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Agenda and Reports  
for the meeting of  
**THE COUNTY COUNCIL**  
to be held on  
**11 JULY 2017**

(i)

County Hall  
Kingston upon Thames  
Surrey

Monday, 3 July 2017

TO THE MEMBERS OF SURREY COUNTY COUNCIL

## SUMMONS TO MEETING

You are hereby summoned to attend the meeting of the County Council to be held in the Council Chamber, County Hall, Kingston upon Thames, Surrey KT1 2DN, on Tuesday, 11 July 2017, beginning at 10.00 am, for the purpose of transacting the business specified in the Agenda set out overleaf.

DAVID McNULTY  
Chief Executive

**Note 1:** *For those Members wishing to participate, Prayers will be said at 9.50am. Rev. Jonny Blair from St Mary and St John's Church, Walton on Thames has kindly consented to officiate. If any Members wish to take time for reflection, meditation, alternative worship or other such practice prior to the start of the meeting, alternative space can be arranged on request by contacting Democratic Services.*

*There will be a very short interval between the conclusion of Prayers and the start of the meeting to enable those Members and Officers who do not wish to take part in Prayers to enter the Council Chamber and join the meeting.*

**Note 2:** *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

*Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.*

*If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting.*

If you would like a copy of this agenda or the attached papers in another format, e.g. large print or braille, or another language please either call Democratic Services on 020 8541 9122, or write to Democratic Services, Surrey County Council at Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 9698, fax 020 8541 9009, or email [anne.gowing@surreycc.gov.uk](mailto:anne.gowing@surreycc.gov.uk)

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Anne Gowing on 020 8541 9938

**1 APOLOGIES FOR ABSENCE**

The Chairman to report apologies for absence.

**2 MINUTES**

(Pages 1  
- 10)

To confirm the minutes of the meeting of the Council held on 23 May 2017.

*(Note: the Minutes, including the appendices, will be laid on the table half an hour before the start of the meeting).*

**3 CHAIRMAN'S ANNOUNCEMENTS**

(Pages  
11 - 12)

The Chairman to report.

A list of Her Majesty the Queen's Birthday Honour's List 2017, the Queen's Award for Voluntary Service and the Queen's Award for Enterprise is included within the agenda papers.

**4 DECLARATIONS OF INTEREST**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

**NOTES:**

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

**5 LEADER'S STATEMENT**

The Leader to make a statement.

There will be an opportunity for Members to ask questions.

**6 MEMBERS' QUESTION TIME**

1. The Leader of the Council or the appropriate Member of the Cabinet or the Chairman of a Committee to answer any questions on any matter relating to the powers and duties of the County Council, or which affects the county.

***(Note: Notice of questions in respect of the above item on the agenda must be given in writing, preferably by e-mail, to Anne Gowing in Democratic Services by 12 noon on Wednesday 5 July 2017).***

2. Cabinet Member Briefings on their portfolios

These will be circulated by email to all Members prior to the County Council meeting, together with the Members' questions and responses.

There will be an opportunity for Members to ask questions.

**7 STATEMENTS BY MEMBERS**

Any Member may make a statement at the meeting on a local issue of current or future concern.

***(Note: Notice of statements must be given in writing, preferably by e-mail, to Anne Gowing in Democratic Services by 12 noon on Monday 10 July 2017).***

**8 ORIGINAL MOTIONS**

**Item 8(i)**

**Mr David Goodwin (Guildford South West) to move under Standing Order 11 as follows:**

'Council sends its deepest condolences to the family and friends of those killed, injured and missing in the Grenfell Tower tragedy in North Kensington.

Council recognises and thanks Surrey Fire & Rescue Service for the assistance they gave to the London Fire Brigade in tackling the blaze.

In view of the Grenfell Tower tragedy, this Council resolves:

- to ensure that Surrey Fire & Rescue Service is properly funded and resourced in order for it to keep the residents of Surrey safe;
- that fire safety audits are carried out in Surrey at least every 12 months on buildings with a communal entrance, including residential blocks, offices, shops and factories;
- that Surrey Fire & Rescue Service has the necessary equipment to reach the tallest buildings in the County, to ensure fires at all levels of buildings can be tackled effectively;
- that Surrey Fire & Rescue Service work closely with the districts and boroughs within the County to inspect housing blocks which are also at risk of a similar incident and to check any external cladding used on them and;
- to endorse the Fire Brigades Union and National Union of Teachers campaign that each new school built in England should be automatically fitted with a sprinkler system.'

**Item 8(ii)**

**Mr Jonathan Essex (Redhill East) to move under Standing Order 11 as follows:**

'Council regrets the proposed closure of 4 Community Recycling Centres (CRCs) in Surrey, as well as the increase in charges and reduced opening hours at other sites, which will be detrimental to the environment.

Council notes that Surrey County Council previously consulted the public on closures and reduction of hours for CRCs but subsequently scaled back their plans in response to concerns raised by residents. Council further notes the high value residents place upon this service and their desire to retain and improve it.

Council calls upon the Cabinet Member for Environment and Transport to work with the Boroughs and Districts and Surrey Waste Management Ltd to explore alternatives before any closure plans for CRCs are finalised, in order to maintain these vital services for Surrey residents.'

**Item 8(iii)**

**Mr Robert Evans (Stanwell and Stanwell Moor) to move under Standing Order 11 as follows:**

'This Council sends its heartfelt condolences to all those who have suffered losses in the Grenfell Tower fire disaster.

Surrey County Council vows to learn from this experience, making the safety of all residents a top priority by ensuring that there is adequate fire cover in each of the county's eleven boroughs and districts.

Council therefore agrees to review all planned cuts to fire cover including their equality impact assessment, pending the outcome of the Grenfell public enquiry and to secure additional money for fire safety from the government.'

**Item 8(iv)**

**Mr John Furey (Addlestone) to move under Standing Order 11 as follows:**

'This Council recognises the significant and growing contribution made by the county of Surrey to Her Majesty's exchequer.

This Council also believes in the paramount need for a system of fair funding for local government.

This Council notes the very significant additional funding being made available to people in Northern Ireland for schools, hospitals, infrastructure and public services. This Council believes that the need for investment in those areas is equally important in Surrey.

The Council mandates the Leader of Surrey County Council to use all endeavours to ensure that Government understands the need for further

investment in Surrey.’

**9 REPORT OF THE CABINET**

(Pages  
13 - 14)

To receive the report of the meeting of the Cabinet held on 30 May and 27 June 2017.

**10 REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE**

(Pages  
15 - 36)

- i. To approve the Risk Management Strategy and Plan, for inclusion in the Constitution (Annex A to the report).
- ii. To approve the updated Code of Corporate Governance, for inclusion in the Constitution (Annex B to the report).

**11 AMENDMENTS TO THE CONSTITUTION - ARTICLES**

(Pages  
37 - 106)

Surrey County Council has a Constitution which is agreed by Members and sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that they are efficient, transparent and accountable to the residents of Surrey.

The Constitution contains Articles that set out the basic rules governing the Council’s business and these have been updated to ensure that they are fit for purpose.

The County Council is asked to agree the updated Articles so that these can be implemented and published on the Council’s website.

**12 MINUTES OF THE MEETINGS OF THE CABINET**

(Pages  
107 -  
114)

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 upon notice being given to the Democratic Services Lead Manager by 12 noon on Monday 10 July 2017.

**MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE**

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

*Thank you for your co-operation*



**MINUTES OF THE MEETING OF THE COUNTY COUNCIL HELD AT THE COUNCIL CHAMBER, COUNTY HALL, KINGSTON UPON THAMES, KT1 2DN ON 23 MAY 2017 COMMENCING AT 10.00 AM, THE COUNCIL BEING CONSTITUTED AS FOLLOWS:**

Mary Angell		Naz Islam
Ayesha Azad		Colin Kemp
John Beckett		Eber Kington
Mike Bennison		Graham Knight
Chris Botten		Rachael I Lake
Liz Bowes		Yvonna Lay
Natalie Bramhall		David Lee
Mark Brett-Warburton		Mary Lewis
Ben Carasco		Andy MacLeod
Bill Chapman	*	Ernest Mallett MBE
Helyn Clack		David Mansfield
Stephen Cooksey		Peter Martin
Clare Curran		Jan Mason
Nick Darby	*	Cameron McIntosh
Paul Deach		Sinead Mooney
Graham Ellwood		Charlotte Morley
Jonathan Essex		Marsha Moseley
Robert Evans		Tina Mountain
* Tim Evans		Bernie Muir
Mel Few		Mark Nuti
Will Forster		John O'Reilly
John Furey		Tim Oliver
Matt Furniss		Andrew Povey
* Bob Gardner		Wyatt Ramsdale
Mike Goodman		Mrs Penny Rivers
Angela Goodwin		Tony Samuels
David Goodwin		Stephen Spence
Zully Grant-Duff		Lesley Steeds
Alison Griffiths		Peter Szanto
Ken Gulati		Keith Taylor
Tim Hall		Barbara Thomson
Kay Hammond		Rose Thorn
Richard Hampson		Chris Townsend
David Harmer		Denise Turner-Stewart
Jeffrey Harris	*	Richard Walsh
Nick Harrison		Hazel Watson
Edward Hawkins		Fiona White
* Marisa Heath		Richard Wilson
David Hodge CBE		Keith Witham
Saj Hussain		Victoria Young
Julie Iles		

\*absent

Prior to the start of the Council business, the outgoing Chairman asked that Members stood for a minute's silence to remember those who had been affected by the terrible event in Manchester on the previous night.

#### **27/17 CHAIRMAN [Item 1]**

Under the motion of Mr Hodge, seconded by Mrs Watson, with Mr Harrison also adding a few words, it was unanimously:

#### **RESOLVED:**

That Mr Peter James Martin be elected Chairman of the Council for the Council Year 2017/18.

#### **DECLARATION OF ACCEPTANCE OF OFFICE**

Mr Martin made the statutory declaration of office and took the Chair.

The newly elected Chairman expressed his thanks to the Members of the Council for electing him as Chairman.

He also presented Mrs Marks with the past Chairman's badge and her husband with the past Chairman's consort badge.

#### **28/17 MINUTES [Item 2]**

The minutes of the meeting of the County Council held on 21 March 2017 were submitted, confirmed and signed.

#### **29/17 ELECTION OF COUNTY COUNCILLORS [Item 3]**

The Deputy Chief Executive, formally reported the return of the County Councillors at the Elections held on 4 May 2017 for each of the 81 Divisions in the County.

The Chairman welcomed new and returning Members to the meeting, mentioned that:

- Mrs Hazel Watson was now the longest serving County Councillor having been first elected in 1993
- Mr Cameron McIntosh was the youngest Member of the Council
- Both Dr Andrew Povey and Mr Tim Oliver had been Members in previous Administrations and had now returned to serve again as County Councillors.

#### **30/17 APOLOGIES FOR ABSENCE [Item 4]**

Apologies for absence were received from Mr T Evans, Mr Gardner, Miss Heath, Mr McIntosh, Mr Mallett and Mr Walsh.

### **31/17 CHAIRMAN'S ANNOUNCEMENTS [Item 5]**

The Chairman made the following announcements:

- In order to participate fully in the meeting, Members were reminded to use their microphones should they wish to speak
- A group photo would be taken in the Grand Hall prior to the lunch which would be served in the Ashcombe.

### **32/17 DECLARATIONS OF INTEREST [Item 6]**

There were none.

### **33/17 VICE-CHAIRMAN [Item 7]**

Upon the motion of Mrs Angell, seconded by Mr Townsend, it was:

#### **RESOLVED:**

That Mr Anthony David Samuels be appointed Vice-Chairman of the Council for the Council Year 2017/18.

#### **DECLARATION OF ACCEPTANCE OF OFFICE**

Mr Samuels was invested by Mr Martin with the Vice-Chairman's badge. He made the statutory declaration of office and expressed thanks to the Members of the Council for electing him as Vice-Chairman.

### **34/17 MOTION OF THANKS TO RETIRING CHAIRMAN [Item 8]**

Upon the motion of the newly elected Chairman, seconded by Mrs Watson, followed by speeches from the Leaders of the Conservative and Residents' Association and Independent Groups, and Mrs Clack in support of the motion, it was unanimously:

#### **RESOLVED:**

That the Chairman and Members of the Surrey County Council record our warm appreciation of the distinguished services given to the County and its inhabitants by Mrs Sally Marks during her tenure of office as Chairman of the Council from 19 May 2015 to 23 May 2017.

The Chairman presented Mrs Marks with an inscribed copy of the motion. Mrs Marks made a farewell speech.

### **35/17 ELECTION OF LEADER OF THE COUNCIL [Item 9]**

Mr Furey, as proposer of the motion for the election of the Leader of the Council, said a few words in support of the nomination of Mr Hodge. This nomination was seconded by Mr Hall.

Mr Harrison was also invited to speak and made reference to the Budget savings required in the forthcoming year and made a plea for the Leader to adopt a more

transparent approach for any future savings proposals. He also voiced his concern over the funding for specific services such as Adult Social Care and Children's Services.

**RESOLVED:**

That Mr David Hodge be elected Leader of the Council for a four year term, expiring on the day of the post election annual meeting in 2021.

**36/17 LEADER'S STATEMENT [Item 10]**

The Leader made a detailed statement. A copy of the statement is attached as Appendix A.

Members raised the following topics:

- There were tough times ahead and that it was the duty of the opposition Members to hold the Administration to account.
- Stanwell and Stanwell Moor residents did not want the fire cover in their area reduced, or the street lights switched off.
- That there was much to do to improve engagement with residents.
- Specific issues relating to Farnham residents.
- A reminder that all Members were Corporate Parents and had a responsibility for Children in Care.

**37/17 CONSTITUTIONAL AMENDMENTS [Item 11]**

**(A) Changes to the County Council's Overview and Scrutiny Function**

Prior to inviting any comments on the report, the Chairman drew attention to the three typos in the report on page 18, which were:

- Towards the top of the page in (d), the number should be 6 not 5 select committees
- Paragraph 5: the number of Members to be appointed to the Overview and Budget Scrutiny Committee should be 10 not 12
- Also, paragraph 5: Children and Education Select Committee, the number of co-opted members should be 4 not 2

After a short discussion, after which the Leader of the Council clarified the role of the Select Committee's Chairmen's Group and the membership of the Adults and Health Select Committee, which he believed had the right number of Councillors and co-opted Members, the recommendation was put to the vote, with one Member voting against it. There were eight abstentions.

Therefore, it was:

**RESOLVED:**

That the revised structure for overview and scrutiny in the County Council set out in paragraph four of the submitted report, and the specific committee remits as shown in the Annex, be approved.

## **(B) Financial Framework for Local Committees Review**

When invited to comment on this report, ten Members spoke and made the following points:

- Disappointment that there would be a reduction in the funding for Members' Allocations.
- Concern that applications for street lighting, grit bins or highway schemes including speed limit assessments could no longer be considered within this scheme. Also, that this point was listed last, at number 10.
- The importance of continuing with Member Allocations, even if the funding had been reduced.
- The amended financial framework for Members' Allocations appeared to have been agreed without any consultation.
- The Surrey Opposition Forum would not support the recommendation if point 10 was included.
- Members had supported applications for grit bins in their divisions. These requests would never be a priority for Surrey Highways but were an important issue for local residents.
- Members' allocations were one of the few areas where County Councillors had some decisive influence.
- A request for the section of 'What cannot be considered', especially point 10 to be reviewed.
- The Audit and Governance Committee had asked that the Constitutional document relating to the Financial Framework for Local Committees be reviewed but this report only covered the financial framework for Members' Allocations.
- The £0.5m saving from reducing Members' Allocation funding was a significant contribution towards the savings that the County Council needed to make.
- The Sustainability Review Group had recommended the total withdrawal of Members' Allocations because they considered that all Council funding should be spent strategically.
- Members' allocation funding gave Councillors the opportunity to help local groups who supported vulnerable members of society.
- Members should have the freedom to spend their allocations as they wished.
- That this money would only be available this funding year between 1 June – 1 December 2017 and Cabinet had agreed to reduce the Members' Allocation funding rather than withdraw it completely.
- Local committees were the right place for applications for grit bins to be considered.

Mr Goodwin proposed an amendment, seconded by Mr Cooksey, which was to delete point 10, 'Applications for street lighting, grit bins or highway schemes including speed limit assessments' from the 'What we cannot consider' section of Annex A.

Members made the following points on the amendment:

- That Annex A was a clarification of existing rules.
- A request for Cabinet to re-consider the inclusion of point 10 because deleting it removed the discretion of local Members to use their allocations.

- Awareness of the financial difficulties of the County Council and that every penny counted. Residents were also aware of the financial pressures that the Council faced.
- Clarification was requested on whether Members would still be able to fund the provision of grit for existing bins.
- Consider lobbying local committees and the Highways Service to obtain the funding for local initiatives.
- Concern about the removal of choice on how to spend Members' Allocations and that if point 10 remained, these highway improvements were unlikely to happen.

After a debate on the amendment in which nine Members spoke, the amendment was put to the vote, with 19 Members voting for and 51 Members voting against it. There were 5 abstentions.

Therefore the amendment was lost.

Returning to the recommendation, as set out on page 28 of the Council agenda, it was put to the vote, with 54 Members voting for and 18 Members voting against it. There was one abstention.

Therefore, it was:

**RESOLVED:**

That the revised Financial Framework for Members' Allocations funding as set out in Annex A to the submitted report be approved.

**38/17 ANNUAL REVIEW OF POLITICAL PROPORTIONALITY 2017/18 [Item 12]**

The annual review of the Scheme of Political Proportionality 2017/18 was emailed to Members and tabled at the meeting. It is attached as Appendix B to these minutes.

**RESOLVED** (with no Member voting against):

That the committee sizes and scheme of proportionality, as set out in Annex 1 of the submitted report, be adopted for 2017/18.

**39/17 APPOINTMENTS OF COMMITTEES [Item 13]**

The proposals for the appointment of Boards and Committees were emailed to Members and tabled at the meeting. They are attached to the minutes as Appendix C.

The Chairman called the recommendations, on the circulated paper, individually and it was:

**RESOLVED:**

1. That the Members, as set out in Appendix C, be appointed to serve on the Boards and Committees of the Council for the Council Year 2017/18, in accordance with the wishes of political groups.

2. That the Chief Executive be authorised to make changes to the membership of any of the Council's Boards / Committees as necessary during the Council Year, in accordance with the wishes of political groups, with the exception of changes to the membership of the Council Overview and Budget Scrutiny Committee, which would be referred to Council for agreement.
3. That the County Councillors representing divisions in the Woking borough area be appointed to serve on the Woking Joint Committee for the Council Year 2017/18.
4. That the County Councillors representing divisions in the Spelthorne borough area be appointed to serve on the Spelthorne Joint Committee for the Council Year 2017/18.
5. That the remaining County Councillors for each district/borough area be appointed to serve on the appropriate Local Committee for the Council Year 2017/18, and the Chief Executive be authorised to appoint an equal number of district/borough councillors to the Local Committees following nominations by the district and borough councils, which they should be requested to make politically proportional to their Membership.
6. That the Council's representative be appointed to the Surrey Police and Crime Panel for the Council Year 2016/17.
7. To appoint up to two Members to the Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee, one of whom must be a Cabinet Member; the other in an advisory non-voting role.
8. That four Members (who must be Cabinet Members or County Councillors representing divisions which include the Basingstoke Canal in their area) be appointed to the Basingstoke Canal Joint Management Committee.

#### **40/17 ELECTION OF COMMITTEE CHAIRMEN AND VICE-CHAIRMEN [Item 14]**

The proposals for the Board / Committee Chairmen and Vice-Chairmen were tabled at the meeting.

Prior to calling the recommendations set out at the end of the paper, the Chairman informed Members that he had received a second nomination for the Vice-Chairman's position for Epsom and Ewell Local Committee.

Members of the Residents Association and Independent Group on Surrey County Council proposed Mrs Jan Mason. This nomination was proposed by Mr Kington and seconded by Mr Beckett.

Members were requested to vote, with 54 Members voting for Mrs Tina Mountain and 18 Members voting for Mrs Jan Mason. Therefore, Mrs Tina Mountain was elected as the Vice-Chairman for Epsom and Ewell Local Committee.

With this nomination agreed, the remaining nominations were put to the vote, and it was:

**RESOLVED:**

1. That the Members listed below be duly elected as Chairmen and Vice-Chairmen for the Committees, as shown for the Council Year 2017/18.
2. That the Chief Executive be authorised, in consultation with the Chairman of the Committee, to appoint the Borough's nominated Member as Vice-Chairman of Guildford Local Committee once the co-opted Members are appointed.

<b>SCRUTINY BOARDS</b>		
	<b>Chairman</b>	<b>Vice-Chairman</b>
<b>Council Overview and Budget</b>	Kay Hammond	Nick Harrison
<b>Adults and Health</b>	Ken Gulati	Sinead Mooney
<b>Children and Education</b>	Mark Brett-Warburton	Marsha Moseley
<b>Environment and Infrastructure</b>	Bob Gardner	Wyatt Ramsdale
<b>Communities</b>	Rachael I Lake	Saj Hussain
<b>Corporate Services</b>	Zully Grant-Duff	Andrew Povey
<b>PLANNING AND REGULATORY COMMITTEE</b>		
	Tim Hall	Keith Taylor
<b>AUDIT &amp; GOVERNANCE COMMITTEE</b>		
	David Harmer	Keith Witham
<b>PEOPLE, PERFORMANCE &amp; DEVELOPMENT COMMITTEE</b>		
	David Hodge	John Furey
<b>SURREY PENSION FUND BOARD</b>		
	Tim Evans	Ben Carasco
<b>LOCAL COMMITTEES</b>		
<b>DISTRICT</b>	<b>CHAIRMAN</b>	<b>VICE-CHAIRMAN</b>
<b>Elmbridge</b>	John O'Reilly	Peter Szanto



<b>Epsom &amp; Ewell</b>	John Beckett	Tina Mountain
<b>Guildford</b>	Keith Taylor	<b>Borough to Appoint</b>
<b>Mole Valley</b>	Tim Hall	Chris Townsend
<b>Reigate &amp; Banstead</b>	Jeff Harris	Barbara Thomson
<b>Runnymede</b>	Mary Angell	Mark Nuti
<b>Surrey Heath</b>	Bill Chapman	Charlotte Morley
<b>Tandridge</b>	Lesley Steeds	Rose Thorn
<b>Waverley</b>	Victoria Young	Richard Hampson

<b>JOINT COMMITTEES</b>		
<b>Spelthorne Joint Committee</b>	<b>Borough to appoint</b>	Richard Walsh
<b>Woking Joint Committee</b>	<b>Borough to appoint</b>	Liz Bowes

#### **41/17 REPORT OF THE CABINET [Item 15]**

The Leader of the Council presented the report of the Cabinet meetings held on 28 March and 27 April 2017.

#### **Recommendations on Policy Framework Documents**

##### **A Surrey County Council, Corporate Strategy 2017 – 2022**

Dr Povey invited the Leader of the Council to comment on the 60 areas of new responsibilities that the Council had been given, without the proper funding to deliver.

#### **RESOLVED:**

That the refreshed version of the Corporate Strategy 2017-2022 be approved.

#### **Reports for Information/ Discussion**

That the following reports were received and noted:

- Surrey Heartlands Sustainability and Transformation Plan
- Quarterly Report on Decisions taken under Special Urgency Arrangements (January – March 2017)

**RESOLVED:**

That the report of the meetings of the Cabinet held on 28 March and 27 April 2017 be adopted.

**42/17 MINUTES OF THE MEETINGS OF THE CABINET [Item 16]**

No notification had been received from Members wishing to raise a question or make a statement on any of the matters in the minutes by the deadline.

[Meeting ended at 12.30pm]

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**Chairman**

**Her Majesty the Queen's Birthday Honours List 2017**

**DBE**

Professor Parveen Jane Kumar CBE

**CB**

Peter Schofield

**CBE**

Professor Haro Bedelian OBE FREng

Humphrey Cadoux-Hudson

Ms Clair Price

Christopher Satterthwaite

Alan Smith

Ms June Spencer OBE

Mrs Petra Wilkinson

**OBE**

Mrs Belinda Earl

Mrs Gillian Norton DL

**MBE**

John Allinson

William Bagnall

Mrs Cheryl Cates

James Dick

Ms Ndidi Ekubia

Miss Nicola Murdoch

Ms Helen Myers

Stephen Oxlade

**BEM**

Mrs Mary Kasey

Gavin Lambert

Stephen Newman

Mrs Margaret Parry

Mrs Margaret Pick

Mrs Helen Stoodley

Mrs Jean Watkins

**The Queen's Award for Voluntary Service**  
**Recent Winners in Surrey 2017**

Farnham ASSIST  
Forest Estate Community Hub Volunteers Group  
Freewheelers Theatre and Media Ltd  
Headway Surrey Head Injuries Association Ltd  
Oakleaf Enterprise  
Royal Holloway, University of London Community Action  
Surrey Playing Fields Association  
The Volunteers at the Therapy Garden

**The Queen's Award for Enterprise**  
**Recent Winners in Surrey 2017**

MR Solutions Ltd, Guildford (International Trade)  
Rentokil, Camberley (International Trade)  
IDT Systems, Dippenhall (International Trade)  
Ascot Rehabilitation, Bagshot (International Trade)  
Mark Roberts, Blindley Heath (International Trade)

County Council Meeting – 11 July 2017

## REPORT OF THE CABINET

The Cabinet met on 30 May and 27 June 2017.

In accordance with the Constitution, Members can ask questions of the appropriate Cabinet Member, seek clarification or make a statement on any of these issues without giving notice.

The minutes containing the individual decisions for 30 May meeting is included within the agenda at item 12. The minutes of the 27 June 2017 meeting will be circulated separately. Any Cabinet responses to Committee reports are included in or appended to the minutes. If any Member wishes to raise a question or make a statement on any of the matters in the minutes, notice must be given to Democratic Services by 12 noon on the last working day before the County Council meeting (Monday 10 July 2017).

For members of the public all non-confidential reports are available on the web site ([www.surreycc.gov.uk](http://www.surreycc.gov.uk)) or on request from Democratic Services.

### REPORTS FOR INFORMATION / DISCUSSION

#### A QUARTERLY REPORT ON DECISIONS TAKEN UNDER SPECIAL URGENCY ARRANGEMENTS: 1 APRIL – 30 JUNE 2017

1. The Cabinet is required under the Constitution to report to Council on a quarterly basis the details of decisions taken by the Cabinet and Cabinet Members under the special urgency arrangements set out in Article 6.05(f) of the Constitution. This occurs where a decision is required on a matter that is not contained within the Leader's Forward Plan (Notice of Decisions), nor available 5 clear days before the meeting. Where a decision on such matters could not reasonably be delayed, the agreement of the Chairman of the appropriate Scrutiny Board, or in his/her absence the Chairman of the Council, must be sought to enable the decision to be made.

*There have been no urgent items in this quarter.*

**Mr David Hodge, Leader of the Council**  
**30 June 2017**

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*County Council Meeting – 11 July 2017*

**REPORT OF THE AUDIT & GOVERNANCE COMMITTEE**

- \* Mr David Harmer (Chairman)
- \* Mr Keith Witham (Vice-Chairman)
- \* Mr Edward Hawkins
- A Mr Ernest Mallett MBE
- \* Mr Peter Szanto
- \* Mrs Fiona White

\* = Present  
A = Apologies

**A. RISK MANAGEMENT STRATEGY AND PLAN**

1. On 13 June 2017, the Audit & Governance Committee considered the Annual Risk Management Report for 2017/20 and, following a robust discussion, confirmed that it was satisfied with the risk management arrangements.
2. The Committee **COMMEND** the Risk Management Strategy and Plan (Annex A) for inclusion in the Constitution.

**C. CODE OF CORPORATE GOVERNANCE**

1. The Local Government Act 2000 places a reliance on local authorities to review their governance arrangements and operate through a local governance framework which brings together requirements, governance principles and processes.
2. On 13 June 2017, the Audit & Governance Committee considered and approved updates to Surrey County Council's Code of Corporate Governance. The Committee **COMMEND** the updated Code of Corporate Governance (Annex B) for inclusion in the Constitution.

**David Harmer**  
**Chairman of the Audit and Governance Committee**  
**June 2017**

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## PURPOSE

To realise opportunities and manage exposures to ensure Surrey residents remain healthy, safe and confident about their future.

## VISION

A risk culture that supports

**ONE** place

**ONE** budget

**ONE** team for Surrey

## VALUES



**Listen**



**Responsibility**



**Trust**

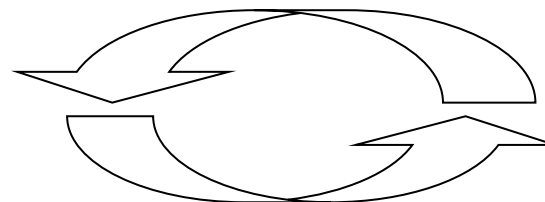


**Respect**

## Context

The demand for council services continues to grow while financial resources are decreasing. Effective risk management is an integral part of ensuring the continued delivery of our services and providing organisational resilience during major change and transformation.

This Risk Management Strategy supports the achievement of our key priorities, goals and service delivery to residents. It is supplemented by our risk management plan that sets out our key risk actions for the coming year.



### INTEGRATED APPROACH:

Risks are continually discussed and considered in the context of financial and performance management.

### RISK PROCESS:

We have a consistent, iterative process of risk identification, risk assessment, risk monitoring and reporting.

### GOVERNANCE:

Risk management roles and responsibilities are clearly defined and regularly reviewed.

## Our strategic approach to risk management

### 1. Principles

**Our approach to risk management is built on the following principles:**

- It is dynamic, iterative and reacts to change
- It is open, transparent and consistently applied
- It provides risk information that objectively informs decision making and creates value
- It is integrated into our processes and aligns with our objectives
- It ensures lessons are learnt and actions for improvement are identified and implemented

### 2. Benefits

**Through our risk management approach, the following benefits are realised:**

- Enhanced organisational resilience through facilitating continuous improvement and innovation
- Stakeholder confidence and trust
- Flexibility to positively respond to new and continued pressures and challenges
- Strengthened governance to enable informed decision making
- Proactive management of risk and opportunities

### 3. Realisation

**Realisation of the principles and benefits will be achieved through:**

- Strong risk leadership that ensures the effective operation of the council's risk approach and arrangements
- Consistent compliance with the risk strategy and framework
- Staff and members being equipped to work with and support the risk culture
- Clear communication of the council's risk approach to our stakeholders
- Strong and transparent risk governance arrangements, including reporting and escalation of risk

To realise opportunities and manage exposures to ensure Surrey residents remain healthy, safe and confident about their future.

## Challenges and opportunities

The ongoing climate of funding reductions, demand increases and changing responsibilities for Local Government continues to bring significant risk as well as opportunities. Sustaining the council's strong organisational resilience will require working differently, effectively managing our risks and realising the opportunities identified by new ways of working.

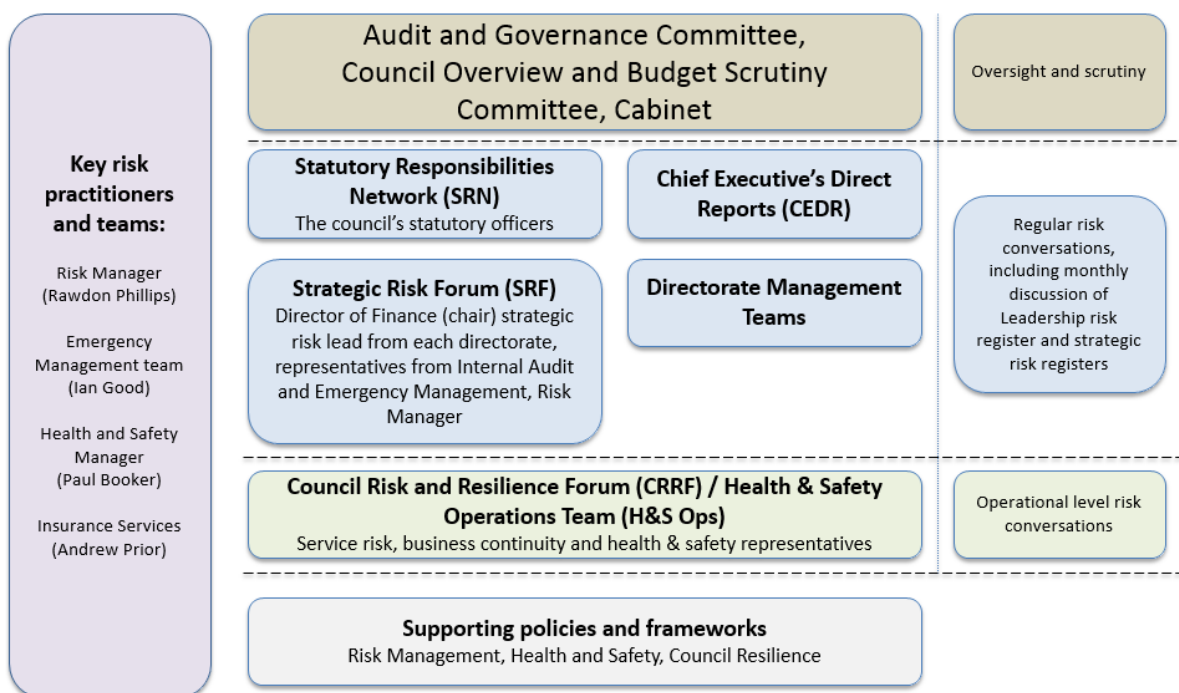
Risk management is a continuous and evolving process that runs through everything we do. Continually identifying and managing risks and opportunities increases the probability of success and supports the achievement of our goals and priorities.

## Key actions

During 2017/18 three risk management actions will be prioritised to support the achievement of the council's corporate strategy:

1. Continue to ensure the risk management arrangements are fit for purpose and support new ways of working.
2. Continue to moderate, challenge and present risk information in a clear and transparent way across the organisation.
3. Investigate the strengthening of links between Risk Management and Internal Audit to improve programme and project reviews. Also improve links between Risk Management and Business Continuity with particular reference to consistency of risk registers.

## Risk governance



The strategic lead officer for the corporate risk management arrangements is Sheila Little, Director of Finance and she is supported by Rawdon Phillips, Risk Manager.

The Audit and Governance Committee is responsible for monitoring the effectiveness of the risk management arrangements.

## Roles and responsibilities

ROLE	RESPONSIBILITIES
The Cabinet	Oversee effective risk management across the council and ensure that key risks are identified, managed and monitored.
Portfolio Holders	Ensure that key risks within their portfolio are effectively managed through discussions with senior officers. Contribute to the Cabinet review of risk and be proactive in raising risks from the wider Surrey area and community if appropriate.
Scrutiny Boards	Monitor and challenge key risk controls and actions.
Audit and Governance Committee	Provide independent assurance to the council on the effectiveness of the risk management arrangements. Annually approve the risk management strategy and plan.
Leadership Team	Ensure effective implementation, monitoring and review of the council's risk management arrangements. Identify, own and manage key risks facing the council.
Strategic Directors	Own their risk register and regularly identify, prioritise and control risks as part of wider council performance. Ensure that risk management is consistently implemented in line with the council's Risk Management Strategy and proactively discuss risk with senior officers and members.
Heads of Service	Own their risk register and regularly identify, prioritise and control risks as part of wider council performance. Challenge risk owners and review actions to ensure controls are in place and monitored. Support and have a regular dialogue with risk representatives and ensure that risk management is consistently implemented in line with the council's Risk Management Strategy.
Managers	Take ownership for actions and report progress to management. Co-operate and liaise with risk representatives and report any new or emerging risks.
Staff	Assess and manage risks effectively and report risks to management.
Risk Manager	Lead on the implementation of the risk management arrangements, including moderating and challenging risk across the organisation and providing training and communication. Centrally hold and publish all council risk registers and facilitate the review and challenge of the Leadership risk register.
Strategic Risk Forum	Review strategic risk through challenge and moderation and make recommendations to senior management on changes to the corporate risk arrangements and strategic risks. Identify and escalate common themes and issues through sharing learning and best practice.
Risk representatives	Embed and aid understanding of risk across the council and support management with the review of risk, including the risk register, as part of performance monitoring.
Internal Audit team	Annually audit the council's risk management arrangements and use risk information to inform the annual internal audit plan to ensure that internal controls are robust.

## Review

The Risk Management Strategy and plan is reviewed annually. For any queries or comments on this document please contact Rawdon Phillips, Risk Manager.

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# Code of Corporate Governance

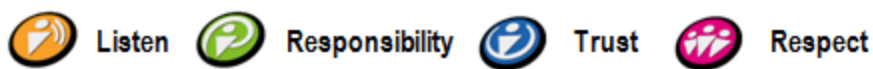
# CONTENTS

	<u>PAGE</u>
<b>Commitment to good governance</b>	<b>3</b>
<b>Good governance principles</b>	<b>4</b>
<b>Supporting governance documents</b>	<b>6</b>
<b>Governance review</b>	<b>6</b>
<b>Roles and responsibilities</b>	<b>8</b>
<b>Glossary</b>	<b>9</b>
<u>Annexes</u>	
A Supporting governance documents	10
B Governance document custodians	11
C Governance document approval	12
D Governance review process	13
E Governance Panel terms of reference	14

# COMMITMENT TO GOOD GOVERNANCE

Surrey County Council's Corporate Strategy sets out the council's overall purpose to ensure Surrey residents remain healthy, safe and confident about their future.

Good corporate governance underpins confidence in public services and should be transparent to all stakeholders. We are committed to demonstrating that the council has sound corporate governance and the Governance Strategy and this Code of Corporate Governance sets out the way we meet that commitment. This in turn promotes adherence to our values that guide the behaviour of all officers and Members:



Corporate governance is the way in which the council directs and controls its arrangements to ensure that the intended outcomes for stakeholders are defined and achieved. A robust governance code provides assurance that Surrey is meeting best practice in protecting its assets and serving the community.

The council annually reviews the effectiveness of its governance arrangements and produces an Annual Governance Statement (AGS), which summarises the governance framework and environment in place during the year. The AGS is signed by the Chief Executive and the Leader of the Council and is included within the Statement of Accounts, as required by statute. A summary of the AGS is also included within our Annual Report.

This Code of Corporate Governance supplements the Governance Strategy and 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.



***Our Corporate Strategy: Ensuring Surrey residents remain healthy, safe and confident about their future***

# GOOD GOVERNANCE PRINCIPLES

## Principles of Public Life

The council is committed to ensuring that good governance is in place and that we are serving the local community in accordance with the seven principles of public life as defined by the Nolan Committee<sup>1</sup>. 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.

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.

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<sup>1</sup> The Nolan Committee was established in 1994 by the Prime Minister in response to concerns that conduct by some politicians was unethical.



## Core Governance Principles

The council has adopted six core governance principles, which ensure good governance, compliance with the principles of public life and support the achievement of our Corporate Strategy and Governance Strategy.

<p>We will focus on our purpose to optimise the achievement of intended outcomes for Surrey and its local communities.</p> <p>We will meet this by:</p> <ul style="list-style-type: none"> <li>• Making the best use of our resources available to ensure best value is achieved; and</li> <li>• Promoting decision making that is rigorous and transparent.</li> </ul>
<p>Members and officers will behave with integrity and demonstrate a strong commitment to ethical values.</p> <p>We will meet this by:</p> <ul style="list-style-type: none"> <li>• Demonstrating and communicating our values; and</li> <li>• Understanding, monitoring and maintaining our ethical standards.</li> </ul>
<p>We will ensure openness and effectively engage with our stakeholders.</p> <p>We will meet this by:</p> <ul style="list-style-type: none"> <li>• Demonstrating, documenting and communicating our commitment to openness; and</li> <li>• Engaging with residents, partners, businesses and other stakeholders in the development of services.</li> </ul>
<p>We will develop the capacity and capability of members and officers to continue to be effective.</p> <p>We will meet this by:</p> <ul style="list-style-type: none"> <li>• Clarifying roles and responsibilities; and</li> <li>• Ensuring members and officers have the appropriate skills, knowledge, resources and support to perform well in their roles.</li> </ul>
<p>We will manage risks and performance through robust internal control and strong public financial management.</p> <p>We will meet this by:</p> <ul style="list-style-type: none"> <li>• Ensuring integrated and effective risk management arrangements are in place; and</li> <li>• Monitoring service delivery.</li> </ul>
<p>We will implement good practice in transparency and reporting to deliver effective accountability.</p> <p>We will meet this by:</p> <ul style="list-style-type: none"> <li>• Reporting to stakeholders in an understandable way; and</li> <li>• Having good quality information that is easy to access.</li> </ul>

## SUPPORTING GOVERNANCE DOCUMENTS

There is a robust framework of council policies and processes that are of key importance in maintaining good governance, support the achievement of the Corporate Strategy and Governance Strategy and underpin compliance with the core governance principles. The documents are shown at Annex A.

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.

Below those officers and members mentioned above, where appropriate, are officers who have a material input and control over governance documents. These officers are referred to as Governance Custodians and they are shown in Annex B.

Governance Custodians are responsible for keeping documents up to date and therefore making necessary changes. Any significant changes require approval by members or officers as shown at Annex C. It is the decision of the relevant officer and/or member as to what is classed as significant.

## GOVERNANCE REVIEW

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 D. The review consists of a number of parts as follows.

### **PART 1 – CUSTODIAN ASSURANCE**

Governance Custodians are required to complete an annual Custodian Assurance Statement. A summary report is presented to the Governance Panel, which makes recommendations on any specific areas to be reviewed as part of the governance compliance work undertaken by Internal Audit (see below).

### **PART 2 – GOVERNANCE COMPLIANCE AND REPORT ON INTERNAL CONTROL**

Following agreement by the Governance Panel on the areas of focus, a number of methods are used by Internal Audit to test governance compliance:

- Relevant audit reviews already undertaken or in progress;
- Use of surveys sent to a sample of staff and members; and
- Assurance mapping.

Key findings from the testing above are presented to the Governance Panel and any significant areas will be included in the AGS.

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 overall internal control

environment. This report is presented to the Governance Panel and any significant areas will be included in the AGS

### **PART 3 – ASSESSMENT OF THE CORE GOVERNANCE PRINCIPLES**

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,
- assessing existing governance arrangements against best practice, and
- reviewing any assurance mapping undertaken by Internal Audit.

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**

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 can include 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**

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 the Statutory Responsibilities Network and the senior leadership team before the AGS is presented to the Audit and Governance Committee and the Cabinet for approval. The AGS is then incorporated into the Statement of Accounts and the Annual Report.

### **PART 6 - MONITORING**

The Governance Panel monitors progress on any improvement actions identified and update reports are presented to senior officers and the Audit and Governance Committee as appropriate.

# ROLES AND RESPONSIBILITIES

All staff and members have a role in ensuring good governance but specific responsibilities are set out below:

ROLE	RESPONSIBILITIES
The Cabinet	<ul style="list-style-type: none"> <li>• Approve the AGS for publication with the Statement of Accounts and the Annual Report</li> <li>• Monitor any governance improvements required, as appropriate</li> </ul>
Portfolio Holders	<ul style="list-style-type: none"> <li>• Demonstrate ownership of individual governance areas</li> <li>• Approve governance policies as appropriate</li> </ul>
Audit & Governance Committee	<ul style="list-style-type: none"> <li>• Review the draft AGS and advise the Cabinet as appropriate</li> <li>• Monitor the effectiveness of the governance arrangements</li> <li>• Monitor compliance with the Code of Corporate Governance</li> <li>• Approve governance policies as appropriate</li> </ul>
Statutory Responsibilities Network	<ul style="list-style-type: none"> <li>• Commission remedial action to address issues as appropriate</li> <li>• Review related reports en route to the Cabinet e.g. AGS</li> </ul>
Governance Panel	<ul style="list-style-type: none"> <li>• Refer to the Terms of Reference – <b>Annex E</b></li> </ul>
Heads of Service and Assistant Directors	<ul style="list-style-type: none"> <li>• Appoint Governance Custodians as required</li> <li>• Promote the delivery of policies within their service</li> <li>• Participate in the governance review and ensure that officers under their charge cooperate within the given timescales</li> <li>• Ensure governance improvements required within their service are acted upon in a timely manner and reported as necessary</li> </ul>
Governance Custodians	<ul style="list-style-type: none"> <li>• Maintain and regularly review governance documents to ensure they reflect legislative changes, best practice and organisational changes</li> <li>• Ensure governance documents are communicated effectively</li> <li>• Operate a standard process of version control on all governance documents</li> <li>• Ensure actions identified through the corporate governance review are acted upon in a timely manner and reported as necessary</li> </ul>
Risk and Governance Manager	<ul style="list-style-type: none"> <li>• Coordinate the corporate governance review</li> <li>• Carry out the annual assessment of core principles</li> <li>• Annually review the Code of Corporate Governance</li> <li>• Ensure provision of Corporate Governance training for staff and members as appropriate</li> </ul>
Internal Audit Team	<ul style="list-style-type: none"> <li>• Conduct the annual review of governance compliance</li> <li>• Provide information on the internal control environment to inform the AGS</li> </ul>

# REVIEWING AND REVISING THE CODE

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 (England) 2011 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 and the Annual Report.
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.
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 Governance Custodian providing assurance that each policy is up to date and detailing any work that has been undertaken throughout the year.
Effectiveness review	An annual review of the effectiveness of the system of internal audit.
External Audit	An external annual review of the Council's accounts.
Governance Custodian	Officers who have responsibility for ensuring that governance documents are up to date and promoted across the authority.
Governance Panel	Chaired by the Director of Legal, Democratic and Cultural Services, the panel ensures that the council has a robust appraisal of governance. It advises Statutory Responsibilities Network, Audit & Governance Committee and Cabinet on the adequacy of the governance arrangements.
Internal Audit Team	An independent appraisal function that objectively examines, evaluates and reports on the adequacy of internal control.
Monitoring Officer (Director of Legal, Democratic and Cultural Services)	The statutory officer in accordance with section 5 of the Local Government and Housing Act 1989 ensuring lawfulness and fairness of decision making.
Section 151 Officer (Director of Finance)	The statutory officer with responsibility for the proper administration of the Council's affairs under section 151 of the Local Government Act 1972.
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.
Statutory Responsibilities Network (SRN)	Chaired by the Chief Executive, the SRN brings the senior statutory officers together to provide oversight on the council's major statutory responsibilities.

## SUPPORTING GOVERNANCE DOCUMENTS

## Annex A

<b>RESIDENTS</b> <b>Actively involving local people and stakeholders</b>	<b>QUALITY</b> <b>Ensuring a high quality service</b>	
Equality, Fairness and Respect Strategy Communication and Engagement Strategy	Customer Promise People Strategy	
<b>VALUE</b> <b>Taking informed and transparent decisions that promote value for money</b>	<b>PEOPLE</b> <b>Maintaining high standards of conduct</b>	
Cabinet Forward Plan Governance Strategy Procurement Standing Orders Scheme of Delegation Standing Orders	Arrangements for dealing with complaints about Members Behaviours Framework                      Disciplinary Capability    Grievance Change Management                      Member/Officer Protocol Codes of Conduct (officers and Members)      Safer Recruitment Ending Harassment, Bullying and Discrimination	
<b>PARTNERSHIPS</b> <b>Having clear relationships</b>	<b>STEWARDSHIP</b> <b>Ensuring effective risk and performance management systems</b>	
Partnership Framework and Principles: <ul style="list-style-type: none"> <li>• Memorandums of Understanding</li> <li>• Joint Working Arrangements</li> </ul> Partnership Governance Framework Surrey Compact Voluntary, Community and Faith Sector (VCFS) Framework	Data Governance                      Resilience policy Financial Regulations                      Risk Management Strategy Health and Safety policy                      Strategy Against Fraud and Corruption IT Security policy                      Whistleblowing policy Premises Security policy Regulation of Investigatory Powers Act (RIPA)	

# GOVERNANCE DOCUMENT CUSTODIANS

## Annex B

Document	Custodian
Arrangements for dealing with complaints about Members	Director of Legal, Democratic and Cultural Services
Behaviours Framework	Head of HR and OD
Cabinet Forward Plan	Cabinet Business Manager
Capability	Head of HR and OD
Change Management	Head of HR and OD
Code of Conduct for Members	Director of Legal, Democratic and Cultural Services
Code of Conduct for Staff	Head of HR and OD
Communications and Engagement Strategy	Head of Communications
Customer Promise	Head of Customer Services
Data Governance policy	Corporate Information Governance Manager
Disciplinary	Head of HR and OD
Equality, Fairness and Respect strategy	Policy and Strategic Partnerships Lead Manager
Ending harassment, bullying, discrimination and victimisation	Equality Inclusion and Wellbeing Manager
Financial Regulations	Director of Finance
Governance Strategy	Governance Panel
Grievance	Head of HR and OD
Health and Safety policy	Head of HR and OD
IT Security policy	Head of IMT
Member / Officer Protocol	Director of Legal, Democratic and Cultural Services
Partnership Framework and Principles	Deputy Chief Executive
Partnership Governance Framework	Risk and Governance Manager
People Strategy	Head of HR and OD
Premises Security policy	Workplace Delivery Manager
Procurement Standing Orders	Head of Procurement
Regulation of Investigatory Powers Act (RIPA)	Head of Trading Standards
Resilience Policy	Head of Emergency Management
Risk Management Strategy	Risk and Governance Manager
Safer Recruitment	Head of HR and OD
Scheme of Delegation	Director of Legal, Democratic and Cultural Services
Standing Orders	Cabinet Business Manager
Strategy against Fraud and Corruption	Chief Internal Auditor
Surrey Compact	Strategic Partnership Manager
VCFS Framework	Strategic Partnership Manager
Whistle blowing policy	Head of HR and OD

# GOVERNANCE DOCUMENT APPROVAL

## Annex C

### Member approval

<b>Cabinet</b>	<b>Leader of the Council</b>
Communication and Engagement Strategy	Cabinet Forward Plan
Customer Promise	
Equality, fairness and respect strategy	
Financial Regulations	<b>County Council</b>
Partnership principles	Arrangements for dealing with complaints about Members
Procurement Standing Orders	Code of Conduct – Members
Regulation of Investigatory Powers Act (RIPA)	Member / Officer protocol
Surrey Compact	Scheme of Delegation
	Standing Orders
<b>People, Performance and Development Committee</b>	<b>Audit and Governance Committee</b>
Behaviours framework	Risk management strategy
Capability	Strategy against fraud and corruption
Change Management	
Code of Conduct – Staff	
Disciplinary	
Ending harassment, bullying and discrimination	
Grievance	
People Strategy	
Safer recruitment	
Whistle blowing policy	

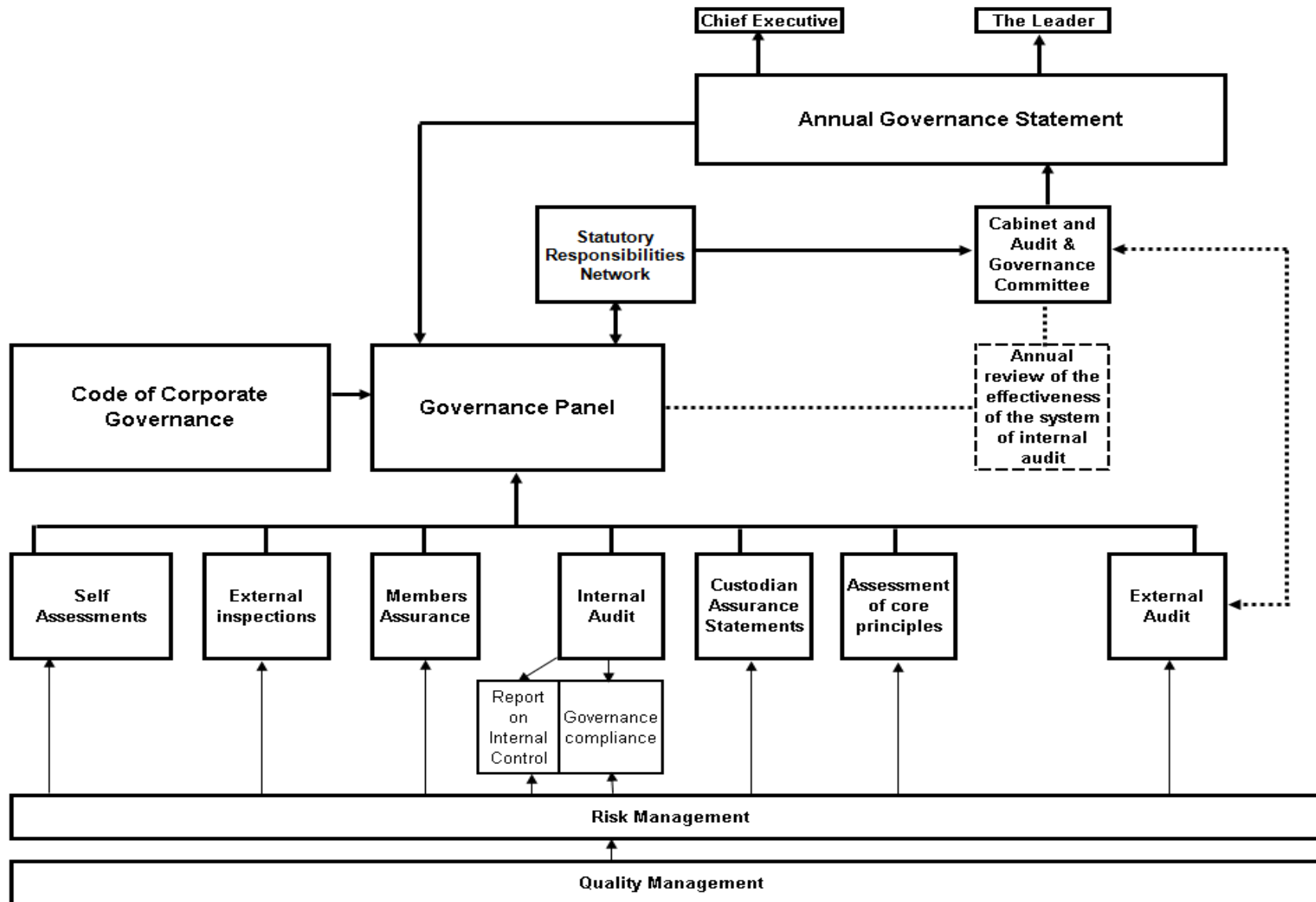
### Officer approval

Data governance policy	Information Governance Risk Board
Governance Strategy	Governance Panel
Health and Safety policy	Central Joint Safety Committee
IT Security policy	Head of IMT
Partnership Governance framework	Governance Panel
Premises Security policy	Chief Property Officer
Resilience policy	Head of Emergency Management
VCFS Framework	Chief Executive



# GOVERNANCE REVIEW PROCESS

Annex D



## Scope

The Governance Panel (the panel) ensures that the Council has a robust method of scrutiny and appraisal of Governance. The panel advises Statutory Responsibilities Network<sup>2</sup>, 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:

- Annually reviewing the Code of Corporate Governance and approving changes prior to presentation at the A&GC
- Reviewing reports from Internal Audit, Risk & Governance, External Audit and other inspectorates as appropriate
- Reviewing significant changes to governance documents within the Code of Corporate Governance
- Reporting significant governance issues, providing updates and presenting the draft AGS to the SRN and A&GC.

## Membership

The following officers form the Governance Panel:

Chair	-	Director of Legal, Democratic and Cultural Services (Monitoring Officer)
Standing members	-	Senior representatives from Finance, HR & OD and Strategy & Performance
	-	Chief Internal Auditor
	-	Risk & Governance Manager
Advisors	-	Governance custodians
	-	Representatives from Internal Audit

<sup>2</sup> Consisting Chief Executive (Chair), statutory officers for: Social Care and Public Health, Education, Fire, Director of Finance, Director of Legal, Democratic and Cultural Services, Chief Internal Auditor, Head of HR.

## **Individual Roles and responsibilities**

### Chair

- Proactively chair panel meetings, ensure meetings are effective and actions have been completed
- Present panel reports to SRN, 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

- Lead on the annual review of governance, including the development of the AGS
- 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 SRN, 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 updates and reports to the panel on internal control and key audit findings

### Governance Custodians

May be required to attend any panel meetings at the request of the Chair

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## OFFICER REPORT TO COUNCIL

### AMENDMENTS TO THE CONSTITUTION – ARTICLES

#### KEY ISSUE/DECISION:

Surrey County Council has a Constitution which is agreed by Members and sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that they are efficient, transparent and accountable to the residents of Surrey.

The Constitution contains Articles that set out the basic rules governing the Council's business and these have been updated to ensure that they are fit for purpose.

The County Council is asked to agree the updated Articles so that these can be implemented and published on the Council's website.

#### BACKGROUND:

1. The current version of the Council's Articles of the Constitution have been in place since 2012 with minor changes approved to specific sections in 2013, 2014 and 2015 to ensure that they reflect current legislation.
2. Work has been undertaken to review all of the Articles within the Constitution and as a result these have been updated in terms of format, language and layout. Plain English has been used and legalistic terms explained to ensure the Articles are fit for purpose and can be easily understood by the layman. The updated Articles can be found at **Annex A**.
3. As part of the review it was identified that information relating to meeting procedures had been included within the Articles and it was felt that this would fit better within the Council's Standing Orders (Part 4 of the Council's Constitution). This will ensure that all information relating to meeting procedures can be found in one place. The proposed information to include within Standing Orders can be found at **Annex B**.

## **DETAIL OF CHANGES:**

4. Changes to the Articles of the Constitution include the following:

- **Article 7** – Scrutiny Boards – this has been updated to reflect the recent changes to scrutiny and the new arrangements that are now in place including the revised Select Committee remits agreed by the County Council in May 2017. The changes include amendments to paragraphs (h) (Members' requests for the inclusion of items on agenda) and (i) (Councillor Call for Action) to reflect the fact that work programmes for all select committees are now decided by the Overview & Budget Scrutiny Committee. A process for dealing with urgent requests is set out, and the changes do not impact on Members' statutory right to request items under these paragraphs.

For completeness, the following additions have also been made to the agreed committee remits: 'Workforce Planning' added to the Overview & Budget Scrutiny Committee; and 'Health & Safety' added to the Corporate Services Select Committee.

- **Access to Information** - All references to Access to Information have been pulled together to create a new Article 15 which contains all the access to information details to ensure this information is easy to locate and to avoid duplication.
  - **Meeting procedures** – Information relating to meeting procedures has also been removed from individual Articles for insertion into Part 4 of the Constitution – Standing Orders, where it more logically sits.
5. All other changes made are minor to ensure factual accuracy and to make the document easier to read and use.
6. Legal Services have been consulted on all the proposed changes and have confirmed that they are satisfied with these.

## **NEXT STEPS:**

7. Once approved by Council the revised Articles will be published on the Council's website as part of the Council's Constitution.
8. The information to be moved to the Council's Standing Orders will be inserted into the relevant places and renumbered accordingly. Once this has been completed, the revised Standing Orders will be also be published on the Council's website.

<b>RECOMMENDATION:</b>
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It is recommended that:

- A. the updated Articles of the Constitution as shown in **Annex A** be adopted and included within the Council's Constitution and published on the Council's website.
  
- B. the procedural information formally contained in the Articles, as shown in **Annex B**, be inserted into the relevant sections of Part 4 of the Constitution (Standing Orders).

**Lead/Contact Officer:**

Katie Booth  
Democratic Services Lead Manager  
Tel: 020 8541 7197

**Annexes:**

Annex A – Revised Articles of the Constitution  
Annex B – Information to be included within the Council's Standing Orders  
(Part 4 of the Constitution)

**Sources/background papers:**

The Council's Constitution

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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**

- a) The purpose of the Constitution is to set out in a single place, and in clear language, how the County Council works and how it makes decisions.
- b) The Constitution provides the County Council with an operational framework to do its job.

## 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 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) be involved in decision-making;
- (vii) be available to represent the Council on other bodies; and
- (viii) 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 or boards of the Council of which they are not appointed members.
- (ii) Any Member who attends any such meeting may 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 their 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/board 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/board 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 scrutiny select committee meeting may attend the meeting of the committee and, with the chairman's consent, speak on the matter.
- (vi) Where a scrutiny select committee makes a report to the Leader/Cabinet, the chairman of the select committee may attend the meeting of the Cabinet and, with the Chairman of the Cabinet's consent, speak for the select committee on its report.

**2.04 Conduct**

Members will at all times observe the Member Code of Conduct and the Member/Officer Protocol adopted by the County Council and 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 for inspection at County Hall and can be accessed via Surrey libraries.

## 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 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 and boards. Full details of the Council's petition scheme can be found in Part 4 of the Constitution.

#### (b) **Information**

In summary, the public have the right to:

- (i) attend meetings of the Council and its committees/boards 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/boards held in public;
- (iv) 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;
- (v) find out from the Notice of Decisions what key decisions will be taken, and when, so that they can make their views known;
- (vi) 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
- (vii) 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.

## **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 monitors the operation of the Members’ 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 material 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 6.9;
- (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) the appointment of the Head of Paid Service;
- (m) the appointment of the Monitoring Officer and the Chief Finance Officer;
- (n) functions which by law may not be delegated;

(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:

- Development Plan Documents (including Waste and Minerals Local Development Documents (LDDs))
- Local Transport Plan
- Youth Justice Strategic Plan
- Children and Young People's Strategy

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

- Substance Misuse Strategy
- Mental Health and Emotional Well-being Strategy
- Surrey Safeguarding Children's Board Report

Plans included at the Council's request:

- Waste Management Plan
- Corporate Strategy
- Admission Arrangements for Maintained Schools
- School Organisation Plan
- Corporate Resilience Policy

#### 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 **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, setting the Council Tax, 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 in Part 4 - Standing Orders.

#### 4.09 **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 AND DEPUTY 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 no longer a councillor; or
- (c) 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 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 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 scrutiny 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

### (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.

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

### (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.

(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 Article 15 - Access to Information Rules.

(f) **Quorum**

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

## **ARTICLE 7 – SCRUTINY FUNCTION (OVERVIEW & BUDGET SCRUTINY COMMITTEE AND SELECT COMMITTEES)**

The Council will appoint a number of select committees to discharge the functions conferred by section 21 of the [Local Government Act 2000](#) and any other applicable legislation or regulation.

### **7.01 Select Committees - Terms of Reference**

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

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

#### **(a) General role**

Within their agreed portfolio, select committees 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 select committees have three specific roles – scrutiny; overview, policy review and development; and performance management:

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

#### **Scrutiny**

- i. 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;



- ii. 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;
- iii. Reviewing the performance of statutory partners with regard to the achievement of improvement targets to which they are signed up. The select committee can require partner organisations to provide information in relation to the particular target.
- iv. Scrutinising the Shareholder Board in respect of the performance of the companies for which the Council is the majority shareholder.
- v. Making reports and/or recommendations to the Leader/Cabinet/Cabinet Member and/or Council arising from the outcome of the scrutiny process.
- vi. Making reports and/or recommendations to partner authorities arising from the outcome of the scrutiny process.

### **Overview, policy development and review**

- vii. Reviewing current policies and strategies and making recommendations to the Leader/Cabinet and/or the Council;
- viii. 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;
- ix. Considering matters referred to them by the Leader/Cabinet and reporting to the Leader/Cabinet with proposals;
- x. Monitoring the Leader's Cabinet forward plan and advising the Leader/Cabinet on matters within the remit of the select committee;
- xi. 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.

### **Performance and Finance**

- xii. Reviewing and commenting on draft service delivery plans and budgets including priorities, targets and performance indicators.
- xiii. Undertaking in-depth performance reviews with the relevant Cabinet Member, Strategic Director and Heads of Service.

- xiv. Monitoring service risk management measures and identifying to the Leader, Deputy Leader or Cabinet Members significant risks and concerns;
- xv. Anticipating and advising the Leader/Cabinet/Cabinet Member or Council on areas of performance which give rise to concern.

## 7.02 Overview & Budget Scrutiny Committee

The Overview and Budget Scrutiny Committee 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

- a) Determines select committee work programmes and appoints task groups, agreeing task group scoping documents prior to the commencement of work;
- b) Commissions reviews by the appropriate select committees as necessary, 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;
- c) Reviews performance, finance and risk information for all County Council services, referring issues to the appropriate select committee for detailed scrutiny as necessary;
- d) Reviews the performance of and holds to account any trading companies established by the County Council;
- e) Acts as a resource to the Cabinet in the development of strategic policies;
- f) Holds the Leader and Deputy Leader to account, scrutinising the delivery and impact of corporate policies and decisions.

## 7.03 Adults and Health Select Committee (Health Scrutiny) Terms of Reference

In addition to its adult social care responsibilities the Adults and Health Select Committee will fulfil the council's statutory health scrutiny responsibilities.

The select committee 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 select committee by Healthwatch under the Health and Social Act 2012;
- (i) social care services and other related services delivered by the authority.

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

In addition, the select committee 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 Adults and Health Select Committee may refer to the Secretary of State for Health any contested proposals for substantial change or variation in service. The Chairman of that select committee will ensure all Members are notified when this power is utilised.

The Adults and Health Select Committee 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 select committee and agree:

- a) the size of any joint committee appointed for this purpose in consultation with other appropriate authorities which have an interest as consultees;
- b) the share of the Council's seats on each such joint committee; and
- c) the County Council's membership of any such joint committee in accordance with the wishes of political groups.

#### 7.04 **Select Committee Procedure Rules**

##### **a) Membership of select committees**

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

##### **b) Co-optees**

Select 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.

##### **c) Education representatives**

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

##### **d) Meetings of select committees**

The committees 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 select committee meeting may be called by the select committee chairman, by any 3 members of the select committee.

##### **e) Quorum**

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

**f) Election of select committee chairmen**

The chairmen and vice-chairmen of the select committees will be elected by the Council. The appointments of the Chairmen and Vice-Chairmen of the Adults and Health Select Committee and the Children and Education Select Committee will be subject to a valid enhanced criminal records check.

**g) The party whip**

When considering any matter in respect of which a member of the select committee 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 select committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

**h) Work programmes**

Select committee work programmes will be set by the Overview & Budget Scrutiny Committee and may include business which they wish to review on the Leader's/Cabinet's/Cabinet Member's or Council's behalf. Any member of a select committee shall be entitled to give notice to the proper officer that he/she wishes to include an item relevant to the functions of the select committee on the agenda for the next available meeting. On receipt of such a request the proper officer will ensure that the Overview & Budget Scrutiny Committee is notified and that it includes the item on the agenda for the next available meeting of the appropriate select committee. If requests are received which require a decision before the next scheduled Overview & Budget Scrutiny Committee meeting, responsibility will be delegated to the Chairman and Vice-Chairman, following consultation with the Committee.

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

- (i) Any Member of the Council may refer to a select committee any local government matter which is relevant to the functions of the select committee by giving notice to the proper officer.
- (ii) On receipt of such a request the proper officer will ensure that the Overview and Budget Scrutiny Committee is notified and that it includes an item on the agenda for the next available meeting of the appropriate select committee.
- (iii) If requests are received which require a decision before the next scheduled Overview & Budget Scrutiny Committee meeting, responsibility will be delegated to the Chairman and Vice-Chairman, following consultation with the Committee.
- (iv) The Member referring the matter may make representations as to why it would be appropriate to scrutinise the matter.
- (v) If the select committee decides not to scrutinise the matter, it must notify the Member of its decision and the reasons for it.
- (vi) The select committee 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) Select Committee Service Areas

Name	Relevant Services
Overview and Budget Scrutiny Committee	<p>Co-ordinates the Council's policy development and scrutiny work by agreeing work programmes for Select Committees, ensuring that reviews are focused on the Council's priorities and value for money, that reviews are cross-cutting where appropriate, and that work is not duplicated.</p> <p>Performance, finance and risk monitoring for all Council services</p> <p>Policy development and scrutiny for Cross-cutting/whole-Council issues, including:</p> <ul style="list-style-type: none"> <li>➤ Budget Strategy/Financial Management</li> <li>➤ Improvement Programme, Productivity and Efficiency</li> <li>➤ Equalities and Diversity</li> <li>➤ Workforce Planning</li> <li>➤ Corporate Performance Management</li> <li>➤ Corporate and Community Planning</li> <li>➤ Transformation</li> <li>➤ New models of delivery</li> <li>➤ Digital strategy</li> </ul>

Name	Relevant Services
Adults and Health Select Committee	<p>Policy development, scrutiny and performance, finance &amp; risk monitoring for adults' health and social care services:</p> <ul style="list-style-type: none"> <li>➤ Services for people with: <ul style="list-style-type: none"> <li>○ Mental health needs, including those with problems with memory, language or other mental functions</li> <li>○ Learning disabilities</li> <li>○ Physical impairments</li> <li>○ Long-term health conditions, such as HIV or AIDS</li> <li>○ Sensory impairments</li> <li>○ Multiple impairments and complex needs</li> </ul> </li> <li>➤ Elderly, frail and dementia care</li> <li>➤ Services for Carers</li> <li>➤ Social care services for prisoners</li> <li>➤ Safeguarding</li> <li>➤ Care Act 2014 implementation</li> <li>➤ Review and scrutiny of all health services commissioned or delivered within Surrey</li> <li>➤ Public Health</li> <li>➤ Statutory Health Scrutiny</li> <li>➤ Review delivery of the Health and Wellbeing Strategy</li> <li>➤ Health and Wellbeing Board</li> </ul>

Children and Education Select Committee	<p>Policy development, scrutiny and performance, finance &amp; risk monitoring for children's and education services:</p> <ul style="list-style-type: none"> <li>➤ Looked after children</li> <li>➤ Corporate parenting</li> <li>➤ Fostering</li> <li>➤ Adoption</li> <li>➤ Child Protection</li> <li>➤ Children with disabilities</li> <li>➤ Early Help (including Surrey Family Support Programme)</li> <li>➤ Services for Young People (including Surrey Youth Support Service)</li> <li>➤ Youth Crime reduction and restorative approaches</li> <li>➤ Working together with partners</li> <li>➤ Child Sexual Exploitation</li> <li>➤ Schools and Learning</li> <li>➤ Special Education Needs and Disability (SEND)</li> <li>➤ Transition</li> <li>➤ Further Education</li> <li>➤ Early Years Education</li> <li>➤ Services to improve achievements for those children in Surrey's care</li> <li>➤ Virtual school</li> <li>➤ School places</li> <li>➤ School transport</li> </ul>
<b>Name</b>	<b>Relevant Services</b>
Children and Education Select Committee - continued	<ul style="list-style-type: none"> <li>➤ Participation of young people not currently in employment , education or training</li> <li>➤ Apprentices and skills for employment</li> <li>➤ Adult and Community Learning</li> </ul>
Communities Select Committee	<p>Policy development, scrutiny and performance, finance &amp; risk monitoring for the following Council services:</p> <ul style="list-style-type: none"> <li>➤ Community Safety, including: <ul style="list-style-type: none"> <li>○ Crime and Disorder Reduction</li> <li>○ Relations with the Police</li> </ul> </li> <li>➤ Fire and Rescue Service</li> <li>➤ Cultural Services, including: <ul style="list-style-type: none"> <li>○ Library Services</li> <li>○ Major cultural and community events</li> <li>○ Heritage</li> <li>○ Arts</li> <li>○ Citizenship</li> <li>○ Registration</li> </ul> </li> <li>➤ Sport</li> <li>➤ Volunteering and Voluntary Sector Relations</li> <li>➤ Customer Services</li> <li>➤ Localism</li> <li>➤ Trading Standards and Environmental Health</li> <li>Community engagement</li> </ul>

Corporate Services Select Committee	<p>Policy development, scrutiny and performance, finance &amp; risk monitoring for central services:</p> <ul style="list-style-type: none"> <li>➤ Finance</li> <li>➤ Property estate and facilities management</li> <li>➤ Emergency and Contingency Planning</li> <li>➤ HR and Organisational Development</li> <li>➤ IMT</li> <li>➤ Procurement</li> <li>➤ Legal and Democratic Services</li> <li>➤ Orbis Partnership</li> <li>➤ Communications</li> <li>➤ Other Support Functions</li> <li>➤ Health &amp; Safety</li> </ul>
Environment and Infrastructure Select Committee	<p>Policy development, scrutiny and performance, finance &amp; risk monitoring for the Environment &amp; Infrastructure directorate:</p> <ul style="list-style-type: none"> <li>➤ Planning</li> <li>➤ Waste and recycling</li> <li>➤ Transport Service Infrastructure</li> <li>➤ Flood prevention and infrastructure</li> <li>➤ Aviation</li> <li>➤ Public transport – bus and rail</li> <li>➤ Highways infrastructure</li> <li>➤ Highway Maintenance</li> <li>➤ Local Transport Plans and Strategies</li> <li>➤ Road Safety</li> <li>➤ Street lighting</li> <li>➤ Parking regulation and enforcement</li> <li>➤ Rights of way</li> <li>➤ Active travel including cycling and walking infrastructure, promotion and cycle training</li> </ul>

<b>Name</b>	<b>Relevant Services</b>
Environment and Infrastructure Select Committee - continued	<ul style="list-style-type: none"> <li>➤ Concessionary Travel</li> <li>➤ Community Transport</li> <li>➤ Economic Development and the Rural Economy</li> <li>➤ Economic Prosperity, including Local Enterprise Partnerships</li> <li>➤ Housing</li> <li>➤ Countryside</li> <li>➤ Minerals</li> <li>➤ Air quality</li> <li>➤ Climate change</li> <li>➤ Energy</li> <li>➤ Gypsy and Traveller sites</li> <li>➤ Biodiversity and wildlife</li> <li>➤ Tourism</li> <li>➤ Europe</li> <li>➤ Broadband</li> </ul>



## ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

8.1 The Council will appoint committees with the terms of reference set out below with functions of those committees contained 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 Regulations, the political proportionality rules do not apply to this Committee.

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:
  - a. for the purpose of advancing the health and wellbeing of the people of Surrey, to encourage persons who arrange for the provision of any health or social care services in Surrey to work in an integrated manner;
  - b. 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;

- c. 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
- d. 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.
- e. To undertake a Joint Strategic Needs Assessment (JSNA) for Surrey having regard to any guidance issued by the Secretary of State and ensuring the involvement of the Local Healthwatch organisation, the people who live and work in Surrey and each relevant District and Borough Council (sections 116 and 116a of the Local Government and Public Involvement in Health Act 2007) and to oversee and assure the translation of that JSNA into a Joint Health and Wellbeing Strategy (JHWS) (section 196 (1) of the Act).
- f. To give the County Council its opinion on whether the County Council, in the exercise of its functions, is giving due regard to the JSNA and the JHWS.

### 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 do not apply or are modified as prescribed:

- a) Health and Wellbeing Boards can appoint a sub-committee to carry out certain functions of the Board and to advise the Board.
- b) A sub-committee of the Board can arrange for functions under section 196(2) of the 2012 Act to be carried out by an officer of the authority.

- c) All Members of the Board have voting rights unless the local authority directs otherwise.

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 8B – SURREY PENSION FUND COMMITTEE**

The County Council has appointed a Pension Fund Committee and delegated to it responsibility for its statutory functions as the administering authority for the Surrey Pension Fund.

### **8B.1 Membership**

The Surrey Pension Fund Committee shall be made up of:

- Six members of the authority
- Two representatives from Districts and Boroughs of the Fund
- One representative from all other employers in the Fund
- One representative (trade union) from employee members of the Fund (SCC members of staff are not entitled to membership due to restrictions in section 104, Local Government Act 1972).

Representatives of employers and employee members of the Fund are signed off by the Chief Executive. All councillor members are elected by Annual Council.

### **8B.2 Voting**

All members of the Surrey Pension Fund Committee, including the Employer and Scheme Member representatives shall have full voting rights.

### **8B.3 Functions and Responsibilities**

Full details of functions and responsibilities can be found in Part 3 of the Constitution – paragraph 6.20.

### **8B.4 Publication of Pension Fund Committee information**

Details of the Pension Fund Committee are published on the County Council's website.

### **8B.5 Knowledge and Skills**

A member of the committee must have knowledge and understanding of the law relating to pensions, and any other matters which are prescribed in Regulations.

## **ARTICLE 8C – AUDIT AND GOVERNANCE COMMITTEE**

The County Council has set up an Audit and Governance Committee to monitor, review and report on the governance arrangements of the County Council. Full details of its membership and functions can be found in Part 3 of the Constitution – paragraphs 6.7 to 6.9 and in Part 6 – Granting Dispensations.

## **ARTICLE 8D – PLANNING AND REGULATORY COMMITTEE**

The Council has established a Planning & Regulatory Committee with responsibility for the following non-executive functions under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 Act as amended, where these functions have not been delegated to officers:

- Planning and Development Control
- Commons Registration
- Licensing and Registration Functions
- Health and Safety (other than that undertaken in the Council's capacity as an employer)
- Births, Deaths and Marriages
- Rights of Way & Highways
- Functions relating to elections
- Development Plans

The remit of the Committee is set out in greater detail within Part 3, Responsibility for Functions and Scheme of Delegation – Sections 1 and 2. The Surrey Codes for Best Practice in Planning Procedures and Rights of Way can be found in Part 6 of the constitution. The rules about public speaking at Planning & Regulatory Committee are set out in Part 4 - Standing Orders.

## **ARTICLE 8E – PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE**

The Council has established a People, Performance and Development Committee. This will comprise of between four and six Members. The committee must be proportionate and include at least one member of the Cabinet.

The People, Performance and Development Committee's remit includes policies on staff pay & conditions, arrangements for consultation with unions, resolving disputes and promoting development and training. The Committee is also responsible for appointing and dismissing chief officers. Full details of its Terms of Reference and functions can be found in Part 3, paragraphs 6.10 to 6.12.

## **ARTICLE 8F – APPOINTMENTS SUB COMMITTEE**

This is a Sub-Committee of the People, Performance and Development Committee (PPDC). Its role is to appoint Deputy Chief Officers and determine the conditions of employment (including variation to fixed term contracts) of such officers. Four Members of the PPDC will sit on the Sub-Committee depending on availability. It will

be chaired by the Chairman or Vice-Chairman of PPDC. Functions can be found in Part 3, paragraphs 6.13 to 6.15.

#### **ARTICLE 8G - MEMBER CONDUCT PANEL**

The Member Conduct Panel determines, after consulting the Independent Person, whether a member or 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. It decides what further action (if any) needs to be taken in the event that the member has breached the Members' Code of Conduct. Functions can be found in Part 3, paragraphs 6.16 to 6.18. The Code of Conduct and arrangements for dealing with standards allegations can be found in Part 6 of the Constitution.

#### **ARTICLE 8H - APPEALS AND REPRESENTATION PANEL**

The Panel will oversee the arrangements in relation to rights of appeal against decisions taken by or on behalf of the Council. Functions can be found in Part 3, paragraphs 6.4 to 6.6.

## ARTICLE 9 – LOCAL COMMITTEES AND JOINT COMMITTEES

### 9.01 Local Committees and Joint Committees

The Council will establish local committees and/or jointly participate in joint committees, 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.

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 or joint committees.

### 9.02 Form, composition and function

- (a) **Local committees.** The Council has established 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.

The Council has established joint committees in partnership with District and Borough Councils the membership of which comprises 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.

Each joint committee operates 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 and joint 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 Cabinet members on local committees

A member of the Cabinet may serve on a local committee if eligible to do so as a Councillor. Where a joint committee is 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 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.

### 10.04 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 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 available on the Council's website.
- (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 and dealing with allegations of misconduct.** The Monitoring Officer will receive and deal with allegations that a Member has breached the Member Code of Conduct in accordance with the arrangements set out in Part 6 of the Constitution.
- (e) **Access to information.** The Monitoring Officer will ensure that all decisions with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- (f) **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.
- (g) **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.
- (h) **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 boards.
- (b) Provide support to the authority's overview and scrutiny boards.
- (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 boards.

#### 11.07 **Conduct**

Officers will comply with the [Officer 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 Officers to those posts as are identified in paragraph 84 of Part 5 of Standing Orders as being appointments that can be made by Members;
  - 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 84 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 confirmed/verified by at least one officer.

Procurement Standing Orders can be found in Part 5 of the Constitution.

## 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, 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 as to the interpretation of Standing Orders and the proceedings of the Council shall not be challenged at any meeting of the Council.

## ARTICLE 15 – ACCESS TO INFORMATION RULES

### 15.1 Background

- a) The Local Government Act 1972 (“the 1972 Act”) Part VA (as amended) sets out the statutory requirements in respect of rights of access of the public to Meetings and Reports of the County Council, its Committees, Sub-Committees, Boards and Panels.
- b) Section 9 FA (6) of Part 1A of the Local Government Act 2000 (“the 2000 Act”), applies the requirements set out in Part VA of the 1972 Act in respect of rights of access of the public to Meetings and Reports to Select (Overview and Scrutiny) Committees.
- c) The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Access to Information Regulations”) made pursuant to the 2000 Act set out the statutory requirements in respect of rights of access of the public to Meetings and Reports of the Executive and the publication of Executive Decisions.
- d) The Openness of Local Government Bodies Regulations 2014 made pursuant to the Local Audit and Accountability Act 2014 (‘the Openness of Local Government Bodies Regulations’) set out further provisions regarding the publication of certain records of Non-Executive Decisions made by Officers under delegated powers.

### 15.2 Public Access to Information Rules:

#### 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 public meetings of the Council.

#### 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

- i. Members of the public may attend all meetings subject only to the exceptions in these rules.
- ii. Where the Cabinet meets to consider a key decision, the meeting must be held in public, unless exempt or confidential information is to be discussed.

#### d) Notice of meeting

- i. 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 the special urgency rule applies.

- ii. A notice of meetings will also be published on the Council's website.

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

- i. 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.
- ii. 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) a copy of the agenda and reports will be made available at the meeting for public use only.

**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) 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 (m)) and in respect of Cabinet reports, the advice of a political adviser.

**i) 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.

**(j) 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.

**k) 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.

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 Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

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 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 - <ul style="list-style-type: none"> <li>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>(b) to make an order or direction under any enactment.</li> </ul>
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**l) Qualifications:**

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

- i. the Companies Acts (as defined in Section 2 of the Companies Act 2006);
- ii. the Friendly Societies Act 1974;
- iii. the Friendly Societies Act 1992;
- iv. the Industrial and Provident Societies Acts 1965 to 1978;
- v. the Building Societies Act 1986; or
- vi. the Charities Act 1993.

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.

Information which -

- (a) falls within any of paragraphs 1-7 above; and
- (b) is not prevented from being exempt by virtue of qualifications 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.

Any member of the public can formally request that a report that contains exempt information be heard in public under the relevant section of the procedural matters item at the formal meeting. Any request would need to be put in writing to the Democratic Services Lead Manager. The request should contain the reasoning behind the belief that it should be held in public so that a public interest test can be applied.

m) **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.

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 (m) - Procedures prior to a private meeting 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 provided with reasonable facilities for taking their report.

### 15.3 SPECIFIC MEMBERS' RIGHTS OF ACCESS TO INFORMATION

#### a) Select Committees

Subject to paragraph () below, a member of a select committee 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 select committee is not entitled to a copy of a document or part of any such document for a reason set out under paragraph (i) a written statement must be provided to the relevant select committee setting out the reasons for the decision.

##### (i) Limit on rights

A member of a select committee will not be entitled to:

- any document that is in draft form;
- 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
- the advice of a political adviser.

#### b) Joint Arrangements

- i. The Access to Information Rules will apply to joint arrangements.
- ii. 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.
- iii. 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.

#### c) Local and joint committees

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

Agendas and notices for local and joint 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.

**d) Cabinet**

**i. Notice of key decisions (Forward Plan)**

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.

**ii. 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:

- a. that a key decision is to be made on behalf of the local authority;
- b. the matter in respect of which a decision is to be made;
- c. 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;
- d. the date on which, or the period within which, the decision will be taken;
- e. a list of the documents submitted to the decision taker for consideration in relation to the matter;
- f. the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- g. that other documents relevant to those matters may be submitted to the decision maker; and
- h. 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.



**e) Agenda and Reports**

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/boards of the Council of which they are not appointed members.

Requests for agendas 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).

**f) 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 paragraph 15.2 (k) above; or
- (ii) it contains the advice of a political adviser.

**g) 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.

**h) Nature of rights**

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

**i) 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.

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## **Information from Articles suggested be transferred to Part 4 – Standing Orders**

Standing Orders are the written rules, set out in law and others agreed by Council, which regulate the proceedings and business of the Council. The continuing or 'standing' nature of these rules means that they do not lapse until the Council decides to suspend, change or delete them.

There are six sections to Standing Orders:

1. Council: Meetings and Procedures
2. Constitution and Appointment of Cabinet and Committees
3. Cabinet and Committees: Meetings and Procedure
4. Proceedings and Business
5. Appointment and Dismissal of Staff
6. Authentication of Documents

The information removed from the Articles is divided below into the relevant sections of Standing Orders and if agreed Standing Orders will be renumbered accordingly.

### **3. CABINET AND COMMITTEES: MEETINGS AND PROCEDURE**

#### **HOW CABINET MEETINGS ARE CONDUCTED**

##### **Chairing meetings**

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

##### **Business at Cabinet and Cabinet Member meetings**

- (b) 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.
- (c) The business at Cabinet meetings will include:
- i. 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;
  - ii. 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 scrutiny select committee Procedure Rules or the Budget and Policy Framework Rules;
  - iii. 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,

- iv. 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.
- (d) 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 within two months.

### **Consultation**

- (e) 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.

### **Placing items on the Cabinet agenda**

- (f) 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.

### **Cabinet Member meetings**

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

### **Key decisions**

- (i) 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.

### **Procedure before taking key decisions**

- (j) 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 Standing Order (3.02(d) (notice of meetings)).

### **(k) 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:

- i. The Chief Finance Officer and/or the Monitoring Officer (or their representative) and;
- ii. Either the Leader (or in his/her absence, the Deputy Leader, or in his/her absence another Cabinet Member) (in respect of executive functions) or 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 this Standing Order will be reported to the next meeting of the appropriate Member level body.

### **General exception**

- (l) Where the publication of the intention to make a key decision via a notice under Standing Order (j) is impracticable then subject to Standing Order (m) (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 select 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).
- (m) 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.

### **Special urgency**

- (n) If there is not time to follow Standing Order (k) (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.
- (o) 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.

### **Reports to Council on special urgency decisions**

- (p) 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 Standing Order (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.

### **When a select committee can require a report**

- (q) A report can be required if a select committee thinks that a key decision has been taken which was not:
- included in the notice of decisions; or
  - the subject of the general exception procedure; or
  - the subject of an agreement with the select committee chairman, or the Chairman/Vice-Chairman of the Council.
- (r) The select committee may require the Cabinet to submit a report to the Council. The power to require a report rests with the select committee, but is also delegated to the proper officer, who shall require such a report on behalf of the select committee when so requested by the chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the select committee.

### **Cabinet's report to Council**

- (s) 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.

## **RECORD OF DECISIONS**

### **Recording of executive decisions made at meetings**

- (t) 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.

### **Decisions by individual Members**

- (u) 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.

### **Decisions by officers**

- (v) 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.

### **Inspection of documents following executive decisions**

- (w) 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.

## **PROCEDURES PRIOR TO PRIVATE MEETINGS**

### **Notice of private meetings – 28 days**

- (x) 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.

### **Notice of private meetings and response to representations received – 5 days**

- (y) 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.

### **Exception to requirement to give notice of private meetings**

- (z) 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 select committee; or
  - (ii) if there is no such person, or if the chairman of the relevant select committee is unable to act, the Chairman of the County Council; or
  - (iii) where there is no chairman of either the relevant select committee or the Chairman of the County Council, the vice-chairman of the County Council.
- (aa) 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.

### **PROCEDURES PRIOR TO PUBLIC MEETINGS**

- (bb) 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:
  - i. at least five clear days before the meeting; or
  - ii. where the meeting is convened at shorter notice, at the time that the meeting is convened.
- (cc) An item of business may only be considered at a public meeting—
  - i. 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
  - ii. 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.

### **BUDGET AND POLICY FRAMEWORK RULES**

#### **The framework for executive decisions**

- (dd) The Council will be responsible for the adoption of its budget and policy framework as set out in 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.

#### **Process for developing the budget and policy framework**

- (ee) 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.
- (ff) 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.

- (gg) 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.
- (hh) 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.

#### **Decisions outside the budget or policy framework**

- (ii) 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.
- (jj) 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.

#### **Urgent decisions outside the budget or policy framework**

- (kk) 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:
  - i. if it is not practical to convene a quorate meeting of the full Council; and
  - ii. if the chairman of the appropriate select committee agrees that the decision is a matter of urgency.
- (ll) 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.
- (mm) 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.

### **Virement**

- (nn) 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.
- (oo) 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.
- (pp) 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.
- (qq) 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.

### **In-year changes to policy framework**

- (rr) 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;
  - (ii) 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.

### **Call-in of decisions outside the budget or policy framework**

- (ss) 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.
- (tt) 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.
- (uu) 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:
- (i) 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*
- (ii) 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*
- (iii) 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.

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

- (vv) 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.
- (ww) Notice of call-in may be given by the Leader or Deputy Leader, or any three or more members of the Cabinet.
- (xx) All members of the local committee will be notified that an executive decision taken by the committee has been called in.
- (yy) 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.
- (zz) The local committee chairman may attend the Cabinet meeting for the consideration of the matter and speak on the item.
- (aaa) 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.

## **SCRUTINY PROCEDURES**

### **Attendance by witnesses**

- (bbb) Select committees 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 the select committee 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 select committee'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.

- (ccc) Where any Member or officer is required to attend a select committee under this provision, the select committee 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 select committee. Where the account to be given to the select committee 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.

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

### **Attendance by others**

- (fff) A select committee 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.

### **Call in**

- (ggg) The intention is that call in powers will be used exceptionally by select committees.
- (hhh) 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.
- (iii) 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 select committee objects to it and calls it in.

- (jjj) During that period, a decision may be called in for scrutiny by the select committee chairman or vice-chairman or any three or more other select committee members from more than one political group. The chairman shall call a meeting of the select committee 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).
- (kkk) If, having considered the decision, the select committee 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.
- (lll) If following an objection to the decision, the select committee 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 select committee meeting, or the expiry of that further 10 working day period in paragraph (iii), whichever is the earlier.
- (mmm) 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.
- (nnn) 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.
- (ooo) 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.
- (ppp) 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**

- (qqq) 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 select committee 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 select committee, 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.

## **Member referral of matters to select committees**

- (rrr) Any Member of the Council may refer to a select committee any local government matter which is relevant to the functions of the committee.
- (sss) The Member referring the matter may make representations as to why it would be appropriate to scrutinise the matter.
- (ttt) If the select committee decides not to scrutinise the matter, it must notify the Member of its decision and the reasons for it.
- (uuu) The select committee 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.

## **Reports from select committees**

- (vvv) The select committees will report their views and recommendations to the Leader/Cabinet/Cabinet Member, Council or partner organisations as appropriate. Select committees 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.
- (www) If a select committee 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.
- (xxx) Select committees 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.

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MINUTES OF THE MEETINGS OF  
CABINET HELD ON 30 May and 27 June  
2017

Any matters within the minutes of these Cabinet meetings may be the subject of questions and statements by Members upon notice being given to the Democratic Services Lead Manager by 12 noon on Monday 10 July 2017.

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**MINUTES OF THE MEETING OF THE CABINET  
HELD ON 30 MAY 2017 AT 2.00 PM  
AT ASHCOMBE SUITE, COUNTY HALL, KINGSTON UPON THAMES,  
SURREY KT1 2DN.**

These minutes are subject to confirmation by the Cabinet at its next meeting.

Members:

* Mr David Hodge (Chairman)	* Mr Mike Goodman
* Mr John Furey (Vice-Chairman)	* Mrs Mary Lewis
* Mrs Helyn Clack	* Mr Colin Kemp
* Mrs Clare Curran	Mr Tim Oliver
Mr Mel Few	* Ms Denise Turner-Stewart

\* = Present

Members in attendance:

Mrs Hazel Watson, Leader of the Surrey Opposition Forum  
Mrs Kay Hammond, Chairman of the Overview and Budget Scrutiny Committee

**PART ONE  
IN PUBLIC**

**82/17 APOLOGIES FOR ABSENCE [Item 1]**

Apologies were received from Mr Mel Few and Mr Tim Oliver.

**83/17 MINUTES OF PREVIOUS MEETING: 27 APRIL 2017 [Item 2]**

The minutes of the meeting held on 27 April 2017 were agreed as a true record of the meeting.

**84/17 DECLARATIONS OF INTEREST [Item 3]**

There were none.

**85/17 PROCEDURAL MATTERS [Item 4]**

**1 MEMBERS' QUESTIONS [Item 4a]**

Two questions were received from Mrs Hazel Watson and responses are attached at Appendix 1.

Mrs Watson asked a supplementary question regarding her second question asking the Leader to confirm whether the County Council will be submitting evidence to the Government on any adverse impacts of a 'dementia tax' on Surrey residents. The Leader stated that the Council will respond to any consultations on this matter in the best interests of the residents of Surrey.

**86/17 PUBLIC QUESTIONS [Item 4b]**

There were none.

**87/17 PETITIONS [Item 4c]**

No petitions were received.

**88/17 REPRESENTATIONS RECEIVED ON REPORTS TO BE CONSIDERED IN PRIVATE [Item 4d]**

None received.

**89/17 REPORTS FROM SELECT COMMITTEES, TASK GROUPS, LOCAL COMMITTEES AND OTHER COMMITTEES OF THE COUNCIL [Item 5]**

No reports were received.

**90/17 PROPOSED DE-COMMISSIONING OF EXTERNALLY COMMISSIONED YOUNG PEOPLE'S EARLY HELP SERVICES [Item 6]**

The Cabinet Member for Children introduced the report and informed the Cabinet that this was a difficult paper to present but it was necessary due to the difficult financial circumstances. She explained that the Council and its partners were currently working together to look at how Early Help was provided and the outcomes being delivered. She stated that there was a need to provide value for money services that met the needs of children and that it was with regret that this paper sought approval to de-commission the Early Help services that were currently commissioned through the Local Committees.

Members were informed that this would achieve a £250,000 saving in the current year and more over the longer term. It was also confirmed that this would not impact on the 1-1 Local Prevention support or the Year 11/12 Transition.

Mrs Kay Hammond, Chairman of the Overview and Budget Scrutiny Committee was in attendance and asked a question regarding the consultation period and whether this was in line with the Surrey Compact agreement and the Monitoring Officer confirmed that the work undertaken was Compact compliant.

The Equalities Impact Assessment was discussed in depth and Members queried what support that would be provided to vulnerable children. It was confirmed that this was only one part of the range of services provided and that Looked After Children and disadvantaged children were a particular group that would be targeted as a priority. Members were also told that signposting to other services would take place.

Members expressed concern as to whether the named organisations set out within the submitted report would be able to continue to deliver services with the de-commission occurring. They were informed that the Council owed a great deal of thanks to these providers for the work they had done to date and it had been confirmed that they would continue to run as businesses if this decision was implemented.

**RESOLVED:**

The Cabinet agreed to de-commission Neighbourhood Local Prevention Grants so funding ceases on 31 August 2017.

**Reasons for decisions**

This is recommended so that the Council delivers the change to grants necessary for the required savings in the Medium Term Financial plan for 2017/18 and 2018/19, whilst protecting investment in the most strategically critical services, and preparing for the wider transformation of early help.

**91/17 PART NIGHT STREET LIGHTING - ALTERNATIVE FUNDING MODEL  
[Item 7]**

The Cabinet Member for Highways reminded Members that the Cabinet had approved the implementation of Part Night Street Lighting in October 2016. He said that many other authorities had also taken similar action and all of the lights selected had focussed on non-traffic routes and had been risk assessed against a number of "Avoidance Criteria" which if present would mean the lights would be left on.

He went on to explain that there was a process in place to ask for roads to be reassessed and stated that there was currently a delay with processing these and he requested that residents note that this was due to Surrey Police and the Council's Road Safety Team needing to examine each situation on a case by case basis.

He highlighted that the £210,000 saving would pay for 1 kilometre of major repair on the highway or 5 kilometres of surface dressing.

He explained that since the implementation of Part Night Lighting, some partner councils had expressed an interest in covering the cost of keeping the lights were currently included in Part Night Lighting programme on. He stated that the report sought authority to start conversations with those interested in this with a view to drawing up five year agreements with invoices to be issued twice a year.

The environmental effect of CO2 was discussed and it was confirmed that this would equate to a 2% reduction in carbon taxes.

Members agreed that it was important to listen to residents views however there was a need to ensure that the full cost of officer time involved in the programme needed to be incorporated into the overall charges. It was also reflected that there have been a number of comments made by residents who are in support of having the lights turned off with reasons including being able to see the night sky, improved sleep as the streetlight near a bedroom window and a positive impact on wildlife.

The Cabinet Member for Highways stated that to date, only one borough had expressed a wish to take this approach forward and that was largely due to its vicinity to Heathrow Airport and having a large number of shift workers living in this area.

**RESOLVED:**

1. That the Cabinet approved the implementation of a mechanism (as detailed in paragraphs 16-19 of the submitted report) to allow District/Borough Councils to enhance the level of service and request all lights in their area be excluded from Part Night Lighting and to reimburse the County Council the full value of savings that would be realised by switching them off.
2. That authority be delegated to the Head of Highways and Transport, in consultation with the Cabinet Member for Highways, to enter into specific agreements with requesting District or Borough Councils.

**Reasons for Decisions**

District and Borough Councils have their own budgets and across the County will have differing local priorities. Enabling them to request lights be excluded from Part Night lighting allows them to respond to those differing priorities by enhancing the level of service provided over and above that delivered by the County Council.

**92/17 LEADER / DEPUTY LEADER / CABINET MEMBER AND INVESTMENT BOARD DECISIONS TAKEN SINCE THE LAST CABINET MEETING [Item 8]**

**RESOLVED:**

That the Cabinet noted the decisions taken by Cabinet Members / Investment Board since the last meeting as set out in Annex 1 of the submitted report.

**Reasons for Decision**

To inform the Cabinet of decisions taken by Cabinet Members / Investment Board under delegated authority.

Meeting closed at 2.40pm

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**Chairman**



**CABINET – 30 MAY 2017**

**PROCEDURAL MATTERS**

**Member Questions**

**Question (1) from Mrs Hazel Watson (Dorking Hills):**

Please outline the work that the County Council has done since the beginning of the year to lobby the Government over the Crossrail 2 project.

**Reply:**

Crossrail 2 is a clear and stated priority in our Surrey Rail Strategy. It is a vital scheme and has the ability to deliver a huge boost to the UK economy.

Crossrail 2 predicts that some 200,000 jobs and 200,000 new homes will result from the scheme, making a major contribution to solving the housing crisis and supporting key employment centres. In addition, Crossrail 2 will support many thousands of jobs across the country. This is because it forms a key part of the national infrastructure pipeline giving manufacturing businesses the certainty they need to invest in skills and training to deliver world-class products.

For these reasons the Leader pressed the case for an early and positive investment decision on Crossrail 2 with the Chancellor of the Exchequer prior to the dissolution of Parliament. The team here at Surrey has also continued to work proactively with the promoters of the scheme, alongside our Borough and District colleagues. We will continue this work throughout 2017, pressing the case for investment and assisting with the development of this vital scheme.

Several meetings have been held in recent months, with a detailed consultation planned for this Summer looking at the next phase of scheme detail. We are ready to continue to work with the Government after the election.

**Mr Mike Goodman**  
**Cabinet Member for Environment and Transport**  
**30 May 2017**

**Question (2) from Mrs Hazel Watson (Dorking Hills):**

What does the Cabinet Member believe would be the suitable level for a cap on social care costs were one to be introduced and how would this affect Surrey residents?

**Reply:**

The Cabinet Member welcomes the government's plan to introduce a cap on care costs as this will safeguard Surrey's residents from facing excessive care costs. The Government has confirmed its plans to publish a green paper on social care later in the year after the general election.

**Mr Mel Few**  
**Cabinet Member for Adults**  
**30 May 2017**

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