

## CABINET

The following decisions were taken by the Cabinet on Tuesday, 26 June 2018 and will take effect on 05/07/2018 unless the call-in procedure has been triggered. **CALL-IN DEADLINE: 04/07/18.**

The following represents a summary of the decisions taken by the Cabinet. It is not intended to represent the formal record of the meeting but to facilitate the call-in process. The formal minutes will be published in due course to replace this decision sheet.

Members wishing to request a call-in on any of these matters, should contact the Committees Business Manager or relevant Democratic Services Officer.

The Cabinet at its meeting on Tuesday, 26 June 2018 considered the following matters and resolved:

- **PROCEDURAL MATTERS** (Item 4)

- **Members' Questions** (Item 4a)

- There were four questions received from three Members. The questions and responses were published as a supplement to the agenda.

- **PUBLIC QUESTIONS** (Item 4b)

- There was one question received from members of the public. The question and response was published as a supplement to the agenda.

- **REPORTS FROM SELECT COMMITTEES, TASK GROUPS, LOCAL COMMITTEES AND OTHER COMMITTEES OF THE COUNCIL** (Item 5)

- A report was deferred for consideration by Cabinet at the April 2018 meeting from the Communities Select Committee relating to the Surrey Performing Arts Library. A response to this was published as a supplement to the agenda.

- **SURREY COUNTY COUNCIL PUBLIC BUS CONTRACT RE-TENDERING 2018** (Item 7)

**RESOLVED:**

1. That following consideration of the results of the procurement process in the submitted Part 2 report, to award contracts to the following six operators was agreed:- BETC, Cardinal Buses, C E Jeatt & Son (White Bus), Edward Thomas, Metrobus and Southdown.
2. To note that the contract length would be three years with the option to extend up to a maximum of eight years as permitted by the 1985 Transport Act (as amended by s.70 Local Transport Act 2008). The total annual value of these contracts would be £1.037m (net of developer funding contribution for one route).

**Reason for Decision:**

The decision would enable the Council to achieve:

- A net full year saving of £0.125m compared to the previous aggregated cost of the routes.
- A robust bus network delivery of essential public transport to residents of Surrey.
- Services delivered by operators who are reputable and meet the Council's minimum level of quality.
- Funding arrangements with operators that are sustainable.
- More services being delivered using lower emission Euro VI vehicles.

Ensures the Council complies with the Procurement Standing Orders (PSO), requiring Cabinet approval for those contracts that reach a specified value.

*[Decisions on this item can be called in by the Corporate Overview Select Committee or the Environment Select Committee]*

• **INVESTMENT BOARD ANNUAL REPORT (Item 8)**

**RESOLVED:**

That the Annual Report of the Investment Board be endorsed.

**Reason for Decision:**

To inform the Cabinet about the activities of the Investment Board. The Investment Board were responsible for the delivery of the agreed Investment Strategy. The Investment Strategy was created by the Council to deliver an ongoing and resilient source of income to provide financial support to the Council's front line services.

*[The decisions on this item can be called in by the Corporate Overview Select Committee]*

• **MONTHLY BUDGET MONITORING REPORT (Item 9)**

**RESOLVED:**

To note that:

1. As at 31 May 2018, the Council's overall revenue budget position was as follows:
  - £2.8m forecast year end underspend (Annex, paragraph 1),
  - £65.3m forecast planned savings, against £66.0m target (Annex, paragraph 3),
  - £15m risk of increased service pressures in SEND,
  - Target of £15m additional in year savings in 2018/19.

That the following be approved:

2. Agreed in principle to continue to use the Waste Sinking Fund to smooth

Eco Park construction cost variations across years (Annex, paragraph 34).

3. Highways & Transport requested to draw down £0.155m from three revenue carry forwards made in 2017/18 to fund committed and in-progress projects including:
  - £85,000 Members' allocations for bursaries and a school and recycling project;
  - £45,000 for committed bridge assessments; and
  - £25,000 for traffic signals maintenance delayed due to bad weather.
4. Highways & Transport requested a £0.9m increase to the capital budget to reflect additional pothole grant announced by the Department for Transport on 26 March 2018.
5. Highways & Transport requested to draw down £4.67m capital carry forwards to fund committed and in-progress projects, including:
  - National Productivity Investment Fund grant-funded Farnham Bridge and A24 Epsom Resilience schemes, plus match funded A23 Local Growth Deal scheme;
  - Highways major maintenance and bridge strengthening schemes.

**Reasons for decisions:**

This report was presented to comply with the agreed policy of providing a monthly budget monitoring report to Cabinet for approval and action as necessary.

*[The decisions on this item can be called in by the Corporate Overview Select Committee]*

• **FORMATION OF GUILDFORD JOINT COMMITTEE (Item 10)**

**RESOLVED:**

1. That following consideration of the Constitution set out in the Annex A to the minutes, including the Standing Orders under which the Joint Committee would operate it was agreed:
  - To delegate the executive functions to the Guildford Joint Committee;
  - The extended advisory functions that will come under the remit of the Guildford Joint Committee.

**Cabinet recommendations to Full Council:**

2. That Council agrees to the establishment of the Guildford Joint Committee in place of the current Local Committee arrangements to take effect from 19 September 2018.
3. That Council agrees to the delegation of the non-executive functions to the Guildford Joint Committee.
4. That Council appoint a Chairman of the newly formed Guildford Joint Committee from 19 September 2018, when the Joint Committee would hold its first meeting.

5. That Council appoint Mike Goodman, Cabinet Member for Environment and Transport, as the SCC Cabinet Member on the Guildford Joint Committee for the 2018/19 municipal year, subject to Council approval of the Constitution.
6. That authority be delegated to the Legal Services Manager, in consultation with the Leader of the Council, Cabinet Member and the SCC-appointed Chairman or Vice-Chairman of the Guildford Joint Committee, to agree to any minor amendments to the Constitution, which may be required

**Reasons for decisions:**

Cabinet and full Council agreement was required to establish a Guildford Joint Committee, to replace the current Local Committee arrangements; to delegate recommended executive functions to the newly formed Guildford Joint Committee; and to agree the Constitution and Standing Orders under which the newly formed committee would operate.

Joint Committees were an innovative two tier response to central government policy initiatives. Positive conversations were being held with other Surrey borough and district councils on the formation of further joint committees with SCC.

The creation of the Guildford Joint Committee builds on a strong track record of joint and collaborative working between the two authorities and provided a platform on which future joint arrangements could be co-ordinated.

This approach had already proved successful in Woking and Spelthorne, where Joint Committees had been operating since June 2014 and January 2017 respectively and had shown to improve partnership working.

The new Joint Committee would simplify and speed-up local decision making processes, enabled for the first time, all functions and budgets delegated to it to be jointly decided upon.

The Guildford Joint Committee proposal was complementary to the work and remit of the current cross-party Local/ Joint Committee Review Group. The review aims 'to set out the Council's vision for local governance and engagement including the future role of Local/ Joint Committees in supporting Members in their role as community leaders', an aim reflected in the ambition of the proposed Joint Committee. The Chairman of the Review Group Councillor Mary Angell was supportive of the Joint Committee proposal.

- **SURREY PERFORMING ARTS LIBRARY - FUTURE ARRANGEMENTS** (Item 11)

**RESOLVED:**

1. That NewSPAL, a new charitable body, be invited and supported to prepare a comprehensive business plan to take on operational responsibility for SPAL be agreed.
2. That a report on the NewSPAL business plan be brought to Cabinet for decision in the Autumn, 2018 be agreed.

### **Reasons for decisions:**

A review of the SPAL collections identified a number of measures to improve business operations and options to address issues for its long term sustainability. The option of transferring the function to an independent operator was proposed as it would mean that SPAL could operate outside of the continuing pressures on local government budgets.

Despite considerable work, ultimately no suitable existing organisation confirmed their interest. However a new charity (NewSPAL) had recently been set up for the purpose of taking on SPAL. Potential advantages of the NewSPAL option was that it would be a user-led organisation and have potential to access funding opportunities not available to local authorities.

There would be a robust process in place to test the viability of any transfer of the collections to NewSPAL and a report brought to Cabinet in the Autumn, 2018.

The Communities Select Committee considered options for SPAL and agreed to support in principle NewSPAL taking over the collections. In the interim, while the NewSPAL proposal was worked up in greater detail, to ensure the cost-effectiveness, coherence and continuity of the service, the collection was to be relocated to Ewell Library.

*[The decisions on this item can be called in by the Adults & Lifelong Learning Select Committee]*

- **EXCLUSION OF THE PUBLIC** (Item 12)

**RESOLVED:** That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

- **SURREY COUNTY COUNCIL PUBLIC BUS CONTRACT RE-TENDERING 2018** (Item 13)

**RESOLVED:**

See Minute 106/18

**Reason for decisions:**

See Minute 106/18

- **INVESTMENT BOARD ANNUAL REPORT** (Item 14)

**RESOLVED:**

See Minute 107/18

**Reason for decisions:**

See Minute 107/18

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**Guildford Joint Committee**

**Constitution**

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## **Section 1 – Context and Purpose**

Guildford Joint Committee is a Joint Committee of Surrey County Council (SCC) and Guildford Borough Council (GBC) and is set up under the provisions of Section 102 of the Local Government Act 1972. The Joint Committee aims to improve outcomes and value for money for residents in the borough of Guildford by strengthening local democracy and improving partnership working within the borough.

The Joint Committee will carry out SCC functions previously performed by the Guildford Local Committee plus some additional SCC functions, and functions delegated to it by GBC. There is also a range of advisory functions relating to both councils. These functions are set out within Section 2 of this document.

The Joint Committee provides a single place for residents to engage with both authorities and a forum to debate cross cutting issues, and jointly engage and communicate with residents about the work of both councils. By working together, the Joint Committee will provide the opportunity to identify local solutions and seek to jointly deliver local government service improvements for the residents, businesses and visitors to the borough of Guildford.

Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together. Meetings of the Guildford Joint Committee will be held in accordance with the Local Government Act 1972. Meetings will be held in public and will normally be held in the Council Chamber at GBC and webcast. Local people are able to participate during parts of the meeting as set out in Section 3 of this document.

This Constitution includes the standing orders that will apply to the Joint Committee. These are subject to the Constitutions of each of the two councils which shall apply in relation to decision making on matters reserved to those councils.

Whilst the Joint Committee will be responsible for making decisions relating to the delegated functions as set out below, the day-to-day operational arrangements relating to any particular function will continue to be managed by the local authority having responsibility for that function.

There will be a review by both authorities towards the end of the first 12 months of operation of the Joint Committee in order to determine if any changes should be made.

## **Section 2 – Functions and Funding**

The scope and overall purpose of the Joint Committee is as set out in Section 1. The general remit of the Joint Committee is set out below and the more specific delegated functions are outlined in later sections.

### **(A) General Remit**

The general remit of the Guildford Joint Committee is:

1. To identify and agree opportunities for the closer alignment of SCC and GBC services in Guildford.
2. To make decisions on local services and budgets delegated to it by either SCC or GBC.
3. To make comments on policy, strategy, services, priority community work, or other matters specifically referred to it by SCC or GBC.
4. To champion joint working and provide oversight of key county and borough partnership initiatives and strategies.
5. To seek solutions to local concerns relating to council services under the remit of the Joint Committee.
6. To identify and set local priorities through an annual priority setting meeting.
7. To build community leadership and local engagement, and encourage local community resilience plans.
8. To ensure that local authority services within Guildford Borough are carried out in accordance with both SCC and GBC's core values, policies, strategies and within approved budgets.

### **(B) Delegated Powers**

The services identified below are delegated by SCC or GBC as indicated, for decision making or consideration by the Guildford Joint Committee, in accordance with the relevant legislation.

In discharging the delegated powers, the Joint Committee must have due regard at all times to the approved policies, budgets and financial regulations/ procedure rules of the council delegating the functions, and act in accordance with Standing Orders at Section 3 of this Constitution.

Set out below is a list of the functions that are currently delegated to the Joint Committee. Additional functions and matters for determination may be delegated to the Committee in the future by SCC or GBC, from time to time. SCC's Community Partnerships Team will maintain a record of all additional delegated functions and

will ensure that any such additions are reported to the Joint Committee at the next meeting after the delegation takes place.

### **Executive Functions** (delegated by SCC and GBC)

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

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

- (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by SCC or under a community partnership agreement.) (SCC)
- (ii) Community safety funding that is delegated to the Joint Committee. (SCC/GBC)
- (iii) Decisions in relation to highways and infrastructure:
  - (a) The allocation of the SCC highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements and highway maintenance within the Committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives. (SCC)
  - (b) To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls. (SCC)
  - (c) To agree local speed limits on County Council roads within its area, and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police Road Safety and Traffic Management Team and with regard to the County Council Speed Limit Policy. (SCC)
  - (d) To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Joint Committee (SCC).
  - (e) Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Highways Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the Committee will make that decision (SCC).
  - (f) To consider applications for stopping up a highway under section 116

of the Highways Act 1980 when, following the consent of GBC and any relevant Parish Council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court (SCC).

- (iv) Jointly agreeing a statement of priority for the delivery of infrastructure described in the GBC Infrastructure Delivery Plan and informed by the GBC Regulation 123 list, to meet the need and mitigate the effect of development in the GBC local authority area and to discuss and propose strategies for securing any additional funding necessary for that delivery. (GBC)
- (v) Approval of an overarching Air Quality Policy/Strategy and individual Air Quality Management/Action Plans relating to the borough of Guildford (GBC)
- (vi) Apportion any resources for Early Help services in accordance with the approved local Early Help priorities that may be delegated to the Joint Committee from SCC/GBC, in relation to services for young people with the aim of achieving an integrated approach from both authorities (SCC/GBC)
- (vii) Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/GBC).

**Non-Executive Functions** (delegated by SCC)

The Joint Committee will deal with all those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except for those expressly reserved by SCC.

**Non-Executive Functions** (delegated by GBC)

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

In addition, the Joint Committee will deal with those relevant non-executive functions, relating to joint working that may be delegated to it by GBC or SCC from time to time.

**Service Monitoring and Community Leadership - advisory functions**

The Joint Committee may:

- (i) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners, and oversee local initiatives agreed and funded by the Joint Committee. (SCC/GBC)
- (ii) Engage in issues of concern to local people and seek to influence the respective councils in the light of local needs. Monitoring the quality of services provided locally, and recommending action as appropriate. (SCC/GBC)

- (iii) Consider the most effective use of existing public sector property assets in the borough and the potential opportunities that may exist for development where this could be in the mutual interest of both authorities where expediency allows. (SCC/GBC)
- (iv) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes or developer funded highway improvements within Guildford. (SCC/GBC)
- (v) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Guildford. (SCC)
- (vi) Review and influence the parking strategy (via the Parking Business Plan) and any new proposals for on and off street parking and enforcement. (SCC/GBC)
- (vii) Receive reports from and provide political oversight and advice to the Safer Guildford Partnership on the Community Safety functions of the Borough. (SCC/GBC)
- (viii) Provide political oversight and influence emergency planning and event management and/or event safety oversight that relate to the borough of Guildford. (SCC/GBC)
- (ix) Oversee and provide feedback on priorities relating to gypsy and traveller site provision and site management within the borough of Guildford. (SCC/GBC)
- (x) Receive reports from and provide political oversight and advice to the Health and Wellbeing Board for Guildford on its functions. (SCC/GBC)
- (xi) Influence priorities for the provision of integrated Health and Social Care and Older People's Services locally. (SCC/GBC)
- (xii) Oversee and influence priorities for the Family Support Programme in Guildford (noting the shared nature of this service with other boroughs) and monitor its performance. (SCC/GBC)
- (xiii) Facilitate partnership work with schools, Multi-Academy Trusts, governors and other partners to promote high educational standards and the fulfilment of potential for all children locally. (SCC)
- (xiv) Be consulted on any issues referred to it by either council and produce responses as appropriate. (SCC/GBC)
- (xv) Monitor formal decisions taken by officers under delegated powers in respect of functions delegated to the Joint Committee and provide feedback to improve service standards. (SCC/GBC)

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

## **(C) Funding**

- (i) With regard to budget setting and planning, SCC and GBC will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations/procedure rules and policies.
- (ii) Provision of venue: The meeting's venue and associated costs will normally be provided by GBC, unless alternative arrangements are agreed by SCC.
- (iii) Committee management: Committee management and associated costs for the Joint Committee will be provided by SCC.
- (iv) Any members' costs and expenses resulting from the Joint Committee (including those in relation to Chairman and Vice Chairman roles) will be funded and administered by their respective authorities.

## **(D) Withdrawal from the Joint Committee**

At any time either Council may give 6 months' notice in writing to the other Council of its intention to withdraw from the Joint Committee. Once the Joint Committee ceases to exist, the functions delegated to it would each revert back to the relevant delegating authority.

## **Section 3 - Standing Orders**

### **1. MEMBERSHIP AND ATTENDANCE OF MEMBERS AT MEETINGS**

- 1.1. Membership of the Guildford Joint Committee shall be all county councillors with electoral divisions in Guildford, one SCC Cabinet Member (who may also be a county councillor with an electoral division in Guildford), and an equivalent number of borough councillors who should be politically proportionate to the Borough Council. At least one borough councillor shall be a member of that Council's Executive.
- 1.2. If there is no SCC Cabinet Member with an electoral division in Guildford the County Council shall appoint a specific Cabinet member to the Guildford Joint Committee at the Council AGM ("the relevant Cabinet Member"), and GBC would be entitled to appoint an additional borough councillor representative on the Joint Committee to ensure equity.
- 1.3. No substitutes will be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Councils, at the start of each municipal year. All borough and county councillors (including the relevant Cabinet Member) on the Joint Committee will have equal voting rights on all issues being considered.
- 1.4. A person shall cease to be a member if he/she resigns from the Guildford Joint Committee or ceases to be a member of SCC representing an electoral division in Guildford or the relevant Cabinet Member, or in the case of a member of GBC, ceases to be a member of that Council, or the relevant Executive Member.
- 1.5. SCC or GBC may, through their respective councils, co-opt representatives from the voluntary sector, public authorities or businesses in Guildford onto the Joint Committee. These representatives will be able to take part in discussions on agenda items, but will not be able to vote on any item for decision.
- 1.6. Where they are not members of the Joint Committee, the Leader of either SCC or GBC, or appropriate SCC Cabinet Member or GBC Executive Member with portfolio responsibilities for a matter on the agenda of the Joint Committee meeting may attend the meeting of the Joint Committee and, with the Chairman's consent, speak on the matter or provide written representation.

### **2. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**

- 2.1. For the 2018-19 Municipal Year only, the Chairman (who will be a County Councillor) and Vice-Chairman (who shall be a member of the Borough Council's Executive) shall be appointed by SCC or GBC (as appropriate) with the appointments made by each authority's usual procedure.
- 2.2. From the 2019-20 Municipal Year, the offices of Chairman and Vice-Chairman shall then alternate between the two councils every year, with the Borough Council providing the Chairman and the County Council providing the Vice-Chairman in 2019-20. If the appointed Chairman is representing SCC, the Vice-

Chairman must be a GBC representative and vice-versa with the appointments made by through the relevant authority's usual procedures.

- 2.3. The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Guildford Joint Committee, continue in office until a successor is appointed. If a Chairman or Vice-Chairman does not complete a full term of office, a further member from the same council shall be appointed through the relevant authority's usual procedures for the remainder of that term.
- 2.4. In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Joint Committee shall elect a chairman for that meeting.

### **3. MANAGEMENT OF THE COMMITTEE**

- 3.1. The County Council's Community Partnership's Team shall act as the Committee Manager for the Guildford Joint Committee and shall be responsible for preparing and circulating agendas for meetings, advising on constitutional matters and for producing the decisions and minutes.

### **4. FORMAL MEETINGS**

- 4.1. There shall be between 4 and 8 formal meetings of the Guildford Joint Committee each year as determined by the Chairman and Vice-Chairman and as set out in the calendar of meetings published on both councils' websites.
- 4.2. The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Guildford Joint Committee to consider a matter that falls within its remit but cannot await the next scheduled meeting, provided at least five clear working days' notice in writing is given to the Committee Manager.
- 4.3. Formal meetings of the Joint Committee and its sub-committees shall be held in public except when exempt or confidential information is being considered and the press and public can be excluded in accordance with the Local Government Act 1972 (as amended).
- 4.4. Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

### **5. DELEGATED POWERS**

- 5.1. The delegated powers mean those powers to be discharged by the Guildford Joint Committee as set out in Section 2(B) of this Constitution.
- 5.2. The Guildford Joint Committee shall discharge the delegated powers, within the respective budgetary and policy frameworks set by SCC in the case of county functions and by GBC in the case of borough functions.
- 5.3. When discharging the delegated powers the Guildford Joint Committee shall take decisions only after taking into account advice given in writing or orally from relevant officers of SCC or of GBC as appropriate, including legal, financial and policy advice.

- 5.4. If the Joint Committee is to make a Key Executive decision delegated to it by either SCC or GBC, then the Joint Committee must follow the constitution of the authority delegating the decision, including publishing it in the monthly forward plan of that authority.

## **6. OVERVIEW AND SCRUTINY**

- 6.1. Executive decisions made by the Guildford Joint Committee are subject to scrutiny by SCC's or GBC's relevant Overview and Scrutiny Committee (depending on which authority delegated the particular function), including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').
- 6.2. The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of SCC or GBC depending on which authority delegated the executive decision in question.

### Call-In of Joint Committee Decisions

- 6.3.1. The SCC Cabinet/GBC Executive may require referral, for review and final determination, of any executive decision taken by the Joint Committee which has significant policy or budgetary implications or is outside of the authority delegated to the Joint Committee, subject to notice of requirement for referral being given within 5 working days of publication of the decision.
- 6.3.2. Notice of referral may be given by the Leader or Deputy Leader of the relevant authority, or any three or more members of the SCC Cabinet/GBC Executive as appropriate.
- 6.3.3. All members of the Joint Committee will be notified that an executive decision taken by the Joint Committee has been required for referral by SCC Cabinet/GBC Executive.
- 6.3.4. The decision will be considered by the SCC Cabinet /GBC Executive at its next appropriate meeting in discussion with the Joint Committee Chairman and Vice-Chairman and no action will be taken to implement it in the meantime.
- 6.3.5. The Joint Committee Chairman or Vice-Chairman may attend the SCC Cabinet /GBC Executive meeting, as appropriate, for the consideration of the matter and speak on the item.
- 6.3.6. The SCC Cabinet /GBC Executive may accept, reject or amend the decision taken by the Joint Committee. A report on the decision taken by the Cabinet will be made to the next appropriate meeting of the Joint Committee, and to all the Members of either SCC or GBC, as appropriate, for information.

**The following general provisions apply to the consideration of all matters within Guildford Joint Committee's remit.**

## **7. NOTICE OF MEETING**

- 7.1. The date, time and place of the fixed meetings of the Joint Committee will be accessed through both the SCC and GBC websites. The notice, agenda, reports and other documents prepared for the Joint Committee will be posted on the SCC website (with links from the GBC website) and sent to Members of the Committee not less than five clear working days before the date of the meeting.
- 7.2. Only the business on the agenda will be discussed at a meeting of the Joint Committee except for urgent matters raised in accordance with the provisions in Section 100B(4)(b) of the Local Government Act 1972.

## **8. SPECIAL MEETINGS**

- 8.1. A special meeting of the Joint Committee will be convened to consider specific matters within its terms of reference at the discretion of the Chairman, or the Vice-Chairman in his/her absence. At least five clear working days' notice of a special meeting must be given.

## **9. AGENDAS**

- 9.1. The Joint Committee will comply with the Access to Information rules in Part VA of the Local Government Act 1972 (as amended).
- 9.2. Agendas for meetings of the Joint Committee shall be published by the Committee Manager five clear working days in advance of a meeting and copies will be made available for public inspection via the SCC and GBC websites.
- 9.3. Members of the Joint Committee may suggest items for inclusion in the agenda within its remit. These will be added to the forward programme in consultation with the Chairman and Vice-Chairman of the Joint Committee.

## **10. DECISIONS AND MINUTES**

- 10.1. The decisions from the meeting shall be published on SCC's website, with links from the GBC website, within three clear working days of the date on which the Joint Committee met.
- 10.2. The draft minutes of a meeting shall be published on SCC's website, with relevant links from the GBC website, as soon as is reasonably practicable.
- 10.3. At the meeting, the Chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the chairman" and there may only be discussion if there is disagreement about their accuracy which will be resolved by a vote in the normal way.
- 10.4. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a Special Meeting called under the provisions of paragraph 8 above ,

then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of signing of minutes.

## **11. CONFIDENTIALITY OF PAPERS**

- 11.1. All Members must respect the confidentiality of any papers made available to them for the purpose of meetings of the Guildford Joint Committee or otherwise for so long as those papers remain confidential.

## **12. QUORUM**

- 12.1. The quorum will be one quarter of the total number of voting members of the Joint Committee. A quorum may not be fewer than three voting members
- 12.2. The Chairman will adjourn the meeting if there is not a quorum present.

## **13. MEMBER QUESTIONS TO THE GUILDFORD JOINT COMMITTEE**

- 13.1. Any Member of either Council may, with the Chairman's consent, ask one or more questions on matters within the terms of reference of the Joint Committee.
- 13.2. Notice of questions must be given in writing to the Community Partnerships Team by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 13.3. Questions may be asked without notice if the Chairman decides that the matter is urgent.
- 13.4. Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.
- 13.5. Every question will be put and answered.
- 13.6. Copies of all questions will be circulated to Members of the Joint Committee before the start of the meeting.
- 13.7. Questions may be answered orally or in writing.
- 13.8. If the Chairman is unable to answer any question at the meeting he/she may send a written answer to the Member asking the question.
- 13.9. At the discretion of the Chairman at the meeting, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original or the given response.
- 13.10. A record of all questions, supplementary questions and relevant answers will be included in the minutes of the meeting.

## **14. PUBLIC PARTICIPATION IN GUILDFORD JOINT COMMITTEE**

### **14.1. Petitions**

14.1.1. Any member of the public who lives, works or studies in the Guildford Borough area may present a petition, containing 30 or more signatures or at the Chairman's discretion, relating to a matter within the terms of reference of the Joint Committee. The presentation of a petition on the following business will not be allowed:

- (a) matters which are "confidential" or "exempt" under Part VA of the Local Government Act 1972;
- (b) planning applications; and
- (c) matters in relation to a public rights of way under consideration by the Joint Committee.

14.1.2. A spokesperson for the petitioners may address the Joint Committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the Joint Committee or to the SCC Cabinet, Cabinet Member, GBC Executive or relevant committee of either SCC or GBC at the discretion of the Chairman.

14.1.3. Notice must be given in writing to the Community Partnerships Team at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through SCC's or GBC's e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.

14.1.4. No more than three petitions may be presented at any one meeting of the Joint Committee unless agreed otherwise by the Chairman.

14.1.5. The Community Partnerships Team may amalgamate within the first received petition other petitions of like effect on the same subject.

14.1.6. The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion.

### **14.2. Public Questions and Statements**

14.2.1. At the start of any ordinary meeting of the Joint Committee, any member of the public who lives, works or studies in the Guildford borough area may ask one question or make a statement relating to a matter within the Committee's terms of reference. The Chairman may alternatively permit the question to be asked or the statement to be made at the start of an item on the agenda if it relates to that item.

14.2.2. Questions or statements will not be allowed on matters which are "confidential" or "exempt" under Part VA of the Local Government Act 1972; or on planning applications or on rights of way matters under consideration.

- 14.2.3. Notice of questions or statements must be given in writing to the Community Partnerships Team with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions or statement should be received by 12 noon on the previous working day.
- 14.2.4. The Community Partnerships Team may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be made available for members of the Joint Committee and any member of the public in attendance.
- 14.2.5. Questions and statements will be taken in the order in which they are received by the Community Partnerships Team. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.
- 14.2.6. Following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.
- 14.2.7. The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may disallow questions or statements which are repetitious.
- 14.2.8. When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which such public participation has concluded and the Joint Committee's formal discussion and decision making of the item is taking place.
- 14.3. Public Speaking in relation to Rights of Way**

Rights of Way application decisions are quasi-judicial decisions. They are therefore subject to specific rules. The reason for the rules about public speaking reflect the right of all individuals to a fair hearing.
- 14.3.1. Members of the public and their representatives may address the Guildford Joint Committee on any applications relating to public Rights of Way being considered by the Joint Committee.
- 14.3.2. Speakers must first register their wish to speak by telephone or in writing to the Community Partnerships Team by 12 noon one working day before a meeting stating on which item(s) they wish to speak.
- 14.3.3. Only those people who have previously made written representations in response to a Rights of Way application will be entitled to speak.
- 14.3.4. Speakers must declare any financial or personal interest they may have in the application.

- 14.3.5. Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.
- 14.3.6. The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.
- 14.3.7. Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.
- 14.3.8. No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.
- 14.3.9. Speeches will precede the Joint Committee's formal discussion on each application requiring the Joint Committee's attention.
- 14.3.10. The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the Joint Committee.

## **15. RIGHT TO SPEAK AT THE JOINT COMMITTEE**

- 15.1. A Member of the Joint Committee may speak on any business on the published agenda of the committee. Matters not relevant to the business on the agenda will not be permitted.
- 15.2 A Member may only speak once on a motion and amendment except:
  - (a) the mover may reply to the debate but, in doing so, may only answer statements and arguments made in the course of the debate. He/she may not introduce any new matter;
  - (b) the mover of a motion may speak during the debate on any amendment to the motion;
  - (c) a Member who has already spoken may speak on a point of order or may, at the Chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood;
  - (d) the Chairman may speak before the mover of the motion or amendment replies to the debate.

- (e) A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately and reserves his/her right to speak later.

## **16. RELEVANCE**

- 16.1. Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

## **17. POINTS OF ORDER**

- 17.1. Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the Chairman whose decision will be final.

## **18. LENGTH OF SPEECHES**

- 18.1. Except with the consent of the Chairman, the following time limits will apply to speeches:

- (a) The mover of a motion or an amendment (5 minutes)

(A Member may not speak for more than five minutes unless he/she has a seconder).

- (b) The mover of a motion either speaking to an amendment or replying to the debate (3 minutes)

- (c) The mover of an amendment replying to the debate on the amendment. (3 minutes)

- (d) The seconder of a motion or an amendment (3 minutes)

- (e) A Member speaking on a report or in a debate (3 minutes)

## **19. AFTER REPLY DEBATE IS CLOSED**

- 19.1. After the reply is made, the motion or amendment under discussion will be put from the Chair.

## **20. PROCEDURE FOR MOTIONS AND AMENDMENTS**

- 20.1. Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing to the Community Partnerships Team and read aloud before it is put to the meeting.

- 20.2. A Member may not move or second more than one amendment on any motion.

- 20.3. Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Joint Committee.

20.4. With the consent of the Joint Committee, a Member may:

- (a) alter a motion of which he/she has given notice; or
- (b) with the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under the following Standing Order).

## **21. AMENDMENTS**

21.1. Every amendment must be relevant to the motion under discussion and will either:

- (a) move the reference back
- (b) leave out words
- (c) add words, or
- (d) leave out words and add others.

21.2. An amendment which forms the negative of the motion will not be allowed.

21.3. Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the Chairman decides otherwise.

21.4. If an amendment is lost, other amendments may be moved on the motion.

21.5. If an amendment is carried, the motion as amended will become the substantive motion on which further amendments may be moved.

## **22. PROCEDURAL MOTION**

### **“That the question be now put”**

22.1. Any Member may, at the close of the speech of another Member, move “That the question be now put”.

22.2. If he/she considers that there has been adequate debate, the Chairman may put the motion “That the question be now put” without debate. If the motion is carried:

- (a) the Chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and
- (b) the mover of the motion or amendment may reply.

22.3. The motion or amendment will then be put.

## **23. INTERRUPTIONS AND DISORDERLY CONDUCT**

- 23.1. If a member of the public interrupts the proceedings at a meeting, the Chairman may ask him/her not to interrupt.
- 23.2. If the interruption continues, the Chairman may order his/her removal from the room.
- 23.3. If there is general disturbance in all or part of the public gallery, the Chairman may order that part to be cleared.
- 23.4. If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, "That the named Member be not further heard". If this motion is seconded it will be put to the vote and determined without discussion.
- 23.5. If the motion is carried and the misconduct continues the Chairman may adjourn or suspend the sitting of the Joint Committee for as long as he/she considers appropriate.

## **24. VOTING**

- 24.1. Voting will be by show of hands unless a Member demands a recorded vote. Where a recorded vote is called, the names of those voting for, against, or abstaining in respect of the motion or amendment will be recorded and entered in the minutes.
- 24.2. Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against the motion to be recorded in the minutes.
- 24.3. On a formal motion put from the Chairman (e.g. "That the report be received"), the question may be decided by the voice of the Members, unless any Member demands a show of hands.
- 24.4. If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.
- 24.5. The person presiding at the meeting may in the event of a tie exercise a second or casting vote.

## **25. MEMBERS' CODE OF CONDUCT**

- 25.1. Members are bound by the Code of Conduct of the authority which appointed them to the Guildford Joint Committee and should particularly observe the provisions of their respective Codes concerning the declaration of interests when attending meetings of the Guildford Joint Committee.

## **26. INTERESTS OF MEMBERS**

- 26.1. At any meeting where a Member becomes aware that a matter under consideration relates to:

- (a) one of their interests that they must disclose in accordance with their respective Council's Codes not already entered on the relevant Council's register and/or
- (b) the donor of any gift and/or hospitality they have accepted and not yet entered on the relevant Council's register

The Member must disclose the interest to the meeting and, within 28 days, notify this to either SCC's Monitoring Officer in the case of County Councillors or GBC's Monitoring Officer in the case of Borough Councillors for inclusion in the register.

## **27. PARTICIPATION IN RELATION TO DISCLOSABLE PECUNIARY INTERESTS**

27.1. A Member with a disclosable pecuniary interest in any matter must:

- (a) not participate in any discussion or vote relating to the matter;
- (b) withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;
- (c) not exercise functions in relation to that matter; and
- (d) not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them) unless he/she has obtained a dispensation from SCC's Audit and Governance Committee for County Councillors or GBC's Council Solicitor and Monitoring Officer, or Corporate Governance and Standards Committee (as the GBC Constitution so specifies).

## **28. ATTENDANCE OF MEMBERS**

28.1. All Members present will sign a register of attendance.

## **29. EXCLUSION OF THE PRESS AND PUBLIC**

29.1. The Guildford Joint Committee may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of Exempt or Confidential information as defined by the Local Government Act 1972 and/or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## **30. SUB-COMMITTEES AND TASK GROUPS**

30.1. The Guildford Joint Committee may appoint:

- (a) Sub-Committees with power to act to discharge any of its functions as agreed by the Joint Committee.

- (b) Task Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Guildford Joint Committee.

### **31. CONDUCT AT MEETINGS**

- 31.1. The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Chairman, or person presiding at the meeting, whose ruling is final.

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