUTION OF THE COUNCIL

Part 8 – Management Structure

PART 8

MANAGEMENT STRUCTURE

The Council's management structure is led by the Chief Executive who has statutory responsibilities as head of paid service.

A summary of functions and areas of responsibility of the Chief Executive, Assistant Chief Executive and Strategic Directors is set out below together with contact numbers.

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service) **Name:** David McNulty **Contact:** 020 8451 8018	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of advice to all parties in the decision making process. Representing the Council on partnership and external bodies (as required by statute or the Council).
Assistant Chief Executive **Name:** Susie Kemp **Contact:** 020 8541 7043	Corporate Policy, Performance and Audit, Legal and Democratic Services, and Communications. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Together with the Chief Executive, provision of advice to all parties in the decision making process, and representing the Council on partnership and external bodies (as required by statute or the Council).
Acting Strategic Director for Children, Schools and Families **Name:** Nick Wilson **Contact:** 020 8541 9911	Schools and Learning, Children's Services and Safeguarding Services. (Statutory responsibilities of Director of Children's Services).
Strategic Director for Adult Social Care **Name:** Sarah Mitchell **Contact:** 020 8541 9320	Older People's Services, PLD/Mental Health Services and Physical and Sensory Disability Services. (Statutory responsibilities of Director of Adult Social Services).
Strategic Director for Customers and Communities **Name:** Yvonne Rees **Contact:** 020 8541 7771	Fire and Rescue, Cultural Services, Customer Services, Trading Standards and Local Partnerships.
Strategic Director for Environment and Infrastructure **Name:** Trevor Pugh **Contact:** 020 8541 7694	Environment, Highways, Transport.
Strategic Director for Change and Efficiency **Name:** Julie Fisher **Contact:** 020 8541 7216	Overall management of the Council's Financial affairs, Procurement and Contract Management, Human Resources and Organisational

	Development, Estates Planning and Management, Information Management and Technology, Shared Service Centre.

Woking Joint Committee

Constitution

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Section 1 – Context and Purpose

1.1 Woking Joint Committee is a Joint Committee of Surrey County Council and Woking Borough Council and is set up under the provisions of Section 102 of the Local Government Act 1972. The Joint Committee aims to improve outcomes and value for money for residents in Woking by strengthening local democracy and improving partnership working within the borough of Woking.

1.2 The Joint Committee will carry out Surrey County Council functions previously performed by the Local Committee (Woking) (which ceased to exist on 01/06/2014) plus some additional new advisory County Council functions, and functions delegated to it by Woking Borough Council. These functions are set out within Section 2 of this document.

1.3 By working together, the Joint Committee will provide the opportunity to identify local solutions and seek to jointly deliver local government service improvements for the residents, businesses and visitors to Woking. Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together.

1.4 Meetings of the Woking Joint Committee are held in public, and local people are able to participate during parts of the meeting as set out in Section 3 of this document.

1.5 This Constitution includes the standing orders that will apply to the Joint Committee. These need also to be read in the light of the individual Constitutions of each of the two Councils which will continue to apply as appropriate to decisions delegated by each relevant authority.

1.6 Whilst the Joint Committee will be responsible for making decisions relating to the delegated functions as set out below, the day-to-day operational arrangements relating to any particular function will continue to be managed by the local authority having responsibility for that function.

2 Section 2 – Functions and Funding

1.1 The scope and overall purpose of the Woking Joint Committee is as set out in Section 1. The general remit of the Joint Committee is set out below and the more specific delegated functions are outlined in later sections.

1.2 General Remit

The general remit of the Woking Joint Committee is:-

1. To make decisions on local services and budgets delegated to it by either Surrey County Council or Woking Borough Council.

2. To make comments on policy, strategy, services, priority community work, or other matters specifically referred to it by the County Council or the Borough Council

3. To provide political oversight of key County and Borough partnership initiatives and strategies.

4. To discuss opportunities for a closer alignment of County and Borough services in Woking.

5. To seek solutions to local concerns relating to Council services under the remit of the Joint Committee.

6. To identify and set local priorities through an annual priority setting meeting.

7. To build community leadership and local engagement, and encourage local community resilience plans.

8. To ensure that local authority services within Woking borough are carried out in accordance with both Surrey County Council's and Woking Borough Council's core values, policies, strategies and within approved budgets.

1.3 Delegated Powers

a) The services identified below are delegated by Surrey County Council or Woking Borough Council as indicated, for decision making or consideration by the Woking Joint Committee, in accordance with the relevant legislation.

b) In discharging the delegated powers, the Woking Joint Committee must have due regard at all times to the approved policies, budgets and financial regulations of the Council delegating the functions, and act in accordance with Standing Orders at Section 3 of this Constitution.

c) Set out below is a list of the functions that are currently delegated to the Woking Joint Committee. Additional functions and matters for determination may be delegated to the Committee in the future by Surrey County Council or Woking Borough Council, which will form part of this Constitution. The Community

Partnership and Committee Officer will maintain a record of all additional delegated functions and will ensure that any such additions are reported to the Joint Committee at the next meeting after the delegation takes place.

1.4 **Executive Functions of Woking Joint Committee** (delegated by Surrey County Council and Woking Borough Council)

The Joint Committee will be responsible for the following decisions on local services and budgets:

a) In relation to the Borough of Woking the Joint Committee will take decisions delegated to it by the SCC Leader and/or Cabinet and/or the WBC Leader and/or Executive on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils within a framework of agreed performance and resources:

(i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) *(SCC)*

(ii) Community safety funding that is delegated to the Joint Committee *(SCC/WBC).*

(iii) Decisions in relation to highways and infrastructure:

a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements, and highway maintenance, within the committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives *(SCC).*

b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls *(SCC).*

c. To agree local speed limits on county council roads within their area, and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police Road Safety and Traffic Management Team and with regard to the County Council Speed Limit Policy *(SCC).*

d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Joint Committee *(SCC).*

e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the committee will make that decision *(SCC).*

f. Oversee and determine priorities for the Woking Town Centre Management Agreement. *(WBC)*

(iv) Consider how Community Infrastructure Levy (CIL) receipts will be expended in Woking, taking into account the approved Infrastructure Capacity Study and Delivery Plan (IDP) for Woking. *(WBC)*

(v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Woking Borough Council *(SCC/WBC)*:

a) To agree joint priorities for commissioning by the County Council and the Borough Council in Woking for provision of:

i) youth work and

ii) other preventative work with young people who are at risk of becoming not in education, training or employment (NEET).

b) To apportion delegated funding for young people, specifically the distribution between Local Prevention Framework Grants and Individual Prevention Grants categories of funding, in accordance with the allocated budget and small grants (youth) as allocated by the Borough Council.

c) Approve the award of the Local Prevention Framework for the provision of local prevention services for Woking Borough in accordance with the allocated budget and to qualified providers. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award grant(s) (due to the presence of conflicts of interest which result in the body being inquorate).

d) Approve the award of youth service related commission(s) as delegated to the Joint Committee by Woking Borough Council.

e) Oversee and determine priorities for the Full Participation Programme and make appropriate linkages into the work of Services for Young People and Woking Borough Council

(vi) Oversee and influence priorities for the Family Support Programme in Woking and monitor its performance. *(SCC/WBC)*

(vii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners. *(SCC/WBC).*

1.5 **Non-Executive Functions**

The Joint Committee will deal with all those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except for those separately referred to in the County Council's Scheme of Delegation (or within the terms of reference of other Committees).

1.6 **Service Monitoring, Scrutiny and Issues of Local Concern**

The Joint Committee may:

(i) In relation to the exercise of County Council Executive functions relating to Members allocations, receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader. *(SCC)*
(ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions. *(SCC)*
(iii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. *(SCC/WBC)*
(iv) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. *(SCC/WBC)*
(v) Monitor the quality of services provided locally, and recommend action as appropriate. (*SCC)*
(vi) Support Surrey Schools, strengthening links with Headteachers and Governing Bodies to promote the outcomes of increased investment for safer, better schools focussed on raising the standards of education for all children.
(vii) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes, or developer funded highway improvements within Woking. *(SCC)*
(viii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Woking. *(SCC)*
(ix) Oversee local initiatives agreed and funded by the Joint Committee. *(SCC/WBC)*
(x) Oversee on-street parking enforcement including financials in its area subject to terms of reference, agreed by the committee, which best suit its particular local circumstances. *(SCC)*
(xi) Oversee and scrutinise the impact of the Local Prevention Framework in accordance with prevention priorities for young people not in education, employment or training (NEET), in the local area. *(SCC)*
(xii) Be advised of the Joint Youth Estates Strategy for Woking Borough. *(SCC/WBC)*
(xiii) Provide political oversight and advice on the Community Safety functions of the Borough. *(SCC/WBC)*

(xiv) Act as the local Health and Wellbeing Board for Woking and oversee and set priorities for general health and wellbeing matters within the framework of Surrey's Joint Health and Wellbeing Strategy. *(SCC/WBC)*

(xv) Be consulted on any issues referred to it by either Council and produce responses as appropriate. *(SCC/WBC)*

(Note: A joint committee may not make any decision which will have an adverse effect on a part of the county for which it does not have functions).

1.7 **Funding**

a) With regards to budget setting and planning, the County Council and Woking Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.

b) **Provision of venue**:
The meeting's venue and associated costs will normally be provided by Woking Borough Council, unless alternative arrangements are agreed by Surrey County Council.

c) **Committee management**:
Committee management and associated costs (as set out in paragraph 3.1) for the Joint Committee will be provided by Surrey County Council.

d) Any resulting Joint Committee members' costs and expenses will be funded and administered by their respective authorities.

1.8 **Withdrawal from the Joint Committee**

At any time either Council may give 6 months' notice in writing to the other Council of its intention to withdraw from the Joint Committee. Once the Joint Committee ceases to exist the functions delegated to it would each revert back to the relevant delegating authority.

Section 3 - Standing Orders

MEMBERSHIP AND ATTENDANCE OF MEMBERS AT MEETINGS

1.1 Membership of the Woking Joint Committee shall be all county councillors with electoral divisions in Woking, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Woking), and an equivalent number of borough councillors who should be politically proportionate to the borough council. At least one borough councillor shall be a member of that council's Executive. No substitutes will be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Council, at the start of each municipal year. All borough and county councillors on the Joint Committee will have equal voting rights on all issues being considered.

1.2 A person shall cease to be a member if he/she ceases to be a member of the County Council, a member representing an electoral division in Woking or the relevant Cabinet Member, or in the case of a member of the Borough Council, ceases to be a member of that Council, or the relevant Executive Member or resigns from the Woking Joint Committee.

1.3 Surrey County Council or Woking Borough Council may, through their respective Councils, co-opt representatives from the voluntary sector, public authorities or businesses in Woking onto the Joint Committee. These representatives will be able to take part in discussions on agenda items, but will not be able to vote on any item for decision.

1.4 The Leader of either Surrey County Council or Woking Borough Council, or appropriate Surrey County Council Cabinet Member or Woking Borough Council Executive Member with portfolio responsibilities for a matter on the agenda of the joint committee meeting may attend the meeting of the committee and, with the chairman's consent, speak on the matter or provide written representation.

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

2.1 The Chairman (who will be a County Councillor) and Vice-Chairman (who shall be a member of the Borough Council's Executive) shall be elected at the first business meeting of the County Council or the Borough Council as appropriate, of each municipal year.

2.2 The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Woking Joint Committee, continue in office until a successor is appointed.

2.3 In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Committee shall elect a chairman for that meeting.

MANAGEMENT OF THE COMMITTEE

3 The County Council's Community Partnership's Team shall act as the Committee Manager for the Woking Joint Committee and shall be responsible for preparing and circulating agendas for meetings, advising on constitutional matters and for producing the decisions and minutes.

FORMAL MEETINGS

4.1 There shall be between four and eight formal meetings of the Woking Joint Committee each year as determined by the Chairman and Vice-Chairman and as set out in the calendar of meetings published on the council's website.

4.2 The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Woking Joint Committee to consider a matter that falls within its remit but cannot await the next scheduled meeting, provided at least seven clear working days notice in writing is given to the Committee Manager.

4.3 Formal meetings of the Joint Committee and its sub-committees shall be held in public except when exempt or confidential information is being considered and the press and public can be excluded in accordance with the Local Government Act 1972.

4.4 Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

DELEGATED POWERS

5.1 The delegated powers mean those powers to be discharged by the Woking Joint Committee as set out in Section 2(B) of this Constitution.

5.2 The Woking Joint Committee shall discharge the delegated powers, within the budgetary and policy framework set by Surrey County Council in the case of County functions or by Woking Borough Council in the case of borough functions.

5.3 When discharging the delegated powers the Woking Joint Committee shall take decisions only after taking into account advice given in writing or orally from relevant Officers of Surrey County Council or of Woking Borough Council as appropriate, including legal, financial and policy advice.

5.4 If the Joint Committee is to make a Key Executive decision delegated to it by either Surrey County Council or Woking Borough Council, then the Joint Committee must follow the constitution of the authority delegating the decision, including publishing it in the monthly forward plan of that authority.

OVERVIEW AND SCRUTINY

6.1 Executive decisions made by the Woking Joint Committee are subject to scrutiny by Surrey County Council's or Woking Borough Council's relevant Overview and Scrutiny Committee (depending on which authority delegated the particular function), including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').

6.2 The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of Surrey County Council or Woking Borough Council depending on which authority delegated the executive decision in question.

6.3 **Referral of Joint Committee Executive decisions by either Surrey County Council Cabinet or Woking Borough Council Executive** (dependant on who delegated the function)

(a) The SCC Cabinet/WBC Executive may require referral, for review and final determination, any executive decision taken by the Joint Committee which has significant policy or budgetary implications or is outside of the authority delegated to the Joint Committee, subject to notice of requirement for referral being given within 5 working days of publication of the decision.

(b) Notice of referral may be given by the Leader or Deputy Leader of the relevant authority, or any three or more members of the SCC Cabinet/WBC Executive as appropriate.

(c) All members of the Joint Committee will be notified that an executive decision taken by the Committee has been required for referral by SCC Cabinet/WBC Executive.

(d) The decision will be considered by the SCC Cabinet/WBC Executive at its next appropriate meeting in discussion with the Joint Committee Chairman and Vice-Chairman and no action will be taken to implement it in the meantime.

(e) The Joint Committee Chairman or Vice-Chairman may attend the SCC Cabinet/WBC Executive meeting, as appropriate, for the consideration of the matter and speak on the item.

(f) The SCC Cabinet/WBC Executive may accept, reject or amend the decision taken by the Joint Committee. A report on the decision taken by the Cabinet/ Executive will be made to the next appropriate meeting of the Joint Committee, and to all the Members of either Surrey or Woking Council, as appropriate, for information.

The following general provisions apply to the consideration of all matters within Woking Joint Committee's remit.

NOTICE OF MEETING

7.1 The date, time and place of the fixed meetings of the Woking Joint Committee will be accessed through both the Surrey County Council and Woking Borough Council websites. The notice, agenda, reports and other documents prepared for the Woking Joint Committee will be posted on the Surrey County Council website (with links from the Woking Borough Council website) and sent to Members of the Committee not less than seven clear working days before the date of the meeting.

7.2 Only the business on the agenda will be discussed at a meeting of the Woking Joint Committee except for urgent matters raised in accordance with the provisions in the Constitution or Section 100B(4)(b) of the Local Government Act 1972.

SPECIAL MEETINGS

8 A special meeting of the Woking Joint Committee will be convened to consider specific matters within its terms of reference at the discretion of the Chairman, or the Vice-Chairman in his/her absence. At least seven clear working days notice of a special meeting must be given.

AGENDAS

9.1 Woking Joint Committee will comply with the Access to Information rules in Part VA of the Local Government Act 1972.

9.2 Agendas for meetings of the Woking Joint Committee shall be dispatched by the Committee Manager seven clear working days in advance of a meeting, and copies will be made available for public inspection at the designated County and Borough Council offices, libraries and via the County Council and Woking Borough Council websites.

9.3 Members of the Woking Joint Committee may suggest items for inclusion in the agenda within its remit. These will be added to the forward programme in consultation with the Chairman and Vice-Chairman of the Woking Joint Committee.

DECISIONS AND MINUTES

10.1 The decisions from the meeting shall be published on the County Council's website, with links from the Woking Borough website, within three clear working days of the Committee.

10.2 The minutes of a meeting shall be published on the County Council's website, with relevant links, as soon as is reasonably practicable.

10.3 At the meeting, the Chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the chairman" and there may only be discussion if there is disagreement about their accuracy which will be resolved by a vote in the normal way.

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

CONFIDENTIALITY OF PAPERS

11.1 All Members must respect the confidentiality of any papers made available to them for the purpose of meetings of the Woking Joint Committee or otherwise for so long as those papers remain confidential.

Failure to observe

11.2 Any or all of the rights conferred on a Member of the Council under the Constitution may be withdrawn by the Council if it is satisfied that he/she has not observed the requirements of Standing Order 11.1 in relation to any of its papers.

QUORUM

12.1 The Chairman will adjourn the meeting if there is not a quorum present.

12.2 The quorum will be one quarter of the total number of voting members of the Committee. A quorum may not be fewer than three voting members.

MEMBER QUESTIONS TO THE WOKING JOINT COMMITTEE

13.1 Any Member of either Council may, with the Chairman's consent, ask one or more questions on matters within the terms of reference of the committee.

13.2 Notice of questions must be given in writing to the Community Partnerships Team by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.

13.3 Questions may be asked without notice if the Chairman decides that the matter is urgent.

13.4 Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.

13.5 Every question will be put and answered.

13.6 Copies of all questions will be circulated to Members before the start of the meeting.

13.7 Questions may be answered orally or in writing.

13.8 If the Chairman is unable to answer any question at the meeting he/she may send a written answer to the Member asking the question.

13.9 At the discretion of the Chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.

13.10 A record of all questions and answers will be included in the minutes of the meeting.

PUBLIC PARTICIPATION IN WOKING JOINT COMMITTEE

Petitions

14.1 Any member of the public who lives, works or studies in the Woking Borough area may present a petition, containing 30 or more signatures or at the Chairman's discretion, relating to a matter within the terms of reference of the Committee. The presentation of a petition on the following business will not be allowed:

a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985;

b) planning applications; and

c) matters in relation to a public rights of way under consideration by the Joint Committee.

14.2 A spokesperson for the petitioners may address the committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the committee or to the SCC Cabinet, Cabinet Member, WBC Executive or relevant committee of either SCC or WBC at the discretion of the Chairman.

14.3 Notice must be given in writing to the Community Partnerships Team at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through Surrey County Council's or Woking Borough Council's e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.

14.4 No more than three petitions may be presented at any one meeting of the committee unless agreed otherwise by the Chairman.

14.5 The Community Partnerships Team may amalgamate within the first received petition other petitions of like effect on the same subject.

14.6 The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion.

Public questions and statements

14.7 At the start of any ordinary meeting of the Committee, any member of the public who lives, works or studies in the Woking borough area may ask one question or make a statement relating to a matter within the Committee's terms of reference. The Chairman may alternatively permit the question to be asked or the statement to be made at the start of an item on the agenda if it relates to that item.

14.8 Questions or statements will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications or on rights of way matters under consideration.

14.9 Notice of questions or statements must be given in writing or by e-mail to the Community Partnerships Team with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.

14.10 Written questions or statements must be submitted by the deadline set out in section 14.9. The Chairman may alternatively permit questions or statements to be made under relevant agenda items as they consider appropriate during the formal meeting.

14.11 The Community Partnerships Team may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be tabled and made available in the meeting room for members of the Joint Committee and any member of the public in attendance.

14.12 Questions and statements will be taken in the order in which they are received by the Community Partnerships Team. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.

14.13 Following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.

14.14 The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may disallow questions or statements which are repetitious.

14.15 When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which such public participation has concluded and the Committee's formal discussion and decision making of the item is taking place.

Public speaking in relation to Rights of Way

14.16 Rights of Way application decisions are quasi-judicial decisions. They are therefore subject to specific rules. The reason for the rules about public speaking reflect the right of all individuals to a fair hearing.

14.17 Members of the public and their representatives may address the Woking Joint Committee on any applications relating to public Rights of Way being considered by the committee.

14.18 Speakers must first register their wish to speak by telephone or in writing to the Community Partnerships Team by 12 noon one working day before a meeting stating on which item(s) they wish to speak.

14.19 Only those people who have previously made written representations in response to a Rights of Way application will be entitled to speak.

14.20 Speakers must declare any financial or personal interest they may have in the application.

14.21 Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.

14.22 The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.

14.23 Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.

14.24 No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.

14.25 Speeches will precede the committee's formal discussion on each application requiring the committee's attention.

14.26 The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the committee.

RIGHT TO SPEAK AT COMMITTEE

15.1 A Member may only speak once on a motion and amendment except:

a) the mover may reply to the debate but, in doing so, may only answer statements and arguments made in the course of the debate. He/she may not introduce any new matter;

b) the mover of a motion may speak during the debate on any amendment to the motion;

c) a Member who has already spoken may speak on a point of order or may, at the chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood;

15.2 The Chairman may speak before the mover of the motion or amendment replies to the debate.

15.3 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately and reserves his/her right to speak later.

RELEVANCE

16 Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

POINTS OF ORDER

17 Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the chairman whose decision will be final.

LENGTH OF SPEECHES

18.1 Except with the consent of the chairman, the following time limits will apply to speeches:

(a) The mover of a motion or an amendment.

(5 minutes)

(A Member may not speak for more than five minutes unless he/she has a seconder).

(b) The mover of a motion either speaking to an amendment or replying to the debate.

(3 minutes)

(c) The mover of an amendment replying to the debate on the amendment.
(3 minutes)

(d) The seconder of a motion or an amendment.
(3 minutes)

(e) A Member speaking on a report or in a debate.
(3 minutes)

AFTER REPLY DEBATE IS CLOSED

19 After the reply is made, the motion or amendment under discussion will be put from the Chair.

PROCEDURE FOR MOTIONS AND AMENDMENTS

20.1 Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing to the Community Partnerships Team and read aloud before it is put to the meeting.

20.2 A Member may not move or second more than one amendment on any motion.

20.3 Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Committee.

20.4 With the consent of the Committee a Member may:

a) alter a motion of which he/she has given notice; or

b) with the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under the following Standing Order).

AMENDMENTS

21.1 Every amendment must be relevant to the motion under discussion and will either:

(a) move the reference back

(b) leave out words

(c) add words, or

(d) leave out words and add others.

21.2 An amendment which forms the negative of the motion will not be allowed.

21.3 Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the Chairman decides otherwise.

21.4 If an amendment is lost, other amendments may be moved on the motion.

21.5 If an amendment is carried, the motion as amended will become the substantive motion on which further amendments may be moved.

PROCEDURAL MOTION

"That the question be now put"

22.1 Any Member may, at the close of the speech of another Member, move "That the question be now put".

22.2 If he/she considers that there has been adequate debate, the Chairman may put the motion "That the question be now put" without debate. If the motion is carried:

(a) the Chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and

(b) the mover of the motion or amendment may reply.

22.3 The motion or amendment will then be put.

INTERRUPTIONS AND DISORDERLY CONDUCT

23.1 If a member of the public interrupts the proceedings at a meeting the Chairman may ask him/her not to interrupt.

23.2 If the interruption continues the Chairman may order his/her removal from the room.

23.3 If there is general disturbance in all or part of the public gallery the Chairman may order that part to be cleared.

23.4 If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, "That the named Member be not further heard". If this motion is seconded it will be put to the vote and determined without discussion.

23.5 If the motion is carried and the misconduct continues the Chairman may adjourn or suspend the sitting of the Committee for as long as he/she considers appropriate.

VOTING

24.1 Voting will be by show of hands unless a Member demands a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment will be recorded and entered in the minutes.

24.2 Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against the motion to be recorded in the minutes.

24.3 On a formal motion put from the Chairman (e.g. “That the report be received”), the question may be decided by the voice of the Members, unless any Member demands a show of hands.

24.4 If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.

24.5 The person presiding at the meeting, having already voted, may in the event of a tie exercise a second or casting vote.

MEMBERS’ CODE OF CONDUCT

25 Members are bound by the Code of Conduct of the authority which appointed them to the Woking Joint Committee and should particularly observe the provisions of their respective Codes concerning the declaration of pecuniary interests when attending meetings of the Woking Joint Committee.

INTERESTS OF MEMBERS

26 At any meeting where a Member becomes aware that a matter under consideration relates to:

(a) one of their interests that they must disclose in accordance with their respective council’s Codes not already entered on the relevant Council’s register and/or

(b) the donor of any gift and/or hospitality they have accepted and not yet entered on the relevant Council’s register

the Member must disclose the interest to the meeting and, within 28 days, notify this to either the County Council’s Monitoring Officer in the case of County Councillors or the Borough Council’s Monitoring Officer in the case of Borough Councillors for inclusion in the register.

Participation in relation to disclosable pecuniary interests

27 A Member with a disclosable pecuniary interest in any matter must:

(a) not participate in any discussion or vote relating to the matter;

(b) withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;

(c) not exercise functions in relation to that matter; and

(d) not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them) unless he/she has obtained a dispensation from the County Council's Audit and Governance Committee for County Councillors or the Borough Council's Monitoring Officer for Borough Councillors.

ATTENDANCE OF MEMBERS

28 Members will sign a register of attendance.

EXCLUSION OF THE PRESS AND PUBLIC

29 The Woking Joint Committee may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of Exempt or Confidential information as defined by the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

SUB-COMMITTEES AND TASK GROUPS

30 The Woking Joint Committee may appoint:

(a) Sub-Committees with power to act to discharge any of its functions as agreed by the Joint Committee.

(b) Task Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Woking Joint Committee.

CONDUCT AT MEETINGS

31 The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Chairman of the meeting whose ruling is final.

STANDING ORDERS OF SURREY COUNTY COUNCIL TO APPLY

32.1 Save to the extent that a matter is dealt with in these governance arrangements, the Woking Joint Committee shall be subject to the County Council's Rules of Procedure contained in its Constitution (in so far as they are relevant, and with the necessary changes being made).

32.2 If there is any conflict between these governance arrangements and those Rules of Procedure, these governance arrangements shall have precedence.