

February 2018

# CONSTITUTION OF THE COUNCIL



# **CONSTITUTION OF THE COUNCIL**

**Part 1 – Summary and Explanation**

# **THE CONSTITUTION OF THE COUNCIL**

## **PART 1**

### **SUMMARY AND EXPLANATION**

#### **The Council's Constitution**

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

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

#### **What's in the Constitution?**

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

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

- Health and Wellbeing Board (Article 8A)
- Local Committees (Article 9)
- Joint arrangements (Article 10)
- Officers (Article 11)
- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14)

### **How the Council operates**

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

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

### **How decisions are made**

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

### **Overview and scrutiny**

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

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

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

### **Local committees**

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

### **The Council's staff**

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

### **The public's rights**

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

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

The public have the right to:

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

- petition to request a referendum on a mayoral form of executive;
- participate in question time at meetings of the Cabinet and some committees, present petitions relating to matters within the terms of reference of the Cabinet or a committee, and make representations on planning applications and applications relating to public rights of way;
- find out, from the Leader's Cabinet forward plan, what major decisions are to be discussed or decided, and when;
- attend meetings where Cabinet key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Leader/ Cabinet, Cabinet Members and the Council's or Cabinet's committees;
- complain to the Council about the Council's services. The Council has a three stage complaints procedure. If anyone has reason to believe the Council has acted improperly they may complain to the Monitoring Officer who will investigate the complaint as the final stage in the procedure;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints procedure;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor during the 20 working days statutory period prior to the external auditor giving his/her opinion.

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

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

# CONSTITUTION OF THE COUNCIL

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## **PART 2**

### **ARTICLES OF THE CONSTITUTION**

#### **ARTICLE 1 – THE CONSTITUTION**

##### **1.01 Powers of the Council**

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

##### **1.02 The Constitution**

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

##### **1.03 Purpose of the Constitution**

- 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 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 of the Council. Notice must be given by e-mail or in writing not later than 14 days before the meeting. If the Chairman of the Cabinet or committee agrees, the item will be considered at the next meeting. The Member may attend the meeting and, with the consent of the chairman, speak on the item.
- (v) The Leader or appropriate Cabinet Member with portfolio responsibilities for a matter on the agenda of a scrutiny select committee meeting may attend the meeting of the committee and, with the chairman's consent, speak on the matter.
- (vi) Where a select committee makes a report to the Leader/Cabinet, the chairman of the 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. 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 except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being considered except where confidential or exempt information is likely to be discussed, and the meeting is therefore held in private;
- (iii) take photographs, film, audio-record and report (including via social media) on all meetings of the Council and its committees held in public;
- (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 including the Lead Member for Children's Services
- (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 select committee.

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) Setting work programmes**

The Overview & Budget Scrutiny Committee will be responsible for setting select committee work programmes. The work programmes will be reviewed at each meeting of the Overview & Budget Scrutiny Committee and may include business for review on the Leader's/Cabinet's/Cabinet Member's or Council's behalf.

If select committees wish to add an item to their work programme and a decision is required before the next scheduled Overview & Budget Scrutiny Committee meeting, the views of the Committee will be sought by email and decided by a simple majority of the Members responding (which must include the Chairman and/or Vice-Chairman).

#### **i) Requests from select committee members for inclusion of items on work programmes**

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 the item is included on the agenda for the next available meeting of the appropriate select committee.

#### **j) Referral of matters to select committees ('councillor call for action')**

- (i) Under the Councillor Call for Action arrangements, any Member of the Council may refer for scrutiny any local government matter

which is relevant to the functions of a 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, the views of the Committee will be sought by email and decided by a simple majority of the Members responding (which must include the Chairman and/or Vice-Chairman).
- (iv) The Member referring the matter may make representations as to why it would be appropriate to scrutinise the matter.
- (v) If the Overview & Budget Scrutiny Committee decides that the matter should not be scrutinised, 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.

#### **k) Select Committee Service Areas**

<b>Name</b>	<b>Relevant Services</b>
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>

Name	Relevant Services
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> </ul>

	<ul style="list-style-type: none"> <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, and its membership must be proportional. 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) Director of Children's Services and 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 149 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 151 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.



# CONSTITUTION OF THE COUNCIL

## Part 3 – Responsibility for Functions and Scheme of Delegation

<b>Section 1</b>	<b>Responsibility for Functions</b>
<b>Section 2</b>	<b>Scheme of Delegation</b>
	Cabinet responsibilities and functions
	Scrutiny Board responsibilities and functions
	Responsibility for Council functions and overall limitations
	Responsibility for local choice functions
	Responsibility for Council functions - Planning and Regulatory Committee
	Responsibility for Council functions - Appeals and Representations Panel
	Responsibility for Council functions - Audit and Governance Committee
	Responsibility for Council functions – People, Performance and Development Committee
	Responsibility for Council functions – Member Conduct Panel
	Responsibility for Council functions – Surrey Pension Fund Committee
	Responsibility for Council functions - Local Committees (including delegations to Local Members)
	Responsibility for Council functions – Woking Joint Committee
	Responsibility for Council functions – Spelthorne Joint Committee
	Responsibility for executive functions – Cabinet (including Leader's scheme of delegation)
	Responsibility for executive functions - Basingstoke Canal Joint Management Committee
	Responsibility for executive functions – Joint Committee for the Oversight of Delivery of Surrey Public Authority Services
	Responsibility for executive functions – Joint Management Committee for the Surrey Hills Area of Outstanding Natural Beauty
	Responsibility for executive functions – Shareholder Board
	Responsibility for executive functions – Coast to Capital Strategic Joint Committee
	Responsibility for executive functions – Enterprise M3 Joint Leaders Board
	Responsibility for executive functions – Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee
	Responsibility for executive functions – Orbis Joint Committee

	Responsibility for executive functions – Orbis Public Law Joint Committee	
	Responsibility for executive functions – Investment Board	
<b>Section 3</b>	<b>Scheme of Delegation to Officers</b>	
	Part 1	Overall scheme of delegation
	Part 2	General delegations to Strategic Directors and Heads of Service
	Part 3A	Specific delegations to officers - general
	Part 3B	Specific delegations to officers - Orbis
	Part 4	Proper Officer functions

# THE CONSTITUTION OF THE COUNCIL

## PART 3

### SECTION 1

#### RESPONSIBILITY FOR FUNCTIONS

##### INTRODUCTION

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

#### 1. **RESPONSIBILITY FOR FUNCTIONS EXERCISED ONLY BY THE COUNTY COUNCIL**

- 1.1 **Article 4** in Part 2 of the Constitution sets out those functions which may only be exercised by the Council.
- 1.2 Council functions include those functions shown as such in the table of local choice functions set out at paragraph 5 below.

#### 2. **RESPONSIBILITIES AND FUNCTIONS EXERCISED BY THE LEADER**

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

### SECTION 2

#### SCHEME OF DELEGATION

##### 1 **CABINET RESPONSIBILITIES AND FUNCTIONS**

- 1.1 **Article 6** in Part 2 of the Constitution provides that the Cabinet will carry out the executive functions delegated to it by the Leader. Executive functions delegated by the Leader to the Cabinet, individual Cabinet Members, joint committees or local committees are set out below in paragraphs 8 and 7 respectively.
- 1.2 Cabinet functions shall include those functions shown as such in the table of local choice functions set out at paragraph 5 below

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

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

## 2. **SELECT COMMITTEE RESPONSIBILITIES AND FUNCTIONS**

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

## 3. **RESPONSIBILITY FOR COUNCIL FUNCTIONS**

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

## 4. **OVERALL LIMITATIONS**

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

- (a) any statutory restrictions;
- (b) the Council's Constitution;
- (c) the Council's policy framework and any other plans and strategies approved by the Cabinet;
- (d) the in-year budget;
- (e) the Members' Code of Conduct and the Code of Conduct for Staff;
- (f) the Code of Practice on Local Authority Publicity;
- (g) agreed arrangements for recording decisions.

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

- (a) the right of a scrutiny board to consider a proposal within the policy framework;

- (b) the discretionary powers of a scrutiny board to call in or review executive functions;
- (c) a requirement on the Cabinet to consult the Planning & Regulatory Committee on the parts of the Local Development Documents relevant to that committee's functions.

4.3 The Scheme does not delegate any matter:

- (a) reserved by law or by this Constitution to the Council.
- (b) which may not by law be delegated to an officer.

## 5. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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

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

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

## 6. RESPONSIBILITY FOR COUNCIL FUNCTIONS - COMMITTEES

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

## 6.1 **PLANNING AND REGULATORY COMMITTEE**

### 6.2 **Membership**

12 Members of the authority

### 6.3 **Terms of Reference**

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

These include the following functions:

#### (a) **Planning and development control**

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

#### (b) **Licensing and Registration Functions**

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

#### (c) **Commons registration**

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

#### (d) **Health and Safety**

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

#### (e) **Births, Deaths and Marriages**

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



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

Those non-executive functions relating to public rights of way but where a local committee is unable to determine the matter or has referred the matter to the Planning & Regulatory Committee for a decision.

(g) **Functions relating to elections**

(h) **Development Plans**

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

**6.4 APPEALS AND REPRESENTATIONS PANEL**

**6.5 Membership**

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

**6.6 Terms of Reference**

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

- (a) Determination of all appeals made against decisions of the Strategic Director, Children, Schools and Families or representations arising from the implementation of the Council's approved policies in connection with:
  - (i) financial assistance to parents;
  - (ii) awards, grants and bursaries;
  - (iii) the provision of school transport.
- (b) Representations arising from decisions made by the Strategic Director, Children, Schools and Families in respect of private and voluntary residential care homes, children's homes and foster carers and prospective adopters.

- (c) Determination of any staff appeals requiring to be heard by Members.
- (d) Determination of appeals against decisions of the Chief Fire Officer following an initial hearing under the Fire Service (Discipline) Regulations 1985.
- (e) Determination of appeals against any decision or exercise of discretion under the Fire Fighters' Pension Scheme.

## 6.7 **AUDIT AND GOVERNANCE COMMITTEE**

### 6.8 **Purpose**

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

### 6.9 **Membership**

6 Members of the authority.

### 6.10 **Terms of Reference**

#### ***Regulatory Framework***

- (a) To monitor the effective development and operation of the risk management and corporate governance arrangements in the council.
- (b) To monitor the effectiveness of the council's anti-fraud and anti-corruption strategy, including by reviewing the assessment of fraud risks.
- (c) To monitor compliance with the council's corporate governance framework and advise or make recommendations to the Cabinet or County Council as appropriate.
- (d) To review the Annual Governance Statement and commend it to the Cabinet.
- (e) To conduct an annual review of the effectiveness of the system of internal audit.
- (f) To provide oversight to the Annual Report of the Council.
- (f) To make proposals to appropriate Scrutiny Boards on suggested areas of scrutiny.

### ***Audit Activity***

- (a) To consider the Chief Internal Auditor's annual report and opinion, a summary of internal audit activity and the adequacy of management responses to issues identified.
- (b) To approve the annual Internal Audit & Inspection plan and monitor its implementation.
- (c) To approve the Internal Audit Charter.
- (d) To consider periodic reports of the Chief Internal Auditor and internal audit activity.
- (e) That the Chairman (or in his/her absence, the Vice-Chairman) be consulted upon the appointment or removal of the Chief Internal Auditor.
- (f) To consider and comment upon the reports and plans of the external auditor, including the annual audit letter.

### ***Accounts***

- (a) To consider and approve the annual statement of accounts and the Surrey Pension Fund accounts.
- (b) To review the Council's Treasury Management strategy and consider periodic reports of treasury management activity.
- (c) To undertake statutory functions as required on behalf of the fire fighters' pension schemes.

### ***Ethical Standards***

- (a) To monitor the operation of the Members' Code of Conduct.
- (b) To promote advice, guidance and training for Members and co-opted members on matters relating to the Code of Conduct.
- (c) To ensure the Council's complaints procedures operate effectively.
- (d) To grant dispensations to Members (including co-opted members) from requirements relating to interests set out in the Members' Code of Conduct.

## **6.11 PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE**

### **6.12 Membership**

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

### **6.13 Terms of Reference**

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

The Committee will also:

- (a) determine policy on pay, terms and conditions of employment of all staff.
- (b) discharge the function of dismissal and taking disciplinary action against Chief Officers as defined in the Local Government & Housing Act 1989 (including appointing a designated independent person when required to do so).
- (c) determine arrangements for joint consultation between the Council and representatives of recognised trade unions;
- (d) determine procedures for the resolution of disputes between the Council and recognised trade unions; and
- (e) consider and seek to resolve such disputes where this has not been possible at earlier stages of these procedures.
- (f) determine any requests for early retirement under the Fire Fighters' Pension Scheme.
- (g) in relation to the Chief Executive to determine any compensation payable on the termination of his or her contract of employment by reason of redundancy, early retirement or in the interests of efficient exercise of the Council's functions and applications for early payment of pension benefits.
- (h) monitor individual performance management.
- (i) consider the recruitment, appointment and remuneration of senior managers.

- (j) monitor sickness absence management.
- (k) consider strategic workforce planning.
- (l) promote organisational development, skills and learning.
- (m) promote equalities and diversity.
- (n) promote continuous professional development and training.
- (o) to determine pay progression for individual staff on senior pay in accordance with the Pay Policy Statement.

#### **6.14 APPOINTMENTS SUB-COMMITTEE**

##### **6.15 Membership**

4 Members of the People, Performance and Development Committee.

##### **6.16 Terms of Reference**

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

#### **6.17 MEMBER CONDUCT PANEL**

##### **6.18 Membership**

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

##### **6.19 Terms of Reference**

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

#### **6.20 SURREY PENSION FUND COMMITTEE**

##### **6.21 Membership**

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

- Two representatives from Districts and Boroughs of the Fund;
- One representative from all other employers in the Fund.

## 6.22 Terms of Reference

- a) To undertake statutory functions on behalf of the Local Government Pension Scheme and ensure compliance with legislation and best practice.
- b) To determine policy for the investment, funding and administration of the pension fund.
- c) To consider issues arising and make decisions to secure efficient and effective performance and service delivery.
- d) To appoint and monitor all relevant external service providers:
  - fund managers;
  - custodian;
  - corporate advisors;
  - independent advisors;
  - actuaries;
  - governance advisors;
  - all other professional services associated with the pension fund.
- e) To monitor performance across all aspects of the service.
- f) To ensure that arrangements are in place for consultation with stakeholders as necessary.
- g) To consider and approve the annual statement of pension fund accounts.
- h) To consider and approve the Surrey Pension Fund actuarial valuation and employer contributions.
- i) To receive minutes and consider recommendations from and ensure the effective performance of the Joint Committee of the Border to Coast Pensions Pool and any other relevant bodies.

## 7 LOCAL COMMITTEES<sup>1</sup>

### 7.1 Membership

Between 5 and 10 county councillors depending upon the number of electoral divisions within each district/borough area and an equal

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<sup>1</sup> Apart from Woking Joint Committee and Spelthorne Joint Committee, the arrangements for which are set out at section 7A and 7B

number of co-opted district/borough councillors with voting rights in relation to all matters, with the exception of Education, Youth and Members' Allocations.

## 7.2 Executive Functions of Local Committees

Local committees will be responsible for the following:

a) Decisions relating to general power of competence

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

b) Decisions on local services and budgets

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

- (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.)
- (ii) Community safety funding that is delegated to the Local Committee.
- (iii) Decisions in relation to highways & infrastructure:
  - a. The allocation of the highway capital budget and highway revenue budget which are devolved to the Local Committee for minor highway improvements, and highway maintenance, within the committee's area including the scope to use a proportion of either budget to facilitate local initiatives.
  - b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders relating to on-street parking controls.
  - c. To agree local speed limits on County Council roads, within their area and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police road safety and traffic

management team and with regard to the County Council Speed Limit Policy.

- d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Local Committee.
  - e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Team Manager has chosen to refer the decision on whether a Traffic Regulation Order should be made to the Local Committee, the committee will make that decision.
  - f. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following consent of any relevant borough/district/parish council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court.
- (iv) In relation to youth services:
- a. The approval of prevention priorities for Young People for the relevant borough or district area after consideration of any local needs assessment.
  - b. To apportion the delegated funding for young people between the Local Prevention Grants and Individual Prevention Grants categories of funding, in accordance with the allocated budget.
- c) Approve the award of the Local Prevention funding agreements for the provision of local prevention services for the relevant borough or district in accordance with the allocated budget.

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

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

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

The Local Committees may:



- i) In relation to the exercise of executive functions relating to Members allocations, the Local Committee will receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader.
- ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the authority under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions.
- iii) Monitor the formal decisions taken by officers under delegated powers and provide feedback to improve service standards.
- iv) Engage in issues of concern to local people and seek to influence the County Council, the Leader and Cabinet in relation to countywide services and plans in the light of local needs.
- v) Consider priorities for collaborative work undertaken within the committee's area by county services and partners.
- vi) Monitor the quality of services provided locally, and recommend action as appropriate.
- vii) Be informed of the Borough/District based community strategies and related local plans within their area.
- viii) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes, or developer funded highway improvements within their area.
- ix) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in their area.
- x) Monitor local initiatives agreed and funded by Local Committees.
- xi) Oversee and monitor on street parking enforcement including financials in its area subject to terms of reference, agreed by the committee, which best suit its particular local circumstances.
- xii) Scrutinise the impact of the Local Prevention, Community Youth Work and Surrey Outdoor Learning and Development Local Offer in accordance with prevention priorities for Young People in the local area.
- xiii) Guildford Local Committee may be consulted by the borough council in relation to proposed borough plans and make recommendations to the borough council on those proposals which will include parking and infrastructure matters.

## 7.4 **Non-Executive Functions**

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

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

## 7A **WOKING JOINT COMMITTEE**

### 7.5 **Membership**

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

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

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

- a) In relation to the Borough of Woking the Joint Committee will take decisions delegated to it by the SCC Leader and/or Cabinet and/or the WBC Leader and/or Executive on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils within a framework of agreed performance and resources:
  - (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) (SCC)
  - (ii) Community safety funding that is delegated to the Joint Committee. The Joint Committee will act as the Community Safety Partnership (Note: Domestic Homicide Reviews will be chaired by such person as the Chairman of the Joint Committee shall nominate) (SCC/WBC).

- (iii) Decisions in relation to highways and infrastructure:
- a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements and highway maintenance within the committee's area, including the scope to use a proportion of either budget to facilitate local highways initiatives (SCC).
  - b. To allocate funds to review on-street parking management, including local parking charges where appropriate, and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls (SCC).
  - c. To agree local speed limits on County Council roads within 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 Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the Committee will make that decision (SCC).
  - f. Oversee and determine priorities for the Woking Town Centre Management Agreement. (WBC)
  - g. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following consent of any relevant borough/district/parish council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court (SCC).
- (iv) Consider how Community Infrastructure Levy (CIL) receipts will be expended in Woking, taking into account the approved Infrastructure Capacity Study and Delivery Plan (IDP) for Woking. (WBC)

- (v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Woking Borough Council (SCC/WBC):
  - a) To agree joint priorities for commissioning by the County Council and the Borough Council in Woking for provision of:
    - i) youth work and
    - ii) other preventative work with young people who are at risk of becoming not in education, training or employment (NEET).
  - b) To apportion delegated funding for young people, specifically the distribution between Local Prevention and Individual Prevention categories of funding, in accordance with the allocated budget and small grants (youth) as allocated by the Borough Council.
  - c) To approve the award of the Local Prevention for the provision of local prevention services for Woking Borough in accordance with the allocated budget and to qualified providers. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award funding agreement(s) (due to the presence of conflicts of interest which result in the body being inquorate).
  - d) To approve the award of youth service related commission(s) as delegated to the Joint Committee by Woking Borough Council.
  - e) To oversee and determine priorities for the Full Participation Programme and make appropriate linkages into the work of Services for Young People and Woking Borough Council.
  - f) To approve Youth Task Group advice on the allocation of Community Youth Work and Surrey Outdoor Learning and Development Local Offer resources to meet local priorities for young people in the local area.
- (vi) Oversee and influence priorities for the Family Support Programme in Woking and monitor its performance. (SCC/WBC)
- (vii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners. (SCC/WBC).

- (viii) Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/WBC).

## 7.7 Non-Executive Functions

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

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

The Joint Committee may:

- (i) In relation to the exercise of County Council Executive functions relating to Members allocations, receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader. (SCC)
- (ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions. (SCC)
- (iii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SCC/WBC)
- (iv) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. (SCC/WBC)
- (v) Monitor the quality of services provided locally, and recommend action as appropriate. (SCC)
- (vi) Support Surrey Schools, strengthening links with Headteachers and Governing Bodies to promote the outcomes of increased investment for safer, better schools focused on raising the standards of education for all children in Woking.
- (vii) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes, or developer funded highway improvements within Woking. (SCC)
- (viii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Woking. (SCC)
- (ix) Oversee local initiatives agreed and funded by the Joint Committee. (SCC/WBC)
- (x) Oversee on-street parking enforcement including financials in its area subject to terms of reference agreed by the

Committee, which best suit its particular local circumstances. (SCC)

- (xi) Oversee and scrutinise the impact of the Local Prevention, Community Youth Work and Surrey Outdoor Learning and Development Local Offer in accordance with prevention priorities for young people in the local area. (SCC)
- (xii) Be advised of the Joint Youth Estates Strategy for Woking Borough. (SCC/WBC)
- (xiii) Provide political oversight and advice on the Community Safety functions of the Borough. (SCC/WBC)
- (xiv) Act as the local Health and Wellbeing Board for Woking and oversee and set priorities for general health and wellbeing matters within the framework of Surrey's Joint Health and Wellbeing Strategy. (SCC/WBC)
- (xv) Be consulted on any issues referred to it by either Council and produce responses as appropriate. (SCC/WBC)

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

## **7B SPELTHORNE JOINT COMMITTEE**

### **7.9 Membership**

Membership of the Spelthorne Joint Committee shall be all county councillors with electoral divisions in Spelthorne, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Spelthorne), 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 Cabinet. If there is no Surrey County Council Cabinet Member with an electoral division in Spelthorne for the Leader of the County Council to appoint a specific Cabinet member to the Spelthorne Joint Committee at the Council AGM. No substitutes will be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Council, at the start of each municipal year. All borough and county councillors on the Joint Committee will have equal voting rights on all issues being considered.

### **7.10 Executive Functions** (delegated by Surrey County Council and Spelthorne Borough Council)

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

- a) In relation to the Borough of Spelthorne the Joint Committee will take decisions delegated to it by the SCC Leader and/or Cabinet and/or the SBC Leader and/or Cabinet on the following local services and budgets, to be taken in accordance with the financial framework and

policies of the respective Councils within a framework of agreed performance and resources:

- (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) (SCC)
- (ii) Community safety funding that is delegated to the Joint Committee (SCC/SBC).
- (iii) Decisions in relation to highways and infrastructure:
  - a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements and highway maintenance within the Committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives (SCC).
  - b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls (SCC).
  - c. To agree local speed limits on County Council roads within 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 Highways Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the Committee will make that decision (SCC).
  - f. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following the consent of SBC 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
- (iv) Determine priorities and agree how Community Infrastructure Levy (CIL) receipts will be expended (SBC).

- (v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Spelthorne Borough Council (SCC/SBC):
  - a) To agree joint priorities for commissioning by the County Council and the Borough Council in Spelthorne for provision of preventative work with young people who are at risk of becoming not in education, training or employment (NEET).
  - b) To apportion delegated funding for young people, specifically the distribution between Local Prevention and Individual Prevention categories of funding, in accordance with the allocated budget and any youth grants as allocated by the Borough Council.
  - c) Approve the awards for the provision of Local Prevention services for Spelthorne Borough in accordance with the allocated budget and to qualified providers. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award grant(s) (due to the presence of conflicts of interest which result in the body being inquorate).
  - d) To approve youth task group advice on the allocation of Community Youth Work and Surrey Outdoor Learning & Development (S.O.L.D) Local Offer resources to meet local priorities for young people in the local area.
- (vii) Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/SBC).

### **7.11 Non-Executive Functions** (delegated by Surrey County Council)

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

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

The Joint Committee may:

- (i) In relation to the exercise of County Council Executive functions relating to members' allocations, receive a report on all projects approved under the delegated authority of the Community Partnership Manager or Team Leader. (SCC)
- (ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager



where Members have requested that their allocations be combined to be spent in one or more divisions. (SCC)

- (iii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners (SCC/SBC)
- (iv) To champion the better use of public sector assets in the Borough to promote the One Public estate approach amongst Surrey County Council , Spelthorne Borough Council and other public sector partners ( SCC/SBC)
- (v) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SCC/SBC)
- (vi) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. (SCC/SBC)
- (vii) Monitor the quality of services provided locally, and recommend action as appropriate. (SCC/SBC)
- (viii) To oversee and agree joint priorities to inform the improvement of educational attainment in Spelthorne with the aim of working closely between Surrey County Council, Spelthorne Borough Council and Spelthorne Schools Federation (SCC/SBC)
- (ix) Oversee and influence priorities for the Family Support Programme in Spelthorne (noting the shared nature of this service with other boroughs) and monitor its performance. (SCC/SBC)
- (x) To oversee and agree joint priorities to inform commissioning and delivery of Independent Living, Older People's Services and Day Centres in Spelthorne, with the aim of achieving an integrated approach from Surrey Council and Spelthorne Borough Council (SCC/SBC)
- (xi) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes or developer funded highway improvements within Spelthorne. (SCC)
- (xii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Spelthorne. (SCC)
- (xiii) Oversee local initiatives agreed and funded by the Joint Committee. (SCC/SBC)
- (xiv) Oversee parking provision and enforcement in its area including budget monitoring subject to any particular terms of reference, agreed by the committee, (SCC/SBC)
- (xv) Oversee and monitor the impact of the Local Prevention Commissions and the Community Youth Work Service in accordance with prevention priorities for young people not in education, employment or training (NEET) in the local area.
- (xvi) To receive reports from and provide political oversight and advice to the Spelthorne Safer Stronger Community Partnership on the Community Safety functions of the Borough. (SCC/SBC)

- (xvii) To receive reports from and provide political oversight and advice to the Spelthorne Together Health and Wellbeing Group within the framework of Surrey's Joint Health and Wellbeing Strategy. (SCC/SBC)
- (xviii) Be consulted on any issues referred to it by either Council and produce responses as appropriate. (SCC/SBC)

*(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).*

## **7C DELEGATIONS TO LOCAL MEMBERS**

Members of the authority have the following delegated powers:

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

## **8. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

### **THE CABINET**

#### **8.1 Membership**

The Leader, Deputy Leader and up to 8 other County Councillors

#### **8.2 Terms of reference**

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

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

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

- (a) Lead the preparation of the Council's policies and budget and make recommendations to the County Council on the statutory and strategic plans which form the policy framework, and the revenue and capital budgets and Council Tax precept.
- (b) Submit annually or otherwise as required to the Council for approval the corporate plan and budget, and the other statutory and strategic plans which make up the policy framework.
- (c) Take decisions within this framework of plans, Standing Orders and procedure rules approved by the Council, including key decisions unless these have been delegated to committees.
- (d) Refer to the Council for decision any proposal involving a material departure from any of the approved statutory and strategic plans or the approved revenue and capital budgets.
- (e) Approve Directorate Plans and monitor and review performance against such plans including outturn of expenditure and income.

- (f) Subject to paragraph (d) above, take in-year decisions on resources and priorities, service delivery and operations to deliver the corporate plan and other approved policy plans and the revenue and capital budgets.
- (g) Lead the community planning process and provide a focus for partnership working with other public, private and voluntary and community sector agencies.
- (h) Consult the appropriate scrutiny boards at an early stage in the development of the budget and the plans and strategies within the policy framework.
- (i) Consult scrutiny boards and other committees on the plans and strategies listed in Article 4 of this Constitution, as appropriate, especially the Planning & Regulatory Committee in relation to the development and review of the Local Development Documents or any other plan and policy of the Council which relates to its functions.
- (j) Exercise other strategic planning functions including preparation of supplementary planning guidance and planning briefs, responding to consultations on planning applications, the designation of conservation areas, areas of archaeological interest and nature reserves, the making of compulsory purchase orders and Article 4 Directions, etc.
- (k) Make appointments to those outside bodies which carry out or relate to executive functions.
- (l) Provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services.
- (m) Declare land or property surplus to requirements.
- (n) Consider, determine and report to the Council on matters on which there has been a finding of maladministration by the Local Government Ombudsman.

**Table 2 – Scheme of Delegation**

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

<b>Who is responsible (1)</b>	<b>Function (2)</b>	<b>Limitation (3)</b>
<p>Individual member of the Cabinet in relation to the functions set out in column (2), subject to the limitations in column (3).</p> <p>The Cabinet Member making the decision will be the Member allocated the appropriate responsibilities by the Leader, except that (1) where that Member is unable to act (whether through a conflict of interest, illness or absence) another Member of the Cabinet may exercise the function on their behalf.</p> <p>Any decisions relating to the statutory portfolio for Children's Services under the Children Act 2004 must be taken by or in</p>	<p>(a) transfers between budget heads within portfolio (virements above £250,000, virements from revenue to capital budgets above £100,000) and budget monitoring</p> <p>(b) the write-off of irrecoverable debts</p> <p>(c) performance management</p> <p>(d) approval of individual business cases of more than £100,000 prior to capital/ invest to save projects proceeding</p> <p>(e) reprofiling capital budget within portfolio and within capital scheme's duration</p> <p>(f) decisions required under Procurement Standing Orders (awarding contracts over £500,000, grants)</p>	<p>(a) In consultation with the Leader</p> <p>(b) Between £10,000 and £100,000 not otherwise delegated to the Director of Finance, in consultation with the Leader</p> <p>(c) Significant performance risk must be reported to the Cabinet as agreed in consultation with the Deputy Leader</p> <p>(d) In consultation with the Leader</p> <p>(e) In consultation with the Leader</p> <p>(f) To a maximum of £1m, in consultation with the Leader</p>

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

Who is responsible (1)	Function (2)	Limitation (3)
	<p>(q) responses to any consultation by a maintained school's governing body under Section 5 of the Academies Act 2010</p> <p>(s) To approve the award of contracts for the provision of local preventative services for a borough or district area to providers included in the Council's framework agreement for these services and in accordance with the allocated budget.</p> <p>(t) approval of the Fostering and Adoption Services annual Statements of Purpose</p>	<p>This power to be exercised, in consultation with the portfolio holders with responsibility for procurement and local committees, when the relevant local committee is unable to award a contract due to the presence of conflicts of interest which result in that body being inquorate.</p>
	<p>(u) authorisation of the Transport Development Control Manager to enter into legal agreements with developers providing for the adoption of new housing estate roads, forecourts and other made-up areas as highways maintainable at the public expense when the work of making up has been satisfactorily completed</p>	

Who is responsible (1)	Function (2)	Limitation (3)
	<p>(v) declaration of highways or highways land surplus to requirements where it is unnecessary for highway purposes</p> <p>(w) endorsement of any new speed limit when the Local Committee is in disagreement with the police and local officers</p> <p>(x) endorsement of the annual programme for investment of the centrally managed road safety scheme budget</p> <p>(z) to agree changes which amount to more than 15% in the hours of opening for Surrey Performing Arts Library</p>	
	<p>(a1) agree the Surrey Fire and Rescue Service Statement of Assurance for publication</p> <p>(a2) on behalf of the Fire and Rescue Authority, to respond to requests from neighbouring Fire and Rescue Authorities for the deployment of Surrey Fire and Rescue Service's resources during periods of industrial (strike) action</p>	



Who is responsible (1)	Function (2)	Limitation (3)
	<p>(a3) appointment of lawyers within Legal &amp; Democratic Services to act as Nominee to apply on the Council's behalf as a creditor to administer the Estate of deceased debtors</p> <p>(a4) approval of revisions to the Council's partnership governance policy</p> <p>(a5) agreement of In Year Fair Access Protocol</p>	

Who is responsible (1)	Function (2)	Limitation (3)
	<p>(a6) expenditure against the agreed Surrey Growth Strategy budgets</p> <p>(a7) to agree amendments to the Memorandum of Understanding for the Basingstoke Canal Joint Management Committee</p> <p>(a8) take decisions on behalf of the Council for Trust Funds where the Council is a corporate trustee, in accordance with any requirements in the Trust governing body</p> <p>(a9) to determine the establishment of Suitable Alternative Natural Green Spaces (SANGS).</p> <p>(a10) To agree changes to the Travel Assistance Policy for Children and Young People with an Education Health and Care Plan (EHCP) or a Statement of Special Education Needs (SEN): 0-25 years</p>	<p>In consultation with the Leader of the Council and the Strategic Director for Environment and Infrastructure</p> <p>In consultation with the Assistant Director for Schools and Learning</p>
<b>Leader</b>	<p>(a) the final decision to open or close a school</p> <p>(b) the establishment of and recruitment to posts evaluated with a pay band in excess of £100k and consultants on contracts over £100k per annum</p>	

<b>Who is responsible (1)</b>	<b>Function (2)</b>	<b>Limitation (3)</b>
	(c) expenditure against the agreed Community Improvement Fund  (d) approval of virements above £250,000 between portfolios or services	(d) in consultation with the relevant portfolio holders

### **8.3 BASINGSTOKE CANAL JOINT MANAGEMENT COMMITTEE**

#### **8.4 Membership**

A total of four County Councillors, who must be Cabinet Members or County Councillors representing divisions which include the Basingstoke Canal in their area, four County Councillors from Hampshire County Council with similar terms of reference, plus others from local councils and other organisations with an interest in the canal.

#### **8.5 Terms of reference**

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

- (a) the oversight of the completion of the restoration of the Basingstoke Canal;
- (b) the management and maintenance of the Basingstoke Canal as an environmental navigational and recreational asset in accordance with the policy and budgetary framework set for the Committee; and
- (c) the balancing of the interests of all users of the Basingstoke Canal and conservation of the natural environment.

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

#### **8.7 Membership**

One County Councillor who must be a Cabinet Member, plus one from each of the other partner authorities ('the Parties').

#### **8.8 Terms of reference**

The Joint Committee will:

- (a) oversee joint working arrangements of the Parties.
- (b) promote good joint working practice amongst the Parties.
- (c) appoint such task groups or sub-committees as it considers necessary.
- (d) identify the range of services for inclusion in a Joint Venture Company (JVC).
- (e) approve the draft the Articles and Memorandum of Association of the JVC.

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

## **8.9 JOINT MANAGEMENT COMMITTEE FOR THE SURREY HILLS AREA OF OUTSTANDING NATURAL BEAUTY (“SURREY HILLS BOARD”)**

### **8.10 Membership**

One county councillor and one representative each from the other principal funding partners will make up the “Core Members”.

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

### **8.11 Terms of reference**

The Board will:

- (a) prepare the Area of Outstanding Natural Beauty (AONB) management plan for adoption by the Constituent Bodies and to lead implementation on their behalf, and in particular, to develop practical measures to:
  - (i) protect, conserve and enhance the natural beauty of AONB;
  - (ii) promote the unique identity of the AONB recognising and respecting the individual landscape character and habitats of local areas in the implementation of planning and management policies;
  - (iii) encourage, where appropriate, quiet enjoyment of the AONB;
  - (iv) ensure that development is soundly based on principles of sustainability and is appropriate to the character of the AONB;
- (b) promote the objectives of the designation of the AONB and to act as a forum for the discussion of major issues affecting the character of the AONB;
- (c) encourage the Constituent Bodies to adopt policies which help achieve the objectives of the AONB management plan;
- (d) advise and inform the local authorities amongst the Constituent Bodies of the activities of the Board in order to raise the profile of the AONB locally and to support national efforts to enhance the status of Areas of Outstanding Natural Beauty;

- (e) provide a source of expertise and information on the AONB, its conservation and enhancement;
- (f) seek to secure sufficient funding to meet its overall aims and objectives for effective management of the AONB, and to manage its own devolved budget.

## 8.12 **SHAREHOLDER BOARD**

### 8.13 **Membership**

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

### 8.14 **Terms of reference**

The Board will:

- (a) have the power to appoint and remove Company Directors
- (b) approve and monitor Company Business Plans
- (c) approve the allotment of further shares in a Company (whether to third party shareholders or the Council)
- (d) exercise any reserved powers in the Articles of a Company
- (e) endorse any amendments to Company Business Plans
- (f) periodically evaluate financial performance of a Company
- (g) agree significant capital or revenue investments proposed by a Company
- (h) determine the distribution of any surplus or the issue of any dividends from a Company
- (i) consider any recommendation from Company Directors to cease trading
- (j) report to the Council annually on trading activity
- (k) review the risks associated with trading activities.

## 8.15 **COAST TO CAPITAL STRATEGIC JOINT COMMITTEE**

### 8.16 **Membership**

One County Councillor, plus one from each of the other member authorities.

### 8.17 **Terms of reference**

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

- (a) To agree the Strategic Economic Plan and its revisions and amendments as proposed to the Joint Committee by the LEP Board;
- (b) To provide strategic advice to the LEP Board from time to time on the economic development and growth priorities for the LEP Area;
- (c) To nominate on request from the LEP Board representatives from the district and borough local authorities who are members of the Joint Committee to serve as Directors on the LEP Board.

## **ENTERPRISE M3 JOINT LEADERS BOARD**

### **Membership**

The Membership of the Joint Leaders Board shall comprise the Leader, or one executive member, from each constituent authority as named in the table below:-

Basingstoke and Deane Borough Council	East Hampshire District Council	Elmbridge Borough Council	Guildford Borough Council
Hampshire County Council	Hart District Council	New Forest District Council	Runnymede Borough Council
Rushmoor Borough Council	Spelthorne Borough Council	Surrey County Council	Surrey Heath Borough Council
Test Valley Borough Council	Waverley Borough Council	Winchester City Council	Woking Borough Council

Members of the Board may be accompanied by their local authority’s Chief Executive or other senior officer, who may attend and participate at meetings in a supporting role.

Each Board Member shall nominate a standing deputy to attend in their place if they are unable to attend.

### **Terms of Reference**

The functions of the Joint Leaders Board are as follows

- (a) To strengthen local authority collaboration in support of Enterprise M3, and provide democratic accountability for the Enterprise M3 growth agenda.

- (b) To appoint the district council Local Authority Members to the Enterprise M3 Board in accordance with Enterprise M3's criteria for local authority representation. The JLB may also replace and substitute local authority representatives on the Enterprise M3 Board where required.
- (c) To advise Enterprise M3 on the collective view of councils on strategic priorities for economic growth and for the Strategic Economic Plan.
- (d) To co-ordinate the contribution of councils on actions and activities to deliver the Strategic Economic Plan - making best use of, and potentially aligning, economic development resources and activities.
- (e) To be a forum for collaboration and discussion between the Enterprise M3 LEP councils on issues affecting economic development and regeneration across the area – particularly spatial planning (including the 'duty to co-operate'), housing and transport.
- (f) To communicate to residents the economic successes and growth achieved through projects and activities delivered through Enterprise M3.
- (g) Each Council to be responsible for internal communication of EM3 work, infrastructure gains and project successes, which are achieved for the area through support to the Joint Leaders Board Partnership.

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

### **8.19 Membership**

One County Councillor from each authority, who must be a Cabinet Member. In addition each authority can appoint one County Councillor to undertake a non-voting advisory role.

### **8.20 Terms of reference**

The Joint Trading Standards Service Committee will:

- (a) provide strategic leadership and direction, effective governance and oversight of the joint service
- (b) oversee working arrangements of the joint service
- (c) promote good joint working practice
- (d) approve budget variations
- (e) approve performance measures
- (f) approve the enforcement policy
- (g) approve the investigations criteria



- (h) approve revisions to the Terms of Reference for the Joint Committee.

## **8.21 ORBIS JOINT COMMITTEE**

### **8.22 Membership:**

The Committee shall comprise no more than six members, being an equal number of East Sussex County Council Cabinet Members, appointed by the Leader of East Sussex County Council and Surrey County Council Cabinet Members, appointed by the Leader of Surrey County Council

Each Council's Leader may nominate one substitute Cabinet Member to attend meetings of the Joint Committee, should an appointed member of the Committee be unavailable or unable to attend a meeting of the Joint Committee. A substitute Cabinet Member attending in the absence of an appointed member will have full voting rights

### **8.23 Terms of Reference:**

The Orbis Joint Committee will:

- (a) Oversee the delivery of the services delivered jointly through the Orbis partnership of East Sussex County Council and Surrey County Council ('Orbis').
- (b) Recommend proposals to meet the annual budget for Orbis, set by each of East Sussex County Council and Surrey County Council
- (c) Approve the Orbis Business Plan and performance measures
- (d) Monitor the Orbis Business Plan and performance of Orbis
- (e) Approve revisions to the Terms of Reference of the Orbis Joint Committee

### **8.24 Meetings of the Committee:**

The Orbis Joint Committee will meet on four occasions a year, unless a different number of meetings is determined by the Committee

## **8.25 ORBIS PUBLIC LAW JOINT COMMITTEE**

### **8.26 Membership**

The Committee shall comprise of Members appointed by the constituent authorities. Currently Brighton & Hove City Council, East Sussex County

Council, Surrey County Council and West Sussex County Council (“the Councils”). Each authority shall appoint one Member to the Committee in accordance with its constitution.

Each Council’s Leader (or in the case of Brighton & Hove City Council, the Council) may appoint one substitute Member to attend meetings of the Joint Committee, should an appointed member of the Committee be unavailable or unable to attend a meeting of the Joint Committee. A substitute Member attending in the absence of an appointed member will have full voting rights.

### **8.27 Terms of Reference:**

The Orbis Public Law Joint Committee will:

- (a) Oversee the delivery of the services delivered jointly through the Orbis Public Law partnership of the Councils (‘OPL’).
- (b) Recommend proposals to meet the annual budget for OPL, set by each of the Councils.
- (c) Approve the OPL Business Plan and performance measures.
- (d) Monitor the OPL Business Plan and performance of OPL.
- (e) Make recommendations to the constituent authorities regarding revisions to the Terms of Reference of the Orbis Public Law Joint Committee.

### **8.28 Meetings of the Committee:**

The Orbis Public Law Joint Committee will meet on four occasions a year, unless a different number of meetings is determined by the Committee

### **8.29 INVESTMENT BOARD**

#### **8.30 Membership**

The Leader of the Council, the Deputy Leader, the Chief Executive plus three Cabinet Members appointed by the Leader.

#### **8.31 Terms of reference**

The Board will:

- (a) consider and approve business case proposals that contribute to the delivery of the Council’s investment strategy and approve all property investment acquisitions, investment property development and management expenditure and property investment asset disposals (unless law requires full council approval)
- (b) approve the provision of finance to the Council’s wholly owned property company, Halsey Garten Property Ltd

- (c) approve the strategic management of the overall portfolio to ensure a balanced portfolio is maintained
- (d) recommend appropriate non-property investments to the Cabinet for approval

### **8.32 Meetings of the Board**

The Investment Board will meet on a monthly basis with further meetings arranged if necessary in order to respond promptly to opportunities. The quorum for the board will be a minimum of three members with one being the Leader or Deputy Leader.

**Section 3**  
**Scheme of Delegation to Officers**

This Scheme of delegation comprises four parts

**Part 1** – The overall Scheme of delegation to Officers

**Part 2** – General delegations to the Strategic Directors and Heads of Service

**Part 3** – Specific delegations to Officers

**Part 4** – Proper Officer functions

<p><b>Part 1: The Overall Scheme of Delegation</b> <b>How the Scheme Works</b></p>
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**1 General Delegation**

1.1 The Council and the Leader delegate to the officers identified in Part 2 (the Chief Executive, Deputy Chief Executive, Strategic Directors, Directors, Assistant Directors and Head of Service) and authorise them, subject to the limitations and reservations (set out in paragraph 9) of this scheme to:

- a) exercise the County Council's functions (both executive and non-executive) which relate to their area of responsibility described in Part 2; and
- b) exercise functions specifically delegated to them by either the Leader (under Section 15 of the Local Government Act 2000) or by the Council, a committee or sub-committee (under Section 101 of the Local Government Act 1972).

1.2 Where any officer listed in Part 2 is absent for any period, the Chief Executive, Deputy Chief Executive or the relevant Strategic Director, may nominate in writing another officer to act in his or her place during their absence and shall make a record of all such nominations.

**2 Specific Delegations**

2.1 The Council and the Leader also delegate to the officers identified in column 2 of Part 3 the specific functions (executive and non-executive) allocated to them in column 3 of Part 3 subject to the limitations and reservations (set out in paragraphs 5 to 10) of this Scheme.

- 2.2 The officers identified in Part 2 are also authorised to exercise the functions described in Part 3 and which are within their area of responsibility, with the following exceptions:
- a) a statutory officer post remains the function of the post holder unless another officer is nominated to act in his place in accordance with paragraph 1.2 or 2.3
  - b) The determination of planning applications and town and country planning functions of the Council cannot be exercised above the level of Planning and Development Group Manager
- 2.3 Where any officer listed in Part 3 is absent for any period the appropriate Strategic Director, Director, Assistant Director or Head of Service with management responsibility for that officer may nominate in writing another officer to act in his or her place and shall make a record of all such nominations.

### **3 Powers Delegated to Officers**

Without prejudice to the generality of paragraph 1, and to any specific delegation set out in Part 3, the Officers listed in Part 2 have authority to exercise the following functions of the Council and the Leader which relate to their area of responsibility: -

#### **3.1 Legal Powers**

To institute, appear in, prosecute and defend on behalf of the County Council proceedings before a Magistrates Court or similar Tribunal of first instance but not (unless specifically authorised by Part 3 of this Scheme) any other legal proceedings (which are delegated to the Director of Legal, Democratic and Cultural Services).

#### **3.2 Human Resources**

The Chief Executive, Deputy Chief Executive, Strategic Directors, Directors, Heads of Service and other managers with line management responsibility, as nominees of the Chief Executive are authorised subject to Part 5 of Standing Orders to appoint, discipline and dismiss employees within their Directorate or Service. In addition the Chief Executive may, subject to Part 5 of Standing Orders, nominate a Strategic Director to discipline and dismiss employees within any other Directorate or Service.

#### **3.3 Service Plans**

The Chief Executive, Deputy Chief Executive and Strategic Directors and Directors, in consultation with the relevant Cabinet Member, are authorised to approve Service Plans.

### **3.4 Emergencies or Disasters**

The Chief Executive, Deputy Chief Executive and the Strategic Directors and Directors are authorised to exercise the powers of the County Council under section 138 of the Local Government Act 1972 in the event of an emergency or disaster.

### **3.5 Certification of Contracts**

The Chief Executive, Deputy Chief Executive and Strategic Directors and Directors are authorised to sign Certificates under the Local Government (Contracts) Act 1997.

### **3.6 Covert Surveillance and the Use of Covert Human intelligence sources**

The Trading Standards Community Protection Manger and Policy and Operations Manager are required to authorise directed surveillance, the use of covert human intelligence sources and communications data checks and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000.

### **3.7 Public Consultation**

The Chief Executive, Deputy Chief Executive, Strategic Directors and Directors are authorised to commence public consultation on proposed modifications to public service in consultation with the relevant Cabinet Portfolio Holder.

### **3.8 Proper Officers**

The Council appoints the Proper Officers specified in Part 4 and delegates to the Chief Executive the function of making Proper Officer appointments in cases of urgency.

## **4 Other Requirements**

The exercise of functions delegated to officers under this Scheme must comply with: -

- 4.1 any legal requirements or restrictions;
- 4.2 the Council's Constitution;
- 4.3 the Council's policy framework and any other plans and strategies approved by the Cabinet;
- 4.4 the in-year budget;

- 4.5 the Members Code of Conduct;
- 4.6 the Code of Conduct for Staff, the Fairness & Dignity At Work Procedure, the Equalities Policy Statement, the Health & Safety Policy and any other Code issued by the County Council from time to time;
- 4.7 any Employee Code issued under the Local Government Act 2000;
- 4.8 the County Council's Human Resources (HR) policies and procedures including those relating to employment;
- 4.9 the Code of Recommended Practice on Local Authority Publicity;
- 4.10 the requirements to achieve Best Value;
- 4.11 Procurement Standing Orders, Financial Regulations and Financial Instructions;
- 4.12 the adopted development plan policies and any guidance issued by the Planning and Regulatory Committee.

## **5 Scrutiny**

The exercise of delegated functions by officers is subject to the right of a Select Committee to review and scrutinise decisions in respect of both executive and non-executive functions.

## **6 Reservations**

This scheme does not delegate any function to an officer which

- 6.1 is reserved by law or this Constitution to the full Council or any committee of the Council or the Cabinet; or
- 6.2 may not by law be delegated to an officer; or
- 6.3 is an executive function which the Leader has reserved to himself or the Cabinet for a decision.

## **7 Limitations**

Officers in the exercise of functions delegated by this Scheme may not:

- 7.1 make key decisions (as defined in Article 6 of the Constitution);
- 7.2 change or contravene policies or strategies approved by the Council or the Cabinet;
- 7.3 create or approve new policies and strategies;

- 7.4 take decisions to withdraw public services;
- 7.5 take decisions to significantly modify public services without consultation with the appropriate Cabinet Member before exercising the delegated power;
- 7.6 take decisions on significant new powers or duties arising from new legislation before the new powers or duties have been reported to the Council or the Cabinet as appropriate, (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chairman);
- 7.7 provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chairman);
- 7.8 declare land or property surplus to requirements;
- 7.9 agree grant criteria or approve fees and charges (except where specific delegations to officers have been made in Part 3 of the Scheme of Delegation, or as a matter of urgency, in consultation with the appropriate Cabinet member or committee chairman, provided the decision is within Council policy and budget).

## **8 Consultation**

- 8.1 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with appropriate Cabinet Member(s) or Committee Chairman before exercising the delegated powers.
- 8.2 An officer may at his/her discretion consult the appropriate Cabinet Member, or the Cabinet, or the appropriate Committee, or its Chairman before exercising delegated powers, or not exercise delegated powers but refer the matter to the Cabinet or a committee for a decision.
- 8.3 In exercising delegated powers, officers will, in line with the Member/Officer Protocol, keep local members informed of matters affecting their divisions.



### Section 3, Part 2 General Delegation to Officers

The Council's management structure is led by the Chief Executive, who has statutory responsibilities as head of paid service.

The post holders listed below or any successor post holder subsequent to any reorganisation, or any temporary replacement post holder nominated in accordance with paragraph 1.2 of the Scheme, are authorised to exercise the functions of the County Council (executive and non-executive) relating to their areas of responsibility, which are summarised below, subject to the limitations set out in Part 1 of the Scheme.

TITLE OF POSTHOLDER	SUMMARY OF AREA OF RESPONSIBILITY
Chief Executive	Head of paid service and responsible for the overall management of the workforce and the authority.
Deputy Chief Executive and Strategic Director for Children, Schools and Families	<p>Jointly responsible with the Chief Executive and the Strategic Directors for the overall performance of the paid service.</p> <p>Overall responsibility for services to support change and efficiency, including Finance, Human Resources and Organisational Development, Property Services, Information Management and Technology, Procurement and Business Operations.</p> <p>Overall responsibility for Communications, Policy and Performance,</p> <p>Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service.</p> <p>The Statutory Director of Children's Services under section 18 of the Children Act 2004 with overall responsibility for these services.</p>
Head of Communications	Responsible for the communications strategy for the Council, and for the management of Communications.
Director of Legal, Democratic and Cultural Services	The Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Chief Legal Adviser, responsible for the management of Legal, Democratic and Cultural Services.
Assistant Director, Strategy and Performance.	Responsible for leading the Policy and Performance Service, developing the Council's policy framework, the Council's corporate centre of expertise on performance,

	<p>quality and project management and provider of the Council's internal audit function.</p>
<p>Strategic Director of Adult Social Care and Public Health</p>	<p>Jointly responsible with the Chief Executive and other strategic directors for the overall performance of the employed service</p> <p>The statutory Director of Adult Social Services under "Guidance on the Statutory Chief Officer Post of the Director of Adult Social Services" (2006), with overall responsibility for services to older people, people with learning, physical and sensory disabilities, people with mental health problems and substance abuse</p> <p>The statutory Director of Public Health as defined under "Directors of Public Health in Local Government – roles, responsibilities and context" (2012), and as defined under the National Health Service Act 2006 and the Health and Social Care Act 2012. Responsible for writing the annual Public Health report</p>
<p>Deputy Director for Adult Social Care</p>	<p>Lead the continuous improvement of adult social care services, practices and systems to ensure effective commissioning and delivery of services which support the vision of the directorate, comply with statutory responsibilities and deliver positive outcomes for vulnerable people</p> <p>Deputise for the Strategic Director for Adult Social Care and Public Health</p>
<p>Deputy Director for Public Health</p>	<p>Responsible for leading the Public Health service, including the Council's health improvement, health protection and health intelligence and effectiveness functions</p> <p>Deputise for the Strategic Director for Adult Social Care and Public Health on public health related matters</p>
<p>Area Director</p>	<p>Commission and deliver adult social care services within specific areas to ensure the promotion of residents' wellbeing and to protect people from harm. Provide strategic leadership on specific countywide responsibilities</p>
<p>Assistant Director, Service Delivery</p>	<p>Provide strategic leadership for the delivery of internally provided, regulated services to adults across the county</p>

Senior Practice Development Manager	<p>Provide professional leadership for the development of the professionally qualified workforce</p> <p>Ensure arrangements are in place within the Adult Social Care Directorate for compliance with the Mental Capacity Act 2005 and with the Deprivation of Liberty Safeguards</p>
Head of Resources and Caldicott Guardian	<p>Provide strategic leadership as Caldicott Guardian for information governance</p> <p>Provide strategic leadership for commissioning support and business support services, and for the deputyship and financial assessments and benefits services</p>
Head of Quality Assurance and Strategic Safeguarding	<p>Provide strategic leadership for safeguarding</p> <p>Responsible for the adult social care quality assurance framework</p>
Senior Programme Manager	Responsible for strategic change projects, information and advice and business intelligence functions
Public Health Consultant	<p>Responsible for the strategic leadership of the health improvement, health protection, intelligence and healthcare functions</p> <p>Provide assurance that appropriate health protection systems are in place</p>
Chief Property Officer	Responsible for the provision of corporate and strategic asset management and managing Property Services.
Director of Finance	The Council's S151 officer, responsible for managing the Council's Finance Service, for determining the Council's administration and financial management framework, and for providing lending, borrowing, investment, insurance, corporate governance, internal control and risk management services to the Council.
Director of Human Resources	Responsible for ensuring coherent HR, OD and organisational learning and development strategies for the Council and for managing Human Resources.
Chief Information Officer	Responsible for ensuring a coherent and robust strategy for the Council's IMT systems and services and for managing IMT.

TITLE OF POSTHOLDER	SUMMARY OF AREA OF RESPONSIBILITY
Head of Business Operations	Responsible for a fully operational Shared Service Centre, providing finance, HR, payroll, property, procurement and IMT services.
Assistant Director Procurement	Responsible for leading and managing the procurement service.
Assistant Director for Schools and Learning	Responsible for leading and managing Education Planning, Schools Leadership, Schools Admissions, , Commercial Services and the relationship with and commissioning of services from 4S.
Assistant Director for Children's Services	Responsible for providing integrated services for children, young people and families and for managing Children's Services.
Assistant Director for Services for Commissioning and Prevention	Responsible for ensuring integrated services for young people in Surrey and for managing Youth Justice, Youth Development, the Early Years Service, Inclusion and Early Help.
Strategic Director for Customers and Communities	Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service.
Head of Cultural Services	Responsible for the management and direction of the Library Service, Adult and Community Learning Service, Registration and Nationality Service, Surrey Arts, the Heritage Service and the County Coroner. To act as 'proper officer' for the Registration and Nationality Service.
Head of Customer Services	Responsible for developing, leading and delivering the Council's Customer Services Strategy and managing the Council's Contact Centre.
Head of Trading Standards	Responsible for the management and direction of the Buckinghamshire and Surrey County Councils Joint Trading Standards Service.
Chief Fire Officer (Brigade Manager)	Overall responsibility for the provision of fire and rescue services under the Fire and Rescue Services Act 2004 and the accompanying National Framework, compliance with all relevant fire safety legislation and all aspects of emergency response including proactive community safety, ensuring effective response to emergency incidents at all times.

TITLE OF POSTHOLDER	SUMMARY OF AREA OF RESPONSIBILITY
Strategic Director for Environment & Infrastructure	Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service. Overall responsibility for services for the Environment and Infrastructure Directorate including the Fire & Rescue, Waste, Highways & Transport and Place Development Services, and the Emergency Management and Superfast Broadband Teams
Deputy Director Environment and Infrastructure	Overall responsibility with the Strategic Director for services for the Environment and Infrastructure Directorate including Waste, Highways & Transport and Place Development
Head of Highways & Transport	Responsible for leading and managing the Highways functions of the Council including Street Lighting, Structures and Asset Management.
Head of Place Development	Responsible for leading and managing the Countryside, Travel & Passenger Transport, Sustainability, Transportation Development Control and Planning* functions of the Council
<p><i>*The Planning &amp; Development Group Manager, who reports to the Head of Place Development is responsible for decisions made under the Town &amp; Country Planning Act</i></p>	

**Section 3, Part 3A Specific Delegation to Officers**

The specific functions of the County Council (executive and non-executive) set out in column 3 below are delegated to the corresponding officers listed in column 4 (or any temporary replacement post holder nominated in accordance with paragraph 2.3 of the Scheme) subject to the requirements and limits of this Scheme of Delegation.

**CHIEF EXECUTIVE'S OFFICE**

<b>No</b>	<b>SERVICE AREA</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CEO1	Chief Executive	To make Proper Officer appointments in cases of urgency.	Chief Executive
CEO2	Chief Executive	To make appointments (including co-opted members) to fill any casual vacancies that may arise on committees, sub committees and member/officer working groups which discharge the County Council's functions (both executive and non-executive) and outside bodies on which the Council is represented in accordance with the wishes of the political groups.	Chief Executive
CEO3	Chief Executive	To appoint a joint committee for purposes of health scrutiny and to determine its size in consultation with other appropriate authorities which have an interest as consultees, where it is not possible for the Health Scrutiny Committee to take this decision in the time available, and to agree the share of the County Council's seats on each such joint committee after consultation with the Chairman and Vice-Chairman of the Health Scrutiny Committee.	Chief Executive
CEO4	Chief Executive	To appoint the County Council Members of any such joint committee in accordance with the wishes of the political groups.	Chief Executive

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CEO5	Chief Executive	Unless prohibited by law, to discharge the functions of the Council and the Cabinet which relate to the areas of responsibility of the other officers identified in Part 2 (including any specific function identified in Part 3) in cases of urgency or where the officers to whom those functions have been also delegated are unable or unwilling to act.	Chief Executive
CEO6	Chief Executive	In consultation with the Chairman of the People, Performance and Development Committee, to determine any compensation payable on early termination of a contract of employment by reason of redundancy, early retirement or in the interests of efficient exercise of the Council's functions and application for early payment of pension benefits to an officer listed in Part 2 of this Scheme and any Head of Service.	Chief Executive
CEO7	Chief Executive	To nominate in writing one or more of the Strategic Directors to act in his place in the event of illness or other planned or unplanned absence.	Chief Executive
CEO8	Chief Executive	To discharge (or nominate other officers to discharge) in accordance with Part 5 of Standing Orders, the functions of (i) appointment of employees of the County Council other than the Head of Paid Service, a Chief Officer, Deputy Chief Officer or Political Assistant as defined in the Local Government and Housing Act 1989, (ii) dismissal of and taking disciplinary action against employees of the County Council other than the Head of Paid Service, a Chief Officer or Political Assistant as defined in the Local Government and Housing Act 1989. An appointment or dismissal of a deputy Chief Officer as defined by the Act will only take effect where no well founded objection has been received from any Member of the Cabinet.	Chief Executive
CEO9	Chief Executive	In consultation with the Leader and with any Cabinet Member responsible for the function for which the Council is proposing to take responsibility, to agree arrangements with another local authority to discharge functions on behalf of that authority.	Chief Executive Strategic Directors

### LEGAL, DEMOCRATIC AND CULTURAL SERVICES

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
LDC1	Legal and Democratic Services	To authorise and witness the sealing of any documents or to sign any documents necessary to give effect to a decision of the Cabinet, a Cabinet Member, the Council (or any part of it) or an officer acting under delegated powers.	Head of Legal Services  Senior Principal Lawyers  Principal Lawyers
LDC2	Legal and Democratic Services	To be the custodian of the common seal of the Council and to determine the nature or type of documents to be sealed.	Head of Legal Services
LDC3	Legal and Democratic Services	<p><b>A.</b> To institute or defend or appear in any legal proceedings on behalf of the County Council in proceedings at any Court, Tribunal or Inquiry and to take any action in connection with such proceedings, including authority to settle proceedings</p> <p><b>B.</b> To authorise officers to appear in any legal proceedings on behalf of the County Council in proceedings at any Court, Tribunal or Inquiry in accordance with section 222 and 223 Local Government Act 1972.</p> <p><b>C.</b> To sign any document necessary for any legal procedure or proceedings on behalf of the County Council (unless any enactment otherwise requires or authorises).</p> <p><b>D.</b> To act as proper officer for the purposes of Section 234 of the Local Government Act 1972 for the signature of any notice, order or document, which the Council is required to give, make or issue.</p>	Head of Legal Services  Senior Principal Lawyers  Principal Lawyers  Senior Lawyers



LDC4	Legal and Democratic Services	To update the Constitution, and in particular the Scheme of Delegation, following structural reorganisation of the Council where the only change is to the title of the post holder receiving the delegation, provided there is no reduction in the management level to which the delegation is made.	Monitoring Officer Deputy Monitoring Officers
LDC5	Legal and Democratic Services	Where no objection has been received, to determine applications to register land as a Town or Village Green under the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007	Head of Legal Services
LDC6	Cultural Services	To ensure the delivery of Cultural Services in accordance with the duties imposed upon the authority by legislation	Head of Cultural Services
LDC7	Cultural Services	To meet the requirements of the Public Libraries and Museums Act 1964, e.g. display of sensitive material, use of mobile libraries	Head of Cultural Services Library Service Manager
LDC8	Cultural Services	To supply information required to the Department of Culture, Media & Sport	Head of Cultural Services Library Service Manager
LDC9	Cultural Services	To exercise the powers under the Library Bylaws and Regulations, e.g. temporary closure of libraries in extenuating circumstances, exclusion of library users, setting of loan periods and fees and discounts where applicable	Library Managers, Mid, East North-West and South West Surrey  Heritage Manager
LDC10	Cultural Services	In consultation with the Chairman of the Local Committee or, in relation to Surrey Performing Arts Library, the relevant Portfolio Holder, to approve changes amounting to no more than 15% of a library's total hours of opening (whether managed directly by Surrey County Council or under a community partnership agreement)	Library Managers, Mid, East North-West and South West Surrey  Head of Cultural Services/ Library Operations Manager (in relation to Surrey Performing Arts Library)
LDC11	Cultural Services	Within their area of responsibility to make grants to local groups within budget	Senior Manager Surrey Arts Heritage Manager

LDC12	Cultural Services	Performing Arts Library: To deliver the service under the terms of the Service Level Agreement with West Sussex County Council	Senior Manager Surrey Arts
LDC13	Cultural Services	To provide the service to the Surrey Museums Consultative Committee in accordance with its terms of reference.	Heritage Manager Heritage Partnership and Learning Team Manager
LDC14	Cultural Services	To safeguard and to make available records under the Public Records Acts 1958 as amended, the Parochial Registers and Records Measure 1978 and the Manorial Documents Rules (Law of Property Amendment Act 1925), the Local Government Act 1972, Section 224 and the Local Government (Records) Act 1962.	Heritage Manager Heritage Stewardship and Preservation Team Manager
LDC15	Cultural Services	To access sensitive or confidential material in accordance with Department of Health guidelines, Coroners' Rules and the Data Protection Acts of 1984 and 1998 and the Freedom of Information Act (as subsequently amended).	Heritage Manager Heritage Public Services Team Manager
LDC16	Cultural Services	To permit the use of material in accordance with the Copyright Acts	Heritage Manager Heritage Public Services Team Manager Heritage Conservation Team Manager Heritage Preservation and Stewardship Team Manager
LDC17	Cultural Services	To enter into agreements with developers and others to ensure that archaeological work in connection with proposed or consented development is carried out.	Heritage Manager Heritage Enterprise Team Manager
LDC18	Cultural Services	To establish procedures relating to heritage assets to be owned or loaned to SCC.	Heritage Manager
LDC19	Cultural Services	To promote Heritage based learning and manage learning events and activities.	Heritage Manager

LDC20	Cultural Services	To apply for funding and enter into agreements with external funders to enable heritage activities to be carried out, in consultation with the Director of Finance.	Heritage Manager
LDC21	Cultural Services	To enter into agreements with partners to enable and ensure that heritage activities are carried out.	Heritage Manager
LDC22	Cultural Services	To manage a Heritage Environment Record for Surrey.	Heritage Conservation Team Manager
LDC23	Cultural Services	To meet the requirements of the Learning & Skills Act 2000 to secure learning for adults, ensuring that the needs of adults with learning difficulties are considered.	Adult Learning Manager
LDC24	Cultural Services	To produce an annual Adult Learning Plan and submit this to the Learning & Skills Council (LSC).	Adult Learning Manager
LDC25	Cultural Services	To report to the LSC information required, in particular regarding Individual Learner Records.	Adult Learning Manager
LDC26	Cultural Services	In connection with section 106 Town and Country Planning Act 1990, to approve the nature and value of contributions to be made by developers in relation to libraries provision after consultation with the Head of Property where these include possible property transactions	Libraries Operations Manager

## ADULT SOCIAL CARE AND PUBLIC HEALTH

No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
APH1	Adult Social Care	Carry out an assessment of an adult's, carer's, child's (where it appears the child is likely to have needs for care and support after becoming 18) or young carer's needs for care and support, under s9-12 and s58-66 of the Care Act 2014	Social Care Assistant
APH2	Adult Social Care	Decision to appoint an independent advocate under s67 and s68 of the Care Act 2014	Social Worker Occupational Therapist Social Care Practitioner
APH3	Adult Social Care	Decision as to whether an adult or carer is eligible for care and support under s13 of the Care Act 2014	Social Care Assistant
APH4	Adult Social Care	Carry out a financial assessment under s17 of the Care Act 2014	Financial Assessment and Benefits Advisor
APH5	Adult Social Care	<p>Decision to grant enhanced authority to a named social care worker<sup>1</sup>, so that the named social care worker can, under s26 of the Care Act 2014:</p> <ul style="list-style-type: none"> <li>• Authorise an adult's care and support plan up to the value of the Resource Allocation System (RAS)*</li> <li>• Authorise a carer's support plan up to the value of £50 per week</li> </ul> <p>*Excluding placements in residential and nursing care</p>	Team Manager

<sup>1</sup> 'Social care worker' includes the following post holders: Social Care Assistant, Senior Social Care Assistant, Social Worker, Senior Social Worker, Occupational Therapist, Senior Occupational Therapist, Social Care Practitioner, Senior Social Care Practitioner

No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
APH6	Adult Social Care	Under s26 of the Care Act 2014, decision to: <ul style="list-style-type: none"> <li>• Authorise the care and support plan of an adult aged over 65 when it is proposed that the indicative weekly budget (IWB) be exceeded by up to 10%</li> </ul>	Team Manager
APH7	Adult Social Care	Under s26 of the Care Act 2014, decision to: <ul style="list-style-type: none"> <li>• Authorise the care and support plan of an adult aged over 65 when it is proposed that the indicative weekly budget (IWB) be exceeded by 11% or more</li> <li>• Authorise the care and support plan of a working age adult when it is proposed that the indicative weekly budget (IWB) be exceeded by any amount</li> <li>• Authorise an adult's care and support plan when it is proposed that the adult be placed in residential or nursing care</li> <li>• Authorise a carer's support plan valued at £51 per week or more</li> </ul>	Senior Manager
APH8	Adult Social Care	Under s31 and 33 of the Care Act 2014, decision to make a direct payment to an adult or a nominated person	Social Care Assistant
APH9	Adult Social Care	Under s32-33 of the Care Act 2014, decision to make a direct payment to an authorised (suitable) person	Social Worker Occupational Therapist Social Care Practitioner
APH10	Adult Social Care	Decision to fund a property adaptation following an assessment under s26 of the Care Act 2014	Senior Manager (OT qualified)
APH11	Adult Social Care	Under s34 of the Care Act 2014, and in consultation with the relevant budget holder, decision to enter into a deferred payment	Information Assistant

No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		agreement.	
APH12	Adult Social Care	Carry out a review of a care and support plan or support plan under s27 of the Care Act 2014	Social Care Assistant
APH13	Adult Social Care	Decision to share information with a relevant partner regarding an adult or carer with needs for care and support under s7 of the Care Act 2014	Team Manager
APH14	Adult Social Care	<p>Carry out a mental capacity assessment under s3 of the Mental Capacity Act 2005</p> <p>Make best interest decisions under s4 of the Mental Capacity Act 2005</p> <p>Instruct an Independent Mental Capacity Advocate under s39 of the Mental Capacity Act 2005 (and associated regulations)</p>	<p>Social Worker</p> <p>Occupational Therapist</p> <p>Social Care Practitioner</p>
APH15	Adult Social Care	<p>In accordance with the provisions of s4A and Schedule A1 of the Mental Capacity Act 2005, decision to authorise a named Senior Manager or other officer to carry out specific functions under the Deprivation of Liberty Safeguards provisions of the Mental Capacity Act, including:</p> <ul style="list-style-type: none"> <li>• Approve Best Interest Assessors</li> <li>• Grant an extension of an Urgent Authorisation to a Managing Authority</li> <li>• Appoint Assessors</li> <li>• Review authorisations</li> <li>• Appoint a Relevant Persons Representative</li> <li>• Authorise a Managing Authority to deprive a person of their liberty</li> <li>• Make conditions in respect of an Authorisation</li> </ul>	<p>Senior Practice Development Manager</p> <p>Deputy Director for Adult Social Care</p>
APH16	Adult Social Care	Decision to make an application to the Court of	Senior Practice Development Manager

No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Protection for a declaration under s15 of the Mental Capacity Act 2005	Area Director
APH17	Adult Social Care	<p>Decision to make an application to the Court of Protection for a Deputyship Order under s16 of the Mental Capacity Act 2005</p> <p>Decision to designate a named officer/s to fulfil the day-to-day functions and responsibilities of a Deputy on behalf of the Council</p>	<p>Senior Practice Development Manager</p> <p>Head of Resources and Caldicott Guardian</p>
APH18	Adult Social Care	To approve appointments of individuals to act as Approved Mental Health Professionals under s114 of the Mental Health Act 1983 or to suspend or end such approvals	Deputy Director for Adult Social Care
APH19	Adult Social Care	Decision to accept that the Council is the responsible local authority for an individual under s117 of the Mental Health Act 1983	Senior Manager
APH20	Adult Social Care	<p>Decision to accept a person to guardianship under s7 or s37 of the Mental Health Act 1983</p> <p>Decision to agree a transfer of a person from hospital to guardianship under s19 of the Mental Health Act 1983</p> <p>Decision to authorise or agree a transfer of a person from the guardianship of one guardian to another under s19 of the Mental Health Act 1983</p> <p>Decision to designate a named officer/s to fulfil the day-to-day functions and responsibilities of a guardian on behalf of the Council</p> <p>Decision to propose a named person to fulfil the day-to-day functions and responsibilities of a nearest relative on behalf of the Council under</p>	<p>Senior Practice Development Manager</p> <p>Deputy Director for Adult Social Care</p>

No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		s29 of the Mental Health Act	
APH21	Adult Social Care	Decision to: <ul style="list-style-type: none"> <li>• Make and terminate enquiries (statutory and non-statutory)</li> <li>• Decision to initiate the Provider Failure Protocol</li> <li>• Decision to call a Large Scale Enquiry</li> </ul>	Head of Quality Assurance and Strategic Safeguarding  Team Manager
APH22	Adult Social Care	Decision to: <ul style="list-style-type: none"> <li>• Undertake an internal review as a result of an investigation or Large Scale Enquiry recommendation</li> <li>• Commission an independent investigation</li> </ul>	Head of Quality Assurance and Strategic Safeguarding  Senior Manager
APH23	Adult Social Care	Decision to agree a response to a complaint	Team Manager
APH24	Adult Social Care	Decision to exclude an individual from Council premises	Area Director  Assistant Director for Service Delivery
APH25	Adult Social Care	Decisions relating to adult social care staff deployment during a civil emergency between 9am and 5pm Monday to Friday	Area Director
APH26	Adult Social Care	Decisions relating to adult social care staff deployment during a civil emergency at times outside of 9am and 5pm Monday to Friday	Senior Manager (who is emergency on-call)
APH27	Adult Social Care	In consultation with the Cabinet Member for Adult Social Care, Wellbeing and Independence, decision to approve pooled budget agreements for the integration of health and social care	Strategic Director for Adult Social Care and Public Health  Director of Finance
APH28	Adult Social Care	Decision, where appropriate in compliance with Procurement Standing Orders, to authorise a person to exercise a function on behalf of the Adult Social Care Directorate under s79 of the	Strategic Director for Adult Social Care and Public Health



No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Care Act 2014	

### CHILDREN, SCHOOLS AND FAMILIES

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CSF1	Children's Services	Decisions on outcome of referrals and assessments	Principal Case Manager (SEND)
CSF2	Children's Services	Responsibility to assess case and make recommendations	Case Holder
CSF3	Children's Services	Responsibility to call a Child in Need Planning or review meeting	Team Manager
CSF4	Children's Services	Chairing of Child in Need meeting and reviews	Assistant Team Manager
CSF5	Children's Services	Authorisation to commence Public Law Outline	Area Head of Service/ Head of Countywide Services i.e. for CWD where care proceedings may be initiated.  In absence of Head of Countywide Services function delegated to Service Manager for CWD
CSF6	Children's Services	Agreeing to accommodate a child (S20)	Area Head of Service / Head of Countywide Services
CSF7	Children's Services	Agreement to discharge a child who is accommodated under Section 20, 1989 Children Act	Area Head of Service / Head of Countywide Services
CSF8	Children's Services	Decision to apply for an EPO (Emergency	Team Managers following strategy discussion.

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Protection Order)	In exceptional circumstances, where delay would place the child at risk, delegated to Assistant Team Managers
CSF9	Children's Services	Decision to instigate care proceedings in any court	Area Head of Service  In exceptional circumstances, where delay would place the child at risk- delegated to Team Manager.
CSF10	Children's Services	Decision to apply for any of the following under the Children Act 1989: Child Assessment order, Child Safety Order; section 8 order	Area Head of Service
CSF11	Children's Services	Signing of applications to court	Team Manager
CSF12	Children's Services	Endorse applications to court	Area Heads of Service
CSF13	Children's Services	Signing of care plans to court	Area Head of Service
CSF14	Children's Services	Decision to apply for discharge of care order	Team Manager following Children Looked After (CLA) Statutory Review and in consultation with Area Head of Service
CSF15	Children's Services	Lead on Progressing and Monitoring implementation of Child in Need and Core Group Meetings	Case holder and Team Manager
CSF16	Children's Services	Agreement to place with foster carers	Area Head of Service/ Head of Countywide Services
CSF17	Children's Services	Agreement to place with Independent Fostering	Area Head of Service in consultation with Head

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Arrangements	of Countywide Services
CSF18	Children's Services	Agreement to out of county residential placement	Head of Countywide Services
CSF19	Children's Services	Authority to change a child's placement in an unplanned way	Area Head of Service in consultation with Care Services Manager - can be referred to Head of Countywide Services if necessary e.g. out of county placement
CSF20	Children's Services	Authority to postpone a CLA Review beyond statutory time limits	Head of Safeguarding with child's Area Head of Service
CSF21	Children's Services	Carrying out of statutory visits for CLA	Case holder
CSF22	Children's Services	Missing Children from Care: notify police, senior managers	Registered Manager to inform Care Services Manager who informs Head of Countywide Services & Assistant Director Children's Services Registered Manager informs social worker and Team Manager <b>Ref : 'The Arrangements for Identifying and Responding to Missing Children and Young People'</b>

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
<b>Death of a child in care</b>			
CSF23	Children's Services	Notify Area Head of Service	Team Manager / Assistant Team Manager
CSF24	Children's Services	Notify the Assistant Director	Area Head of Service and Head of Countywide Services
CSF25	Children's Services	Notify parent in conjunction with social worker	Area Head of Service
CSF26	Children's Services	Notify Director	Assistant Director Children's Services
CSF27	Children's Services	Inform Cabinet Member	Assistant Director Children's Services
CSF28	Children's Services	Notifying Ofsted / Children's Services Advisor GOSE after consultation with the Assistant Director	Head of Safeguarding in consultation with child's Area Head of Service
<b>Children Looked After</b>			
CSF29	Children's Services	Consent to: Immunisation / vaccination (e.g. meningitis)	Area Head of Service /Head of Countywide Services if not able to be obtained from parent
CSF30	Children's Services	Consent to emergency treatment	Area Head of Service/ Head of Countywide Services if not able to be obtained from parent
CSF31	Children's Services	Consent to surgery	Area Head of Service/ Head of Countywide Services if not able to be obtained from parent
CSF32	Children's Services	Consent to contraceptive treatment	Area Head of Service /Head of Countywide Services if not able to be obtained from parent
CSF33	Children's Services	Consent to marriage of CLA	Area Head of Service / Head of Countywide Services if not able to be obtained from parent

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CSF34	Children's Services	Consent to termination of pregnancy and HIV testing of CLA	Area Head of Service / Head of Countywide Services if not able to be obtained from parent  in consultation with young person (if Fraser competent)
CSF35	Children's Services	Signing a passport application of CLA	Area Head of Service / Head of Countywide Services  (applicant signatory)  Social worker (counter signatory)
CSF36	Children's Services	Authorising a trip abroad for CLA	Area Head Of Service / Head of Countywide Services –Assistant Director Children's Services will be informed of all trips aboard
CSF37	Children's Services	Authorising request for DBS checks on children's carers	Team Manager
CSF38	Children's Services	Decision to take further action regarding CRB check results	Area Head of Service / Head of Countywide Services
CSF39	Children's Services	Consent to criminal proceedings being initiated for criminal damage (where this has occurred on Council property) against a young person in a residential unit	Registered Manager following consultation with the relevant Team Manager - Head of Countywide Services to be informed along with the Assistant Director Children's Services
CSF40	Children's Services	Case allocation / closure	Assistant Team Manager
CSF41	Children's Services	Authority to place CLA at home or with person who has parental responsibility	Assistant Director Children's Services following recommendation from Area Head of Service  (Placement of Children with Parents Regulations. Request for Placement with

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
			Parents to be sent to Assistant Director Children's Services 7 days prior to court date)
CSF42	Children's Services	High cost Care Plans - advance consultation and agreement between senior managers (decision making not permitted by Level 5 & 6 managers)	Area Head of Service in consultation with Head of Countywide Services
CSF43	Children's Services	Authority to place CLA with regulation 38 carers (family and friends)	Area Head of Service
CSF44	Children's Services	Authority to place siblings separately short term	Team Manager
CSF45	Children's Services	Agreement to suspend contact (child on Care Order Section 34 (6) Children Act 1989) and application for order relating to contact under section 34	Area Head of Service with legal advice
CSF46	Children's Services	Notification of all persons concerned in relation to a decision to suspend contact	Team Manager in conjunction with legal staff
CSF47	Children's Services	Contact at discretion of Local Authority following CLA Review and a risk assessment	Team Manager
<b>Secure Accommodation</b>			
CSF48	Children's Services	Makes application to Assistant Director for Secure Accommodation who takes responsibility for each placement and must record her/his reasons for the decision and attach these to the report.	Area Head of Service/ Head of Countywide Services
CSF49	Children's Services	Authority to endorse secure application	Assistant Director Children's Services

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CSF50	Children's Services	Authority to progress secure application for under 13 year old to Secretary of State	Assistant Director Children's Services
<b>Residence Orders</b>			
CSF51	Children's Services	To recommend to ATM or TM and for TM to seek agreement from Area Head of Service	Social worker
CSF52	Children's Services	Departmental agreements to fund an application to apply for Residence Order	Area Head of Service
CSF53	Children's Services	Departmental agreement to fund an application for a Special Guardianship Order	Area Head of Service
CSF54	Children's Services	Departmental approval for Kinship Care Placement	Area Head of Service in consultation with Team Manager
CSF55	Children's Services	Authorisation of payments for residence order and special guardianship order allowances in excess of the agreed scheme in exceptional circumstances	Head of Countywide Services
<b>Child Protection</b>			
CSF56	Children's Services	Decision to initiate Section 47 Enquiry	Team Manager
CSF57	Children's Services	Decision not to see the child / young person as part of the enquiry within 24 hours	Area Head of Service
CSF58	Children's Services	Decision to call Initial Child Protection Conference following Section 47 enquiry	Team Manager in consultation with Area Head of Service

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CSF59	Children's Services	Decision not to call Initial Child Protection Conference following Section 47 enquiry	Area Head of Service
CSF60	Children's Services	Signing Child Protection Plans	Area Head of Service / Team Manager
CSF61	Children's Services	Chairing of Initial Child Protection Conferences	Chairs of Child Protection Conferences (Safeguarding Unit)
CSF62	Children's Services	Chairing of Review Child Protection Conferences	Independent Reviewing Officer
CSF63	Children's Services	Decision to remove child from Child Protection Plan	Chair of Child Protection Panels
<b>Foster Care &amp; Adoption</b>			
CSF64	Children's Services	Approval or rejection of foster carers with any relevant conditions after recommendations from fostering panels	Level 4 manager as designated by Assistant Director Children's Services
CSF65	Children's Services	Decisions relating to foster care allowances and financial assistance for foster carers	Head of Countywide Services
CSF66	Children's Services	Appointment of members of adoption panels and fostering panels	Care Services Manager
CSF67	Children's Services	Decision to make a prohibition notice or requirements in respect of private foster carers	Care Services Manager
CSF68	Children's Services	Approval of prospective adoptive parents and approval that children should be placed for adoption and approvals of placement of a child	Level 4 manager as designated by Assistant Director Children's Services



No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		with an adoptive family following recommendations from adoption panel	
CSF69	Children's Services	Decisions relating to adoption allowances and to pay legal costs for adopters in adoption cases	Head of Countywide Services
CSF70	Children's Services	Authorisation of applications under Adoption and Children Act 2002	Area Head of Service
<b>Data Protection</b>			
CSF71	Children's Services	Authorisation of restricted access in relation to a Data Protection access to file request	Area Head of Service
CSF72	Children's Services	Authorisation to waive public interest immunity in relation to the disclosure of information in a criminal prosecution	Area Head of Service
<b>Child Employment</b>			
CSF73	Children's Services	To monitor the employment of children of compulsory school age and register for entertainment licences. To investigate cases of illegal employment and take necessary action within the relevant sections of the Children and Young Persons Acts 1033 and 1963, The Children (Performances and Activities) (England) Regulations 2014, Section 559(1) and (2) of the Education Act 1996 and in accordance with current local byelaws.	County Child Employment Enforcement and Strategy Manager

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CSF73a	Children's Services	Application to the Probate Registry for Letters of Administration in respect of the estate of a deceased parent of a CLA (subject to a Care Order)	Assistant Director (Children's Service) Head of Countywide Services
CSF74	Schools and Learning	To ensure that service delivery in respect of schools and learning complies with the duties imposed on the Authority by legislation.	Assistant Director for Schools and Learning
CSF75	Schools and Learning	To make, in consultation with the Cabinet Member, local education authority appointments to governing bodies of schools, further and higher education establishments and independent schools.	Assistant Director for Schools and Learning
CSF76	Schools and Learning	To approve applications for free Home to School mainstream transport following initial refusal by the Principal Managers for Admissions and Transport, where there are exceptional circumstances or where new evidence is produced.	Assistant Director for Schools and Learning
CSF77	Schools and Learning	To authorise school loans of less than £500,000 and to licence school deficits of up to 5% of a school's budget and less than £500,000.  Note: deficits of more than 5% are referred to Cabinet/Cabinet Member for approval	Assistant Director for Schools and Learning

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CSF78	Schools and Learning	In consultation with the Director of Finance, to serve a notice of concern under paragraph 2.16 of the Surrey Scheme for Financing Schools where a school has not complied with the provisions of the Scheme.	Assistant Director for Schools and Learning
CSF79	Schools and Learning	To serve a warning notice on a school under s15 of the School Standards and Framework Act 1998 that the Council may exercise its powers of intervention under the Act.	Assistant Director for Schools and Learning
CSF80	Schools and Learning	To fix the admission numbers for community and voluntary controlled schools.	Strategic Lead for School Commissioning
CSF81	Schools and Learning	To ensure that school premises conform to the standards prescribed.	Strategic Lead for School Commissioning
CSF82	Schools and Learning	To review and report to the Secretary of State annually on the supply of places.	Strategic Lead for School Commissioning
CSF83	Schools and Learning	To ensure compliance with class size of 30 legislation.	Strategic Lead for School Commissioning
CSF84	Schools and Learning	To publish information as to schools' admission arrangements.	Principal Managers for Admissions & Transport
CSF85	Schools and Learning	To enable parents to express a preference as to the school their child is to attend in accordance with any scheme for coordinating the arrangements for admissions with those of other admission authorities.	Principal Managers for Admissions & Transport

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CSF86	Schools and Learning	To comply with any preference expressed in accordance with the Authority's arrangements, and any scheme for coordinating these arrangements with those of other admission authorities unless compliance with the preference would prejudice the provision of efficient education use of resource.	Principal Managers for Admissions & Transport
CSF87	Schools and Learning	To consult, at least once in every year, as to the proposed admission arrangements for schools.	Principal Managers for Admissions & Transport
CSF88	Schools and Learning	To make arrangements for the provision of such free transport as the Authority considers necessary to facilitate the attendance of pupils at schools.	Principal Managers for Admissions & Transport
CSF89	Schools and Learning	To require a maintained school to accept a pupil named in a school Attendance Order.	Assistant Director for Schools and Learning
CSF90	Schools and Learning	To direct a maintained school to admit a child who would otherwise be without a place.	Assistant Director for Schools and Learning
CSF91	Schools and Learning	To ensure that appropriate provision is made for pupils who have special educational needs.	Head of Additional and Special Educational Needs
CSF92	Commissioning and Prevention	To ensure sufficient childcare places for working parents and to offer advice, guidance and support on meeting national standards.	Head of Early Help
CSF93	Commissioning and Prevention	Duty to keep day care arrangements under review in conjunction with the local authority.	Head of Early Help

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CSF94	Schools and Learning	To identify those children with special education needs which call for the authority to determine the special education provision which should be made for them and to review statements of special educational need or Educational Health and Care Plans on an annual basis.	Principal Case Manager (SEND)
CSF95	Schools and Learning	To ensure that, subject to qualifications, children with special needs are educated in the most appropriate mainstream or specialist setting.	Principal Case Manager (SEND)
CSF96	Commissioning and Prevention	To discharge duties regarding the creation of early education places for 3 and 4 year olds under the relevant statutory plans.	Head of Early Help
CSF97	Commissioning and Prevention	To support and service the work of the Early Years and Childcare Partnership.	Head of Early Help
CSF98	Commissioning and Prevention	To ensure that there is effective partnership working to support the provision of early education and childcare.	Head of Early Help
CSF99	Commissioning and Prevention	To ensure that there is the development of an integrated approach to early education and childcare and in particular through the programme of developing children's centres.	Head of Early Help
CSF100	Schools and Learning	To keep special education arrangements under review.	Assistant Director for Schools and Learning

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CSF101	Schools and Learning	In connection with section 106 Town and Country Planning Act 1990, to approve the nature and value of contributions to be made by developers in relation to educational provision after consultation with the Head of Property where these include possible property transactions	Strategic Lead for School Commissioning
CSF102	Commissioning and Prevention	To manage youth centres, outdoor education centres and neighbourhood based youth work  To suspend or permanently exclude young people from centres or work in exceptional circumstances	Assistant Director for Services for Commissioning and Prevention
CSF103	Commissioning and Prevention	To assist if requested the local authority's investigations of young people who have suffered or may have suffered 'significant harm'	Assistant Director for Services for Commissioning and Prevention
CSF104	Commissioning and Prevention	To deliver the service under the terms of Service Level Agreements with the voluntary sector and with Surrey Connexions.	Assistant Director for Services for Commissioning and Prevention
CSF105	Schools and Learning	To implement and manage the local Duke of Edinburgh Scheme	Assistant Director for Services for Commissioning and Prevention
CSF106	Schools and Learning	To secure the admission of a pupil excluded from school to a place at another maintained school	Assistant Director for Schools and Learning
CSF107	Schools and Learning	To secure provision of education 'otherwise than at school' where necessary to meet a pupil's need	Assistant Director for Schools and Learning

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CSF108	Schools and Learning	To ensure that the parent complies with his duty under Section 7 of the 1996 Education Act to cause his child of compulsory school age to receive efficient full-time education suitable to his age, abilities and aptitudes whether by regular attendance at school or otherwise and to authorise the prosecution of parents who fail to comply with this duty under Section 444 of the Education Act 1996.	Area Education Welfare Managers Court Presentation Officer  Assistant Court Presentation Officer
CSF109	Schools and Learning	Under Section 447 of the Education Act 1996, to consider whether an Education Supervision Order would be in the better interests of a child than prosecution of parents under Section 444 of the Education Act 1996 and to issue an application for an education supervision order under Section 36 of the Children Act 1989 where appropriate.	Area Education Welfare Managers Court Presentation Officer Assistant Court Presentation Officer
CSF110	Schools and Learning	Under Section 437 of the Education Act 1996 to serve a school attendance order on the parent of a child of compulsory school age who does not appear to be receiving suitable education and to authorise the prosecution of parents who fail to comply with such an order under Section 443 of the Education Act 1996.	Area Education Welfare Managers Court Presentation Officer Assistant Court Presentation Officer
CSF111	Schools and Learning	Under Section 444A and 444B of the Education Act 1996 and Section 105 of the Education and Inspections Act 2006 to issue penalty notices.	Area Education Welfare Managers Court Presentation Officer Assistant Court Presentation Officer
CSF112	Schools and Learning	Under s223 of the Local Government Act 1972, these officers are authorised to prosecute, defend or appear in legal proceedings on behalf of the authority in relation to sections 443, 444,	Area Education Welfare Managers Court Presentation Officer Assistant Court Presentation Officer

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		446 and 559 of the Education Act 1996, section 36 of the Children Act 1989, section 20 of the Anti Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006.	
CSF113	Commissioning and Prevention	To approve Youth Small Grants of £5,000 and under, in consultation with the relevant Local Committee and/or the Local Youth Task Group Chairman and the Divisional Member.	Head of Market Strategy
CSF114	Commercial Services	Acquisitions and disposal of services, supplies and equipment Submit tenders and quotations for external contracts and internal arrangements Employ staff to meet requirements of contracts in accordance with specifications and trade levels.	Head of Commercial Services Regional Manager Operations Manager Finance Manager
CSF115	Commercial Services	Acquisitions and disposal of equipment.	Premises Manager

#### COMMUNITY PARTNERSHIP TEAM

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CPT1	Community Partnerships Team	To manage and authorise expenditure from a budget delegated to the Local Committee in accordance with the Local Committee's decisions	Lead Manager Community Partnership Team Community Partnership Manager Community Partnership Team Leaders
CPT2	Community Partnerships Team	To make decisions on approval of Member Allocations in consultation with individual Members or the relevant local committee Chairman where it is not possible to obtain the individual Member's views.	Lead Manager Community Partnership Team Community Partnership Manager Community Partnership Team Leaders



CPT3	Community Partnerships Team	To make decisions on the approval of Local Committee Capital Allocations following consultation with all County Members on the relevant Local Committee.	Community Partnership Manager Community Partnership Team Leaders
CPT4	Community Partnerships Team	To manage and authorise expenditure from the Community Improvement Fund budget in accordance with the Leader's decisions.	Lead Manager Community Partnership Team Community Partnership Manager Community Partnership Team Leaders
CPT5	Community Partnerships Team	To determine applications made under the Repair and Renew Grant Scheme in accordance with the guidance agreed with Defra	Community Partnership Manager  Community Partnership Team Leaders  Senior Policy and Performance Manager, Customers and Communities Directorate Support

#### SURREY FIRE AND RESCUE SERVICE

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR1	Fire and Rescue	To exercise the powers of the County Council as Fire and Rescue Authority pursuant to the Regulatory Reform (Fire Safety) Order 2005 as follows:	
FR1A	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Group Manager (Protection) Area Commander (Community Risk Reduction)	To sign and serve any Alterations Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR1B	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer	To withdraw any Alterations Notice served on behalf of Surrey County Council as the Fire and Rescue Authority

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
		Group Commander (Protection) Assistant Group Commander (Protection) Area Commander (Community Risk Reduction)	
FR1C	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Commander Group Commander (Protection) Assistant Group Commander (Protection)	To sign and serve any Enforcement Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR1D	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Commander Group Commander (Protection) Assistant Group Commander (Protection) Watch Commander (Protection)	To withdraw any Enforcement Notice served on behalf of Surrey County Council as the Fire and Rescue Authority
FR1E	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Commander Group Commander	To sign and serve any Prohibition Notice on behalf of Surrey County Council as the Fire and Rescue Authority

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
		Assistant Group Commander (Protection)	
FR1F	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Commander Group Commander (Protection) Assistant Group Commander (Protection)	To sign any Prohibition Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR2	Fire and Rescue		To exercise the powers of the County Council as Fire and Rescue Authority pursuant to Fire Safety and Safety of Places of Sport Act 1987 and The Safety of Sports Ground Act 1975 as follows:
FR2A	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Commander Group Commander (Protection)	To sign any Prohibition Notice on behalf of Surrey County Council as the Licensing Authority
FR2B	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Commander Group Commander (Protection) Assistant Group Commander (Protection) Safety at Sports Grounds Advisor	To withdraw any Prohibition Notice served on behalf of Surrey County Council as the Licensing Authority

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR2C	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Commander Group Commander (Protection) Safety at Sports Grounds Advisor	To sign any General Safety Certificate or Special Safety Certificate on behalf of Surrey County Council as the Licensing Authority
FR2D	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Commander Group Commander (Protection) Assistant Group Commander (Protection) Safety at Sports Grounds Advisor	To sign any Amendment Notice, Cancellation Notice, Transfer Notice on behalf of Surrey County Council as the Licensing Authority
FR3	Fire and Rescue	To exercise the powers of the County Council as Fire and Rescue Authority pursuant to Health & Safety at Work Etc. Act 1974	
FR3A	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager Station Manager (Protection)	To sign any Improvement Notice on behalf of Surrey County Council as the Fire and Rescue Authority

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR3B	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager Station Manager (Protection)	To withdraw any Improvement Notice served on behalf of Surrey County Council as the Fire and Rescue Authority
FR3C	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager	To sign any Prohibition Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR3D	Fire and Rescue	Assistant Chief Fire Officer Deputy Assistant Chief Fire Officer Area Manager Group Manager Station Manager (Protection)	To withdraw any Prohibition Notice served on behalf of Surrey County Council as the Fire and Rescue Authority
FR4	Fire and Rescue	Head of Fire and Rescue and Chief Fire Officer	In respect of ranks below that of Assistant Chief Fire Officer, to determine arrangement for (1) any disciplinary meetings and appeals in relation to uniformed firefighters and (2) any appeals relating to the Firefighters' Pension Scheme which are not reserved to the People, Performance and Development Committee or Appeals and Representation Panel.

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR5	Fire and Rescue	Chief Fire Officer Assistant Chief Fire Officer	To agree, in consultation with the Portfolio Holder and Local Member, consultation arrangements on any proposals for changes to fire and rescue services which have the potential to have a significant impact on one or more locality and to oversee any such consultations as part of the preparation of options to be considered by the Cabinet acting as Fire and Rescue Authority.  This to include arrangements for consultations on options for changes to services to be considered by the Fire and Rescue Authority, such as the closure of a fire station or permanent reduction / relocation of fire engines and crew.

#### BUCKINGHAMSHIRE AND SURREY COUNTY COUNCIL JOINT TRADING STANDARDS SERVICE

Please note that any changes to the officer Scheme of Delegation relating to Trading Standards will need to be authorised by the Buckinghamshire County Council and Surrey County Council Joint Trading Standards Services Committee.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
TS1	Head of Trading Standards	To be the Council's Chief Inspector of Weights and Measures
TS2	Head of Trading Standards Assistant Head of Trading Standards  Legal and Investigations Manager Business Development Manager Public Health and Compliance Manager Intel and Prioritisation Manager	To exercise all the powers and functions of the Council relating to Trading Standards, weights and measures, consumer protection, public safety and other related legislation including powers of enforcement, issuing suspension notices, fixed penalty notices, penalty charge notices, penalty notices for disorder, licensing and registration, prosecution and civil action
TS3	Head of Trading Standards	To appoint inspectors, enforcement, sampling and other officers as the nominee of the Head of

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Assistant Head of Trading Standards	Paid Service
TS4	Head of Trading Standards Assistant Head of Trading Standards Legal and Investigations Manager Business Development Manager Public Health and Compliance Manager Intel and Prioritisation Manager Senior Legal Officer	A. To institute and/or appear on behalf of the County Council in any proceedings relating to trading standards, weights and measures, consumer protection, public safety and other related legislation before any Court of Summary Jurisdiction, the Crown Court or in the County Court. B. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 in the Crown Court C. (Head of Trading Standards only) To authorise senior trading standards officers to appear in any proceedings relating to trading standards, weights and measures, consumer protection, public safety and other related legislation before any Court of summary jurisdiction or in the County Court
TS5	Head of Trading Standards Assistant Head of Trading Standards	To approve in consultation with the Director of Finance, the future level of fees and any revisions calculated by the Local Authority Co-ordinators of Regulatory Services
TS6	Head of Trading Standards Assistant Head of Trading Standards	To authorise directed surveillance and the use of covert human intelligence sources (other than those authorisations that are likely to lead to the disclosure of confidential information, or where a juvenile or vulnerable individual is used as a source, which can only be authorised by the Chief Executive or in his absence a Director acting as his Deputy) and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000.
TS7	Head of Trading Standards Assistant Head of Trading Standards	To authorise Communications Data checks on submission from the Single Point of Contact under the Regulation of Investigatory Powers Act 2000 and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000
TS8	Strategic Director for Customers and Communities	To make arrangements with another local authority for it to carry out an investigation and initiate and conduct any legal proceedings relating to a cross-border matter where it is agreed

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Head of Trading Standards	that the other local authority should take the lead; the other authority will bear the costs and any liability arising from such proceedings

### ENVIRONMENT AND INFRASTRUCTURE

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI1	Highways and Transportation	To approve the placing of street furniture and small structures within highway limits, and to approve the placing of apparatus over, in or under the highway, in accordance with S.50 New Roads and Street Works Act 1991, including the erection of posts and bollards, and the laying of pipes and other incidental works, including hard-standing.	Head of Highways & Transport Head of Place Development Local Highway Services Group Manager Area Highways Manager Principal Highway Maintenance Engineer Highway Maintenance Engineer Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Maintenance & Enforcement Bus Service Planning Team Manager Transport Projects Team Manager Street Scene Team Leader
EAI2	Highways and Transportation	To approve the adjacent installation, and/or attachment of pipes or cables, and the laying of ducts in and to bridges, and to highway structures.	Head of Highways & Transport Network and Asset Management Group Manager Infrastructure Schemes Manager Principal Structures Engineer Asset Programme Manager (Structures and Slopes)
EAI3	Highways and Transportation	To deal with applications for the construction of carriage crossings over footways and verges and to construct such crossings.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Principal Highway Maintenance Engineer



No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
			Highway Maintenance Engineer
EAI4	Highways and Transportation	To erect fences (including guard rails), boundary posts, and, in emergencies, barriers and to install refuse or storage bins on the highway.	Head of Highways & Transport Head of Place Development Local Highway Services Group Manager Area Highways Manager Transport Infrastructure Manager Infrastructure Schemes Manager Asset Programme Manager (Structures and Slopes) Network & Asset Management Group Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Maintenance & Enforcement Highways Duty Manager
EAI5	Highways and Transportation	To serve notices and take any other necessary action under the New Roads and Street Works Act 1991 and Traffic Management Act 2004	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Principal Highway Maintenance Engineer Network & Asset Management Group Manager Traffic and Streetworks Manager Streetworks Policy and Tech Support Team Leader Network Coordination Team Leader Streetworks Compliance Team Leader
EAI6	Highways and Transportation	To grant permission for the deposit of builders' skips on the highway, for the erection of scaffolding referred to in S. 169 of the Highways Act 1980, (subject if necessary to technical approval having first been obtained), and to require the removal or repositioning of such skips or scaffolding.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Principal Highway Maintenance Engineer Customer Service & Improvement Manager

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI7	Highways and Transportation	To grant and withdraw licences for the planting and maintenance of trees, plants or grass in the highway pursuant to s.142 of the Highways Act 1980	Head of Highways & Transport Head of Place Development Local Highway Services Group Manager Customer Service & Improvement Manager Area Highways Manager Principal Highway Maintenance Engineer Highway Maintenance Engineer Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Maintenance & Enforcement
EAI8	Highways and Transportation	To take action under the various provisions of the Highways Act 1980 or any statutory modification or re-enactment thereof, to carry out routine maintenance of the highway and to facilitate the prompt removal of encroachments, obstructions and dangers from the highway.	Head of Highways & Transport Head of Place Development Local Highway Services Group Manager Area Highways Manager Principal Highway Maintenance Engineer Highway Maintenance Engineer Infrastructure Schemes Team Manager Highway Engineering Team Manager Network Safety Team Leader Network & Asset Management Group Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Maintenance & Enforcement Senior Countryside Access Officer, Legal Definition Enforcement Officer Highway Duty Officer
EAI9	Highways and Transportation	To exercise all the functions and duties of the County Council under S. 132 of the Highways Act 1980 in	Head of Highways & Transport Head of Place Development

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		relation to the removal of any picture, letter, sign or other mark painted inscribed or affixed upon the surface of a highway or upon any tree or structure, or works on or in a highway.	Local Highway Services Group Manager Infrastructure Schemes Team Manager Network Safety Team Leader Network and Asset Management Group Manager Area Team Manager Principal Highway Maintenance Engineer Highway Maintenance Engineer Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Maintenance & Enforcement Enforcement Officer
EAI10	Highways and Transportation	To exercise the powers delegated in T9 above on or in a highway structure owned by the County Council.	Head of Highways & Transport Local Highway Services Group Manager Area Team Manager Principal Highway Maintenance Engineer Highway Maintenance Engineer Network and Asset Management Group Manager Infrastructure Schemes Team Manager
EAI11	Highways and Transportation	To grant licences for the construction of private bridges over the highway in accordance with S. 176 of the Highways Act 1980.	Head of Highways & Transport Network and Asset Management Group Manager Infrastructure Schemes Team Manager Asset Programme Manager (Structures and Slopes)

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI12	Highways and Transportation	To close roads or other public rights of way for a period not exceeding 21 days pursuant to s14 (2) Road Traffic Regulation Act 1984.	Head of Highways & Transport Head of Place Development Local Highway Services Group Manager Area Highways Manager Network & Asset Management Group Manager Countryside Group Manager Countryside Access Team Manager Asset Planning Team Manager Senior Countryside Access Officer, Maintenance & Enforcement Senior Countryside Access Officer, Legal Definition Infrastructure Schemes Team Manager Parking Strategy and Implementation Team Manager Transport Infrastructure Manager Traffic and Streetworks Team Manager Highway Engineering Team Manager Streetworks Policy & Tech Support Team Leader Network Coordination Team Leader Streetworks Compliance Team Leader Network Coordinator Traffic Operations Team Leader Highway Duty Officer
EAI13	Highways and Transportation	To authorise any person to enter onto land for the purpose of carrying out drainage works as laid down in s100 of the Highways Act 1980 and s287 of the Public Health Act 1936 after due notice has been served.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Network & Asset Management Group Manager Transport Infrastructure Manager Infrastructure Schemes Team Manager Strategic Network Resilience Team Manager

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI14	Highways and Transportation	Following consultation with the Environment Agency to serve notices under s25 Land Drainage Act 1991 and in default of compliance with the notice to authorise any person to enter onto land to carry out works in default and to recover any expenses incurred in doing so	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Network & Asset Management Group Manager Transport Infrastructure Manager Infrastructure Schemes Team Manager Strategic Network Resilience Team Manager
EAI15	Highways and Transportation	To consider Compulsory Purchase Orders affecting the highway and other Orders made by the Secretary of State and, subject to prior consultation with the Head of Legal and Democratic Services, to inform the Secretary of State that the County Council have no objection to the Order. NB A report will be submitted to the Local Committee in the event that the County Council wishes to object to the Order.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Transport Infrastructure Manager
EAI16	Highways and Transportation	To authorise the construction of schemes (other than bridge maintenance or strengthening) approved by the Local Committee or the Cabinet.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Network & Asset Management Group Manager Infrastructure Schemes Team Manager Transport Infrastructure Manager Design Programme Manager
EAI17	Highways and Transportation	To authorise a programme of bridge maintenance and the construction of approved bridge strengthening schemes subject to the prior inclusion of such schemes in the LTP programme and the overall finance limits approved by the Cabinet.	Head of Highways & Transport Head of Place Development Network & Asset Management Group Manager Infrastructure Schemes Team Manager Asset Programme Manager (Structures and Slopes) Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Maintenance & Enforcement

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI18	Highways and Transportation	To approve or consent to action which a District Council proposes to take in those cases where prior approval or consent of the County Council is required, and report to the Local Committee.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager
EAI19	Highways and Transportation	To instruct the invitation and acceptance of tenders in respect of new modifications to existing traffic signals, pelican and toucan crossing installations as part of schemes approved by the Local Committees.	Head of Highways & Transport Network & Asset Management Group Manager Traffic and Streetworks Manager Traffic Operations Team Leader Design Programme Manager
EAI20	Highways and Transportation	To instruct the invitation and acceptance of tenders in respect of modifications and maintenance to existing traffic control systems, pelican and toucan crossing installations.	Head of Highways & Transport Network & Asset Management Group Manager Traffic and Streetworks Manager Traffic Operations Team Leader
EAI21	Highways and Transportation	To exercise all the functions and duties of the Council under Part 7 (a) S. 115A to 115K of the Highways Act 1980.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager
EAI22	Highways and Transportation	To make  (1) Temporary Traffic Regulation Orders under s14 (1), 15(2) and 15(8) of the Road Traffic Regulation Act 1984, including temporary orders for waiting/ parking restriction which would attract penalty charge notices for contraventions and  (2) 'special events' orders under s16(a), (b) or (c) of the Road Traffic Act 1984  subject to informing the Chairman of the Local	Head of Highways & Transport Head of Place Development Network & Asset Management Group Manager Traffic and Streetworks Manager Traffic Operations Team Leader Local Highway Services Group Manager Area Highways Manager Parking Strategy & Implementation Team Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Legal Definition Streetworks Policy & Tech Support Team Leader Network Coordination Team Leader

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Committee (local Members also informed).	Streetworks Compliance Team Leader
EAI23	Highways and Transportation	<p>Where significant objections are received to an advertised Traffic Regulation Order to decide, in consultation with the divisional member, appropriate<sup>2</sup> borough councillor on the joint committee where the local committee is a joint committee and the Local Committee Chairman/ Vice Chairman, whether the Traffic Regulation Order may be made.</p> <p>The Parking Strategy and Implementation Team Manager or Area Team Manager, in consultation with the Divisional Member, appropriate borough councillor on the joint committee where the local committee is a joint committee and the relevant Local Committee Chairman or Vice-Chairman, will decide whether or not to accede to any unresolved objections received in relation to an advertised TRO, and whether the TRO may be made, either with or without modifications, with due regard to the provisions of regulation 14 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.</p> <p>Where a TRO has been advertised and a substantial number of objections have been received or significant modifications are proposed to be made, the Parking Strategy and Implementation Team Manager or Area Team Manager, in consultation with the Divisional Member, appropriate borough councillor on the joint committee where the local committee is a joint</p>	<p>Head of Highways &amp; Transport  Local Highway Services Group Manager  Area Highways Manager  Parking Strategy and Implementation Team Manager  Countryside Access Team Manager</p>

<sup>2</sup> Each Borough Councillor on the Joint Committee will be aligned to a County Council Electoral Division for this purpose.

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		<p>committee and the relevant Local Committee Chairman or Vice-Chairman, may refer the decision on whether the TRO may be made to the Local Committee.</p> <p>1 Each Borough Councillor on the Joint Committee will be aligned to a County Council Electoral Division for this purpose.</p>	
EAI24	Highways and Transportation	To respond to notifications by District Councils (which have adopted the Street Trading Code) of proposals to designate a street as prohibited, licence or consent a street, making any representations felt appropriate to ensure that no material effect upon the safe and expeditious flow of vehicular and pedestrian traffic will result, including any other representation thought appropriate on behalf of the County Council as Highway Authority.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager
EAI25	Highways and Transportation	To exercise the Council's powers in relation to securing the provision of any service under sub-section 1 (a) of the Transport Act 1985, subject to prior reference to the Cabinet. The Local Committees to be informed.	Head of Place Development Strategic Transport Group Manager
EAI26	Highways and Transportation	To progress and implement proposals for changes in waiting and parking restrictions, following agreement by the Local Committee, including the placing of traffic signs.	Head of Highways & Transport Local Highway Services Group Manager Parking Strategy & Implementation Team Manager
EAI27	Highways and Transportation	To approve proposals by the District Councils for the provision and regulation of off-street car parks.	Head of Highways & Transport Local Highway Services Group Manager Parking Strategy & Implementation Team Manager



No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI28	Highways and Transportation	To incur expenditure up to the limit of the sum included in the Cabinet's approved estimates for each financial year, in connection with the transport of primary and secondary school pupils between home and school.	Strategic Transport Group Manager Transport Coordination Team Manager
EAI29	Highways and Transportation	To authorise Low Cost and Accident Remedial measures provided land acquisition is not required.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager
EAI30	Highways and Transportation	To grant consent for the construction or to issue notices for the removal of a vault, arch or cellar under the carriageway in accordance with S. 179 of the Highways Act 1980 where the vault, arch or cellar is not a highway structure.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Network and Asset Management Group Manager Infrastructure Schemes Team Manager Asset Programme Manager (Structures and Slopes)
EAI31	Highways and Transportation	To exercise the powers set out in T30 above where the vault, arch or cellar is a highway structure.	Head of Highways & Transport Network and Asset Management Group Manager Infrastructure Schemes Team Manager Asset Programme Manager (Structures and Slopes)
EAI32	Highways and Transportation	To approve the design of structures referred to in S. 167 of the Highways Act 1980.	Head of Highways & Transport Network and Asset Management Group Manager Infrastructure Schemes Team Manager Asset Programme Manager (Structures and Slopes)
EAI33	Highways and Transportation	To serve notices requiring urgent works to private streets pursuant to s230 of the Highways Act 1980	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Network & Asset Management Group Manager

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
			Asset Planning Team Manager Strategic Network Resilience Manager Transport Infrastructure Manager Infrastructure Schemes Team Manager Highway Duty Officer
EAI34	Highways and Transportation	To authorise staff or consultants to enter on land for the purpose of survey as laid down in S.289 of the Highways Act 1980 and for the purpose of carrying out works as laid down in S.291 of the Highways Act 1980 after due notice has been served.	Head of Highways & Transport Head of Place Development Local Highway Services Group Manager Area Highways Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Maintenance & Enforcement Senior Countryside Access Officer, Legal Definition Network and Asset Management Group Manager Transport Infrastructure Manager Infrastructure Schemes Team Manager Strategic Network Resilience Team Manager Asset Planning Team Manager Highway Engineering Team Manager
EAI35	Highways and Transportation	To grant licences for the construction of buildings over highways in accordance with S. 177 of the Highways Act 1980.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager
EAI36	Highways and Transportation	To grant consents for the placing of rails, beams, etc. over highways in accordance with S. 178 of the Highways Act 1980.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI37	Highways and Transportation	To exercise the powers set out in T36 above where the proposal involves a highway structure.	Head of Highways & Transport Network and Asset Management Group Manager Infrastructure Schemes Team Manager Asset Programme Manager (Structures and Slopes)
EAI38	Highways and Transportation	To authorise the acceptance of the free dedication of land for highway purposes, at no cost to the County Council apart from the payment of agreed professional costs.	Head of Place Development Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, Legal Definition
EAI39	Highways and Transportation	To approve the placing of temporary traffic signals on the highway which extend across junctions in accordance with the Road Traffic Regulation Act 1984.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager Works Delivery Group Manager Transport Infrastructure Manager Infrastructure Schemes Team Manager Network & Asset Management Group Manager Traffic and Streetworks Manager Traffic Operations Team Leader Streetworks Policy and Tech Support Team Leader Network Coordination Team Leader Streetworks Compliance Team Leader
EAI40	Highways and Transportation	To approve the placing of permanent traffic signals on the highway.	Head of Highways & Transport Network & Asset Management Group Manager Traffic and Streetworks Manager Traffic Operations Team Leader

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI41	Highways and Transportation	To approve the introduction and, following consultation with the divisional Member, withdrawal of school crossing patrols.	Head of Place Development Place & Sustainability Group Manager Sustainable Transport Manager School Sustainable Travel Team Leader
EAI42	Highways and Transportation	To authorise the service of a notice in pursuance of sections 56(2) and 56(4) of the Highways Act 1980 in response to a notice served by a complainant under section 56(1).	Head of Highways & Transport Head of Place Development Local Highway Services Group Manager Countryside Group Manager Countryside Access Team Manager
EAI43	Highways and Transportation	To authorise the service of a notice in pursuance of sections 56(2) and 56(4) of the Highways Act 1980 in response to a notice served by a complainant under section 56(1) where the subject of the original complaint is a highway structure.	Head of Highways & Transport Network & Asset Management Group Manager Infrastructure Schemes Team Manager Asset Programme Manager (Structures and Slopes)

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI44	Highways and Transportation	<p>To authorise, in the case of highway improvements, entering into an agreement delegating powers from the County Council to the Secretary of State for Transport under section 4 of the Highways Act 1980.</p> <p>To authorise, in the case of highway improvements up to a maximum cost of £25,000 only, the entering into of an agreement under section 6 of the Highways Act 1980 relating to the delegation of powers relating to trunk roads from the Secretary of State for Transport to the County Council.</p> <p>To authorise, in the case of highway improvements up to a maximum cost of £25000 only, the entering into of an agreement with another local highway authority under section 8 of the Highways Act 1980 relating to the construction, reconstruction, alteration, improvement, or maintenance of a highway for which one party to the agreement is the highway authority.</p>	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager
EAI45	Highways and Transportation	To authorise, in consultation with the relevant divisional Members, Community Pride Fund allocations where Members wish to combine their allocation to be spent in one or more divisions.	Head of Highways & Transport Area Highways Manager
EAI46	Highways and Transportation	To deliver the concessionary bus fare scheme for older and disabled people as part of the National Concessionary Travel Scheme (ENTCS), in accordance with and subject to relevant provisions of the Transport Act 1985, Transport Act 2000, Concessionary Bus Travel Act 2007 and all associated secondary legislation. This includes formally publishing the scheme and setting the bus operator	Head of Place Development Strategic Transport Group Manager

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		reimbursement rate.	
EAI47	Highways and Transportation	To exercise the Country's powers under the 2010 Flood and Water Management Act and the 2009 Flood Risk Regulations	Head of Highways & Transport Network & Asset Management Group Manager Strategic Network Resilience Manager Flood Risk Asset Management & Programming Team Leader Flood Risk Management Strategy & Partnerships Team Leader
EAI48	Highways and Transportation	To enter into agreements with other Borough, District, Parish or Town Councils to carry out improvement and/or maintenance of roundabouts in accordance with roundabout sponsorship arrangements	Head of Highways & Transport  Local Highways Services Group Manager  Area Highways Manager
EAI49	Highways and Transportation	in consultation with the Cabinet Member for Highways, Transport and Flooding to determine the final programme of roads included in the Council's part-night lighting policy and to vary the road categories and future timings of part-night lighting where assessed to be safe to do so	Deputy Director of Environment and Infrastructure

**Key to abbreviations:**

EPA - Environmental Protection Act 1990

TCPA - Town & Country Planning Act 1990 (as amended)

No	Service area	FUNCTIONS DELEGATED	
EAI50	Planning	Where fewer than 5 objections have been received and no request has been made by the local member or a member of the Planning & Regulatory Committee for the application to be determined by that Committee, to determine planning applications for minerals, waste development and County Council development	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Planning Regulation 3 Team Leader

		which comply with the development plan and national policies	
EAI51	Planning	Where fewer than 5 objections have been received and no request has been made by the local member or a member of the Planning & Regulatory Committee for the application to be determined by that Committee, and after consultation with the Chairman or, in his/her absence, Vice-Chairman of the Planning & Regulatory Committee, to determine planning applications for minerals, waste development and County Council development which do not comply with the development plan and national policies	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Planning Regulation 3 Team Leader
EAI52	Planning	To authorise representation of the Council at public enquiries	Planning & Development Group Manager Countryside Group Manager Countryside Access Team Manager
EAI53	Planning	To determine whether county development applications meet the criteria of 'minor'.*	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Planning Regulation 3 Team Leader
EAI54	Planning	To determine whether minerals and waste applications meet the criteria of 'minor' <sup>2</sup>	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager

<sup>2</sup> For the purposes of EAI52 and EAI53 'minor' is defined as:

- (i) ancillary development to an existing use; or (ii) details pursuant to a permission; or (iii) variation or deletion of conditions previously imposed

EAI55	Planning	To determine all details pursuant applications (applications relating to a previously granted permission) irrespective of the number of	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
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		objections unless a request has been made by the local member or a member of the Planning & Regulatory Committee for the application to be determined by that Committee	Planning Regulation 3 Team Leader
EAI56	Planning	<p>i) To determine whether county development applications and minerals and waste applications constitute a 'non material amendment' within section 96A of the TCPA, and</p> <p>ii) To determine such applications, irrespective of the number of objections, unless a request has been made by the local member or a member of the Planning &amp; Regulatory Committee for the application to be determined by that Committee.</p>	<p>Planning &amp; Development Group Manager          Planning Development Team Manager          Deputy Planning Development Manager          Planning Regulation 3 Team Leader</p>
EAI57	Planning	<p>a) To refer to the appropriate Borough/District Council to determine applications for Listed Building Consent on County Council applications where no objection has been received from the bodies required to be notified under Article 13 (2A) of The Planning (Listed Buildings and Conservation Area) Regulations 2015</p> <p>b) To give the County Planning Authority's views on County Council applications for Listed Building Consent and Conservation Area Consent for demolition of a building in a Conservation Area.</p> <p>c) Where the Secretary of State has granted Listed Building Consent or Conservation Area Consent subject to conditions requiring further details to be approved by the County Planning Authority, to determine applications submitted</p>	<p>Planning &amp; Development Group Manager          Planning Development Team Manager          Deputy Planning Development Manager          Planning Regulation 3 Team Leader          Heritage Conservation Team Manager</p>



		pursuant to those conditions	
EAI58	Planning	To submit observations on behalf of the County Planning Authority in respect of proposals for development by District Councils.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Heritage Conservation Team Manager
EAI59	Planning	To respond to strategic consultations on behalf of the County Planning Authority, including proposals for development by District Councils of a strategic nature, subject to prior consultation with the Planning and Regulatory Committee or its Chairman and Vice- Chairman.	Spatial Planning and Policy Manager
EAI60	Planning	To determine whether any powers in S 324 of the TCPA should be exercised.	Planning & Development Group Manager Planning Development Team Manager
EAI61	Planning	To authorise any person to enter any land pursuant to Section 196B of the TCPA.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Planning Enforcement Team Leader
EAI62	Planning	To determine whether any powers in S196A of the TCPA should be exercised.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Planning Enforcement Team Leader
EAI63	Planning	To instruct the Head of Legal Services to take enforcement action and initiate the following legal proceedings where appropriate: (a) Issuing Enforcement Notices under the TCPA Section 172 (b) Serving Stop Notices under the TCPA Section 183 (c) Applications for injunctions under the TCPA Section 187B (d) Prosecutions arising from failure to comply	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager

		with (a) and (b) above (e) Service of a temporary stop notice under section 171E of the TCPA (as amended)	
EAI64	Planning	Following consultation with the Head of Legal Services to determine not to initiate enforcement action under TCPA Act Section 172 in the case of unauthorised minerals or waste related development irrespective of the requirement for an environmental impact assessment.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI65	Planning	To negotiate and monitor a scheme of remediation in relation to waste related development where the powers contained in EAI63 above have been exercised.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI66	Planning	To instruct the Head of Legal Services to issue and serve: - (a) Breach of Condition Notices under the TCPA Section 187A (b) To instruct the Head of Legal Services to undertake prosecutions arising from failure to comply with (a), (c) and (d).  To issue and serve: (c) Planning Contravention Notices under the TCPA Section 171C (d) Notices requiring information under the TCPA Section 330	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Planning Enforcement Team Leader Planning Regulation 3 Team Leader

EAI67	Planning	<p>Under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 to</p> <p>(a) determine requests or to respond to consultations by the District Council and adjoining Planning Authorities for screening and scoping opinions pursuant to Regulations 5 and 13</p> <p>(b) form a screening opinion or to respond to consultations by District Council and adjoining Planning Authorities, where an application is not accompanied by an Environmental Assessment pursuant to Regulation 7; (c) form an opinion on the adequacy of an EIA submitted to the County Council and where necessary to request further information from the application pursuant to Regulation 22</p> <p>(d) adopt a screening opinion before the issue of an enforcement notice pursuant to Regulation 32(1).</p>	<p>Planning &amp; Development Group Manager          Planning Development Team Manager          Deputy Planning Development Manager          Minerals and Waste Policy Team Manager</p>
EAI68	Planning	<p>Under the Conservation of Habitats &amp; Species Regulations 2010 to make determinations and take actions in accordance with the requirements of:</p> <p>(a) Regulation 61 (assessment of implications for European Sites), Regulation 68 (grant of planning permission), and Regulation 102 (land use plans);</p> <p>(b) Regulation 63 (review of existing consents) and Regulation 69 (planning permission: duty to review); and</p> <p>(c) Regulation 73 (general development orders) and Regulation 75 (general development orders:</p>	<p>Planning &amp; Development Group Manager          Planning Development Team Manager          Deputy Planning Development Manager          Minerals and Waste Policy Team Manager</p>

		approval of local planning authority).	
EAI69	Planning	To respond to consultations in respect of Mineral Consultation Areas.	Planning & Development Group Manager Minerals and Waste Policy Team Manager
EAI70	Planning	To respond to consultations by adjoining Planning Authorities on applications for mineral working and waste disposal.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Heritage Conservation Team Manager
EAI71	Planning	To respond to consultations by adjoining Planning Authorities on minerals and waste disposal plans.	Planning & Development Group Manager Minerals and Waste Policy Team Manager Heritage Conservation Team Manager
EAI72	Planning	To determine applications under Part 17 of the Town & Country Planning (General Permitted Development) (England) Order 2015 SI 2015 No. 596 (or any re-enactment of the provisions of that Order) in respect of mining and mineral exploration.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI73	Planning	<p>a) The making of a Direction under Article 5 of the Town &amp; Country Planning (General Permitted Development ) (England) Order 2015 SI 2015 No. 596 (or any re-enactment of that Article)</p> <p>b) The cancellation or variation of a Direction issued by the Mineral Planning Authority by a subsequent Direction under Article 6 of the Town &amp; Country Planning (General Permitted Development ) (England) Order 2015 SI 2015 No. 596 (or any re-enactment of that Article)</p>	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager

EAI74	Planning	To determine applications for Certificates of Lawful Use or Development or proposed Use or Development in respect of specified County Matters under SS 191 & 192 of the TCPA, and with the Head of Legal and Democratic Services to revoke Certificates pursuant to Section 193 of the TCPA.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI75	Planning	To respond to consultations by the Environment Agency under Schedule 5, Part 1, paragraph 6 of the Environmental Permitting (England and Wales) Regulations 2010.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI76	Planning	To respond to consultations and to submit observations on mixed-use development proposals involving minerals and waste related activities which are to be determined by the District Councils.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI77	Planning	To determine applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 as amended by the Environmental Protection Act 1990, the Planning and Compensation Act 1991 and the Radioactive Substances Act 1993.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI78	Planning	To determine whether a proposal constitutes permitted development under any part other than Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 SI 2015 No. 596.	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager Planning Regulation 3 Team Leader
EAI79	Planning	To determine an application for postponement or a request for a minor extension of time for the submission of new conditions in the case of the first, second on subsequent Periodic Review	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager

		Date of Mineral Planning Permissions pursuant to the Environment Act 1995.	
EAI80	Planning	To instruct the Head of Legal Services to issue and serve: (a) Revocation Orders under S97 of the Town and Country Planning Act 1990 (b) Modification Orders under S97 of the Town and Country Planning Act 1990 (c) Prohibition Orders under paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (d) Suspension Orders under paragraphs 5 and 6 of Schedule 9 of the Town and Country Planning Act 1990	Planning & Development Group Manager Planning Development Team Manager
EAI81	Planning	To determine, in consultation with the Chairman of the Planning and Regulatory Committee where appropriate, whether to issue a planning decision notice or to refer a planning application back to the Planning and Regulatory Committee where a delay has occurred in the issue of a planning decision following a delegated decision by officers or resolution to grant by Members of the Planning and Regulatory Committee	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI82	Planning	To place on the appropriate part of the statutory Planning Register particulars of the suspension of minerals development under Regulation 49(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011	Planning & Development Group Manager Planning Development Team Manager Deputy Planning Development Manager
EAI83	Planning	To serve notices under Schedules 13 and 14 of the Environment Act 1995 for the Review of	Planning & Development Group Manager Planning Development Team Manager

		Mineral Planning Permissions.	Deputy Planning Development Manager
EAI84	Planning	To make minor amendments/additional modifications, such as corrections, updating and re-wording/rearranging, to development plan documents through the public examination process.	Planning & Development Group Manager Minerals and Waste Policy Team Manager
EAI85	Planning	To request, with the agreement of the Cabinet Member for Transport and Environment, the Inspector to recommend "main modifications" that go to the soundness of development plan documents being taken through the public examination process.	Planning & Development Group Manager Minerals and Waste Policy Team Manager
EAI86	Planning	To serve notices and take any other necessary action under the Highways Act 1980 and the New Roads and Street Works Act 1991.	Planning & Development Group Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, (Maintenance & Enforcement) Senior Countryside Access Officer, (Legal Definition)
EAI87	Planning	1 a) To enter into, and amend if necessary, Legal Agreements with developers in order to secure the carrying out by them of works within highway boundaries in connection with development proposals and to enter into arrangements with developers whereby they make financial contributions towards County Council transportation initiatives and schemes; b) the adoption of new housing estate roads, and other areas of public utility as highways maintainable	Planning & Development Group Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West

		at the public expense when the work of making up has been satisfactorily completed. (2) Authorisation of the advertising, drafting and final implementation of those development related legal orders that need to be created or modified to facilitate development proposals in consultation with the divisional Member and Cabinet Member.	
EAI88	Planning	To grant licences for the construction of buildings over highways in accordance with Section 177 of the Highways Act 1980.	Planning & Development Group Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West
EAI89	Planning	To grant consents for the placing of rails, beams, etc. over highways in accordance with Section 178 of the Highways Act 1980 or where the consent involves a structure.	Planning & Development Group Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West Countryside Group Manager Countryside Access Team Manager
EAI90	Planning	To make objection to applications in respect of Goods Vehicle Operators Licences under the Statutory powers contained within the Goods Vehicle (Licensing of Operators) Act 1995.	Planning & Development Group Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West
EAI91	Planning	To authorise the acceptance of the free dedication of land for highway purposes and the payment of agreed legal and surveyors charges.	Planning & Development Group Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West
EAI92	Planning	To issue recommendations in appropriate cases on behalf of the local Highway Authority to a local planning authority, restricting the grant of planning permission and to make representations to such authority in other cases where he considers it necessary.	Planning & Development Group Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, (Maintenance & Enforcement)



			Senior Countryside Access Officer, (Legal Definition)
EAI93	Planning	To approve or consent to action which a District Council proposed to make under the terms of their agency Agreement or otherwise in those cases where prior approval or comment to the County Council is required.	Planning & Development Group Manager
EAI94	Planning	To determine applications for s23 Ordinary Watercourse Land Drainage Consent under Schedule 2 of the Flood and Water Drainage Management Act 2010.	Planning & Development Group Manager Transport Development Planning Team Manager West Transport Development Team Manager East Network & Asset Management Group Manager Strategic Network Resilience Manager Flood Risk Asset Management & Programming Team Leader Flood Risk Management Strategy & Partnerships Team Leader Sustainable Drainage & Consenting Team Leader
EAI95	Planning	In relation to EAI91, to instruct the Head of Legal Services and Democratic Services to issue and serve: a) Advisory letters b) Warning letters c) Notices to enforce/prohibit/ carry out works d) To instruct the Head of Legal Services Services to undertake prosecutions arising from failure to comply with a), b), and c) above	Planning & Development Group Manager Transport Development Planning Team Manager West Network & Asset Management Group Manager Strategic Network Resilience Manager Flood Risk Asset Management & Programming Team Leader Flood Risk Asset Management Strategy & Partnerships Team Leader Sustainable Drainage & Consenting Team Leader
EAI96	Planning	To exercise the powers of the Access Authority under Sections 18, 19, 35, 36 and 37 of the Countryside and Rights of Way Act 2000.	Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, (Maintenance & Enforcement) Senior Countryside Access Officer, (Legal Definition)
EAI97	Planning	To exercise the powers under Rights of Way Act 1990.	Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer (Maintenance & Enforcement)
EAI98	Planning	To process all Public Rights of Way Orders	

		<p>under the Highways Act 1980, Wildlife &amp; Countryside Act 1981 and Countryside and Rights of Way Act 2000 and make and confirm such orders where no objection has been maintained or compensation is payable. To proceed to written representations, hearing or Inquiry where objections are maintained after an Order is made.</p> <p>Where no significant objection has been received or compensation payable (Policy 2/2006) and after consultation with the Chairman of the relevant local committee, local member and Head of Legal and Democratic Services, to process all Public Rights of Way Orders made under the Highways Act 1980, the Wildlife &amp; Countryside Act 1981 and the Countryside and Rights of Way Act 2000, which comply with national legislation and county policy. To proceed to Inquiry where objections are maintained.</p>	<p>Head of Highways &amp; Transport Head of Place Development</p> <p>Countryside Group Manager Countryside Access Team Manager</p> <p>Senior Countryside Access Officer (Legal Definition)</p>
EAI99	Planning	To exercise the powers under the National Parks and Access to the Countryside Act 1949 for the removal of false or misleading notices from rights of way.	<p>Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer, (Maintenance &amp; Enforcement)</p>
EAI100	Planning	To give the views of the Highway Authority on proposals for the diversion, creation and extinguishment of rights of way.	<p>Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer (Legal Definition)</p>
EAI101	Planning	To authorise the erection of stiles or gates on public paths	<p>Countryside Group Manager Countryside Access Team Manager Senior Countryside Access Officer (Maintenance &amp; Enforcement)</p>
EAI102	Planning	To agree the annual Local Aggregates	Planning & Development Group Manager

		Assessment (LAA) after taking the advice of the South East England Aggregates Working Party (SEEAWP) into account and in consultation with the Cabinet Member for Transport and Environment.	Minerals and Waste Policy Team Manager
EAI103	Planning	To represent the County Council on the South East England Aggregates Working Party (SEEAWP) and in particular with regard to its role of monitoring the operation of the Managed Aggregate Supply System.	Planning & Development Group Manager Minerals and Waste Policy Team Manager
EAI104	Planning	To authorise the adoption of roads, forecourts and other made-up areas as highway maintainable at the public expense	Planning & Development Group Manager Transport Development Planning Manager -West Transport Development Planning Manager - East
EAI105	Planning	To manage a Historic Environment Record for Surrey.	Heritage Conservation Manager
EAI106	Planning	To determine the appropriate location for any archaeological material recovered from SCC owned sites and property and authorise its transfer.	Heritage Conservation Manager
EAI107	Emergency Management	Make the necessary plans, carry out the necessary training and agree the necessary work with the appropriate organisations that make up the Surrey Local Resilience Forum (SLRF) and other stakeholders to satisfy the legislation set out in: Civil Contingencies Act 2004, Regulations 2005, • Local Government Act 1972, Section 138 • Notification of Installations. Handling Hazardous Substance (NIHHS) Regulations 1982	Head of Emergency Management

		<ul style="list-style-type: none"> <li>• Reservoir Act 1975</li> <li>• Water Act 2003</li> <li>• The Pipelines Safety Regulations 1996</li> <li>• The Control of Major Accident Hazards (COMAH) Regulations 1999</li> <li>• The Radiation (Emergency Preparedness &amp; Public Information) Regulations (REPPIR) 2001</li> </ul> <p>In the event of an emergency, call to the County Council Emergency Centre those County Council officers he identifies as being necessary to provide an appropriate County Council response to that emergency.</p> <p>In the event of an emergency deploy the resources necessary to meet the demands of the emergency until the arrival of a strategic director. Appoint emergency planning officers and other support officers as are required to undertake the various functions and duties to meet the needs of the County Council, Surrey districts and members of the Surrey Local Resilience Forum (SLRF)</p>	
EAI108	Waste Management and Minimisation	To carry out actions listed in annual European and Economic Development Action Plans as approved annually by the Cabinet.	Environment & Infrastructure Strategic Director Environment & Infrastructure Deputy Director Waste Operations Group Manager Waste Development Group Manager
EAI109	Waste Management and Minimisation	Under Section 63A of the Environmental Protection Act 1990, to arrange for or contribute towards the expense of doing anything which is necessary or expedient for the purpose of minimising controlled waste generated within Surrey.	Environment & Infrastructure Strategic Director Environment & Infrastructure Deputy Director Waste Operations Group Manager Waste Development Group Manager

EAI110	Waste Management and Minimisation	Under Section 3 of the Refuse Disposal Amenity Act 1978, to make arrangements with District Councils for the receipt and disposal of abandoned vehicles, including arrangement for the sharing of any expenses incurred or sums received as may be agreed between the District Council and the County Council, or in default or agreement, as may be determined by arbitration.	Environment & Infrastructure Strategic Director Environment & Infrastructure Deputy Director Waste Operations Group Manager Waste Contract Manager
EAI111	Waste Management and Minimisation	Under Section 4 of the Refuse Disposal Amenity Act 1978, to dispose of any vehicle in the County Council's custody, to serve notices on vehicle owners and to recover costs in accordance with the prescribed regulations.	Environment & Infrastructure Strategic Director Environment & Infrastructure Deputy Director Waste Operations Group Manager Waste Contract Manager
EAI112	Waste Management and Minimisation	Under Section 5 of the Refuse Disposal Amenity Act 1978, to recover prescribed charges for removal, storage and disposal of abandoned vehicles.	Environment & Infrastructure Strategic Director Environment & Infrastructure Deputy Director Waste Operations Group Manager Waste Contract Manager
EAI113	Waste Management and Minimisation	Under Section 52(3) of the Environmental Protection Act 1990, to determine to which third party organisations recycling credit payments should be made.	Environment & Infrastructure Strategic Director Environment & Infrastructure Deputy Director Waste Operations Group Manager Waste Development Group Manager
EAI114	Waste Management and Minimisation	Under Section 51 of the Environmental Protection Act 1990, exercise the duties of the Waste Disposal Authority, including giving direction to Waste Collection Authorities under S51 (4) and S51(4A, 4B, 4C and 4D)	Environment & Infrastructure Strategic Director Environment & Infrastructure Deputy Director Waste Operations Group Manager Waste Development Group Manager

**Section 3, Part 3B Specific Delegation to Officers (Orbis)**

The specific functions of the County Council (executive and non-executive) set out in column 3 below are delegated to the corresponding officers listed in column 2 (or any temporary replacement post holder nominated in accordance with paragraph 2.3 of the Scheme) subject to the requirements and limits of this Scheme of Delegation.

<b>No</b>	<b>Service area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
ORB1	Internal Audit	To carry out audits of the County Council functions.	Chief Internal Auditor  Audit Performance Manager  Lead Auditor  IMT Auditor  Senior Auditor  Auditor
ORB2	Internal Audit	In the proper exercise of the function delegated in ORB4 to: <ul style="list-style-type: none"> <li>• Enter on County Council premises or land</li> <li>• Have access to all records, documents and correspondence held by or on behalf of the Council</li> <li>• Require from staff such explanations as are necessary</li> <li>• Require any Council employee to produce cash, stores or any other Council property under his control</li> </ul>	Chief Internal Auditor  Audit Performance Manager  Lead Auditor IMT Auditor  Senior Auditor

		<ul style="list-style-type: none"> <li>Verify cash and bank balances for which persons are accountable to the Council</li> </ul>	Auditor
ORB3	Internal Audit	<p>In the proper exercise of the function delegated in AD1 to:</p> <ul style="list-style-type: none"> <li>Investigate irregularities;</li> <li>Liaise with Police and other enforcement agencies under the Accounts and Audit Regulations 2006</li> </ul>	<p>Chief Internal Auditor</p> <p>Audit Performance Manager</p> <p>Lead Auditor</p>
ORB4	Property Services	To authorise staff, consultants and contractors to enter land for Statutory Purposes.	<p>Asset Strategy Partner(s)</p> <p>Services Delivery Manager</p> <p>Estates Manager</p> <p>Maintenance Delivery Manager</p> <p>Senior Project Manager(s)</p> <p>Workplace Delivery Manager</p> <p>Lead Asset Manager</p> <p>Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager</p> <p>Schools &amp; Capital Programmes Manager</p>
ORB5	Property Services	To acquire land and buildings required for an approved scheme or where acquisition has been specifically authorised up to a total consideration of £250,000 in any one case, providing the acquisition has received approval from the relevant Cabinet Member, in conjunction with the Deputy Leader.	<p>Lead Asset Manager Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager</p> <p>Schools &amp; Capital Programmes Manager</p>

ORB6	Property Services	To authorise the payment of relevant Surveyor's fees, costs and expenses in connection with any approved scheme.	<p>Asset Strategy Partner(s)</p> <p>Asset Strategy Manager(s) Services Delivery Manager</p> <p>Estates Manager</p> <p>Maintenance Delivery Manager</p> <p>Senior Project Manager(s)</p> <p>Lead Asset Manager Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager</p> <p>Schools &amp; Capital Programmes Manager</p>
ORB7	Property Services	To authorise in consultation with and on the advice of the Head of Legal and Democratic Services, payment of an indemnity insurance premium up to a maximum of £50,000 in connection with any land transaction.	<p>Asset Strategy Partner(s)</p> <p>Asset Strategy Manager(s)</p> <p>Estates Manager</p>
ORB8	Property Services	To take, grant and review the rent or other consideration in the case of any tenancy licence, easement or wayleave up to a value of £125,000 per annum.	<p>Estates Manager</p> <p>Services Manager</p> <p>Lead Asset Manager Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager Schools &amp; Capital Programmes Manager and Programme Manager</p>



ORB9	Property Services	To terminate or accept a surrender in the case of any property interest referred to in E5 above up to a consideration of £50,000.	Estates Manager Services Manager Asset Investment and Disposal Manager
ORB10	Property Services	To authorise payment of statutory or contractual compensation (including mandatory and discretionary home loss payments and dilapidation claims) up to a maximum of £50,000 per compensatable interest for commercial or agricultural tenancies and £150,000 per compensatable interest.	Estates Manager Services Manager Lead Asset Manager Asset Investment and Disposal Manager
ORB11	Property Services	To authorise arbitration and tribunal proceedings to be taken under statute and contractual arrangements.	Asset Strategy and Planning Manager Deputy Chief Property Officer Asset Investment and Disposal Manager Schools & Capital Programmes Manager
ORB12	Property Services	To take or grant licences for repairs and alterations, variations or other matters relating to any lease held or granted by the County Council.	Estates Manager Service Delivery Manager Workplace Delivery Manager Asset Strategy Partner(s) Asset Strategy Manager(s)

ORB13	Property Services	<p>To request the Head of Legal and Democratic Services to take appropriate action in respect of:</p> <ul style="list-style-type: none"> <li>• service of Notices to Treat and/or taking entry in cases of acquisition of land and property where a confirmed Compulsory Purchase Order is in operation;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• obtaining or granting possession (on payment of interest if required) in advance of completion of legal formalities - where such earlier possession is required for the proper functions of the County Council (and irrespective of the limit imposed in the paragraph above) and authority for purchase has already been given.</li> </ul>	<p>Estates Manager</p> <p>Asset Strategy Partner(s)</p> <p>Lead Asset Manager Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager Schools &amp; Capital Programmes Manager</p> <p>Asset Strategy Manager(s)</p>
ORB14	Property Services	<p>To approve the sale of marketable trees, which, as part of the functions of estate management, require to be felled, and of other similar items which require to be disposed of in the interests of efficient estate management.</p>	<p>Estate Manager</p> <p>Asset Strategy Partner(s)</p> <p>Asset Strategy Manager(s)</p>
ORB15	Property Services	<p>To give written notice of the proposed development of land vested in the Council, in accordance with the provisions of the Town &amp; County Planning General Regulations 1976.</p>	<p>Lead Asset Manager Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager Schools &amp; Capital Programmes Manager</p>

ORB16	Property Services	To authorise the sale of land and/or buildings declared surplus to the Council's requirements up to a consideration of £500,000 in any one case including setting a reserve figure for auction sales, providing the disposal has been approved by the relevant Cabinet Member in conjunction with the Deputy Leader.	Lead Asset Manager Deputy Chief Property Officer Asset Investment and Disposal Manager
ORB17	Property Services	To approve terms of the grant of Deeds of release or variation of restrictive covenants up to a consideration of £500,000 in any one case.	Lead Asset Manager Deputy Chief Property Officer Asset Investment and Disposal Manager
ORB18	Property Services	To approve variations in the names of purchasers, vendors, lessees or tenants to give effect to previously approved property transactions.	Estates Manager Services Manager Asset Strategy Partner(s) Asset Strategy Manager(s) Lead Asset Manager Deputy Chief Property Officer Asset Investment and Disposal Manager Schools & Capital Programmes Manager
ORB19	Property Services	To act in relation to certain procedures (as determined by the former Land & Building Committee on 18 September 1984) for secure tenants wishing to exercise their possible right to buy as defined in the Housing Act 1985 where time limits apply.	Lead Asset Manager Deputy Chief Property Officer Asset Investment and Disposal Manager Schools & Capital Programmes Manager

ORB20	Property Services	To take all necessary steps to obtain repossession of a property, in the case of residential property after prior consultation with the relevant portfolio holder.	Asset Strategy and Planning Manager Deputy Chief Property Officer Asset Investment and Disposal Manager Schools & Capital Programmes Manager
ORB21	Property Services	To approve the demolition of unsafe buildings.  Note: demolitions linked to disposals will be approved as part of the relevant disposal decision, by Cabinet or Cabinet Member, as appropriate.	Estates Manager Senior Project Manager(s) Asset Strategy Partner(s) Asset Strategy Manager(s) Maintenance Delivery Manager
ORB22	Property Services	To serve notices under statute or contract in respect of any matter arising in connection with the terms and conditions of any lease held or granted by the County Council.	Asset Strategy Partner(s) Asset Strategy Manager(s) Services Delivery Manager Estates Manager Senior Project Manager(s) Workplace Delivery Manager
ORB23	Property Services	To implement the County Council's Tolerance Policy in relation to unauthorised gypsy encampments on County Council land.	Estates Manager Service Delivery Manager

ORB24	Property Services	To ensure compliance by District and Borough Councils with the terms and conditions of the Agency Agreements relating to the management of authorised gypsy sites held by the County Council.	Estates Manager Service Delivery Manager
ORB25	Property Services	Approving documents for sealing by the Head of Legal and Democratic Services.	Estates Manager Service Delivery Manager Asset Strategy Partner(s) Asset Strategy Manager(s)
ORB26	Property Services	Authorising by signature Bills of Quantities/Specifications relating to contracts under seal.	Services Delivery Manager Estates Manager Asset Strategy Manager(s) Maintenance Delivery Manager Senior Project Manager(s) Workplace Delivery Manager

ORB27	Property Services	Submitting applications for Planning Permission on behalf of the Council.	Senior Project Manager(s) Asset Strategy Partner(s) Maintenance Delivery Manager Estates Manager Lead Asset Manager Deputy Chief Property Officer Asset Investment and Disposal Manager Schools and Capital Programmes Manager
ORB28	Finance	To sign creditor cheques/BACS transfers but with two such officers' signatures required for such payments of £100,000 or above.	Director of Finance Deputy Chief Finance Officer Finance Manager (Assets and Accounting) Strategic Finance Managers
ORB29	Finance	Submit quotations for external contracts.	Strategic Finance Managers
ORB30	Finance	Authorise lending and borrowing.	Deputy Chief Finance Officer Finance Manager (Assets and Accounting) Strategic Finance Managers
ORB31	Finance	Authorise emergency bank (BACS and CHAPS) transfers.	Strategic Finance Managers Deputy Chief Finance Officer Finance Managers

ORB32	Finance	Authorise cash transfers to pension fund managers.	Director of Finance Strategic Finance Manager (Pension Fund and Treasury) Finance Manager Assets and Accounting)
ORB33	Finance	To exercise on behalf of the Director of Finance such matter relating to the County Council's banking arrangements as s/he shall specify.	Deputy Chief Finance Manager Strategic Finance Manager (Pension Fund and Treasury)
ORB34	Finance	To prepare, implement and review a scheme for the financing of schools maintained by the authority for the approval of the Schools' Forum.	Strategic Finance Manager (Children's Schools & Families) Finance Manager (Strategic Development and School Funding)
ORB35	Finance	To prepare a statement before the beginning of each funding period relating to the local education authority's planned expenditure for the period and after the end of the period to produce a statement of the expenditure actually incurred.	Finance Manager (Strategic Development and School Funding)
ORB36	Finance	'To set out and approve, in accordance with Department for Education Academy conversion regulations, school balances transferring to academies, with the exception of forced conversions.	Director of Finance Finance Manager (Strategic Development and School Funding)
ORB37	Finance	Approval of additional permitted purposes for which surplus balances may be retained by schools as set out in paragraph 4.2 and Annex G of the Surrey Scheme for Financing Schools.	Finance Manager (Strategic Development and School Funding)
ORB38	Finance	Borrowing, lending and investment of County Council Pension Fund moneys, in line with strategies agreed by the Pension Fund Board. Delegated authority to the Chief Finance Officer to take any urgent action as required between Board meetings but such action only to be taken in consultation with	Director of Finance Strategic Finance Manager (Pension Fund and Treasury)

		and by agreement with the Chairman and/or Vice Chairman of the Pension Fund Board and any relevant Consultant and/or Independent Advisor.	
ORB39	Finance	To determine insurance claims and to defend legal proceedings in connection with claims falling within the Council's insurance excess including authority to settle proceedings.	Director of Finance Insurance Services Manager
ORB40	Finance	To determine and put in place appropriate insurance arrangements for the Council.	Director of Finance Insurance Services Manager Principal Insurance Officer
ORB41	Finance	To approve individual business cases of up to £100,000 prior to capital/invest to save projects proceeding. All projects approved under this delegation to be reported for information to Cabinet Members.	Director of Finance
ORB42	Finance	To exercise discretion in relation to the Local Government Pension Scheme except (1) where a policy on the matter has been agreed by the Pension Board and included in the Discretionary Pension Policy Statement published by the Council, (2) decisions relating to "admitted body status" and (3) decisions relating to individual cases as provided for in the separate delegation to the Pensions Services Manager. This delegation is subject to any limitations imposed and confirmed in writing from time to time by the Director of Finance.	Strategic Finance Manager (Pension Fund and Treasury)
ORB43	Finance	Hear stage one or stage two appeals relating to disputes involving the Local Government Pension Scheme, Compensation Benefits and Injury Allowances provided that an officer hearing an appeal will not have been involved at an earlier stage in the process.	Director of Finance, Head of Legal Services, Director of HR and the Strategic Finance Manager (Pension Fund and Treasury)



ORB44	Finance	To manage any Trust Funds for which the Council is a corporate Trustee in accordance with any specific requirements in relevant Trust fund documents, including investment decisions.	Director of Finance Strategic Finance Manager(s)
ORB45	Human Resources	To issue the Council's Human Resources policies and amend and issue Human Resources procedures relating to policy including those relating to employment.	Director of Human Resources
ORB46	Human Resources	To implement the decisions and recommendations of recognised national negotiating bodies on employee matters where relevant.	Director of Human Resources
ORB47	Human Resources	In relation to staff below the level of Head of Service, to determine applications for the exercise of the Council's discretionary powers to award compensation for loss of employment and grant early payment of pension benefits. after consulting the Severance Review Group.	Head of HR & OD – Surrey Manager – HR Strategic Support
ORB52	Finance	To exercise discretion (excluding decisions on admitted body status) in relation to the Local Government Pension Scheme where no policy on the matter has been agreed by the Council and included in the Discretionary Pension Policy Statement published by the Council, subject to any limitations imposed and confirmed in writing from time to time by the Chief Finance Officer.	Pensions Manager
ORB53	Finance	To determine decisions conferring 'admitted body' status to the Pension Fund where such requests are submitted by external bodies.	Director of Finance
ORB54	Human Resources	To update and issue guidance on all matters relating to Health and Safety legislation in accordance with the Council's policy statement.	Director of Human Resources
ORB55	Human Resources	To determine pay progression for individual Officers who are not on senior pay in accordance with the Pay Policy	Director of Human Resources

		Statement.	
ORB48	IMT	To approve, update and issue policies prepared or amended in accordance with the Council's Information Governance Policy.	Director of Finance (Senior Information Risk Officer)
ORB49	IMT	To approve and issue guidance on compliance and best practice related to information management and cybersecurity policies.	Chief Information Officer
ORB50	Procurement	To approve suppliers of goods, services and works to the Council.	Assistant Director Procurement Head of Procurement Strategic Procurement Manager
ORB51	Procurement	To accept quotations and tenders for the acquisition of goods services and works, subject to the requirements of Procurement Standing Orders.	Assistant Director Procurement Head of Procurement Strategic Procurement Manager
ORB52	Procurement	To approve variations to existing contracts provided that the value of the variation does not exceed 10% of the value of the contract in any one year and subject to the financial limits applying to the officer exercising the delegation.	Assistant Director Procurement Head of Procurement Strategic Procurement Manager

No		FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
ORB53	Pensions	To exercise discretion in relation to the Local Government Pension Scheme on the following matters in individual cases: <ul style="list-style-type: none"> <li>- allocation of death grants</li> <li>- determining co-habitation</li> <li>- determining whether a child meets criteria for a child's pension</li> <li>- allocation of pension for persons incapable of managing their own affairs</li> <li>- commutation, transfer in and forfeiture decisions</li> <li>- extension of time limits for decisions to be made by scheme members</li> <li>- minimum contribution levels for additional payments</li> <li>- determining reviews and effective dates of ill-health benefits</li> <li>- write offs up to £250</li> </ul>	Pensions Services Manager

		This delegation is subject to any limitations imposed and confirmed in writing from time to time by the Director of Finance.	
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### Section 3, Part 4: Proper Officer Functions

1. The Council has appointed the following Proper Officers for the purposes of the statutory provisions set out below.
2. Subject to the proper officer appointments set out below, the Chief Executive and each Strategic Director shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their area of responsibility.

#### LOCAL GOVERNMENT ACT 1972

Section	Purpose of Appointment	Proper Officer
83	To witness and receive declarations of acceptance of the office of Chairman and Vice-Chairman of the County Council and of County Councillors.	Director of Legal, Democratic and Cultural Services  Legal Services Manager Senior Principal and Principal Solicitors/Lawyers
84	To receive written notice of the resignation from the office of Chairman and Vice-Chairman of the County Council and of County Councillors.	Chief Executive
88(2)	To convene, if necessary, a meeting of the Council when the office of Chairman of the Council is vacant.	Chief Executive
89(1)(B)	To receive written notice from two local government electors of a casual vacancy in the office of Councillor.	Democratic Services Lead Manager
100B(2) Inserted by Local Government (Access to Information) Act 1985	To decide whether part or the whole of reports should be excluded from public inspection before a meeting if they relate only to items during which the meeting is likely not to be open to the public.	Democratic Services Lead Manager
100B(7)(c)	To consider whether to supply to the press additional material supplied to	Democratic Services

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
	members of the Council in connection with the item to be discussed.	Lead Manager
100C(2) Inserted by Local Government (Access to Information) Act 1985	To prepare a written summary of proceedings taken by a Committee in private without disclosing exempt information.	Democratic Services Lead Manager
100D(1) (a) Inserted by Local Government (Access to Information) Act 1985	To compile a list of background papers to a report to a Committee.	Strategic Director, Director, Assistant Director, Head of Service or other officer in whose name the report is written
100D(5)(a) Inserted by Local Government (Access to Information) Act 1985	Identifying background papers of reports.	Strategic Director, Director, Assistant Director, Head of Service or other officer in whose name the report is written
100F(2)	Identifying which documents contain exempt information not open to inspection by Members of the Council.	Democratic Services Lead Manager
115(2)	To receive from every officer of the Council all money committed to his charge in connection with his office.	Director of Finance
146	To sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the Local Authority.	Director of Finance
151	Responsibility for the administration of the Council's financial affairs.	Director of Finance
191	To receive applications made under Section 1 of the Ordnance Survey Act 1841 for assistance in surveying	Assistant Director Operations, Highways and

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
	disputed boundaries.	Countryside
210	To exercise certain residual functions relating to charities.	Director of Legal, Democratic and Cultural Services
225	To receive and retain documents deposited with the Local Authority.	Chief Executive
229	To certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original document.	The Director of Legal, Democratic and Cultural Services (generally) and the Officers listed in Part 2 of the Scheme of Delegation within their area of responsibility.
234	To sign any notice, order or other document on behalf of the Authority, any document purporting to be so signed being deemed to be issued by the Authority.	The Director of Legal, Democratic and Cultural Services (generally) and the officers listed in Part 2 and Part 3 of the Scheme of Delegation within their area of responsibility
236	To send to the Council of every District in the County a copy of every byelaw made by the Council and confirmed by the Secretary of State.	Director of Legal, Democratic and Cultural Services
238	Certification of copy of byelaws.	Director of Legal, Democratic and Cultural Services
<b>Schedule 12</b> (Paragraph) 4(2)(b)	To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted.	Chief Executive
4(3)	Receiving notice from a member of the address to which a summons to the meeting is to be sent.	Democratic Services Lead Manager

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
<b>Schedule 29</b> 4	To undertake those duties which arise at County Council elections, which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the "Proper Officer".	Chief Executive
4	For the purposes of the Registration Service Act 1953.	Head of Cultural Services
4	Appointment of Interim Superintendent Registrars or Interim Registrars of Births and Deaths under Section 9 of the Registration Service Act 1953.	Head of Cultural Services
4	In relation to the Registration of Births, Deaths and Marriages, to exercise the functions under the Marriage Act 1949.	Head of Cultural Services
4	In relation to the approval of premises for the solemnisation of marriages under Section 26(1) (bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.	Head of Cultural Services

**Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
	To be the Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) the Civil Partnership Act 2004, the and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended and receive applications, set fees and offer discounts where applicable.	Head of Cultural Services

## LOCAL GOVERNMENT ACT 1974

Section	Purpose of Appointment	Proper Officer
30(5)	Giving public notice of receipt of report by a Local Commissioner	Head of Customer Services

## HIGHWAYS ACT 1980

Schedule (Paragraph)	Purpose of Appointment	Proper Officer
59(1)	To certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
205(3)(4) & (5)	To undertake duties in relation to private street works.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
210(2)	To certify any amendments to estimated costs and provisional apportionment of costs of street works under the private street works code.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
211(1), 212(4), 216(2), and (3)	To make a final apportionment of expenses of street works executed under the private street works code as detailed in the Schedules.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
Section 295	Issuing a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place.	Assistant Director Operations, Highways and Countryside and Highways Area Managers
Section 321	Authentication of notices, consents, approvals, orders, demands, licences, certificates or other	Assistant Director Operations, Highways and Countryside and



	documents.	Highways Area Managers
Schedule 9, Paragraph 4	Signing plans showing proposed prescribed improvement or building lines.	Assistant Director Operations, Highways and Countryside and Highways Area Managers

### REPRESENTATION OF THE PEOPLE ACT 1983

Schedule (Paragraph)	Purpose of Appointment	Proper Officer
35	Appointing a Returning Officer.	Chief Executive
67	Giving public notice of the appointment of an Election Agent.	Chief Executive
131	Providing accommodation for holding election count.	Chief Executive

### LOCAL GOVERNMENT FINANCE ACT 1988

Section	Purpose of Appointment	Proper Officer
114, 115 and 115B	Responsibility for Chief Financial Officer Reports.	Director of Finance
116(1)	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the "Chief Financial Officer" (under section 114 and 115 above).  Responsibility to notify the external auditor of decisions made at such a meeting.	Risk and Governance Manager

### LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Purpose of Appointment	Proper Officer
2	To receive on a deposit a list of politically restricted posts.	Director of Human Resources

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted.	Chief Executive (as Head of Paid Service)
4	Designation as Head of Paid Service.	Chief Executive
5	Designation as Monitoring Officer.	Director of Legal, Democratic and Cultural Services
15 and 16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Democratic Services Lead Manager

#### **FOOD SAFETY ACT 1990**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
49(3)	Signing any document authorised or required to be given, made or issued by the Food Authority.	Head of Trading Standards  Policy & Operations Manager  Investigations and Enforcement Manager West  Business Advice & Compliance Manager East

#### **LOCAL GOVERNMENT ACT 2000 SECTION 9G and 9GA: MEETINGS AND ACCESS TO INFORMATION ETC LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 (SI 2012/2089)**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
Regulation 7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public.	Democratic Services Lead Manager
Regulation 10	Informing the relevant Select Committee Chairman or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and making available for public inspection notices relating to this	Democratic Services Lead Manager
Regulation 12	Producing a written statement of Cabinet decisions made at meetings.	Democratic Services Lead Manager
Regulation 13	Producing a written statement of decisions made by individual Cabinet Members.	Democratic Services Lead Manager
Regulation 14	Making a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public.	Democratic Services Lead Manager
Regulation 15 and regulation 2	Making available for inspection a list of background papers.	Democratic Services Lead Manager
Regulation 16(5)	Determining whether certain documents contain exempt information.	Democratic Services Lead Manager
Regulation 16(7)	Determining whether certain documents contain advice provided by a political adviser or assistant.	Democratic Services Lead Manager
Regulation 20	Determining whether documents contain confidential information, exempt information or the advice of a political adviser or assistant.	Democratic Services Lead Manager

**LOCAL GOVERNMENT ACT 2000  
SECTION 34: LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000 (SI 2000/2852)**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
Regulations 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	Democratic Services Lead Manager

### **LOCALISM ACT 2011**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
29	Establish, maintain and publish a Register of Interests.	Director of Legal, Democratic and Cultural Services (as Monitoring Officer)

### **LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001**

<b>Schedule</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
1 (Part II)	Notifications to the Cabinet concerning appointments and dismissals	Director of Human Resources

### **REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
21, 22, 27, 28 and 29	The Senior Responsible Officer for RIPA  Designation of officers empowered to grant authorisation for the carrying out of directed surveillance, to authorise the use of covert human intelligence sources, and communications data checks.	Strategic Director for Communities  Chief Executive or in his absence a Director acting as his Deputy for direct surveillance and covert human intelligence sources authorisations that are likely to lead to the disclosure of confidential

	The RIPA Monitoring Officer	<p>information or where a juvenile or vulnerable individual is used as a source</p> <p>In all other cases: Head of Trading Standards</p> <p>Policy and Operations Manager</p> <p>Business Intelligence and Legal Manager</p>
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### **FREEDOM OF INFORMATION ACT 2000**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
36	Acting as a “qualified person” in respect of information held by Surrey County Council	Director of Legal, Democratic and Cultural Services

### **LOCAL GOVERNMENT ACT 2003**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
25	When the annual budget report is considered by Cabinet or by the County Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves.	Director of Finance



# **CONSTITUTION OF THE COUNCIL**

<p><b>Part 4 – Standing Orders</b></p>
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## PART 4

<h1 style="margin: 0;">STANDING ORDERS</h1> <h2 style="margin: 0;">CONTENTS</h2>
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# STANDING ORDERS

## INTRODUCTION

1. This edition of Standing Orders, as revised, was adopted by the County Council at its meeting held on 21 March 2017.
2. Standing Orders do not attempt to duplicate or restate the provisions of the Local Government Act 1972 (as amended) relating to local authority procedures.
3. Application of Standing Orders:

Part 1 of Standing Orders applies to meetings of the County Council.  
Parts 2, 3 and 4 of Standing Orders apply to the Cabinet.  
Parts 2 and 3 of Standing Orders apply to Select Committees.  
Parts 2, 3 and 5 of Standing Orders apply to other Council committees as appropriate.

## DEFINITIONS

**“Constitution”** shall be taken to mean the Constitution including Standing Orders and other rules and protocols approved by the Council as such from time to time.

**“Council”** shall be taken to mean the Surrey County Council.

**“Chairman”** shall be taken to mean the chairman of the Council or committee, or the presiding chairman in his/her absence.

**“Leader of the Council”** shall be taken to mean the person appointed as such by the Council for a term of office of four years from the first annual meeting of the Council following the County Council elections, in accordance with the Local Government Act 2000 and Article 5.

**“Deputy Leader of the Council”** shall be taken to mean the person appointed as such by the Leader for such term of office as he/she shall decide.

**“Cabinet”** shall be taken to mean the Cabinet appointed by the Leader in accordance with the Local Government Act 2000.

**“Committee”** shall be taken to mean a committee of the Council listed in Part 2 of Standing Orders.

**“Cabinet Member”** shall be taken to mean an elected Member appointed to the Cabinet by the Leader.

**“Cabinet Associate”** shall be taken to mean a Cabinet Associate appointed to the Cabinet by the Leader to support a Cabinet Member with their portfolio.

**“Group Leader”** shall be taken to mean the person nominated by each political group to act as its leader in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

**“Portfolio”** shall be taken to mean a function or collection of functions of the Council allocated by the Leader to each member of the Cabinet.

**“Select Committee”** shall be taken to mean any of the Select Committees listed in Part 2 of Standing Orders appointed by the Council under Section 21 of the Local Government Act 2000, unless otherwise specified.

**“Local Committee”** shall be taken to mean any of the 9 Local Committees appointed by the Council for each district/borough area of the County.

**“Joint Committee”** shall be taken to mean a committee set up with another council or councils for a purpose for which they are jointly interested.

**“Member”** shall be taken to mean a Surrey County Councillor.

All references to “Member” in Parts 2 and 3 of these Standing Orders shall also apply, where appropriate, to others appointed to committees listed in Part 2 of Standing Orders.

# **PART 1 OF STANDING ORDERS COUNTY COUNCIL MEETINGS AND PROCEDURES**

## **MEETINGS**

- 1.1 Meetings of the County Council will normally be held at County Hall, Kingston upon Thames in February (the Budget Meeting), May (the Annual Meeting) unless otherwise required, and at other times as and when required, but no less than quarterly.
- 1.2 Meetings of the Council will normally begin at 10am but the Chairman may fix an alternative starting time.

## **Summons and agenda**

- 2.1 The Summons and agenda papers for Council meetings will be sent to all Members at least 5 clear working days before the meeting.
- 2.2 Only the business on the agenda will be discussed at a Council meeting, except for urgent matters that the Chairman rules may be considered.

## **Adjournment**

- 3.1 The Council may adjourn at any time if it votes to do so under Standing Order 27. Any business which is adjourned will be dealt with at the next meeting unless at the time of the adjournment the Council decides to call an extra meeting to consider the adjourned business.
- 3.2 The Chairman will adjourn a meeting if there is not a quorum of Members present and may determine the period of time for which the adjournment will apply.
- 3.3 The Chairman may temporarily adjourn the meeting at any time in order to help manage the business of the meeting.

## **Quorum**

4. The quorum will be one quarter of the total number of Members (21 Members).

## **Interruptions and disorderly conduct**

- 5.1 (a) If a member of the public interrupts the proceedings at a meeting the Chairman may ask him/her not to interrupt.

- (b) If the interruption continues the Chairman may order his/her removal from the Council Chamber.
  - (c) If there is a general disturbance in all or part of the gallery the Chairman may order that part to be cleared.
- 5.2
- (a) If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, "That the named Member be not further heard". If this motion is seconded it will be put to the vote and determined without discussion. The Chairman may determine the period of time for which this motion will apply.
  - (b) If the motion is carried and the misconduct continues the Chairman may adjourn or suspend the sitting of the Council for as long as he/she considers appropriate.

## **ORDER OF BUSINESS**

- 6.1 Unless changed by the application of Standing Order 6.3, the Chairman, following consultation with the Monitoring Officer, will determine the order of business at Council meetings, although there will be an expectation that items requiring a decision by Council will usually be taken earlier in the agenda.

### **Extraordinary meetings**

- 6.2 Those listed below may request Council meetings in addition to ordinary meetings:
- (a) the Council by resolution;
  - (b) the Chairman of the Council;
  - (c) the Chief Executive; and
  - (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **Election of Chairman and Vice-Chairman**

- 6.3 The first business at the Annual Meeting will be the election of the Chairman and Vice-Chairman of the Council. Where more than one Member is proposed for either office, election will be by show of hands, or by a recorded vote if required.

- 6.4 A Member proposing to nominate another Member as Chairman or Vice-Chairman of the Council must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.

#### **Election of the Leader of the Council**

- 6.5 The Leader of the Council will be elected by the County Council at its first Annual Meeting following the County Council elections.
- 6.6 Where more than one Member is proposed, election will be by show of hands, or by a recorded vote if requested.
- 6.7 A Member proposing to nominate another Member as Leader must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.
- 6.8 A Member nominating another Member will be permitted to speak for 6 minutes in support of the nomination, and their seconder for 3 minutes. A representative from each political group, other than those of the proposer, will also be allowed 3 minutes to speak on each nomination.

#### **Appointment of the Deputy Leader and members of the Cabinet**

- 6.9 The Deputy Leader and other members of the Cabinet will be appointed by the Leader of the Council and reported to the Council at the AGM or at the next appropriate meeting of the Council.

#### **Election of committee chairmen and vice-chairmen**

- 6.10 The chairmen and, where appropriate, vice-chairmen of all of the standing committees of the Council listed in Part 2 of Standing Orders will be elected by the County Council, generally at its Annual Meeting, unless specified otherwise in their terms of reference.
- 6.11 Where more than one Member is proposed, election will be by show of hands, or by a recorded vote if requested.
- 6.12 A Member proposing to nominate another Member as chairman must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.

#### **MINUTES**

- 7.1 The Chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the Chairman" and there may only be discussion if there is disagreement about their factual accuracy which will be resolved by a vote in the normal way.

- 7.2 The minutes of the last meeting will be approved at the next ordinary meeting of the Council.
- 7.3 The next meeting for the purpose of signing the minutes will be the next ordinary meeting, not a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting).

## **REPORTS OF THE CABINET AND COMMITTEES**

- 8.1 The reports and recommendations of the Cabinet and those committees reporting to a meeting will, except in cases of urgency, be circulated with the summons and agenda for the meeting.
- 8.2 The Cabinet's report to Council will be agreed by or on behalf of the Leader of the Council. It will include the following:
- (a) Recommendations for decision by the Council under Article 4 of the Constitution;
  - (b) Decisions by the Cabinet on reports and recommendations made to it by select committees under Article 7 of the Constitution, as appropriate;
  - (c) Matters on which the Cabinet would welcome a County Council view before taking a decision;
  - (d) Decisions taken by the Cabinet which it wishes to draw to the Council's attention because of their particular importance or significance;
  - (e) Decisions taken by the Cabinet/Cabinet Members as a matter of urgency, together with the reasons for urgency (to be reported quarterly); and
  - (f) Updates on important developments regionally and nationally.
- 8.3 The Council's agenda will include the formal minutes of meetings of the Cabinet held during the previous cycle. Any matters within the minutes of the Cabinet's meetings, and not otherwise brought to the Council's attention in the Cabinet's report, may be the subject of questions and statements by Members under SO8.8 upon notice being given to the Democratic Services Lead Manager by 12.00 noon on the working day before the meeting of the Council.
- 8.4 The Leader of the Council and committee chairmen will move the reception of their reports and may make a statement in introducing either the report as a whole or any particular part of it.
- 8.5 Motions for the reception and adoption of a report need not be seconded. The recommendations of a report will be put by the

Chairman without needing to be formally moved and seconded and the Leader of the Council or the chairman of the committee, as appropriate, will be treated as the proposer of the motion contained in the recommendation.

- 8.6 Amendments to the motion for the reception of the report will not be allowed except as provided in Standing Order 8.14 (b) (ii).
- 8.7 After a report has been received the Chairman will call each lettered paragraph and its associated recommendation(s) for debate.
- 8.8 When a paragraph is called a Member may do any or all of the following:
- (a) without notice ask questions to obtain explanation of or information about the subject matter of the report;
  - (b) move the reference back of the paragraph for further consideration;
  - (c) move an amendment to a recommendation;
  - (d) make a relevant statement for not more than 3 minutes to which the Leader, Deputy Leader or another member of the Cabinet or committee chairman may reply if he/she wishes.

If action has already been taken after being authorised by the Cabinet or a committee, the reference back of the report, if agreed by the Council, will not invalidate the action already taken.

- 8.9 The Leader of the Council or the Deputy Leader or appropriate Member of the Cabinet or committee chairman may make a statement on any matter within the responsibilities of the Cabinet or any committee.
- 8.10 Once the Leader or the Deputy Leader or another member of the Cabinet or, if appropriate, the committee chairman has replied to the statements or questions under Standing Order 8.8, there will be no further comment on the paragraph under discussion unless the Chairman of the Council decides it would be appropriate.
- 8.11 During the debate the Leader, or the Deputy Leader, or the appropriate member of the Cabinet, or if appropriate, the committee chairman, will be entitled to speak before the mover of the amendment replies to the debate.
- 8.12 In the absence of the appropriate member of the Cabinet, another Cabinet Member or the relevant Cabinet Associate will be entitled to speak.



- 8.13 When discussion of the report of the Cabinet or committee is concluded, the Chairman will move “That the report be adopted” or “That the report as amended be adopted” and, except for the next Standing Order, no amendment to the motion will be allowed.
- 8.14 Upon the motion in Standing Order 8.13 being put:
- (a) the Leader, Deputy Leader or appropriate Member of the Cabinet or committee chairman may make a statement on any matter within the responsibilities of the Cabinet or committee as appropriate.
  - (b) (i) any Member may ask why any matter which had been considered at the previous meeting of the Cabinet or committee had not been included in the report to Council; and
    - (ii) if the Chairman decides the matter is both urgent and important the Member may move a motion to amend the motion for the adoption of the report to express disapproval of the failure to include the matter in the report.

#### **MEMBER STATEMENTS**

- 9.1 Any Member may make a statement at a meeting of the Council on a local issue of current or future concern, subject to:
- (a) all such statements being relevant to some matter on which the Council has powers or duties, or which affects the County;
  - (b) notice of every statement being given in writing to the Democratic Services Lead Manager by 12.00 noon on the working day before the meeting of the Council;
  - (c) all statements being time-limited to 2 minutes in each case; and
  - (d) every statement being put without discussion or reply.
- 9.2 The Leader’s Statement will be included as a standard item on the agenda for each Council meeting (excluding the budget meeting). Members will be given the opportunity to ask questions and/or make comments on the Leader’s Statement.
- 9.3 Cabinet Members are encouraged, prior to the commencement of any ordinary meeting of Council, to submit to the Council a short written briefing of current events and issues relating to their portfolio. Members will be given the opportunity to ask questions and/or make comments on the Cabinet Member briefing.

## QUESTIONS

- 10.1 At a meeting of the Council, Members may ask the Leader of the Council, the Deputy Leader or the appropriate member of the Cabinet, or the chairman of a committee, any question on any matter in respect of which the Council has powers and duties or which affects the County.
- 10.2 In addition, Members may ask any Cabinet Member questions about a Cabinet Member briefing paper submitted in accordance with Standing Order 9.3 above.
- 10.3 Notice of questions on matters which are not included in a report to the Council or Cabinet Member briefing must be given in writing to the Democratic Services Lead Manager by 12 noon four working days before the Council meeting, i.e. normally a Wednesday.
- 10.4 Questions may be asked without notice if the Chairman decides that the matter is urgent.
- 10.5 Questions under Standing Order 8.8 do not require prior notice.
- 10.6 Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.
- 10.7 Every question will be put and answered without discussion.
- 10.8 Written copies of all questions and answers will be circulated to Members by e-mail during the working day before the Council meeting. If the day before the Council meeting is a Bank Holiday, answers will be circulated on the previous Friday.
- 10.9 The Leader may arrange for a question to be answered by the Deputy Leader or appropriate member of the Cabinet, and in their absence the relevant Cabinet Associate will be entitled to speak.
- 10.10 Questions will normally be answered in writing, but may be answered orally by exception and then confirmed in writing as soon as practicable after the meeting.
- 10.11 If the Leader, Deputy Leader or member of the Cabinet (or Cabinet Associate in the absence of the Cabinet Member) or committee chairman is unable to answer any question at the meeting, he/she will send a written answer to the Member who asked the question and to any other Members upon request.
- 10.12 Questions submitted under SO10 will be managed as follows:
  - All first questions submitted by Members will be taken first. Second questions will follow, then third questions and so on.
  - Question time will be limited to 45 minutes.

- In addition, questions on Cabinet Member briefings will be limited to 15 minutes.
- Following the initial reply by the Leader, Deputy Leader, Member of the Cabinet or committee chairman, the Chairman will allow, at his/her discretion, a period of up to 5 minutes per question in which Members of the Council may ask supplementary questions.

10.13 A record of all questions and answers will be included in the minutes of the meeting.

## **ORIGINAL MOTIONS**

### **Notice of an original motion**

11.1 Any Member may give notice of one original motion for consideration at any meeting of the Council.

11.2 All original motions must be relevant to some matter on which the Council has powers or duties, or which affects the County.

11.3 Notice of every motion (other than one under Standing Orders 11.6 and 23) must be given in writing to the Democratic Services Lead Manager at least 14 days before a meeting of the Council.

11.4 If notice is given of any original motion which, in the opinion of the Chief Executive, is:

out of order;  
illegal;  
irregular; or  
improper

it will not be accepted or placed on the agenda. If an original motion is not accepted, the Democratic Services Lead Manager will inform the Member giving notice in writing.

11.5 In the event that a large number of original motions are submitted or the number of original motions received from one political group could prohibit the balance of debate across the Council, the Chairman has the discretion to determine the order in which they are debated, following consultation with group leaders and others as appropriate.

11.6 There is a presumption against having original motions at the statutory Annual General Meeting and the Annual Budget Council meeting. Original motions may be accepted at the Chairman's discretion, but a total time limit of 45 minutes will be applied.

- 11.7 The Democratic Services Lead Manager will record the details of every notice of an original motion in a register. The register will be open to the inspection of Members.
- 11.8 An original motion may be considered without notice if the Chairman decides that the matter is urgent.

### **Moving the original motion**

- 12.1 An original motion may only be moved by the Member who gave the notice, or by a Member authorised by him/her.
- 12.2 Where notice of an original motion has been given for any meeting, and that motion is not moved, the notice will lapse. The motion may not be moved without further notice being given.
- 12.3 Unless the matter has to be dealt with by the Council, before any Member speaks to the original motion, the Council will be invited to decide whether to debate it immediately, or to refer it to the Cabinet or the appropriate committee either for debate and report to the Council or determination by the Cabinet or committee. Before the Council takes the vote, the proposer of the original motion shall have the right to make a statement of up to two minutes in length as to why it should not be so referred and either the Leader or the Cabinet Member for the function(s) concerned or the chairman of the appropriate committee shall have the right to respond for up to two minutes. The question of referral shall then be put to the vote.
- 12.4 Any questions as to which committee(s) an original motion is to be referred will be decided by the Council.
- 12.5 When an original motion is referred to the Cabinet or appropriate committee under Standing Order 12.3, the Member of the Council who has moved the original motion and his/her seconder shall be notified of the meeting at which the Cabinet or committee will consider it. They shall have the right to attend the meeting and speak to the motion.
- 12.6 Where an original motion is referred to the Cabinet or a committee, it will report upon the motion to the following ordinary meeting of the Council and Standing Order 8.8(b) shall not apply to such report.
- 12.7 The Cabinet or committee may recommend exceptionally that consideration of an original motion should be deferred, in which case the appropriate member of the Cabinet or the committee chairman may explain the reasons for the recommendation. The mover and seconder of the original motion may also speak. The recommendation will then be put to the Council without further debate.
- 12.8 If a notice of an original motion relates to a matter which, under legislation or the County Council's Constitution, is the responsibility of

the Cabinet, the motion may only call on the Council to request the Cabinet to consider a particular course of action, and may not bind the Cabinet.

### **Debating the original motion**

- 13.1 There is no cap on the number of original motions that are set down for debate at ordinary Council meetings but a time limit of one and a half hours for the total debate on original motions will apply, subject to the Chairman's discretion to waive the time limit if it is deemed the matter is of particular importance.
- 13.2 When an original motion comes before the Council with any report of the Cabinet or the appropriate committee(s), the following order of speeches will apply (subject to Standing Order 16.2):
- (a) The mover of the motion.
  - (b) The seconder of the motion.
  - (c) The Leader, Deputy Leader or the appropriate member of the Cabinet or chairman of the committee(s).
  - (d) At the conclusion of the debate on the motion, the mover of the motion may reply.

### **MOTIONS TO RESCIND OR AMEND RESOLUTIONS**

- 14.1 A Member cannot move a motion to rescind or amend any resolution which has been passed by the County Council in the previous six months. Nor may a Member move a motion or amendment to the same effect as one rejected within the previous six months.
- 14.2 An exception will be allowed in either case where notice has been given and placed on the agenda. The notice must have the support of ten Members (including the proposer).
- 14.3 This Standing Order will not apply to any recommendation of the Cabinet or a committee to rescind a decision taken within the previous six months.

### **RULES OF DEBATE**

- 15.1 When speaking, Members will stand and address the Chairman. Members will be called to speak by the Chairman. A Member who is speaking will immediately sit down if the Chairman rises, or if another Member raises a point of order.

- 15.2 Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing and read aloud or a written copy distributed to every Member before it is put to the meeting.

### **RIGHT TO SPEAK**

- 16.1 A Member may speak once during the debate and once in relation to any motion or amendment, except:
- (a) the mover may reply to the debate, but in doing so, may only answer statements or arguments made in the course of the debate. He/she may not introduce any new matter;
  - (b) the mover of a motion may speak during the debate on any amendment to the motion;
  - (c) a Member who has already spoken may speak on a point of order or may, at the Chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood, or to rebut a personal allegation;
  - (d) the Leader or the Deputy Leader or a member of the Cabinet or the appropriate committee chairman may speak before the mover of the motion or amendment replies to the debate.
- 16.2 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately or reserves his/her right to speak later in the debate.

### **Relevance**

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

### **POINTS OF ORDER**

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

### **LENGTH OF SPEECHES**

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

## ORIGINAL MOTIONS

- (a) The mover of a motion or an amendment  
(6 minutes)
- (A Member may not speak for more than three minutes unless he/she has a seconder).
- (b) The Leader, Deputy Leader, appropriate Cabinet Member or the chairman of a committee speaking to the debate on a motion or amendment.  
(6 minutes)
- (c) the Leader, Deputy Leader, Cabinet Member or committee chairman speaking before the mover of the motion or amendment replies to the debate.  
(3 minutes)
- (d) The mover of a motion either speaking to an amendment or replying to the debate.  
(3 minutes)
- (e) The mover of an amendment replying to the debate on the amendment.  
(3 minutes)
- (f) The seconder of a motion or an amendment.  
(3 minutes)
- (g) A Member speaking in the debate on a motion or an amendment.  
(3 minutes)

## OTHER BUSINESS

- (h) A Member speaking on a paragraph of a Cabinet report or of a Committee report or on the Leader's Statement or in a debate.  
(3 minutes)
- (i) The Leader or the Deputy Leader or appropriate Cabinet Member or a committee chairman either making a statement on the introduction of a report or any particular paragraph, or replying to the debate on a paragraph of a report.  
(5 minutes)
- (j) The Leader of the Council making the Leader's Statement.  
(No time limit)
- (k) The Leader of the Council in moving the reception of the Budget, or in replying to that debate.  
(No time limit)

- (l) Group Leaders speaking in the debate on the Budget.

(10 minutes)

### **AFTER REPLY DEBATE IS CLOSED**

- 19. After the reply is made, the motion or amendment under discussion will be put by the Chairman.

### **PROCEDURE FOR MOTIONS AND AMENDMENTS**

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

- 20.2 Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Council.

- 20.3 With the consent of the Council, a Member may:

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

(In either case, the alteration must be one which could be made as an amendment under Standing Order 21.1)

- 20.4 Motions or amendments relating to the annual consideration of the Budget should be submitted in a standard format to be set down by the Director of Finance.

### **AMENDMENTS**

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

- (a) refer the matter to an appropriate body or individual for consideration or reconsideration
- (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 The mover of the motion should be asked whether they accept the amendment. If the amendment is accepted it will become the new substantive motion, and debate will continue in accordance with Standing Orders 13, 15, 16 and 18.
- 21.5 If an amendment is lost, other amendments may be moved on the motion.
- 21.6 If an amendment is carried, the motion as amended will become the substantive motion, on which further amendments may be moved.

### **MOTIONS RELATING TO PERSONAL NOMINATIONS**

- 22.1 When considering a recommendation for the appointment or nomination of representatives to serve in any personal or representative capacity, additional names may be proposed and seconded by way of amendment. All the nominations will be placed in alphabetical order and votes in favour of each name will be taken separately.
- 22.2 Each Member may vote for as many persons as are to be nominated, and the Member receiving the highest number of votes will be declared to be appointed or nominated.

### **PROCEDURAL MOTIONS**

- 23.1 Any Member may, at the close of the speech of another Member, move one of the following procedural motions:
- (a) “That the question be now put”**
  - (b) “That the Council do now proceed to the next business”**
  - (c) “That the debate be now adjourned”**
  - (d) “That the Council do now adjourn”**
- 23.2 If the procedural motion is seconded and the Chairman thinks the motion is appropriate and, for procedural motions (a), (b) and (c), there has been sufficient debate, he/she will ask if the motion has the support of ten Members (including the mover and seconder), who will show their support by standing. If fewer than ten Members stand, the procedural motion will be considered as withdrawn.

- 24.1 If the procedural motion “**That the question be now put**” is supported in accordance with Standing Order 23.2, that motion is put to the vote. If carried,
- (i) the Leader or the Deputy Leader or appropriate member of the Cabinet or committee chairman may speak to the motion or amendment under debate for not more than three minutes; and
  - (ii) the mover of the motion or amendment may speak for not more than three minutes.
- 24.2 The motion or amendment under debate will then be put.
- 25.1 If the procedural motion “**That the Council do now proceed to the next business**” is supported in accordance with Standing Order 23.2,
- (i) the Leader or Deputy Leader or appropriate Cabinet member or the committee chairman may then speak for not more than three minutes.
  - (ii) if there has been an “original” motion or amendment under discussion the mover of that may speak for not more than three minutes.
- 25.2 The procedural motion will then be put. If lost, it may not be moved again for half an hour, except by the Chairman. The debate on the “original” motion or amendment will then be resumed.
- 25.3 If the procedural motion is carried, then the matter under debate will be considered terminated or lost. If, by operation of this Standing Order, an amendment to a motion is lost, the debate on the motion itself will be resumed.
- 26.1 If the procedural motion “**That the debate be now adjourned**” is supported in accordance with Standing Order 23.2, the Chairman will invite
- (i) the mover to speak for not more than three minutes.
  - (ii) the Leader or Deputy Leader or appropriate Cabinet member or the committee chairman may then speak for not more than three minutes.
  - (iii) if there has been an “original” motion or amendment under discussion the mover of that may speak for not more than three minutes.

The procedural motion will then be put to the vote.

- 26.2 If the procedural motion is lost it may not be moved again for half an hour, except by the Chairman.
- 26.3 If the procedural motion is carried, the debate will continue at the next meeting of the Council. The Member who moved the adjournment will then be entitled to speak first.
- 26.4 The Council will then proceed to the next item of business.
- 27.1 If the procedural motion **“That the Council do now adjourn”** is supported in accordance with Standing Order 23.2, the Chairman will invite
- (i) the mover to speak for not more than three minutes.
  - (ii) the Leader or Deputy Leader or appropriate Cabinet member or the committee chairman may then speak for not more than three minutes.
  - (iii) if there has been an “original” motion or amendment under discussion the mover of that may speak for not more than three minutes.

The procedural motion will then be put to the vote.

- 27.2 If the motion is carried, the motion or amendment under debate will stand adjourned to the next meeting.
- 27.3 The Chairman will then call the remaining business, and any business which is opposed (by any Member so indicating) will stand adjourned. During the “calling-over” procedure each report will be formally moved by the Leader, Deputy Leader or appropriate member of the Cabinet or committee chairman and each paragraph and recommendation will be called by the Chairman in the usual way. No statements, comments, motions or questions will be permitted.

## **VOTING**

- 28.1 Voting will be by show of hands and/or electronically unless, by standing, ten Members demand a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment (or abstaining) will be recorded and entered in the minutes.
- 28.2 A recorded vote must be undertaken for setting the Council’s annual budget.

- 28.3 On a formal motion put from the Chairman (e.g. “That the report be received”), the question may be decided by the voice of the Members, unless any Member demands a show of hands.
- 28.4 The person presiding at the meeting will have a second or casting vote in the event of a tied vote.
- 28.5 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.

### **INTERESTS OF MEMBERS**

29. Where a Member attends a meeting which is considering a matter relating to a disclosable pecuniary or personal or prejudicial interest they have, or any relevant gifts and/or hospitality they have received, the provisions of the Code of Conduct, set out in Part 6 of the Constitution, will apply.

### **ATTENDANCE OF MEMBERS**

30. Members will sign a register of attendance.

### **PETITIONS**

- 31.1 At the start of any ordinary meeting of the County Council, any member of the public who is an elector of the Surrey County Council area may present a petition containing 10,000 or more signatures. The County Council will debate it unless it is a petition asking for a senior council officer to give evidence at a public meeting. The County Council will endeavour to consider the matter at its next meeting following the submission of a paper petition or the end date of an electronic petition, although on some occasions this may not be possible and consideration will then take place at the following meeting. The presentation of a petition on the following business will not be allowed:
- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; and
  - (b) planning applications.
- 31.2 The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed.
- 31.3 The petition organiser will be given five minutes to present the petition at the meeting. The relevant Cabinet Member or another Cabinet Member will then be given five minutes for a right of reply before Members have an opportunity to debate the petition for no more than

30 minutes in total, with each Member allowed to speak for a maximum of 3 minutes.

- 31.4 Notice of paper petitions must be given in writing to the Chief Executive at least 14 days before the meeting.
- 31.5 The County Council will decide how to respond to the petition at its meeting. It may, for example, decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Cabinet or an individual Cabinet Member is required to make the final decision, the County Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision within five working days of the meeting. This confirmation will also be published on the Council's website.

<p><b>PART 2 OF STANDING ORDERS CONSTITUTION AND APPOINTMENT OF CABINET AND COMMITTEES</b></p>
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**CONSTITUTION OF CABINET**

32. The Cabinet will comprise the Leader of the Council, who will be its Chairman, the Deputy Leader and such other Members (up to a maximum of 8) as the Leader agrees. The Deputy Leader, as Vice-Chairman of the Cabinet, will preside if the Chairman is absent.

**CONSTITUTION OF COMMITTEES**

33. The constitution of the committees of the Council is as follows:

<b>Name</b>	<b>Members of the Council</b>	<b>Ex-officio Members</b>	<b>Other Members</b>	<b>Total</b>
Cabinet	Leader, Deputy Leader +up to 8	-	-	up to10
Overview and Budget Scrutiny Committee	10	2	-	17
Environment & Infrastructure Select Committee	15	2	-	17
Communities Select Committee	12	2	-	14
Children and Education Select Committee	12	2	3	17
Adults and Health Select Committee	12	2	3	17
Corporate Services Select Committee	12	2	-	14
Audit and Governance Committee	6	4	-	10
Planning & Regulatory	12	4	-	16

Committee				
People, Performance and Development Committee	6	2		8
Member Conduct Panel	10	-	-	10
Local Committees: One for each district/borough area (except Spelthorne and Woking)	Between 5 and 10	-	Between 5 and 10	Between 10 and 20
Spelthorne Joint Committee	7	-	7	14
Woking Joint Committee	7	-	7	14
Surrey Pension Fund Committee	6	2	4	12
Surrey Local Pension Board	2	-	6	8
Surrey Local Firefighters' Pension Board	1	-	3	4
Orbis Joint Committee	2	-	4	6
Orbis Public Law Committee	1	-	3	4
Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee	2	-	2	4

## CO-OPTED MEMBERS

34.1 Co-opted members of committees have no voting rights except for:

- (a) Church and Parent Governor representatives appointed to select committees related to education matters;
- (b) Borough/district councillors appointed to Local Committees with voting rights in relation to all matters, with the exception of Education, Youth and Members' Allocations.
- (c) Borough/district councillors appointed to select committees; and
- (d) Representatives appointed to the Surrey Pension Fund Committee, Surrey Local Pension Board, and Surrey Local Firefighters' Pension Board.

- 34.2 Subject to subsequent report to the Council, committees may co-opt members in addition to those required under statutory schemes related to education matters.

### **EX-OFFICIO ATTENDANCE**

- 35.1 The Chairman and Vice-Chairman of the Council may attend and speak (but not vote) at meetings of all committees except Local Committees, Spelthorne Joint Committee, Woking Joint Committee, Surrey Pension Fund Committee, Surrey Local Pension Board, Surrey Local Firefighters' Pension Board, Orbis Joint Committee, Orbis Public Law Joint Committee and Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee.
- 35.2 The Leader or Deputy Leader of the Council may attend and speak (but not vote) at any meetings of the Planning & Regulatory and Audit & Governance Committees and the Surrey Pension Fund Committee.
- 35.3 Ex-officio Members may not move or second motions or amendments.

### **CABINET MEMBERS**

- 36.1 The individual portfolios to be allocated to Cabinet Members will be determined by the Leader of the Council. Their responsibilities are set out in the *Member/Officer Protocol*.
- 36.2 The Chairman and Vice-Chairman of the Council may not be members of the Cabinet.
- 36.3 Members of the Cabinet or Cabinet Associates may not be members of a Select Committee.

### **APPOINTMENT OF COMMITTEES**

37. The Council will:
- (a) review the proportional political allocation of places on all appropriate committees both annually and at other times as required; and
  - (b) at its Annual Meeting, on receipt of a report from the Chief Executive, appoint Members to serve on committees in accordance with the expressed wishes of political groups.

### **MEMBERSHIP OF COMMITTEES**



- 38.1 Every person appointed to be a member of any committee as a Member of the Council will cease to be a member of that committee once he/she ceases to be a County Councillor unless he/she has been re-elected as such and comes into office before the date of his/her retirement. This will apply similarly to district/borough council members of County committees.
- 38.2 Committees may include persons who are not Members of the Council, provided that at least two-thirds of the members of a committee are County Councillors (with the exception of local committees, Spelthorne Joint Committee, Woking Joint Committee, Surrey Pension Fund Committee, Surrey Local Pension Board, Surrey Local Firefighters' Pension Board, Orbis Joint Committee, Orbis Public Law Joint Committee and Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee).

### **COMMITTEE CHAIRMEN AND VICE-CHAIRMEN**

- 39.1 Chairmen and vice-chairmen of committees will be elected by the County Council. Unless otherwise specified in their terms of reference, any other committees will elect a chairman, and if necessary also a vice-chairman, at the first meeting after their appointment each year. The person presiding at the meeting may exercise any power or duty of the chairman.
- 39.2 Where more than one Member is proposed election will be by show of hands, or if requested by a recorded vote.
- 39.3 During the interval between the appointment and first meeting of a committee, if a chairman and vice-chairman have not been elected by the Council the retiring chairman and vice-chairman may continue to act as such if still members of the committee.
- 39.4 A member of a committee proposing to nominate another Member as chairman or vice-chairman must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.
- 39.5 Where the constitution of committees includes persons who are not County Councillors, their chairman must be elected from among the appointed Council Members of the committee unless otherwise specified in their terms of reference.
- 39.6 The Chairman of the Council may not be appointed as chairman of any committee with the exception of a Member Conduct Panel.

### **TERM OF OFFICE FOR MEMBERS OF COMMITTEES**

- 40.1 All committees will hold office until the first meeting of their successors, except in the year of a County Council election when, subject to Standing Order 37.1, they and their respective chairmen may continue to act until their successors are appointed.
- 40.2 In the year of a County Council election, retiring Members of the Council serving as such on other bodies may continue to act until their successors are appointed. However, this will not apply where the constitution of the body concerned requires the appointment of serving County Councillors.

## **SUBSTITUTES**

41. The following procedure will apply to the appointment of substitutes:
- (a) A substitute Member will only attend if the appointed Member cannot do so;
  - (b) Political groups are permitted substitutes on each committee in the ratio: Conservative Group 3; Surrey Opposition Forum 1; Residents' Association & Independent Group 1; UK Independence Party Group 1, subject to paragraphs (g), (h), (i), (j) (k) and Standing Order 43 below;
  - (c) Substitute Members may attend meetings in that capacity only:
    - (i) to take the place of the ordinary Member for whom they are the designated substitute;
    - (ii) where the ordinary Member will be absent for the whole of the meeting; and
    - (iii) after notifying the proper officer as set out in paragraph (d) below.
  - (d) Attendance of a substitute at a forthcoming meeting will be notified in writing to the Democratic Services Lead Manager as soon as possible and by no later than half an hour before the start of the meeting. Either the absent Member or a group representative can notify; the substituting Member cannot give the notice. The committee manager will notify the chairman of any substitutes at the start of the meeting.
  - (e) The principle of substitute membership will apply to appointed County Council Members and not to ex officio Members or co-opted members, except for those representing the Church or parent governors.
  - (f) No substitutes are permitted for district/borough council co-opted members of local committees, unless a local committee agrees

otherwise at its first meeting following the Council's annual meeting and in relation to all meetings in the following year. Named substitutes will be appointed to the local committee on the nomination of the relevant district/borough council.

- (g) Substitutes are not permitted on the Spelthorne and Woking Joint Committees, the Local Pension Board and the Surrey Local Firefighters' Pension Board.
- (h) In the event of the long-term illness, death or resignation of a County Councillor, an additional substitute may be allocated to each appropriate committee, without affecting the rules in the preceding sub-paragraphs. A permanent appointment may not be made to fill the vacancy until a by-election has taken place.
- (i) The Council will appoint named substitutes to serve on the Planning and Regulatory Committee, comprising up to seven Members each from the Conservative, Surrey Opposition Forum and Residents' Association & Independent Party Groups and up to two Members from the UK Independence Party Group, subject to no more than four Conservative, one Surrey Opposition Forum, one Residents' Association & Independent and one UK Independence Party Group Member being substituted at any one time.
- (j) The Council will appoint named substitutes to serve on the People, Performance and Development Committee and its Appointments Sub-Committee, comprising up to seven Cabinet Members and up to seven Members each from the Surrey Opposition Forum and Residents' Association & Independent Groups, subject to no more than 50% of the membership of the committee/sub-committee being substituted on any one occasion.

42. Substitutes are not permitted at Cabinet meetings.

#### **APPOINTMENT OF POLITICAL ASSISTANTS**

43. No appointment to a post established under Section 9 of the Local Government and Housing Act 1989 (Assistants for Political Groups) may be made until the Council has allocated a post to each of the groups which qualify for one under the Act:

- (a) no political assistant post may be allocated to a political group which does not qualify for one under the 1989 Act;
- (b) no political group may be allocated more than one political assistant post;

- (c) subject to these Standing Orders, all political assistant posts must be filled in accordance with the wishes of the political group to which the post has been allocated.

(Note: it is open to a political group not to have such a post even though it is entitled to one).

## **PART 3 OF STANDING ORDERS CABINET AND COMMITTEES: MEETINGS AND PROCEDURE**

### **NOTICE OF MEETING**

- 44.1 The date, time and place of the fixed meetings of the Cabinet and every committee and Cabinet Member decision meeting will be on the Council's website. The notice, agenda, reports and other documents prepared for the Cabinet, Cabinet Members and committees will be sent to Members as long beforehand as is reasonably practicable. In the case of the Cabinet and Cabinet Members and committees exercising delegated powers this will not be less than five clear working days before the date of the meeting.
- 44.2 Only the business on the agenda will be discussed at a meeting of the Cabinet, of a Cabinet Member or of a committee except for urgent matters raised in accordance with the provisions in the Constitution or Section 100B(4)(b) of the Local Government Act 1972 (Article 6).

### **SPECIAL MEETINGS**

- 45.1 A special meeting of the Cabinet or any committee will be convened to consider specific matters within its terms of reference if either:
- (a) the Chairman of the Cabinet or that committee or one quarter of their members direct the Chief Executive; or
  - (b) the Chief Executive is of the opinion that a special meeting of the Cabinet or a committee should be convened as a matter of urgency.
- 45.2 At least five clear working days' notice of a special meeting must be given.

### **CONFIDENTIALITY**

#### **Committee Papers, etc**

- 46.1. All Members must respect the confidentiality of any papers made available to them whether for the purpose of meetings of the Cabinet, of Cabinet Members or of committees or otherwise, for so long as those papers remain confidential.

### **Failure to observe**

- 46.2. Any failure to observe the requirements of Standing Order 47.1 may be regarded as a breach of the Member Code of Conduct.

## **HOW CABINET MEETINGS ARE CONDUCTED**

### **Chairing meetings**

47. 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**

- 48.1 Business for meetings of the Cabinet/Cabinet Member will be agreed by the Leader, together with other members of the Cabinet, the Chief Executive, Deputy Chief Executive and/or Strategic Directors/Directors of the Council.
- 48.2 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.
- 48.3 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**

49. 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**

50. 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**

51. 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.

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

### **Key decisions**

52. 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**

53. Subject to Rule 64(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).

### **Urgent decision making**

54. 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**

- 55.1 Where the publication of the intention to make a key decision via a notice under Standing Order 64(j) is impracticable then subject to Standing Order 56 (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).
- 55.2 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**

- 56.1 If there is not time to follow Standing Order 55 (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.
- 56.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 55.1 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**

57. 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 56 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**

- 58.1 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.
- 58.2 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**

59. 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**

60. 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**

61. 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**

62. 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**

63. 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**

64. 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**

65. 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**

- 66.1 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.

- 66.2 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**

- 67.1 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.
- 67.2 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.

### **QUESTIONS TO THE CABINET MEMBERS AND COMMITTEES**

- 68.1 Any Member of the Council may, with the chairman's consent, ask one or more questions on matters within the terms of reference of the Cabinet or any committee. (This Standing Order shall also apply to borough/district council members of local committees).
- 68.2 Notice of questions must be given in writing to the Democratic Services Lead Manager (or relevant Community Partnership and Committee Officer in the case of Local Committees) by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 68.3 Questions may be asked without notice if the chairman decides that the matter is urgent.
- 68.4 Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.
- 68.5 Every question will be asked and answered without discussion.

- 68.6 Copies of all questions will be circulated to Members before the start of the meeting.
- 68.7 Questions will normally be answered in writing, but may be answered orally by exception and then confirmed in writing as soon as practicable after the meeting.
- 68.8 If the Leader, Deputy Leader or member of the Cabinet or committee chairman is unable to answer any question at the meeting, he/she may send a written answer to the Member asking the question.
- 68.9 At the discretion of the chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.
- 68.10 A record of all questions and answers will be included in the minutes of the meeting.

### **QUORUM**

- 69.1 The quorum will be one quarter of the total number of voting members of the Cabinet or committee. A quorum may not be fewer than three voting Members.
- 69.2 The chairman will adjourn the meeting if there is not a quorum present.

### **RIGHT TO SPEAK**

- 70.1 A Member may only speak once during the debate and once in relation to any motion or amendment, except:
- (a) the mover may reply to the debate but, in doing so, may only answer statements or arguments made in the course of the debate. He/she may not introduce any new matter;
  - (b) the mover of a motion may speak during the debate on any amendment to the motion;
  - (c) a Member who has already spoken may speak on a point of order or may, at the chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood, or to rebut a personal allegation;
  - (d) the chairman may speak before the mover of the motion or amendment replies to the debate.
- 70.2 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately or reserves his/her right to speak later.

## **RELEVANCE**

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

## **POINTS OF ORDER**

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

## **LENGTH OF SPEECHES**

73. Except with the consent of the chairman, the following time limits will apply to speeches:

- (a) The mover of a motion or an amendment. (6 minutes)

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

- (b) The Leader or the Deputy Leader or the appropriate member of the Cabinet or committee chairman speaking to the debate on a motion or amendment. (6 minutes)

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

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

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

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

- (g) The Leader of the Council speaking on a report or in a debate. (5 minutes)

## **AFTER REPLY DEBATE IS CLOSED**

74. After the reply is made, the motion or amendment under discussion will be put by the chairman.

## **PROCEDURE FOR MOTIONS AND AMENDMENTS**

- 75.1 Every motion or amendment must be moved and seconded and, if the chairman requires, must be submitted in writing to the Chief Executive and read aloud before it is put to the meeting.
- 75.2 A Member may not move or second more than one amendment on any motion.
- 75.3 Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Cabinet or committee.
- 75.4 With the consent of the Cabinet or 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 Standing Order 76).

## **AMENDMENTS**

- 76.1 Every amendment must be relevant to the motion under discussion and will either:
- (a) refer the matter to an appropriate body or individual for consideration or reconsideration
  - (b) leave out words
  - (c) add words, or
  - (d) leave out words and add others.
- 76.2 An amendment which forms the negative of the motion will not be allowed.
- 76.3 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.
- 76.4 The mover of the motion should be asked whether they accept the amendment. If the amendment is accepted it will become the new substantive motion.



- 76.5 If an amendment is lost, other amendments may be moved on the motion.
- 76.6 If an amendment is carried, the motion as amended will become the substantive motion, on which further amendments may be moved.

### **MOTIONS RELATING TO PERSONAL NOMINATIONS**

- 77.1 When considering a nomination for the appointment or nomination of representatives to serve in any personal or representative capacity, additional names may be proposed and seconded by way of amendment. All the nominations will be placed in alphabetical order and votes in favour of each name will be taken separately.
- 77.2 Each Member may vote for as many persons as are to be nominated, and the person(s) receiving the highest number of votes will be declared to be nominated.

### **PROCEDURAL MOTION**

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

- 78.1 Any Member may, at the close of the speech of another Member, move “That the question be now put”.
- 78.2 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.
- 78.3 The motion or amendment will then be put.

### **INTERRUPTIONS AND DISORDERLY CONDUCT**

- 79.1 (a) If a Member of the public interrupts the proceedings at a meeting the chairman may ask him/her not to interrupt.
- (b) If the interruption continues the chairman may order his/her removal from the room.
- (c) If there is general disturbance in all or part of the public gallery the chairman may order that part to be cleared.
- 79.2 (a) If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the chairman, “That the

named Member be not further heard". If this motion is seconded it will be put to the vote and determined without discussion.

- (b) If the motion is carried and the misconduct continues the chairman may adjourn or suspend the sitting of the meeting for as long as he/she considers appropriate.

## **VOTING**

- 80.1 Voting will be by show of hands unless one or more Member(s) demands a recorded vote. Where a recorded vote is called, the names of those voting for, against or abstaining will be recorded and entered in the minutes.
- 80.2 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.
- 80.3 On a formal motion put from the Chair (e.g. "That the report be received"), the question may be decided by the voice of the Members, unless any Member demands a show of hands.
- 80.4 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.
- 80.5 The person presiding at the meeting will have a second or casting vote.

## **INTERESTS OF MEMBERS**

- 81. Where a Member or co-opted member attends a meeting which is considering a matter relating to a disclosable pecuniary, personal or prejudicial interest they have, or any relevant gifts and/or hospitality they have received, the provisions of the Code of Conduct, set out in Part 6 of the Constitution, will apply.

## **ATTENDANCE OF MEMBERS**

- 82. The attendance of Members will be recorded in the Minutes of the meeting.

## **MINUTES**

- 83.1 The chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the chairman" and there may only

be discussion if there is disagreement about their factual accuracy which will be resolved by a vote in the normal way.

- 83.2 The next meeting for the purpose of signing the minutes will be the next ordinary meeting, not a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting).

## **PUBLIC PARTICIPATION IN CABINET OR COMMITTEE BUSINESS (EXCLUDING LOCAL COMMITTEES)**

### **Petitions**

- 84.1 At the start of any ordinary Cabinet, Cabinet Member or committee meeting, any member of the public who is an elector of the Surrey County Council area may present a petition, containing 100 or more signatures, relating to a matter within the terms of reference of the Cabinet, the Cabinet Member or the committee as appropriate. In addition, a local business may present a petition to an ordinary meeting of a Local Committee. The presentation of a petition on the following business will not be allowed:
- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; and
  - (b) planning applications.
- 84.2 A spokesman for the petitioners may address the Cabinet, Cabinet Member or the committee on the petition for no more than 3 minutes, but thereafter may not speak further. The petition may be referred without discussion to the next appropriate meeting of the Cabinet, Cabinet Member or committee at the discretion of the chairman.
- 84.3 Notice must be given in writing to the Chief Executive at least 14 days before the meeting.
- 84.4 No more than three petitions may be presented at any one meeting of the Cabinet, Cabinet Member or a committee.
- 84.5 The Chief Executive may amalgamate within the first three received petitions other petitions on the same subject which seek similar outcomes.
- 84.6 The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed.

### **Public question time**

- 85.1 At the start of any ordinary meeting of the Cabinet or any committee, any member of the public who is an elector of the Surrey County

Council area may ask one question relating to a matter within the Cabinet or committee's terms of reference. In addition, a local business may ask one question at an ordinary meeting of a Local Committee. Questions will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications. Questions should relate to general policy and not to detail.

- 85.2 Notice must be given in writing or by e-mail to the Chief Executive at least 7 days before the meeting.
- 85.3 The Chief Executive may, having consulted the questioner, reword any question received to bring it into proper form and to secure reasonable brevity. Copies will be circulated to members of the Cabinet or the committee as appropriate.
- 85.4 Questions will be taken in the order in which they are received by the Chief Executive and directed to the Leader, Deputy Leader or appropriate Cabinet Member, or committee chairman. Questions will be asked and answered without discussion. Any Member may decline to answer a question, provide a written reply or nominate another Member to answer it on his/her behalf.
- 85.5 Following the initial reply by the Leader, Deputy Leader or Cabinet Member or committee chairman, one supplementary question may be asked by the questioner. The Leader, Deputy Leader or Cabinet Member or committee chairman may decline to answer a supplementary question.
- 85.6 The number of questions which may be asked at any one meeting may not exceed six and the chairman may exercise his/her discretion to regard a single question which has been divided into a number of sub-questions as several different questions within the number which is allowed to be asked at the meeting. The chairman may also disallow questions which are repetitious.
- 85.7 Questions which are received after the first six will be held over to the following meeting, or dealt with in writing at the chairman's discretion.

**Public speaking at meetings of the Planning and Regulatory Committee and in relation to Public Rights of Way items at Local Committees**

- 86.1 Members of the public and their representatives may address the Planning and Regulatory Committee on any planning applications and all applications relating to public rights of way (PROW) being considered by that Committee. This Standing Order (86) also applies

to applications relating to public rights of way being considered by Local Committees.

- 86.2 Speakers must first register their wish to speak by telephone or in writing to the committee manager by 12 noon one working day before a meeting, stating on which item(s) they wish to speak.
- 86.3 Only those people who have previously made written representations in response to a planning application will be entitled to speak.
- 86.4 Speakers must declare any financial or personal interest they may have in the application.
- 86.5 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.
- 86.6 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.
- 86.7 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.
- 86.8 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.
- 86.9 Speeches will precede the Committee's formal discussion on each application requiring the Committee's attention.
- 86.10 The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the Committee.

## **PUBLIC PARTICIPATION IN LOCAL COMMITTEE BUSINESS**

*(Excluding matters in relation to consideration of a public right of way to which standing order 86 applies).*

### **Petitions**

- 87.1 Any member of the public who lives, works or studies in the Surrey County Council area may present a petition, containing 30 or more signatures, relating to a matter within the terms of reference of the local committee. The chairman also has discretion to accept a petition with fewer signatures. The presentation of a petition on the following business will not be allowed:
- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985;
  - (b) planning applications; and
  - (c) matters in relation to public rights of way.
- 87.2 A spokesman for the petitioners may address the Local Committee on the petition for up to 3 minutes or longer if agreed by the chairman. Discussion of a petition at the meeting is at the chairman’s discretion. The petition may be referred to the next appropriate meeting of the Cabinet, Cabinet Member or committee at the discretion of the Chairman.
- 87.3 Notice must be given in writing to the Community Partnership and Committee Officer on behalf of the Chief Executive at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through Surrey County Council’s e-petitions website as long as the required number of signatures has been reached 14 days before the meeting.
- 87.4 No more than three petitions may be presented at any one meeting of the committee unless agreed otherwise by the Chairman.
- 87.5 The Community Partnership and Committee Officer may amalgamate within the first three received petitions other petitions on the same subject which seek similar outcomes.
- 87.6 The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman’s discretion.

### **Public questions and statements**

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

- 88.2 Questions or statements will not be allowed on matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985 or on planning applications or public rights of way matters under consideration.
- 88.3 Notice of questions or statements must be given in writing or by e-mail to the relevant Community Partnership and Committee Officer with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 88.4 The Community Partnership and Committee Officer may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be tabled and made available in the meeting room for members of the local committee and any member of the public in attendance.
- 88.5 Questions and statements will be taken in the order in which they are received by the Community Partnership and Committee Officer. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.
- 88.6 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.
- 88.7 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.
- 88.8 When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which public participation has concluded and the committee’s formal discussion and decision-making has commenced.

## **PART 4 OF STANDING ORDERS BUDGET AND POLICY FRAMEWORK**

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

89. 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**

90. 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.
91. 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.
92. 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 53 to 57 of these rules.

Note: Where the Cabinet has submitted a draft plan or strategy to the Council and the Council has any objections to it, the process in Paragraph 89 of Standing Orders shall apply.

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

93. 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.
94. 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 98), 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 95 below shall apply.

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

95. 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.
96. 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.
97. 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**

98. The approved in-year budget (as defined in paragraph 4.08 of the Council's Articles) 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.
99. 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.
100. 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.

101. 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**

102. 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**

103. 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.
104. 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.

105. 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**

106. 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.

107. Notice of call-in may be given by the Leader or Deputy Leader, or any three or more members of the Cabinet.
108. All members of the local committee will be notified that an executive decision taken by the committee has been called in.
109. 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.
110. The local committee chairman may attend the Cabinet meeting for the consideration of the matter and speak on the item.
111. 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**

112. 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.

113. 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.

114. 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.
115. 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**

116. A select committee may invite people other than those people referred to in paragraph 115 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**

117. The intention is that call in powers will be used exceptionally by select committees.
118. 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 day after the meeting summarising the decision taken pending publication of the record.
119. 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.
120. 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).

121. 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.
122. If following an objection to the decision, the select committee does not meet in the period set out in standing order 120 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 standing order 120, whichever is the earlier.
123. 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.
124. 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.
125. 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.
126. 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**

127. The call-in procedure set out above shall not apply where the decision being taken is urgent in accordance with Standing Order 56 (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**

128. Any Member of the Council may refer to a select committee any local government matter which is relevant to the functions of the committee.
129. The Member referring the matter may make representations as to why it would be appropriate to scrutinise the matter.
130. If the select committee decides not to scrutinise the matter, it must notify the Member of its decision and the reasons for it.
131. 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**

132. 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.
133. 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.
134. 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.

### **Budget and Policy Framework Decisions by Council**

135. Where the Leader of the Council/Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration

of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 136.

136. Before the Council:-

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Leader/Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

137. Where the Council gives instructions in accordance with paragraph 136, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may –

- (a) submit a revision of the draft plan or strategy as amended by the Leader/Cabinet (the “revised draft plan or strategy”) with the Leader/Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or
- (b) inform the Council of any disagreement that he/she/the Cabinet has with any of the Council’s objections and the reasons for any such disagreement.

138. When the period specified by the Council, referred to in paragraph 137, has expired, the Council must, when

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy,



take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Leader/Cabinet's reasons for those amendments, any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

139. Subject to paragraph 143 where, before 8 February in any financial year, the Council's Cabinet submits to the Council for its consideration in relation to the following financial year –
- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with the Local Government Finance Act 1992;
  - (b) estimates of other amounts to be used for the purposes of such a calculation;
  - (c) estimates of such a calculation; or
  - (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph 143.

140. Before the Council makes a calculation (whether originally or by way of substitute) as referred to in paragraph 141(a), or issues a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Leader's/Cabinet's estimates or amounts and must give to him instructions requiring the Leader/Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
141. Where the Council gives instructions in accordance with paragraph 140 it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may –
- (a) submit a revision of the estimates or amounts as amended by the Leader/Cabinet ("revised estimates or amounts") which have been reconsidered in accordance with the Council's requirements, with the reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

- (b) inform the Council of any disagreement that he/she/the Cabinet has with any of the Council's objections and the reasons for any such disagreement.
142. When the period specified by the Council, referred to in paragraph 141, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 141(a), or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account:-
- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (b) the Leader's/Cabinet's reasons for those amendments;
  - (c) any disagreement that the Leader/Cabinet has with any of the Council's objections; and
  - (d) the Leader's/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
143. Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
144. In paragraph 144—
- (a) "budget decision" means a meeting of the Council at which it—
    - (i) makes a calculation of Council Tax Requirements (whether originally or by way of substitute) in accordance with the Local Government Finance Act 1992; or
    - (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
  - (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.
145. In this Part of Standing Orders
- "Leader/Cabinet" and "Leader" have the same meaning as "Executive" and "Executive Leader" respectively in Part 1A of the Local Government Act 2000; and

“plan or strategy” and “working day” have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

**PART 5 OF STANDING ORDERS  
APPOINTMENT AND DISMISSAL OF STAFF**

146. Where the authority proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, it shall—

- (a) draw up a statement specifying—
  - (i) the duties of the officer concerned, and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

147. Where a post has been advertised as provided in paragraph 146(b), the authority shall—

- (a) interview all qualified applicants for the post, or
- (b) select a short list of such qualified applicants and interview those included on the short list.

Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with paragraph 146(b).

148. Subject to paragraphs 149 and 153 below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged by the Head of Paid Service or by an officer nominated by him or her.

149. Paragraph 147 shall not apply to the appointment or dismissal of, or disciplinary action against –

- (a) the officer designated as the Head of the Council's Paid Service;
- (b) a statutory chief officer within the meaning of section 2(6) of the Local Government & Housing Act 1989 (politically restricted posts);

- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of Section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of Section 9 of the 1989 Act (Assistants to Political Groups).

150.1 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment or dismissal of an officer designated as the Head of the Council's Paid Service, the Council must approve that appointment before an offer of appointment is made to him or her or, as the case may be, must approve that dismissal before notice of dismissal is given to him or her.

150.2 Where a committee or sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 149 above, at least one member of the Cabinet must be a member of that committee or sub-committee.

151.1 In this paragraph "appointer" means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, or sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.

151.2 An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 149 above must not be made by the appointer until –

- (a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;
- (b) the proper officer has notified every member of the Cabinet of the Council of –
  - (i) the name of the person to whom the appointer wishes to make the offer;
  - (ii) any other particulars relevant to the appointment which the appointer has notified to the proper officer; and
  - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the proper officer; and

- (c) either –
  - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointer that neither he nor any other member of the Cabinet has any objection to the making of the offer;
  - (ii) the proper officer has notified the appointer that no objection was received by him within that period from the Leader; or
  - (iii) the appointer is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

152.1 In this paragraph, “dismitter” means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.

152.2 Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 149 above must not be given by the dismitter until –

- (a) the dismitter has notified the proper officer of the name of the person who the dismitter wishes to dismiss and any other particulars which the dismitter considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the Cabinet of the Council of –
  - (i) the name of the person who the dismitter wishes to dismiss;
  - (ii) any other particulars relevant to the dismissal which the dismitter has notified to the proper officer; and
  - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- (c) either –
  - (i) the Leader has, within the period specified in the notice under sub paragraph (b)(iii), notified the dismitter that neither he/she nor any other member of the Cabinet has any objection to the dismissal;

- (ii) the proper officer has notified the dismitter that no objection was received by him within that period from the Leader; or
    - (iii) the dismitter is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
153. Nothing in paragraph 148 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by –
- (a) another person against any decision relating to the appointment of that person as a member of staff of the Council; or
  - (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
154. In this paragraph 154
- (a) “disciplinary action”, “Chief Finance Officer”, “Head of Paid Service” and “Monitoring Officer”, have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and each of the aforementioned officers is a “relevant officer”
  - (b) “Independent Person” means a person appointed under section 28(7) of the Localism Act 2011
  - (c) “local government elector” means a person registered as a local government elector in the Council’s area in accordance with the Representation of the People Acts
  - (d) “Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council
  - (e) “relevant Independent Person” means any Independent Person who has been appointed by the Council or, where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate
  - (f) “relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer
- 155.1. A relevant officer may not be dismissed by the Council unless the procedure set out below is complied with.

- 155.2 The Council must invite relevant Independent Persons to be considered for appointment to a Panel, with a view to appointing at least two such persons to the Panel.
- 155.3 Subject to paragraph 155.4, the Council must appoint to the Panel such relevant Independent Person(s) who have accepted an invitation issued in accordance with paragraph 155.2 in the following priority order:~
- (a) a relevant Independent Person who has been appointed by the Council and who is a Local Government Elector;
  - (b) any other relevant Independent Person who has been appointed by the Council;
  - (c) a relevant Independent Person who has been appointed by another authority or authorities.
- 155.4 The Council is not required to appoint more than two relevant Independent Persons in accordance with paragraph 155.3, but may do so.
- 155.5 The Council must appoint any Panel at least 20 working days before the relevant meeting.
- 155.6 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular
- (a) any advice, views or recommendations of the Panel,
  - (b) the conclusions of any investigation into the proposed dismissal,
- and
- (c) any representations from the relevant officer.
- 155.7 Any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as independent person under the Localism Act 2011.



**PART 6 OF STANDING ORDERS  
AUTHENTICATION OF DOCUMENTS**

156. The Council's common seal shall be kept by the Director of Legal, Democratic and Cultural Services in a secure place at County Hall.
157. All documents which require to be sealed by the Council shall be witnessed by the Director of Legal, Democratic and Cultural Services or such of his/her senior officers as he/she shall formally nominate for the purposes of this Standing Order. Any document sealed and so witnessed shall be deemed to have been duly and validly executed on behalf of the Council.
158. All documents so executed and witnessed shall give effect to decisions of the Council, the Cabinet, individual Member or other committee or officer of the Council acting under delegated powers and shall be recorded in a register which shall be available for inspection by Members.
159. The Director of Legal, Democratic and Cultural Services (generally) and all Chief Officers (within their specific delegated authority) are authorised to act as the Proper Officer for the purposes of Section 234 of the Local Government Act 1972 for the signature of any notice, order or document which the Council is authorised or required to give, make or issue.

## **CONSTITUTION OF THE COUNCIL**

<b>Part 5 – Rules of Procedure</b>
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# Code of Corporate Governance

May 2017



SURREY

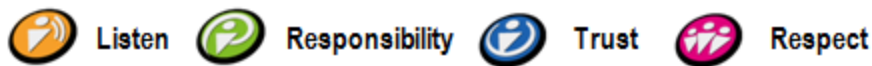
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# COMMITMENT TO GOOD GOVERNANCE

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 Capability Change Management Codes of Conduct (officers and Members) 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 Financial Regulations Health and Safety policy IT Security policy Premises Security policy Regulation of Investigatory Powers Act (RIPA)
	Resilience policy Risk Management Strategy Strategy Against Fraud and Corruption Whistleblowing policy

# 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

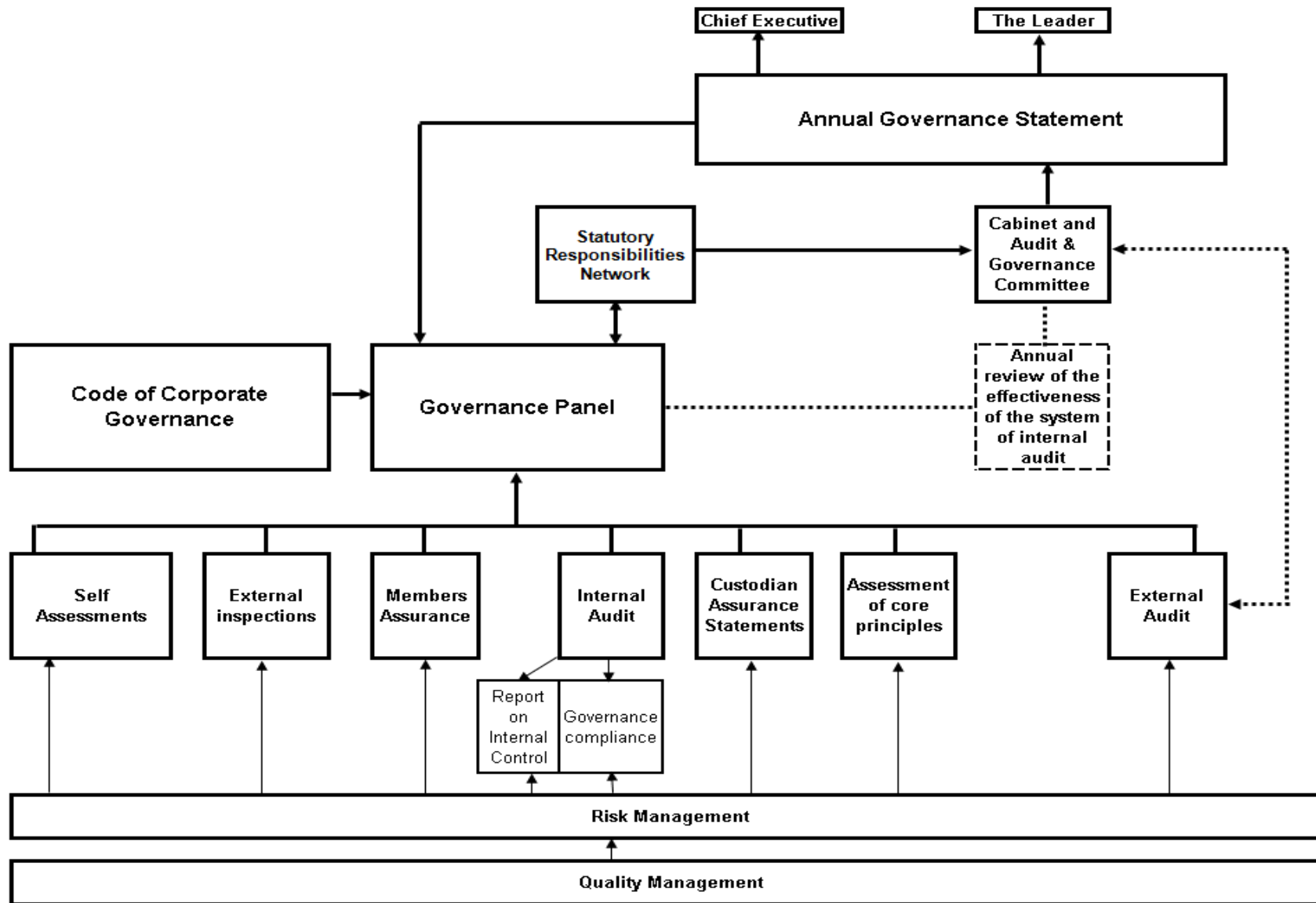
<b>Cabinet</b>	<b>Leader of the Council</b>
Communication and Engagement Strategy	Cabinet Forward Plan
Customer Promise	
Equality, fairness and respect strategy	
Financial Regulations	<b>County Council</b>
Partnership principles	Arrangements for dealing with complaints about Members
Procurement Standing 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

# Financial Regulations

## December 2015

# Financial Regulations

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## Introduction

- 1 Financial Regulations govern the manner in which the council's financial activity is conducted and its financial interests are safeguarded. All councillors, officers and contractors must comply with the Financial Regulations ('the regulations'). Locally managed schools have their own financial governance and regulations, as set out in the Surrey Scheme of Financing Schools and the Schools' Finance Manual.
- 2 An officer of the council with the appropriate qualifications must ensure proper management of the council's financial affairs under Section 151 of the Local Government Act 1972. The Director of Finance and Deputy Director of Business Services is the Section 151 Officer for Surrey County Council.
- 3 . All officers with delegated responsibility for undertaking financial duties are responsible for their compliance with these regulations. The Section 151 Officer is, in turn, accountable to Council.
- 4 The regulations outline the financial responsibilities of the Director of Finance, senior managers and budget holders within the council, defining what the council does financially, and why it does it. The Section 151 Officer is also required to define more detailed requirements in respect of financial activity (Financial Management toolkit) that facilitate compliance with the regulations and ensure there are clear operational practices.

## Governance

- 5 The regulations are part of the council's Constitution. The relevant parts of the Constitution are Article 6 (Budget and Policy Framework) and Article 13 (Contracts and Legal matters and Scheme of Delegation).
- 6 The Leader of the Council determines the Scheme of Delegation that sets out the level of authority for officers and members. The regulations are aligned to the Scheme of Delegation and amended accordingly.
- 7 The Director of Finance reviews the regulations annually and proposes any amendments to the Leader.

## Regulation 1: Officer roles and responsibilities

### Director of Finance

- 1.1. The Director of Finance's responsibilities to administer and steward the financial affairs of the council are decreed by statute:
  - Section 151 of the Local Government Act 1972
  - Section 114 of the Local Government Finance Act 1988
  - Local Government and Housing Act 1989
  - Local Government Act 2003
  - Accounts and Audit Regulations 2011.
- 1.2. The Director of Finance's key responsibilities are to:
  - a) provide strategic financial planning and advice to the Chief Executive, senior managers the Cabinet, other committees and member task groups
  - b) ensure proper administration arrangements are in place for the council's financial affairs
  - c) report to members on the overall budget performance and recommend corrective action
  - d) ensure that the council or any officer of the council does not make any unlawful financial transaction or action
  - e) comply with the relevant accounting and financial procedures and standards in accordance with best accounting practices, and that all transactions are conducted in the spirit of the council's values (listen, responsible, trust and respect)
  - f) agree and ensure those locally managed schools and other local financial management arrangements are aligned to these regulations
  - g) nominate an appropriate council officer to perform these responsibilities in the absence of the Director of Finance.
- 1.3. The Director of Finance must be given access to any necessary information to comply with these statutory duties.

### Senior Managers

- 1.4. Senior Managers of the organisation, including Strategic Directors, Assistant Directors and Heads of Service, shall (jointly with the Director of Finance) propose a revenue and capital budget to Cabinet for each service, within their budget guidelines set by the Cabinet.
- 1.5. Senior Managers must produce a monitoring report every month on the progress and projected spend of their approved revenue and capital budgets within agreed timescales.
- 1.6. Senior Managers are responsible for ensuring that there is a nominated budget holder responsible for controlling each part of their total budget. Senior

Managers will align budgetary accountability with managerial responsibility when nominating budget holders for the use of resources as closely as possible.

- 1.7. Each Senior Manager is responsible for the effective operation of the relevant financial systems to the extent that they are operated or controlled within their directorate, taking into account the advice of the Director of Finance.

### **Budget holders**

- 1.8. Budget holders should make all relevant staff aware of these regulations (and associated documents) and highlight the relevance and compliance of the regulations to their team members. Finance officers can assist budget holders in this.
- 1.9. Budget holders shall make arrangements to ensure that the actual revenue expenditure does not exceed the approved budget in accordance with paragraph 2.21 below.
- 1.10. Risk criteria (size, complexity, volatility and political sensitivity) are applied to each budget as part of the budget setting process, which then determines how a budget will be monitored during the financial year (the risk based approach).
  - a) High risk – the budget is monitored monthly and a budget narrative reported to Cabinet every month.
  - b) Medium risk – the budget is monitored monthly and a budget narrative reported to Cabinet every quarter.
  - c) Low risk – the budget is reviewed every quarter and reported by exception.

Any variances more than £50,000 and over 10% of the actual spend to date and budget spend to date position; and the full year forecasted spend and the full year budget, must be monitored monthly until the variance is stable.
- 1.11. Budget holders are responsible for providing the budget narrative as part of monthly budget monitoring reports to Cabinet. Combining more than one budget holder report into a service report is the responsibility of Senior Managers. The Finance Service can support Senior Managers in producing budget narratives.
- 1.12. The Director of Finance and relevant Senior Manager should approve all arrangements, guidelines and procedures for the proper administration of the service's financial affairs.

## Regulation 2: Revenue financial planning and management

### Revenue budget and medium term financial plan preparation

- 2.1. In late January or early February, the Leader and Cabinet propose the level of council tax precept for the coming financial year for Council to set. In proposing the council tax precept, the Leader and Cabinet propose the following year's overall revenue budget, capital programme (see Regulation 3) and five year medium term financial plan (MTFP) for Council's approval. In setting council tax and approving the budget and MTFP, Council is responsible for ensuring it aligns with the corporate strategy.
- 2.2. The Director of Finance submits a report to the Cabinet and Council on the robustness of the budget proposals submitted for Council approval in compliance with the requirements of Section 25 of the Local Government Act 2003.
- 2.3. In developing the council's overall high level revenue budget, Cabinet, and the Director of Finance agree budget guidelines for each year of the MTFP. Senior Managers and Budget holders must propose revenue budgets for the MTFP period that are sustainable for the council and are within the agreed guidelines. Senior Managers must present their budgets to the Director of Finance, and others as required, and incorporate an explanation of key assumptions and risks.
- 2.4. The Leader presents the budgets for the five year MTFP to Cabinet in January or February and to Council in February.
- 2.5. Any revenue budget changes must follow virement regulations (see paragraph 2.16).

### Fees and charges

- 2.6. Every year services must update and / or review their fees and charges with a view to ensuring that discretionary services for which a fee or a charge is applicable are not provided at subsidy without a specific supporting policy decision. The individual fees and charges schedules will be published annually with the transparency information. Each fee or charge will be required to be reviewed in-depth periodically which must not exceed three years. The review will apply relevant direct and indirect costs to assess the cost neutrality of the change. Cost neutrality should be aimed for by all services delivering discretionary activities for which a fee or a charge is applied. The level of any subsidy and other charge policies are combined into the fees and charges strategy for the service. This strategy should be part of the overall service strategies and communicated as part of the MTFP. Scrutiny Boards may review and challenge the fees and charges elements of the overall service strategies. The Director of Finance will provide appropriate support and guidance in the Financial management toolkit.
- 2.7. Any new charges or any changes in policy will need to follow the following approval process:
  - a) When there is a change of service policy that could, depending on Legal's advice, require a public consultation, a separate Cabinet paper proposing the new fee and charge is required. Any substantive change in policy in

the application of the fee or charge, or in the level of subsidy (if relevant) will also require Cabinet approval.

- b) When there isn't a change of service policy, the service could choose to have a separate Cabinet report or include a request within the budget monitoring report recommending the new fee and charge.
- 2.8. All income properly due to the council must be collected promptly and recorded to the council's benefit, unless specific authority to waive, discount or write-off such income is approved through Cabinet, Cabinet Members or under delegated powers to officers. Senior Managers have authority to waive fees and charges for reasons outlined in Financial Management toolkit, up to a cumulative value of £25,000 per year in any one case. Any waiver of higher value requires Cabinet approval. Waivers granted in year must be reported in year end financial outturn reports to Cabinet.
- 2.9. Cabinet must agree proposals to start charging for or trading in goods or services not previously subject to charging or trading with third parties.

### **Grant conditions**

- 2.10. Senior Managers must comply with any grant conditions where they budget to meet expenditure from grant income to ensure the service receives the maximum relevant grant income.

### **Mid-year changes**

- 2.11. Cabinet has discretion to use and allocate resources within the budget approved by Council. Any decision of Cabinet, a committee, individual Cabinet Members, officers, local committees or a joint body discharging executive functions which would incur expenditure beyond the approved budget requires Council's agreement.
- 2.12. Occasionally, new projects will arise in year that were not included in the MTFP and require specific funding. Cabinet may approve such new projects, provided their funding is within the overall limits of the budget.
- 2.13. Revenue Invest to Save scheme proposals must follow the Investment Panel process set out in paragraph 3.5. Budget holders must not commit or incur expenditure on projects arising in year until Cabinet has granted approval. This includes projects services develop to access external funding.
- 2.14. Senior Managers may request to carry forward a budget to the next financial year. Cabinet can approve carry forwards in the context of the total outturn position, or forecast outturn position, taking the Director of Finance's advice into account.
- 2.15. At the beginning of the financial year, it can be difficult for services to estimate revenue government grants accurately and grant adjustments will be required. These grant changes will amend the revenue expenditure levels for the relevant directorates. Budget holders must seek approval through the virement process outlined in paragraph 2.17 for such amendments. Cabinet notes all grant virements reported within the Leader's budget monitoring reports.



2.16. Approval of all previous year carry forwards, grant changes and other budget virements amend the MTFP budget, which becomes the updated budget.

2.17. The approval requirements depend on the virement.

<b>Virement type</b>	<b>Approval required</b>
Technical e.g. incorrect coding, capital transfers, redistributing funding	Relevant finance manager
Administrative i.e. already approved by Cabinet	Within a service - Assistant Director or Head of Service Within a directorate – strategic director Across directorates – Director of Finance
Without existing Cabinet approval  In line with key decision threshold (3.27)	Under £500,000 (full year effect) - Director of Finance  Over £500,000 , (full year effect) and within a portfolio - relevant Cabinet Member  Over £500,000 (full year effect) and across portfolios- formal approval by Cabinet after informal communication with the relevant Cabinet Member and the Leader

### **Monitoring**

2.18. Budget holders are required to monitor and report on their revenue and projects budgets in accordance with risk ratings determined using the criteria in paragraph 1.11.

2.19. Budget holders must forecast the income and expenditure position for their budget throughout the year. Using the council’s forecasting tool, budget holders submit year-end forecasts and commentary to their line manager, Strategic Director and Finance according to the budget monitoring timetable.

The budget commentary should include:

- a) the extent of any under or overspend
- b) the reasons for any under or overspend, such as information on activity or volume levels, contract or price variations
- c) what the service is doing to address any under or overspend ;and
- d) the implications for future budgets and forecasts over the MTFP period

2.20. Senior Managers and Finance review and validate completed budget monitoring forecasts and commentaries.

2.21. Budget holders can only commit to spend against budgets within their delegated responsibility. Changes to delegated responsibility require a virement to effect the change to the budget (paragraph 2.16).

- 2.22. If a budget holder forecasts to over-spend or under-recovery (for income) then in consultation with the relevant Cabinet Member they can:
- reduce expenditure or take action to increase income with Cabinet approval
  - re-direct resources by making a virement between budgets (paragraph 2.16)
  - in very exceptional circumstances, request Cabinet to approve a supplementary budget allocation.
- 2.23. The budget holder must include comments about such actions taken in their budget monitoring commentary.

### **Reporting**

- 2.24. The Director of Finance uses Senior Managers' budget monitoring commentaries to prepare the overall budget monitoring report Cabinet each month.
- 2.25. At the financial year end, the Director of Finance reports to Cabinet on the outturn of expenditure and income and the performance of each directorate compared with the updated budget.

### **Revenue budget – schools budget**

- 2.26. If an individual school overspends, it carries that overspend forward and it becomes the first call on the school's budget in the following year. In highly exceptional circumstances, the Council may approve additional funding for a school in financial difficulties. If schools as a whole overspend collectively, the overspends would still be carried forward and they would each be required to recover the funds from their following year's budgets. Again, in highly exceptional circumstances, the Council may approve additional funding for a school in financial difficulties.
- 2.27. The Department for Education restricts use of Dedicated Schools Grant (DSG) to budgets delegated to schools and specified central expenditure on schools and pupils.. Statuterequires that most categories of central expenditure from DSG (other than on high cost SEN) must be approved by Schools Forum (or Secretary of State) and various other constraints are imposed by the current school finance regulations. If there is an overspend on the Schools Budget, that can only be funded from DSG in the following year with the approval of Schools Forum or of the Secretary of State.

### **Debt write offs**

- 2.28. The Director of Finance, in consultation with the Director of Legal and Democratic Services, has authority to write off individual debts of up to £100,000 they consider to be irrecoverable, where:
- the debtor has gone into liquidation;
  - the debtor is deceased and there are no funds and the debt has been registered as a liability to the executor;
  - the evidence against a debtor is inconclusive, and the Head of Legal and Democratic Services recommends write-off;
  - the debtor has absconded and all enquiries have failed; or

e) the debtor is in prison and has no means to pay.

- 2.29. The Director of Finance can approve the write off of irrecoverable debts under £10,000 not covered by the criteria above. For debts between £10,000 to £100,000 not covered by the criteria above, the relevant Cabinet Member in consultation with the Leader can approve the write off of irrecoverable debts in their portfolio, having taken into consideration the advice of the Director of Finance and the Director of Legal and Democratic Services. All other write offs require Cabinet approval.
- 2.30. The year end financial outturn reports to Cabinet set out debt write offs granted in the year.

#### **Stock write offs**

- 2.31. The relevant Senior Manager and the Director of Finance's nominee can agree to write off individual categories of stock items to a maximum value £10,000. All other write offs require Cabinet approval. The year end financial outturn reports to Cabinet set out stock write offs granted in the year.

#### **Consultancy services**

- 2.32. Procurement Standing Orders (PSOs) set out the thresholds for appointing consultants and contractors.
- 2.33. The Leader and the Chief Executive must approve consultant or contractor appointments where the fee exceeds £50,000 a year (or in proportion where the engagement is for less than one year) before the contract starts.
- 2.34. Procurement must subject all consultant or contractor engagements with an aggregate value of £100,000 or over to competitive tender and review by the Procurement Review Group before approval by the Leader and Chief Executive. Under no circumstances will the Leader and Chief Executive approve such engagements retrospectively.

## Regulation 3: Capital planning and management

### Budget setting

- 3.1. In late January or early February, the Leader and Cabinet propose the overall five year capital programme for Council's approval. The Director of Finance supports this with: aggregate and detailed capital budgets, capital programme financing and assurances about the council's compliance with the Prudential Code's requirements.
- 3.2. Senior Managers must ensure any planned capital spend included within the MTFP does not exceed the capital resources allocated to that programme or scheme. In particular, they must ensure:
  - a) capital programme proposals are consistent with the council's corporate strategy, capital strategy, asset management plan and directorate strategies;
  - b) each capital scheme or project is assessed for both financial and service risk;
  - c) the proposed timetable for the programme is realistic;
  - d) the available revenue resources (or planned revenue resources likely to be made available) can contain all consequential revenue costs in current and future years; and
  - e) Investment Panel has reviewed the business case for each scheme or project for robustness.
- 3.3. The approved capital programme gives 'in principle' approval for capital projects, and schemes. Expenditure on new capital projects or schemes can commence only following the approval of the Capital Working Group or Investment Panel as described below. For developer contributions and specific grant schemes follow the key decisions approval regulation (3.26 – 3.27).

### Capital Working Group & Investment Panel

- 3.4. Each year Council gives "in-principle" approval for a list of capital schemes, plus allocations for recurring programmes such as minor works and maintenance. For all new schemes not previously included in the approved capital programme, budget holders must present a business rationale to Capital Working Group (CWG). CWG conducts the initial review of proposals to determine whether they should be presented to Cabinet for decision to identify schemes in the MTFP capital programme.
- 3.5. Investment Panel considers the robustness of business cases identified as part of the council's main capital programme approved by Cabinet. Sufficiently robust business cases proceed for approval to procure and start work to:
  - a) Cabinet for schemes valued at greater than £1m;
  - b) Cabinet Member in conjunction with the Leader for schemes valued between £100,000 and £1m; and
  - c) Director of Finance for schemes valued at less than £100,000.
- 3.6. Investment Panel applies the following policy to exempt schemes from business case review:

- a) capital schemes where the council carries out work funded by, and on behalf of a third party e.g. extending a Diocese run school;
  - b) capital schemes determined by local committees;
  - c) grant funded schemes awarded on a bid basis where CWG had considered the business rationale and Finance had agreed the council's business case included in its funding bid; and
  - d) highways and property maintenance programmes where prioritisation criteria exist within the services to manage the budgets for this work.
- 3.7. To allow exemption from business case review based on prioritisation criteria, CWG considers and approves the prioritisation criteria for the service before the start of each financial year and agrees a schedule for the service to report to Investment Panel on how it has applied the criteria for that year. This gives Investment Panel oversight of the programmes and enables it to monitor progress.
- 3.8. The rules on virements (paragraph 3.18) apply for approval of additional allocations, advances or deferrals of approved scheme. The same approval process applies to projects receiving additional government capital grant funding in year.

### **Procurement Review Group**

- 3.9. Procurement Standing Orders require approval by Procurement Review Group (PRG) for award of contracts valued at £100,000 or more over the life of the contract (e.g. £25,000 a year for four years). PRG essentially covers route to market for procuring goods and services and awarding the contracts. Prior to seeking tenders, heads of service must present a strategic procurement plan proposing the preferred route to market for the project to PRG. PRG reviews the proposal for: overall effectiveness of the proposed route to market, legality, affordability and value for money. Following PRG approval, for proposals valued over £500,000 and under £1m, heads of service present proposals to the appropriate Cabinet Member, in conjunction with the Leader for approval; and for proposals valued over £1m, heads of service present proposals to Cabinet for approval.
- 3.10. Following return of tenders, Senior Managers must submit proposals for contract award to PRG. PRG reviews the proposal for: overall effectiveness, legality, affordability and value for money. Following PRG approval, for proposals valued over £500,000 and under £1m, the appropriate Cabinet Member, in conjunction with the Leader must approve; and for proposals valued over £1m, Cabinet must approve.
- 3.11. If the final tendered cost exceeds the last estimate reported formally to either Cabinet or Cabinet Member by 5% or £200,000, whichever is the lower, the head of service, after consultation with the strategic director and appropriate Cabinet Member, determines whether to meet the additional cost from savings already identified on other projects within the existing capital programme or whether to make further savings on other approved capital projects to offset the increased costs. If the head of service cannot absorb the increased costs they must submit

a report to the Cabinet Member in conjunction with the Leader or Cabinet proposing other action to take.

**Mid-year changes**

- 3.12. Deletion of a scheme that has been individually approved as part of the capital programme must be approved by the Cabinet Member, in consultation with the Leader if its value is below £1m and Cabinet if its value is over £1m.
- 3.13. Where it is likely the total cost of a project already in progress will exceed its latest approved budget allocation, the relevant Senior Manager must report this with advice on how the head of service proposes to fund the overspend:
  - a) to the appropriate strategic director and Cabinet Member; and
  - b) in the budget monitoring report to Cabinet.
- 3.14. The Senior Manager must explain the reasons for any overspend in each scheme’s post implementation review.
- 3.15. Senior Managers must refer all proposals to enter into leasing arrangements, including those by schools, to the Director of Finance for agreement prior to finalisation.
- 3.16. Senior Managers must conduct a post-completion review for capital projects, in line with requirements specified in the Financial Management toolkit. The Senior Manager must advise Council Overview and Scrutiny Committee, Investment Panel, appropriate select committee and the relevant strategic director and Cabinet Member on a timely basis of all such reviews conducted.
- 3.17. In respect of additional capital grant funding awarded in-year, spending proposals should follow the Investment Panel process.
- 3.18. Virements are permissible subject to the following limitations:

<b>Virement type</b>	<b>Approval required</b>
Technical e.g. incorrect coding, capital transfers, redistributing funding	Relevant finance manager
Administrative i.e. already approved by Cabinet	Within a service - Assistant Director or head of service Within a directorate – strategic director Across directorates – Director of Finance

<b>Virement type</b>	<b>Approval required</b>
Without existing Cabinet approval	Under £500,000 (full year effect) - Director of Finance
In line with key decision threshold (3.27)	Over £500,000 , (full year effect) and within a portfolio - relevant Cabinet Member Over £500,000 (full year effect) and across portfolios - formal approval by Cabinet after informal communication with the relevant Cabinet Member and the Leader

- 3.19. The only type of capital virement exempt from the above rules is one between the Members' Allocation budget to another capital budget, as local committees have already approved them ,this will be defined as an administrative virement.
- 3.20. Cabinet approval is required to reprofile a capital scheme's budget across years, or to carry forward capital budgets at the end of the financial year.
- 3.21. The Director of Finance can approve virements from revenue to capital below £500,000 and the Cabinet can approve if the amount is above £500,000. Virements are not permissible from capital to revenue budgets.

### **Reporting and monitoring**

- 3.22. The Director of Finance collates the overall capital budget monitoring report and presents it to Cabinet At the end of the financial year, the Director of Finance reports to Cabinet on the income and expenditure outturn and the performance of each directorate, as set out in the MTFP, compared with the updated budget.

### **Acquisition and disposal of assets**

- 3.23. The acquisition of land or buildings for an approved scheme or for a specifically authorised acquisition, with value of more than £500,000 in any one case requires Cabinet Member approval, or with value of more than £1m in any one case requires Cabinet approval. This value relates to freehold and leasehold interests. Acquisitions authorised under the Scheme of Delegation must use a relevant professional valuation in line with the purchase price. These should be agreed in consultation with the Director of Finance.
- 3.24. The sale of land or buildings declared surplus to the council's requirements and valued at £1m or more in any one case requires Cabinet approval. This value relates to freehold and leasehold interests and includes setting a reserve figure for auction sales.
- 3.25. Acquisitions or disposals below £1m require approval of Cabinet Member in conjunction with the Leader.

### **Key decisions – other than above**

- 3.26. The Constitution determines that the financial threshold for key decisions is £500,000. This is for any items that are not already highlighted in the above

paragraphs. Depending on the issue, a note to Capital Working Group or Investment Panel is required on the decision. Decisions should be approved by;

- Under £500,000 (full year effect), Director of Finance
- Over £500,000 (full year effect) and within a portfolio, the relevant Cabinet Member.
- Over £500,000 (full year effect) and across portfolios, formal approval by Cabinet after informal communication with relevant Cabinet Member and the Leader

3.27. Delegated authority to take decisions in respect of matters outlined in this document must not contradict the general provisions on key decisions in the Constitution.



## Regulation 4: Risk management

- 4.1. The council's approach to risk management is a continuous and evolving process that runs through the council's strategies and service delivery. It ensures key risks are managed and resilience is strengthened in order to support the delivery of the council's priorities and goals.
- 4.2. The Risk Management Policy Statement and Strategy outline the arrangements in place to ensure the council identifies and deals with the key risks it faces. The Risk Management Framework complements the statement and strategy and ensures a consistent approach to risk management across the organisation by detailing the council's approach to risk identification, assessment, control and reporting.

### Internal Audit

- 4.3. As a key part of internal control, on behalf of the council, an adequate and effective system of internal audit of the accounting records and systems of internal control must be maintained, to the satisfaction of the Director of Finance and the Audit and Governance Committee. To facilitate independence and objectivity in reporting, the reporting lines of this function should be unfettered by line management structures so that direct access to any officer, Member or external regulating authority (eg External Audit) will be available.
- 4.4. Internal audit staff will have access to all such documents, books, computer records, property, assets and explanations as considered necessary for the purposes of the audit from any Member, officer, agents or contractors of the council. Any material unresolved issues emerging from audit work undertaken will be referred to the Audit & Governance Committee and/or the Cabinet, as appropriate.
- 4.5. Members, Senior Managers, other senior officers and any other employees must notify the Chief Internal Auditor of any matter that involves or is thought to involve any instance of suspicion of corruption or financial irregularity in the exercise of the functions of the council. An internal audit investigation of such allegations will be undertaken in line with the council's Strategy Against Fraud and Corruption.

### Fraud and corruption

- 4.6. The Director of Finance will ensure that measures to counter fraud and corruption and to facilitate such disclosures are defined, documented, widely distributed and reviewed at appropriate intervals, in consultation with the Chief Internal Auditor, as appropriate. Any investigations of this type undertaken by internal audit will be under the direction of the Chief Internal Auditor, in consultation with the Director of Finance, with a report to the Audit and Governance Committee, the Leader and Chief Executive as appropriate. The Head of Human Resources and Organisational Development will ensure that 'whistle-blowing' procedures are defined, documented, widely communicated and reviewed at appropriate intervals, in consultation with the Director of Legal and Democratic Services and the Chief Internal Auditor.

**Business Continuity**

- 4.7. The Director of Finance will ensure that procedures are documented and made available to users for those systems identified as business-critical. Systems so identified will be specified in the Financial Management toolkit, together with the location of the relevant documentation.

**Money Laundering**

- 4.8. The Chief Internal Auditor acts as the council's Money Laundering Reporting Officer (MLRO). The MLRO will ensure that there is an Anti Money Laundering Policy published on the council's external website which sets out the procedures which must be followed to enable the council to comply with its legal obligations. This policy states that no payment to the council will be accepted in cash if it exceeds £5,000.

**Security and insurance of assets**

- 4.9. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, benefits the council and represents value for money.
- 4.10. The Director of Finance will ensure that there are sufficient arrangements in place to protect the County Council against insurable risks.

**System controls**

- 4.11. The corporate financial systems documented procedures will be updated and amended as necessary to ensure their continued accuracy and applicability.
- 4.12. The Director of Finance will ensure that appropriate systems of internal financial control are maintained across the council and will ensure that any finance-related issues raised by Internal Audit, the External Auditor or by the Annual Governance Statement are appropriately addressed.
- 4.13. The Director of Finance will ensure that key financial systems are regularly tested to ensure that they are secure and reliable.

## Regulation 5: Reserves, balances and closure of accounts

### Reserves and balances - reporting

- 5.1. The Director of Finance must annually advise the Cabinet and Council on the prudent level of reserves and general balances for the authority, taking into account prevailing and anticipated levels of risk and uncertainty. In year, the Director of Finance should report on any financial forecast or anticipated event that could threaten the council's ability to maintain reserves of at least the stated level, drawing attention to any material financial implications.
- 5.2. Planned spending from reserves, provisions and funds must be approved as a part of the budget or budget monitoring processes. The use of reserves, provisions and funds for purposes other than those planned must be reported to and agreed by the Cabinet.
- 5.3. The Director of Finance will report to the Cabinet for its approval to use reserves, provisions and funds held by the council.

### Accountancy arrangements

- 5.4. The Director of Finance must ensure that all the financial transactions of the council are accurately reflected in the council's accounting records.
- 5.5. The accounting policies, practices and procedures adopted by the council will be determined by the Director of Finance and will reflect professional standards and recommended good practice. All services are required to adhere to these policies, practices and procedures in recording the financial transactions of the council.
- 5.6. Any proposed changes to accounting policies, practices or procedures or material departures from professional standards or recommended good practice must be declared and must be acceptable to the Director of Finance and to the council's external auditors before implementation.
- 5.7. Services must use corporate financial systems, unless the prior agreement of the Director of Finance has been obtained and he / she is satisfied that the local system proposed contains adequate financial controls and is capable of feeding required data into corporate systems.
- 5.8. The Director of Finance will make appropriate arrangements for and advise officers and Members of the council on, all taxation issues that affect the authority.
- 5.9. The Director of Finance will sign off the annual statement of accounts once satisfied that the statement represents a true and fair view of the financial position of the council. The accounts of the Council and associated opinions and reports of the external auditor will be presented to the Audit and Governance Committee.
- 5.10. Senior Managers must sign a manager's assurance statement each year as prescribed by the Director of Finance.

## Regulation 6: Contracting arrangements

- 6.1. All procurement and purchasing undertaken must adhere to corporately specified processes as agreed by the Continuous Improvement & Productivity Network and follow the requirements of PSO's and the PRG (see paragraph 3.9). The Financial Management toolkit sets out the requirements for the use of purchasing cards in emergencies.
- 6.2. All material assumptions and risks inherent in evaluations of proposed contracts must be fully disclosed, (before the contract award) to those officers and Members making decisions on the award of contracts.
- 6.3. Long-term strategic contracts must include provisions to secure continuous improvement, improved efficiency and value for money.
- 6.4. All work undertaken for third parties should follow the contract procedures in the PSO's.
- 6.5. Goods and services commissioned from the voluntary or community sectors must assure value for money for the council. Financial relationships must be in the form of grants or contracts made under the relevant corporate guidance within the Financial Management toolkit.
- 6.6. In this context, partnerships are deemed to be joint arrangements involving the council pooling financial and/or other resources with other bodies in the pursuit of agreed joint objectives.
- 6.7. All partnership arrangements and pooled budgets must be under written terms appropriate to the extent of the financial risk to the council and may be entered into only following appropriate advice from the Chief Financial Officer and the Head of Legal and Democratic Services. Where the council's contribution to or financial risk from such an arrangement exceeds £100,000, the Cabinet's agreement to the pooled arrangement is required.
- 6.8. Prior to the council entering into any proposed partnerships requiring an annual contribution (financial or otherwise) to the value of £100,000 or more, the approval of the Cabinet will be required.
- 6.9. The thresholds for the appointment of consultants and contractors are set out in the PSO's.

## Regulation 7: The pension fund and treasury management

### The pension fund

- 7.1 The Director of Finance has delegated authority to take any urgent action as required between Pension Fund Board meetings but such action only to be taken in consultation with and by agreement with the Chairman and/or Vice Chairman of the Pension Fund Board and any relevant Consultant and/or Independent Advisor.
- 7.2 The Director of Finance will ensure that monitoring reports on the Pension Fund's investment performance and activities, and any other business are considered by the Pension Fund Board at least quarterly.
- 7.3 The Director of Finance will ensure that a report on the triennial actuarial valuation of the pension fund is taken to the Pension Fund Board.
- 7.4 The Director of Finance will ensure that a report on the annual accounts and associated external audit of the pension fund is taken to the Audit and Governance Committee and the Pension Fund Board.

### Treasury management

- 7.5 The Director of Finance will propose for adoption by the Council the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, which governs treasury management activity, and will ensure that its provisions are implemented.
- 7.6 The Director of Finance will define and propose for agreement by Council, a treasury management policy statement, stating the policies, objectives and approach to risk management in keeping with the code's recommendations and will monitor these throughout the year.
- 7.7 The Director of Finance will ensure that Council receives an annual investment strategy as part of the Prudential Code report.
- 7.8 The Audit and Governance Committee is responsible for ensuring effective scrutiny of the treasury management strategy and activity. The Director of Finance will submit a mid-year review and an annual outturn report on treasury management activity to the Audit and Governance Committee.
- 7.9 The Director of Finance will ensure that treasury management activities are administered within the parameters defined and agreed by Council and those defined by statutory requirements and professional best practice.
- 7.10 The Council, as corporate trustee for various Trust Funds, through its members and officers will ensure that the Council administers them in accordance with its legal responsibilities as a trustee, distinct and separate from its functions as a local authority and also in compliance with:
  - the Chartered Institute of Public Finance and Accountancy (CIPFA) code of practice in treasury management, which governs pension funds, and
  - any relevant Charities Commission guidance

to ensure that their provisions are appropriately implemented.

- 7.11 The Director of Finance will define and propose for agreement by the relevant Cabinet Member, an investment strategy, stating the policies, objectives and approach to risk management in relation to all trust funds where the Council is corporate trustee in keeping with the code's recommendations, and will monitor these throughout the year.
- 7.12 In relation to any trust fund for which the Council is corporate trustee, the Director of Finance will submit to the relevant Cabinet Member an annual outturn report on the financial position and any investment activity.
- 7.13 After undertaking proper professional advice, any buying and selling of investments (including any portfolio investment units) will be managed by the Director of Finance and other staff delegated by the Director.

## Glossary

Asset management plan	A strategic overview of the property portfolio that sets a broad direction for asset management over the medium term.
Balances	See <i>Revenue Reserves</i> .
Budget	A document stating the council's policy for using resources for the first year of the MTFP period. May also include information on non-financial resources such as manpower.
Business case	Prepared and submitted to Investment Panel for approval to spend capital and Invest to Save revenue schemes.
Cabinet	Comprises a Leader (an elected councillor) and up to nine other elected councillors, one of which must be the statutory portfolio holder for Children's Services. It is responsible for key decisions and policy.
Capital budget	Statement of approved capital expenditure for present and future years.
Capital grants	Money received towards capital spending for a particular service or scheme.
Capital strategy	Outlines the council's approach to capital investment, summarising the principles, policies, priorities and practices that will underpin investment planning over the medium to long term (ten years), ensuring that value for money is secured.
Capital Working Group (CWG)	Conducts initial reviews of proposed capital schemes.
Carry-forwards	Unspent revenue or capital budgets that services can use in future years.
CIPFA	The Chartered Institute of Public Finance and Accountancy. The leading accountancy body for local government.
Continuous Improvement and Productivity Network	Provides leadership, challenge and oversight to issues relating to the delivery of the Corporate Strategy, including finance and risk.
Council Investment Panel	Provides assurance that robust business cases support capital and invest to save project proposals, ensuring value for money.
Dedicated Schools Grant (DSG)	The Dedicated Schools Grant provides 100% ring-fenced funding for schools from the Department for Education. Local authorities are responsible for distributing this funding to schools according to local needs and priorities.
Estimate	Expected expenditure in a given year by committee, service and expenditure description.
Fees and charges	Income arising from the provision of services such as school meals, further education and meals on wheels.
Financial control	Good financial practice, including budgetary control, audit and financial regulations.
Financial Management toolkit	Guidance, instructions and support relating to the council's financial activity.
Financial year	1 April to 31 March - the year of accounts for Surrey County Council.
Government grants	Central Government contributions towards the cost of local services.
Income	The amount received, or expected to receive, from any source. Service revenue income includes grants, sales, rents, fees and charges.

Invest to Save	Schemes that are funded from the council's invest to save fund as the initial investment is paid back through savings over the life of the scheme.
Medium term financial plan	Sets out the council's spending and funding plans for the following five years including detailed plans by Directorate for both capital and revenue budgets.
Outturn	The actual income and expenditure for a particular year of account.
Pension Fund Board	A member committee responsible for the governance and administration of the council's pension fund.
Precept	A charge levied by one local authority on another.
Procurement	The process of gaining the use of supplies, services and construction work.
Procurement Review Group (PRG)	Considers the robustness of business cases identified as part of the council's main capital programme approved by Cabinet.
Procurement Standing Orders (PSO)	Set out how the council authorises spending, including all types of goods, works and services, as well as non-permanent workforce such as temporary and agency staff and consultants.
Projection	An estimate of expenditure in future years.
Provisions	Money set aside to pay for known, future costs.
Prudential Code	Sets out the principles that local authorities must follow when borrowing.
Revenue budget	An estimate of annual income and expenditure that sets out the financial implications of the council's policy for the budgeted year.
Revenue expenditure	The day-to-day spending on employment costs, other operating costs and capital charges less any income from fees, and charges.
Risk Based Approach (RBA)	Risk criteria applied to each budget as part of the budget setting process. Determines how a budget is monitored during the financial year.
Senior Managers	The Senior Managers of the council include the Chief Executive, Assistant Chief Executive, Strategic Directors, Directors, Chief Fire Officer, Assistant Directors, and Heads of Service
Statement of Accounts	The council's accounts for the financial year.
Statutory Officers Meeting	The council's statutory officers led by the Chief Executive and includes the Strategic Directors for Adult Social Care, Children, Schools & Families, Director of Finance, Director of Legal & Democratic Services and Chief Internal Auditor.
Surplus	When income is higher than expenditure.
Virement	The authorised transfer of a budget from one expenditure head to another.
Whistle blowing	Raising concerns about wrongdoing.
Write off	Reduces the value of an asset to zero in a set of accounts.



## Financial Framework for Members' Allocations

### Purpose of the Scheme

The Council allocates annually (subject to the provision made within the Medium Term Financial Plan) a maximum revenue sum to each divisional area, which County Councillors use to support local initiatives that demonstrate community benefit.

Community groups and other organisations are invited to apply for a share of this fund to help them deliver projects that respond specifically to local needs in line with the County Council's strategic priorities:

- Wellbeing – Everyone in Surrey has a great start to life and can live and age well
- Economic Prosperity – Surrey's economy remains strong and sustainable
- Resident Experience – Residents in Surrey experience public services that are easy to use, responsive and value for money.

### Funding - what can it be used for?

Grants are available to support both revenue and capital projects that will benefit the local community. All bids must evidence support for the work of local community groups or communities.

All applications must include a clear statement setting out the direct benefits to the local community.

Members may support the following types of projects:

1. Schemes based in their own division
2. Schemes based in other divisions within the borough/district where Members can pool funds under one lead Member.
3. Looked After Children Bursary (this is the only county-wide initiative or fund permitted under this scheme)

### What we cannot consider

1. Funding of political organisations (those registered on the Electoral Commission website [electoralcommission.org.uk](http://electoralcommission.org.uk))
2. Direct payment to or funding of individuals
3. Ongoing running costs e.g. salaries, rents
4. Funding is approved for one year only and cannot be relied upon or assumed in future years
5. Funding to local authorities and other statutory bodies to deliver statutory services or functions
6. Applications that
  - a. contravene the County Council's [policies](#), [priorities](#), or legal advice
  - b. involve taking sides on a planning dispute
  - c. relate to matters where the County Council is a statutory consultee
  - d. may bring the reputation of SCC into disrepute
  - e. support organisations to directly campaign against SCC or any local statutory partner
7. Funding for costs wholly or mainly incurred for core costs of schools (School and Early Years Finance Regulations apply)
8. Retrospective funding applications will not be accepted
9. Supporting award ceremonies

10. Applications for street lighting, grit bins or highways schemes including speed limit assessments.

## Making an application

Please take note of the funding criteria below before making an application and provide as much of the information required, to prevent any delay in processing your bid. If there is anything you are unsure of, please contact the Community Partnership Team for further advice.

1. Organisations that are applying must have a constitution and a linked group bank account.
2. Applications from private business, other local authorities and statutory bodies, private clubs or membership organisations will only be considered where the wider community benefit of the project is clearly demonstrated.
3. All applications should follow the Council's policy in relation to Equalities and Diversity.
4. Any organisation that has previously received funding from this budget must provide evidence that this funding has been spent before applying for new funding.

## Funding criteria

1. All proposals must demonstrate that their project is value for money regarding the use of public funds and include either a quotation, estimate or breakdown of costs.
2. Funds totalling more than £4999 would require at least two competitive, independent quotes unless part of a framework agreement.
3. Applications to supplement other SCC funding must clearly state the additional community benefits
4. Applicants are required to state:
  - a. Whether they are in receipt of other funds from, or have any outstanding applications to SCC.
  - b. Whether they have previously applied to SCC for funding and for what purpose
  - c. Whether the organisation applying is already under contract to SCC following a tendering process or is in receipt of a grant.
5. Applications should not include VAT where this is recoverable e.g. work carried out by SCC

## Application process

The application must have been endorsed by the appropriate local Member (s) unless it is not possible to obtain these views. (Where this is not possible e.g. because of long term illness or incapacity, the relevant Local/Joint Committee Chairman/Vice-Chairman's view will be sought prior the other Member's allocation being spent).

Applicants will be sent an electronic link to the online application process.

In cases where there has been an agreement to pool funds, one Member must agree to act as lead in securing approvals from the other councillors contributing.

All applications for funds follow the same agreed process and will be treated equally in being assessed against the Financial Framework set out in this document.

Throughout the process advice is available to applicants and Members from officers in the Community Partnership Team.

## Approvals

1. Members should comply with the Member Code of Conduct, and must not sponsor projects in which they have a
  - a. pecuniary interest – unless they have obtained a dispensation from the Audit & Governance Committee (Standing order 62)
  - b. prejudicial interest  
*(Definitions of pecuniary and prejudicial interests are set out in the Member Code of Conduct in the Council's Constitution Part 6 (1))*
2. Approvals of applications are delegated to officers in the Community Partnership Team in consultation with Members (see Part 3/Section 3/Part 3 of the Council's Scheme of Delegation).
3. Where an application has a link to or may affect a contract with SCC, the relevant service will be consulted for their view on the validity of the project and its appropriateness for funding.
4. Members should not confirm funding to an applicant before the approval process has been completed and all necessary checks and assessments have been undertaken.

## Budget Monitoring and Management

1. Where funding is used to commission an external organisation to carry out works, the County Council's financial regulations and standing orders will apply.
2. Funding can only be used for the purposes specified in the application form. If there are any minor variations (e.g. changes to specific costings or timescales) these must be agreed and approved by the Community Partnerships Manager or Team Leader in consultation with the local Member.
3. Funding should be spent within the financial year it is awarded:
  - a. Projects that require funds to be carried over to the next financial year will be subject to Cabinet approval
  - b. Any funding that is returned and unspent from previous financial years cannot be carried forward and re-allocated to projects in a new financial year (This includes money that is on the carried forward list from one financial year to the next where the project does not go ahead.)
4. Where Members' Allocations are used by a SCC service
  - a. An application form will need to be completed and all usual requirements for the grant observed
  - b. Payment of funds will be made by transfer from the allocations budget to the relevant service budget
5. Applicants will be required to acknowledge the provision of funds from SCC when referencing or publicising the event/project.
6. Applicants are required to submit evidence of expenditure and successful completion of their project/event (e.g. photos, invoices, press releases) within 12 months of receiving the funding.
  - a. Failure to supply this information may result in the funds having to be returned to SCC.
  - b. This evidence should be retained in case it is required at a later date and may be subject to an audit.
7. Reports on approved projects and expenditure are posted in the funding section on the local area pages of the SCC website on a monthly basis.
8. Articles on a selection of completed projects will be published on the local area web pages on the SCC website.

9. Where funding is used to commission voluntary sector services the requirements of [Surrey Compact](#) will be observed.

# **Procurement Standing Orders**

Rules to be followed when buying on behalf of  
Surrey County Council

December 2017 Issue 7

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# 1 Introduction

The Procurement Standing Orders (referred to as the 'Orders' from this point on) set out how the Council authorises and manages spending. This includes all types of goods, works and services, as well as non-permanent workforce such as temporary and agency staff and consultants. We have a responsibility to do this in a transparent way that offers best value to residents.

Anyone who buys on behalf of the Council, including staff, contractors and consultants is responsible for following these Orders.

This document relates to public sector tendering and purchasing procedures and the legislative framework that surrounds them. Functions delegated to particular officers may be carried out by other officers specifically authorised by them for that purpose.

These Orders must be considered along with the Council's Financial Regulations and Schemes of Delegation.

**Note:** In these Orders, 'You' means anyone who needs to buy from an external supplier.

## 1.1 Legal status of these Procurement Standing Orders

The Council is required by section 135 of the Local Government Act 1972 to maintain these Orders as part of our Constitution.

The Assistant Director Procurement is the custodian of these Orders and is responsible for keeping them under review. If the EU Directives or any other law is changed in a way that affects these Orders then the AD Procurement will issue a bulletin and the change must be observed until the Orders can be revised.

## 1.2 Key Principles

These Orders are based on these key principles:

- To ensure we meet the Council's statutory duty to Best Value and to create healthy competition and markets for the Goods, Services and Works we buy;
- To be **transparent** to our residents about how we spend their money;
- To make sure we spend public money **legally and fairly**, and to **protect** us from undue criticism or allegation of wrongdoing;
- To support **sustainability** and **social value** objectives, and our public sector **equality** duty, encouraging local small businesses.

## 1.3 Compliance

All Officers, and any external contractors empowered to form contracts on behalf of the Council, must comply with these Orders at all times. If you breach them, you are breaching the Council's Constitution and this may lead to disciplinary action and is a breach of the Code of Conduct.

You must not artificially separate contracts or spending to avoid these Orders applying at any level, except insofar as this is necessary to enable small or medium-sized enterprises to compete, whilst delivering best value for money and remaining compliant with the law.



Where there is a difference between current legislation governing procurement and these Orders, the legislation prevails and you must comply with it.

Where these Orders appear to conflict with other Council-determined rules AD Procurement determines which takes precedence.

AD Procurement will report breaches of these Orders to the Sourcing Governance Board (SGB).

### 1.4 Scope

Apart from the exceptions listed below, these Orders cover all spend with external suppliers regardless of how they are funded (for example, revenue, capital, grant funded projects, ring-fenced government money and/or any third party funding).

These Orders do not apply to the following items, which are managed by separate policies:

<b>Exclusion</b>	<b>Relevant Policy/Law</b>
Contracts for the acquisition or lease of land and/or real estate	Managed via Property Services
Contracts for permanent or fixed-term employment	HR/Recruitment Policies
Works or orders placed with utility companies (e.g. re-routing pipe-work)	This is carried out as part of larger construction contracts
Direct payments to customers following care assessment (for example, payments under Self-Directed Support or Individual Budgets)	Section 12 of The Care Act 2014
Non-trade mandatory payments to third parties, such as insurance claims, pension payments, payments to public bodies	These are not subject to competition due to their nature
A declared emergency authorised by the Emergency Planning Officer <sup>1</sup>	The Civil Contingencies Act 2004
Awarding of Grants	Managed according to locally agreed Grant process or Grant Procedure Rules.
Placement of a child with Special Educational Needs in a non-maintained school providing the value of the contract is below the light touch regime threshold.	

### 1.5 Roles and Responsibilities

The AD Procurement is responsible for the complete process from procurement through to ordering and paying suppliers (known as 'Procure-to-Pay') across all Services and local systems. Any developments in the design of the process require the approval of the AD Procurement.

The Procurement Service is responsible for:

<sup>1</sup> Not to be confused with Emergency Purchases as detailed at Section 5.2

- Providing expert market knowledge to help you find the best supplier to meet specified needs;
- Managing all tenders and contract awards over £100,000 in accordance with relevant legislation and regulation;
- Engaging colleagues from Finance, Legal Services and HR in all contract strategies and awards;
- Developing strategic action plans for each category of spend;
- Providing commercial support to Contract Managers;
- Ensuring that good practice contract and supplier management is written into agreements;
- Developing our supply chain to deliver performance improvements;
- Ensuring transparency over spend, contracts and contract opportunities;
- Embedding social value and sustainability across the supply chain;
- Ensuring efficient and effective purchasing practices are in place for all staff;
- Working with Business Operations to manage a master database of suppliers currently on SAP.

Anyone who buys from suppliers is responsible for:

- Complying with these Orders;
- Ensuring there is adequate budget available;
- Raising and ensuring a purchase order is approved before the requirements are delivered to the Council, regardless of which system is used;
- Ensuring technical specifications meet the defined need and requirements;
- Ensuring that where the requirement is for temporary workers or consultants outside of the corporate framework agreement, HR is consulted in the first instance and the appropriate approval obtained;
- Ensuring specifications take into account equality and diversity as well as social value implications, and carrying out Equality Impact Assessments where appropriate;
- Putting in place effective monitoring of the performance and management of contracts;
- Engaging with Procurement at the earliest opportunity where the requirement is likely to exceed £100,000 in value;
- Engaging with Buying Solutions / Sourcing Solutions Team where the requirement is likely to exceed £15,000 in value;
- Using existing corporate contracts or select lists of suppliers where in place;
- Following the corporate process at the earliest opportunity when you need a new supplier;

- Ensuring all procurement activity within the contract lifecycle is conducted in accordance with the Orbis Ethical Procurement Statement;
- Ensuring that all suppliers to the Council adhere to the Supplier Code of Conduct.

## **1.6 Transparency**

This section sets out how we meet our obligations to be transparent in our procurement, and maintain proper accountability to the public and obligations from the Local Government Transparency Code 2015 and PCRs.

### **1.6.1 Publication of Contract Opportunities, Spend and Contracts**

In accordance with current government requirements we publish details of all spend with suppliers over £500 on our website, as well as spend on purchasing cards. A list of current contracts and grants is also published.

All advertised opportunities for contracts over £25,000 are published via the national Contracts Finder website, as well as our own website. Contracts over the current EU threshold are advertised via the Official Journal of the European Union (OJEU) whilst it remains relevant.

All contracts awarded which are valued at greater than £25,000 must be published via the national Contracts Finder website, regardless of whether they were originally advertised there or not.

### **1.6.2 Freedom of Information**

Under the Freedom of Information Act (FOIA) 2000, we have an obligation to publish specific information and to provide information to members of the public upon request. However, the FOIA enables certain confidential information and commercially sensitive material to be withheld. You must therefore ensure tender information is kept confidential at all stages, especially during tender evaluation and after the contract is awarded. Suppliers must also be given the opportunity to highlight in their tender any information that they would not wish disclosed under FOIA. Requests for information under the FOIA will be dealt with under the usual Council procedures for such requests.

### **1.6.3 Developing Local suppliers**

The Council is committed to encouraging businesses in the county to compete for contract opportunities in order to support the development of the local economy. It provides information and support via dedicated websites and through supplier events. For all purchases we actively encourage the use of locally-based suppliers where they can offer best value for money. Local is defined as within the county boundaries of Surrey. If no supplier exists within these boundaries this can be extended to include Orbis partner county boundaries.

Officers are required to use their purchasing power to work with local businesses wherever possible where this provides equal or better Value for Money for the Council than alternatives. However it must also be noted that the EU public procurement legislation requires that any procurement activity should not discriminate, favour or show bias.

Officers should carefully review the required specifications of any Contract to ensure that small and medium sized enterprises are not being disadvantaged in their ability to tender for goods, works or services with the Council.

For contracts over the relevant EU threshold Officers must also consider whether the contract

should be divided into Lots in order that small and medium sized enterprises can bid for local work. The decision not to divide into Lots should be clearly documented on the Strategic Sourcing Plan.

Where a contract is to be divided into Lots the process followed should still be in line with the total value of all requirements. For example a contract for services which is divided into 4 Lots of approx. £50,000 each would still be subject to the PCRs as the total value of the contract exceeds EU thresholds.

An Officer must not enter into separate contracts nor select a method of calculating the total value in order to minimise the application of these Orders.

#### **1.6.4 Conflict of Interest**

Our market searches, procurement and purchasing must be carried out free from any conflict of interest to support our transparency objectives. An 'interest' means any consideration or anything of economic value, including future consideration.

Conflicts of interest can arise when someone who is involved in these processes has a close connection with another party who is also involved which may mean they could influence, or be influenced by, the outcome of a buying decision.

Conflicts of interest can arise in the procurement process in a number of ways, including:

- Where someone who is actually buying goods or services for the Council, or giving budgetary approval for the purchase, has an interest in the supplier's business;
- Where someone with an involvement in a tender or other sourcing process has an interest in the potential supplier's business;
- Where Suppliers bidding for a contract with the Council have an interest which could enable them to influence unfairly the outcome of a sourcing process;
- Where consultants are supporting the Council in conducting or developing market searches or project preparation including business case for solutions which could enable them to influence unfairly the outcome of any resultant sourcing process

If you are a Council employee you must follow the Code of Conduct and Conflict of Interest Policy, ensure all potential conflicts of interest are declared appropriately, and ensure you do not participate in any buying activity where these Conflicts of Interest could arise.

Temporary & agency staff, and other consultants or contractors must abide by the terms of their contract with the Council and follow the Council's Code of Conduct and Conflict of Interest Policy on Conflicts of Interest and on Equalities and Diversity.

Staff may supply goods, works and services as external suppliers to the Council as long as the policy has been followed, and any interests declared and managed at the time a contract is agreed. Staff members who become suppliers must not have access to systems to raise Purchase Orders. There must be demonstrable transparency and fairness in any transactions of this nature.

Suppliers bidding for contracts with the Council are required to declare any conflict of interest.

The Council may undertake projects involving income generation and the available powers to trade and charge, where potential conflicts of interest may have an impact. These will be referred

to the AD Procurement or authorised delegate to agree with the Monitoring Officer an approach that best manages the Council's interests.

Conflicts of interest arising from shared service or collaborative working will be also referred in the same way, unless already under the scope of an agreed governance body for that management of the shared service arrangement, who will then be responsible for agreeing an approach that manages the best interests of the parties.

### **1.6.5 Bribery, Corruption, Canvassing and Collusion**

#### **Bribery and Corruption**

Officers must comply with the Code of Conduct and the Council's anti-fraud and corruption strategy and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly.

High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to below.

The Council may terminate a contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf does any of the following things:

- offers, gives or agrees to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or
- commits an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972; or
- commits any fraud in connection with any Council contract, whether alone or in conjunction with Council members, contractors or employees.

#### **Canvassing and Collusion:**

All Invitations to Tender shall include a requirement for tenderers to complete fully and sign a form of tender and certificates relating to canvassing and non-collusion.

Every contract shall contain a clause entitling the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor or his representative (whether with or without the knowledge of the contractor) shall have practised collusion in tendering for the contract or any other contract with the Council.

## **2 Finding and contracting with Suppliers**

Whenever it is necessary to enter into a contract, you must take into account the 'aggregate' or total spend forecast. That is, the total amount you expect to spend with a supplier for the duration of the contract. To clarify: Annual value x contract period in years (including options to extend) = Aggregate value. This value determines the approach to be used to find a supplier and put a suitable contract in place. These rules apply to all contracts including works and service concessions.

## **2.1 Grants**

In making a grant the Council is not contracting for a service that it might otherwise have delivered itself. Rather it is offering financial support in an area of work, designed and proposed by another organisation, which it wishes to sponsor. The work to be carried out by the other organisation would be deemed to add value to the council's overall aims or objectives. Grant-in-aid is the provision of funding to cover in whole or, more likely, in part, the running costs of an organisation whose work complements that of the Council. The recipient will have discretion over the spending of that funding within the general framework of controls agreed with the Council.

The making of grants or the disbursement of grant-in-aid is not subject to these Orders.

Officers must not engage any third party during the application or development of an application for grant funding, with which the Council wishes to deliver services or works, or purchase goods without consulting Procurement. No undertaking must be given which provides guarantees to any third party regarding further work, services or goods to be provided as a result of the Council being awarded grant funding.

Where the Council is using Grant monies itself or passing it on to a third party, the application of that money is subject to these Orders and may also be subject to the requirements of the relevant grant funding body.

Officers shall determine on a case by case basis whether funding is to be considered as a Grant or a Relevant Contract. In considering the award of a grant, Officers shall also have regard to State Aid and Best Value law.

If you are not clear, then contact the Procurement team.

### **2.1.1 State Aid**

Definition: State aid can be defined as any assistance offered by a public sector body in any form whatsoever that distorts or threatens to distort competition by favouring certain organisations and / or Suppliers or the production of certain goods. Such aid may take the form of a grant (capital injection), business tax relief, a reduction in rent or preferential finance (this is not an exhaustive list).

Where the Council wishes to administer aid in this manner careful consideration must be given prior to such a grant so as to ensure that it is compatible with EU law. Aid that is not compatible with EU law may be recovered from the beneficiary with interest.

For a grant to be considered as State Aid the following cumulative criteria must be met:

- The beneficiary receives a grant of a benefit or advantage; and
- The aid is given by a Member State or through state resources; and
- The beneficiary receives the aid on a selective basis; and
- The aid granted distorts or threatens to distort competition; and

- The aid is capable of affecting trade between Member States

Granted aid must fulfil all of these criteria in order to be deemed as a State Aid for the purposes of EU law.

Where a grant is defined as State Aid it must be notified in sufficient time to the European Commission. Aid will not be permitted to be bestowed upon the beneficiary until the Commission has reached a decision as to whether it can be deemed as compatible with EU law or not. Where Aid is incompatible the Council will not be permitted to grant it.

### **Exemptions for State Aid**

Besides seeking approval from the European Commission, State Aid can be said to be compatible with EU law and can therefore be granted legally if:

- For the most part the total de minimis Aid given to a single recipient is less than €200,000 over a 3-year fiscal period;
- Aid in favour of Small, Medium Enterprises, research, innovation, regional development, training, employment of disabled and disadvantaged workers, risk capital and environmental protection;
- Aid measures promoting female entrepreneurship, such as aid for young innovative businesses, aid for newly created small businesses in assisted regions, and measures tackling problems like difficulties in access to finance faced by female entrepreneurs.

Such Aid must still be notified to the European Commission and as a result Council Officers are advised to seek the advice and guidance of the Solicitor to the Council and / or Monitoring Officer where State Aid may be said to exist on a particular project or procurement.

## **2.2 Overview and summary table**

The table at 2.2.1 below sets out the approach that must be followed for each threshold aggregate value. As set out above, and in the Councils' Scheme of Delegations to Officers, functions delegated to particular officers may be carried out by other officers authorised by them.

## 2.2.1 Summary table – Process for finding new suppliers at each threshold level

Aggregate value	Purchase Card permitted?	How many quotes are required?	How should you approach the market?	Who leads procurement?	Should the contract be formally advertised?	What type of contract is required?	Who must approve the contract award?+	Who signs the contract on our behalf? ++	Contract Award Notice needed?	How much time should be allowed to carry out process?
<b>£0 to £14,999</b>	Yes if within rules & guidance and card limits	One	Email / Call Supplier. Use a local supplier if they offer best value.	Service Officer	No	Standard Terms (see Council's website)	Budget Holder	Not Required – (Approval of Purchase Order)	No	2 weeks minimum
<b>£15,000 to £99,999</b>	Only in formal emergency cases (see section 5.2)	Minimum of three of which one must be a local supplier	Contact Sourcing Solutions / Buying Solutions who will lead sourcing activity	Business Operations or Service Officer	No but where advert is placed, this must be via Contracts Finder	Council's Standard Terms, or a specific contract approved by Legal Services	Head of Service or delegated manager	Head of Service or delegated manager	Yes – over £25,000 on Contracts Finder	6 weeks minimum
<b>£100,000 to £499,999</b>	No	(via tender process)	Issue Tender via Procurement	Procurement	Yes, via Contracts Finder and / or OJEU	Specific contract approved by Legal Services	Sourcing Governance Board (SGB)	Head of Procurement and Head of Service	Yes – over £25,000 on Contracts Finder or OJEU over EU threshold	Up to 6 months
<b>£500,000 and over</b>	No	(via tender process)	Issue Tender via Procurement	Procurement	Yes, via Contracts Finder and/or OJEU	Specific contract approved by Legal Services	SGB and either Lead Member (£500,000-£999,999) or Cabinet (£1million+)	Sealed as a deed via Legal Services	Yes – OJEU over EU threshold	Up to 12 months depending on complexity of requirement



**Notes:**

EU thresholds for Goods and Services is currently set at £164,176 and for Works £4,104,394 as at the 1<sup>st</sup> January 2016.

The current Light Touch threshold is £589,148. It is reviewed every two years and officers should check the current thresholds in place here: [www.ojec.com/thresholds](http://www.ojec.com/thresholds). Procurement can also advise on the latest values.

The Concession Contracts Regulations 2016 (CCR) apply to the award of works Concession Contracts or services Concession Contracts above £4,104,394.

### 3 Buying Principles

These Buying Principles apply to contracts of all values to ensure that they are made in a fair and open way that delivers best Value for Money.

When a new requirement for goods, services or works is established, it is important to ensure the correct procedure is followed in order to obtain them.

The basic steps for this are as follows:

- Establish what the requirement is (key business needs);
- Ensure whether a new procurement is the right option – do we need to buy?
- Establish that there is a budget for this procurement;
- Looking at the applicable section of the table at 2.2.1, plan what needs to be done;
- Ensure all other internal governance arrangements are followed;
- Check that there is no existing contract or framework that is suitable to use for the requirement;
- Engage with Buying Solutions where spend is over £15,000;
- Engage with Procurement where spend is over £100,000;
- Engage with Procurement where (regardless of value) risk or complexity is high; Complex procurement can be defined as where your requirement requires design or an innovative solution; cannot be met without adaptation of an available solution, requires market engagement or prior negotiation; or the legal and financial makeup and/or risks cannot be established with sufficient precision;
- Ensure that where the requirement is for temporary workers or consultants outside of the corporate contract, HR is consulted in the first instance and the appropriate approval is obtained.

#### 3.1 Contract Compliance

Where existing corporate contracts and agreements exist, these should be used and appropriate Service Contract Manager consulted as they provide best Value for Money for the Council. Ways to identify existing arrangements in place are given in more detail in section 4.1. In the unlikely event that an existing corporate contract cannot meet your needs, approval from the Strategic Contract Manager (for that contract) may be required. If for any reason you do not feel that the corporate contract or agreement is suitable for your requirement you must gain approval from the relevant Strategic Contract Manager before proceeding. If the total value of the individual requirement exceeds £100,000, advice should be sought from Procurement before using an existing corporate contract or framework.

#### 3.2 Purchase Orders

You must not raise the order retrospectively (that is, once the goods or services have been delivered by the supplier). This is to ensure that the purchase is properly approved in advance

and that the commitment against the budget is clearly visible to the budget-holder. Failure to raise an order in advance is a breach of these Orders.

Once you have found the right supplier in compliance with the correct procedure required by these order, you must not make verbal commitments but must raise a Purchase Order (via a SAP or equivalent service-specific system). This must be approved according to the Council's Financial Regulations before it is sent to the supplier.

### **3.3 Setting up a new Supplier**

To set up a new supplier in order to raise a purchase order, please refer to the guidance on Setting up a new Supplier.

### **3.4 Select Lists**

Select Lists are lists of approved suppliers who have been pre-assessed or qualified in order to provide defined goods, works or services to areas of the Council in line with requirements of the Orders. Select Lists may only be used where the total value of the contracts awarded under the select list do not exceed the relevant EU threshold for those goods, works or services and that at the point of establishing the select list the opportunity to apply to be a part of the Select List is openly advertised.

Sourcing Governance Board (SGB) must approve proposals to establish a Select List of approved suppliers developed with the relevant Procurement Manager in Procurement. This must happen at least 2 weeks before a list is compiled or reviewed. Suppliers on any existing list must be asked if they wish to join the new list, provided they can evidence meeting new assessment criteria or requirements.

A list must not normally operate for longer than 4 years and any appropriate continuing requirements for membership of the list, such as insurance obligations, should be included. The operation of the approved list in awarding contracts, and options to re-opening to new suppliers, any exemptions and/ or suspension of suppliers must be defined in writing as part of the approval of the list's establishment sought from by the relevant service area from SGB.

### **3.5 Collaboration**

The Council may enter into collaborative agreements for the procurement of goods and services with other public bodies or Central Purchasing Bodies where this offers best value for money for residents. Officers must ensure that:

- The Council is a named party to the agreement;
- The call off arrangements set out by the lead authority are followed;
- Appropriate sign offs as set out in these Orders are followed.

The appropriate sign-offs and procedures as set out in these Orders and Public Contract Regulations (PCRs) need to be followed when undertaking collaborative projects and spend, as well ensuring any risk is managed appropriately.

Where the Council acts as the lead contracting authority on behalf of a collaborative partnership two or more public bodies, Legal and Procurement must be consulted to determine the appropriate procedure and contractual arrangements.

A lead contracting authority may take on additional responsibilities in a collaborative framework or contract such as:

- Ensuring the total aggregate value of all contracts does not exceed the advertised contract value
- All parties abide by the contract / call off terms.
- That continued due diligence and performance management is undertaken of the supplier/s
- That appropriate cost sharing agreements are put in place where necessary.

### **3.6 Frameworks Agreements and Dynamic Purchasing Systems**

Procurement can provide advice on all aspects of the operation and use of collaborative and framework agreements or Dynamic Purchasing Systems (DPS). There are a number of established central purchasing bodies who establish framework agreements and DPS which the Council can utilise.

#### **3.6.1 Framework Agreements**

A framework agreement is a general term for an agreement with suppliers that sets out terms and conditions, under which specific purchases, or call-offs, can be made throughout the life of the agreement. The procurement activity to establish a framework agreement is subject to the PCRs. There are different mechanisms for placing call-off orders under a framework agreement and at all times the Council must ensure transparency and fairness.

The Council may establish a framework agreement and make this available to other contracting authorities, or make use of framework agreements awarded by other public sector bodies.

##### **3.6.1.1 Setting Up a Framework Agreement**

When putting a framework agreement in place, these Orders apply to the process. During the initial framework set up, the rules of the framework are developed and these apply to any subsequent arrangements that are let from the original framework.

##### **3.6.1.2 Using and Operating a Framework Agreement**

When using a Framework Agreement not established by the Council, Legal Services must be instructed to satisfy themselves that to the best of their knowledge the original agreement:

- was tendered for in accordance with the PCRs or Concessions Contracts Regulations 2016 for the potential use by the Council;
- is in the interests of the Council;
- contains conditions of contract acceptable to the Council, and
- Contract Award Notices are published in accordance with the PCRs or Concession legislation (see section 7.1).

Access Agreements to join Framework Agreements for frameworks set up by other public bodies, once confirmed to have met these criteria, can be signed by Head of Procurement.

Framework agreements can be used to source contracts for any value that falls within the scope of the framework and advice should be sought from Procurement. Frameworks have their own distinct rules which are defined as part of establishing the framework agreement. Specific rules governing an individual framework take precedence over these Orders when these differ, e.g. to allow for the use of different number of suppliers and standards etc. Other obligations of these Orders still apply and must be followed when utilising a framework agreement.

A Contract Award Notice for **all** contracts awarded from framework agreements, with a value of greater than £25,000 must be published on the Contracts Finder website. See section 7.1 for more details.

### **3.6.2 Dynamic Purchasing System**

A Dynamic Purchasing System (DPS) is an entirely electronic system where suppliers are able to express an interest and be evaluated against a defined set of suitability criteria in order to gain access to the DPS. The DPS must be open to any suppliers to apply to join it at any time during the operation of the DPS.

All opportunities for contracts being awarded from the DPS must be issued to all relevant suppliers on the DPS on the appropriate section of this. The operation on the DPS and all call-off contracts must comply with the timescales and evaluation procedures in accordance with the PCRs.

If you wish to use a DPS that has been established by another public body or central buying group, and which is open and available for use by the Council, it shall be subject to the same principles and checks as set out above under 'Framework Agreements'.

You must ensure that the call-off and award procedures are compliant with the requirements of these Orders and PCRs when awarding contracts from a DPS.

A Contract Award Notice for **all** contracts awarded from a DPS must be published in the Official Journal of the European Union whilst these regulations apply. See section 7.1 for details.

### **3.7 Concession Contracts**

The Concession Contracts Regulations 2016 (CCR) apply to the award of works Concession Contracts or services Concession Contracts above £4,104,394. Concession Contracts must meet the following requirements:

- The award of the contract involves the transfer to the concessionaire of an operating risk in exploiting the works or services encompassing demand or supply risk or both;
- The part of the risk transferred to the concessionaire involves real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire is not merely nominal or negligible. The concessionaire shall be deemed to assume operating risk where, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services which are the subject-matter of the Concession Contract.

Concession Contract Regulations may apply to Contracts which are of no financial cost to the Council but which have a pecuniary interest for the Economic Operator.

The same general principles that apply to other procurement rules apply to the award of Concession Contracts. In particular, the Council must treat providers equally and without discrimination and must act in a transparent and proportionate manner.

Seek advice from Procurement and/or Legal Services if you are consider that you might want to award a Concession Contract.

Special rules apply to the procurement of design contests for the acquisition of plans or designs by the Council following adjudication by a jury, as part of a procedure leading to the award of a public services contract of a value in excess of the relevant EU threshold.

Such contracts must be awarded in accordance with the relevant rules set down in the EU Regulations.

### **3.8 Using Purchase Cards**

You may only use a Purchase Card where there is no existing suitable supplier available and the spend value is below the level set out in the 'Purchase Card Rules and Guidance', unless otherwise agreed in writing by Procurement, or in life-critical circumstances (see also section 5.2).

Except in the case of a declared emergency, Purchase Cards **must only** be used for spend in line with the guidance on the use of Purchase Cards that is maintained on the intranet.

### **3.9 Commercial Confidentiality and Intellectual Property**

If you are discussing developments with suppliers you should take care to ensure that you do not inadvertently share key commercial or confidential information such as budgets, existing pricing from other suppliers, or suggestions for improvements unless you have a Non-Disclosure Agreement in place.

This protects the Council's interests and our intellectual property. Procurement are responsible for putting these agreements in place where appropriate with advice from the Monitoring Officer, and can provide commercial advice and support in dealing with suppliers. Where arrangements include the Intellectual property of the Council, appropriate or relevant contract clause/s must be included.

Intellectual property is a generic term that includes inventions and writings. If these are created by the Council as a general rule they belong to the Council not the supplier. Certain activities undertaken by the Council may give rise to items that may be patentable, for example software development. These items are collectively known as Intellectual Property.

### **3.10 Service-Specific Arrangements**

Several Council Services use local systems to send orders to suppliers, for example: Adults Social Care, Transport, Highways, Property and Libraries. All such systems must support financial approval of orders in accordance with the Financial Regulations and ensure compliance with the requirements of these Orders in delivering any applicable service-specific obligations.

Business Operations will maintain all supplier master data on these systems to ensure it is of high quality and consistent with the master database of suppliers kept in accordance with section 1.5 of these orders.

### **3.11 Temporary Staff, Consultants and Professional Services**

Procurement works closely with HR to manage the Council's workforce needs. This applies to any appointment that is outside the Council's direct employment arrangements and includes the appointment of temporary workers, temporary staffing agencies, independent consultants, consultancy companies and professional or technical services independents or companies.

A consultant is a person (not an employee), agency or firm engaged for a limited period of time on a project or requirement specific basis to carry out a specific task or tasks which meet a desired set of outputs or outcomes. A consultant provides subject matter expertise, support and/or experience to the Council either because it does not possess the skills or resources in-house or which requires an independent evaluation/assessment to be made. This definition excludes: (a) agency staff, interim or role specific duties which should be

sourced through the Council's Corporate Contract. (b) routine services e.g. maintenance, cleaning and security. (c) professional services e.g. Architects, structural engineers, forensic archaeologists, specialist social care support, training etc.

- Consultants must be appointed under a contract for services;
- The contract should clearly detail the project objectives, deliverables, milestones, and performance measures and an accompanying payment schedule based on satisfactory completion of the project/milestones should be included;
- The contract must have a clear start and end date;
- The contract must contain provision for in the event of the consultant's work being unacceptable – it must be rectified at no additional cost to the Council;

Temporary workers (also sometimes referred to as 'temps' or 'locums') are usually defined as persons primarily engaged as a short term solution to provide cover for unplanned or emergency staffing shortages. Such shortages may include sickness absences, unexpected increases in workload, or covering a vacancy while you go through a formal recruitment process. Temporary workers are often associated with high costs and must be sourced using the Council's main temporary staffing contract.

In the first instance, any requirements for temporary workers or consultants should be approved by HR if the corporate framework is not being used. This is to ensure the requirement is in accordance with current HR staffing policies and legislation.

Refer to the HR Short Term Resourcing Needs policy for further guidance.

## **4 Sourcing your Contract**

### **4.1 Existing supplier/contracts**

In the first instance, where contracts are in place for goods, works or services, these should be used. You can check the products and suppliers available and maintained by Buying Solutions on the Intranet.

Regardless of value, framework agreements and Dynamic Purchasing Systems that meet the requirements of these Orders under section 3.6 can be used where they provide best Value for Money.

### **4.2 Contracts up to £14,999**

For contracts for works, goods or services with an estimated value up to £14,999, the appropriate budget holder must obtain at least one written quotation. It is however, advisable to seek further quotations in order to evidence achieving best value for money.

Alternatively you may place an order with a contractor under a corporate contract, framework agreement or DPS, where such arrangements have been put in place by the Council.

Where a select list exists the quotation must be obtained from an approved supplier on the select list. If they offer best value, you should use a locally-based supplier.

### **4.3 Quotations for Contracts £15,000 to £99,999**

In the case of contracts with an estimated value of greater than £15,000 but not exceeding £99,999, the request for quotation process should be followed. This is led by Buying Solutions, via the e-tendering system. You may invite competition from a framework agreement or DPS established where such arrangements have been put in place or approved for use by the Council. Written or emailed quotations are acceptable but in the first instance the e-tendering system will be used. Where a select list exists for a specific requirement, the quotations should be obtained from approved suppliers on the select list. Where appropriate, at least one locally-based supplier should be included in those invited to quote. Local is defined as within the county boundaries of Surrey. If no supplier exists within these boundaries this can be extended to include Orbis partner county boundaries.

Quotation procedures must be undertaken using a single stage (open) procedure, incorporating the standard suitability assessment criteria required under the PCRs relating to lower value contracts. In seeking quotations, due regard must be given to any guidance or standard quotations templates issued by the AD Procurement.

If 3 quotations cannot be obtained, even when the market has been tested, then this should be reported with full details to Buying Solutions who will maintain a full record for audit trail.

All purchases must be delivered under a form of contract approved by Legal Services (where spend exceeds £50,000) and Procurement. Where a standard contract cannot be used, the Buying Solutions team will inform Legal Services as early as possible in order for the appropriate legal resources to be made available. Documents such as specifications must also be sent to Legal Services to assist with the contract drafting.

#### **4.3.1 Advertising for Quotations**

When a contract over £25,000 is advertised in **any way**, this **must** be done via Contracts Finder and involve a one stage process. This should include appropriate selection criteria to assess the experience and capability of the supplier and the nature of the contract required. Insurance requirements in section 6.1 must be included. All such opportunities should also be advertised to local suppliers via the Supply to Surrey and or Supply to East Sussex website as appropriate. Before advertisement, you must confirm budget availability with the appropriate Finance Manager.

#### **4.3.2 Contract Award Notices for Quotations**

For contracts awarded over a value of £25,000, a Contract Award Notice also has to be published on Contracts Finder. See section 7.1 for details.

#### **4.3.3 Business Operations**

The Business Solutions Team within Business Operations can confirm whether or not existing suppliers and contracts can meet your requirement/s.

The Buying Solutions team can supply a Request for Quotation form, for you to complete. They will then carry out the quotation activity for you.

They will then decide the most appropriate approach to the market to achieve the best value. Where a framework agreement or DPS exists and offers best value, they will carry out a mini-competition exercise to select an included supplier. This is normally done via the agreement owner's website. The Buying Solutions team will check with Legal Services before starting a mini-competition, in order to ensure the Council can legally access the agreement.



## 4.4 Tenders for £100,000 or over

### 4.4.1 Procurement Strategic Sourcing Gateway Process

If the aggregate value is £100,000 or over Procurement must lead the sourcing exercise. This exercise and the subsequent contract award follows the Procurement Strategic Sourcing Gateway Process. This ensures we:

- follow proper legal procedure/s;
- manage the progress of our projects;
- maintain a record of the sourcing decisions made on behalf of the Council.

The process has five gateways that must be completed for each project as it progresses from stage to stage:

**Gateway Zero:** Used internally in Procurement to identify pipeline projects agreed at a strategic level with senior Service managers as part of the business planning process.

**Gateway One: Initiate**, where the requirement is confirmed and work begins on the Strategic Sourcing Plan (SSP) (Project Brief section).

**Gateway Two: Route To Market**, where the SGB reviews the Route to Market within the SSP and approves those that are acceptable.

**Gateway Three: Award**, where the resulting contract is awarded.

**Gateway Four: Handover & close**, where the contract is mobilised and ongoing responsibilities are identified and implemented, including contract and supplier management. Lessons learnt are also captured.

Note that the acceptance, opening and evaluation of formal tenders must be carefully controlled to ensure fairness to all bidders. This process is managed within Procurement and is controlled by the electronic tendering system.

Because we must comply with EU and UK law on procurement, we must observe certain minimum timescales for delivery that are designed to ensure that fair competition is maintained at each stage. When planning for procurement projects, you need to allow several months for this, depending on the exact process that is to be used. Procurement can advise you about the detailed timescales relevant to your particular project.

### 4.4.2 Award of Contracts – Above PCR Threshold

All contracts shall be awarded in accordance with the criteria set out in the Procurement Documents.

For contracts with a value at or above the PCR Thresholds, the Officers shall adhere to the contract award procedures set out in the PCRs and observe a standstill period before entering into the contract. The standstill period will normally end at midnight at the end of the tenth day after the date the Council sends notice to the tenderers electronically, that it has made an award decision.

Where a tendering exercise is regulated by the provisions of the PCRs Bidders must be simultaneously notified (in writing) and as soon as possible after any decision has been made in connection with their exclusion from the process or the outcome of the award decision is known.

The award decision must contain: Details of the successful contractor, the award criteria as set out in the ITT, the characteristics and relative advantages of the winning bidders tender, the scores (as weighted) of both the winning bidder and that of the unsuccessful bidder.

**Debriefing of candidates – Regulated procurements**

The process is set out in Regulation 55 of the PCRs 2015 and must be strictly adhered to.

**Challenges to Award of Contract – Above PCR Threshold**

If a challenge, or threat of a challenge, to the Councils’ decision to award is received the officer must contact Legal immediately.

Challenges to the Councils’ decision, under the Remedies Directive 2010, initially require the immediate suspension of the contract award and if the challenge is successful, may result in financial compensation being awarded to the claimant (and potentially all unsuccessful bidders) and in some cases the termination of the contract and/or procurement procedure.

**4.4.3 Sourcing Governance Board (SGB)**

The Sourcing Governance Board (SGB) is mandated to control expenditure, ensure best value and monitor compliance for all procurement activity with an aggregate value of £100,000 or more. SGB approves the procurement strategy and contract awards as set out in a Strategic Sourcing Plan (SSP) document and in accordance with the Procurement Gateway process.

Procurement keeps a record of all procurement submissions for sourcing and contract award decisions, which will be cross-referenced to contract documents in the Contract Management System.

SGB also monitors compliance with these Orders and advises Human Resources and relevant manager of any areas of deliberate disregard. Procurement keeps a record of all submissions to SGB, which is cross-referenced to contract documents in the Contract Management System.

To be approved, you must obtain both written budget approval from the appropriate Finance Manager and the unanimous consent of all stakeholders listed in the SSP prior to attending SGB. The completed SSP will be submitted to SGB for approval, and depending on whether it is to follow the Lite or Full approvals process attendance will be as follows:

	Lite Process	Full Process
Gateway 2	Discretion for SGB Chair to approve if under £300k. Otherwise SGB Chair, Finance Manager (for service), Legal Services representative	SGB Chair, Senior Finance Manager (corporate), Legal Services representative
Gateway 3	Benefits Realised. SGB Chair, Budget Holder (service)	SGB Chair, Senior Finance Manager (corporate), Legal Services representative
	Benefits Not Realised. SGB Chair, Budget Holder (service), Finance Manager (for service) - Procurement discretion (with 5%/10% tolerance)	

For SSPs categorised as Lite (low complexity and low risk), the sourcing (Gateway 2) and award approval process (Gateway 3) will differ as follows:

- For procurements with a total estimated value less than £300k, the SGB Chair will have discretion to approve the route to market (Gateway 2) outside of the SGB (as noted above, prior approval of SSP stakeholders and Finance Manager will still be required).
- If, at Gateway 3, the benefits detailed in the SSP have been realised and signed off by the relevant Budget Holder then further Financial approval is not required. If these have not been realised then the relevant Finance Manager must also be involved in the approval process. Procurement have the discretion to consider benefits realised if they are within 10% of the original forecast in the SSP.

The SGB is chaired by Procurement and attended by the Section 151 Officer and Director of Legal Services or their delegated substitutes. Any delegated substitute is responsible and has the authority as if the officer themselves had attended. The SGB meets weekly; all submissions must be provided at least 3 working days prior to the meeting.

Whilst awaiting SGB approval you may take no further action regarding your purchase.

#### **4.4.4 Sustainability and Social Value**

The Public Services (Social Value) Act 2012 places an obligation on us to consider the economic, social and environmental well-being of our area when we award services contracts over the EU threshold. We apply this to all procurement over £100,000 as well using the Social Value Measurement Charter. This tool applies to all contracts over £100,000 and is available to bidders during the tender stage to select what social value is within their capacity and capability to deliver.

Our procurement approach covers these areas:

- Economic Sustainability – we aim to purchase goods, works and services which enhance the local economy. We recognise the importance of Small & Medium Enterprises to the local community and ensure every effort is made to make our contract opportunities and tender processes accessible to them;
- Social Sustainability - we aim to purchase goods, works and services which promote community well-being, and that supply chain partners operate fair and ethical working practices including compliance with the Modern Slavery Act 2015;
- Environmental Sustainability – we aim to purchase goods, works and services which minimise our carbon footprint, encourage a positive impact on the local environment, and have the best value costs and benefits taking into account their whole life cycle from origination to disposal;
- Equalities & Diversity - we only purchase goods, works and services from suppliers who meet our standards of equality of employment and service delivery, and we ensure that the tender process is free from discrimination or perceived discrimination in accordance with the Council's Equality Scheme;
- Compact – where we are purchasing from the voluntary and community sector you must comply with the Compact Code of Practice on Funding and Procurement.

Procurement must consider Social Value when planning tenders for all contracts over £100,000. An assessment of relevant Social Value must be carried out and the results recorded in the Strategic Sourcing Plan. Procurement ensures that our practice is aligned with the Council's

policies in this area, for example in driving apprenticeship and training opportunities and increasing local spend.

#### **4.4.4.1 Environmental and Sustainable Sourcing**

All suppliers to the Council are required to comply with all relevant UK and EU environmental legislation and regulation, and any such superseding legislation. The Council may also introduce from time to time particular local and UK policies which support environmental and sustainable procurement and Officers should include these in relevant procurement documentation and procedures.

#### **4.4.5 Evaluation**

Tenders over £100,000 are evaluated by Procurement based on the identification of the 'Most Economically Advantageous Tender (MEAT)'. This takes price into account, alongside quality and social value considerations, but does not require the tender to be awarded to the lowest priced bidder

### **4.5 Tenders over EU Procurement Thresholds**

#### **4.5.1 EU Thresholds (or equivalent regulation)**

Contracts with a value over the EU thresholds are subject to the requirements of the PCRs (or the Concessions Contract Regulations 2016). EU Thresholds are updated every two years. Procurement can advise on the latest values.

#### **4.5.2 Procurement Procedures**

Within the EU regulations there is a choice of six separate tendering procedures, these are:

- Open procedure – also known as a one stage process, this procedure involves the Council proceeding directly to Invitation to Tender through open advertisement;
- Restricted procedure – also known as two stage process, which includes selection stage where suppliers are shortlisted against specific relevant criteria followed by an invitation to tender being sent to the final shortlist;
- Competitive Procedure with Negotiation – is a method which is used where the requirement requires design or innovation solutions which cannot be readily identified through market engagement, or dialogue is required to determine with sufficient precision the final legal and financial make up, but that minimum requirements and objectives can be identified prior to procurement. The process normally involves shortlisting of bidders who respond most robustly to the minimum requirements and objectives and then final negotiations are held on certain elements;
- Competitive Dialogue procedure – this method is used usually where the requirement is very complex and where specifications or outcomes of a solution have not yet been clearly defined. This will usually involve an initial shortlisting followed by an Invitation to Participate in Dialogue whereby initial proposals are made proceeding to various stages of dialogue to determine the final solution;
- Innovation Partnership – This procedure is very specific in nature as it targets problem-solving projects focused on R&D, and where the tools for achieving goals or outcomes may not yet exist. In essence the procedure involves a competitive exercise to identify a partner

who can develop the solution and include the ability to award a contract to supply that solution without further need for competition.

- Negotiated Procedure without Prior Publication – in specific cases laid down by PCRs 2015 Section 32 Contracting Authorities may award public contracts by a negotiated procedure without a prior publication.
- The Light Touch Regime (LTR) covers Health, Education and Social Care contracts. As with all procurements, the process undertaken to award the contract must be fair, open and provide for equal treatment. Approval for LTR tenders must follow all approval processes as set out in table 2.2.1.

The procedure selected must be in line with the PCRs, detailed in the SSP and approved by the SGB.

#### **4.5.3 Use of Selection Questionnaires (SQs) (Previously known as Pre-Qualification Questionnaires (PQQs))**

The Council shall apply minimum standards of experience, reputation and economic standing to suppliers to test their suitability to bid for a Council contract. For contracts above EU thresholds suitability is usually tested by means of a SQ.

All the methods and criteria used for assessing the suitability of suppliers shall be transparent, objective and non-discriminatory.

Officers must use the Council's standard Selection Questionnaire and adhere to its statutory guidance for all procurements of contracts above the relevant EU Threshold.

For procurements which are below the OJEU thresholds a pre-qualifying stage cannot be used as stated in Regulation 111 of the PCRs.

#### **4.5.4 Contracts reserved for social enterprises and the employee-owned sector**

The Council may reserve participation in procurement processes for limited types of services contracts to certain qualifying organisations from the employee ownership and voluntary sectors. The maximum duration of contracts awarded under this power is three years.

Officers must obtain approval from Legal Services before commencing a procurement in reliance on this Order.

The procedure selected must be in line with the PCRs, detailed in the SSP and approved by the SGB.

#### **4.5.5 Tender Records**

For all contracts over EU threshold values, a full record of all key decisions and process in relation to the procurement procedure will be kept in the Procurement Report and contain such details as required by Regulation 84 of the PCRs.

## 5 Waivers and Emergencies

### 5.1 Waivers

These Orders are mandatory and must be adhered to at all times, so **waivers** are only granted in exceptional circumstances and cannot be given if they would contravene the PCRs or any other applicable legislation. **No** waiver is granted retrospectively; this is viewed as non-compliance with these Orders and is reported to SGB.

A waiver is defined as any procurement or contractual action which is not compliant with these Orders. This includes:

- Any extension to a contract which does not contain any further options to extend;
- A direct award of a contract without following the relevant competitive process as set out in these Orders;
- Modification of a contract (such as increased volume or value, additional services or goods) which did not allow for the modification within the original scope advertised or which may breach allowable modifications as set out in Regulation 72 of the PCRs.

In any remaining exceptional circumstances you must obtain approval for a waiver in writing prior to progressing with your purchase. A waiver may only be granted where best value will be achieved and where this has been demonstrated in the waiver request. The approval required for a waiver is as follows:

**Where the aggregate purchase value is for less than £100,000** Head of Procurement or above may grant a waiver to these Orders.

**Where the aggregate value of the purchase is over £100,000** the SGB must ratify the waiver. In certain circumstances the SGB may refer the waiver request to the Cabinet for further approval.

It is important to note that a waiver can only be made with respect to these Orders. A waiver **cannot** be made with respect to the Council's obligations under the PCRs or any other legislation.

Procurement and Buying Solutions maintain a log of all waivers approved by SGB.

### 5.2 Emergency Purchases

An emergency purchase is only allowed for purchasing outside the hours 9am to 5pm where there is an imminent risk to life or property. They also apply in situations outside these hours where there is a need to secure Council property or assets e.g. when there has been a break in or failure, such as flood. You can use a Purchase Card, within your allocated limits, to pay. If the supplier does not accept Purchase Cards then you may give a verbal order and raise a formal purchase order the following working day. You must also inform Business Operations of any emergency purchases on the following working day.

Issues arising with contracts leading to a requirement for urgent mitigation action are not necessarily considered Emergency Purchases. This will be dealt with as part of risk mitigation within the contract management process.

## **6 Liability and Security**

### **6.1 Insurance Liability**

To protect the Council, insurance is required where we use goods, works or services provided by a supplier (including consultancy).

The minimal levels of cover for Public Liability Insurance and Employers' Liability Insurance, and Professional Indemnity Insurance for advice and design services are set out below:

- Public Liability £10m
- Employers Liability £10m
- Professional Indemnity (undertake a risk assessment and take advice from the Insurance Team)

In some instances where the contract value, risk or scope may be particularly high, additional or higher levels of cover may be required. Equally, where some contracts may be suitable for micro business, lower levels of insurance may be considered to obtain advice on what level of insurance is appropriate, contact the relevant officer within the Insurance Team. The agreed level of insurance should be recorded in the contract management system.

### **6.2 Financial Security**

Procurement and/or Finance must confirm that suppliers are financially robust both prior to contract award and during the life of the contract as appropriate. Details of the requirements or potential guarantees a supplier may need to provide must be set out in the procurement documents.

If either the total aggregate value of the contract exceeds £2m within twelve months, or there is doubt as to the financial credibility of a supplier but the Council has decided to accept the level of risk, then additional forms of security to a level determined between Legal Services and Finance are required, for example:

- a Parent Company, Ultimate Company or Holding Company guarantee where their finances prove acceptable;
- a Director's Guarantee or Personal Guarantee where finances prove acceptable;
- a Performance Bond, retained funds or cash deposit;
- any other security (such as escrow arrangements) as determined by Finance and/or Legal Services.

All documents inviting tenders and contracts issued must contain a statement that the supplier needs to provide security of performance and the level of security needed, financial checks to be applied at tender, plus how financial suitability will be assessed and checks that will be required during the life of the contract.

Additional documentation, where required, should be stored on the electronic tendering system.

### **6.3 Document Retention periods**

The retention of tenders and contractual documentation is prescribed in the Limitation Act 1980 and the Public Contracts Regulations 2015. In summary:

- All received Tenders & SQs must be retained for a minimum of eighteen months following the issue of the Contract Award Notice;
- All signed contracts under £499,999 (including all tender documentation) must be retained for a minimum of six years following contract expiry;
- All sealed contracts signed over £500,000 (including all tender documentation) must be retained for a minimum of twelve years following contract expiry.

Procurement must maintain an online record confirming location of contract/tender and scheduled date of destruction.

## **7 Managing Contracts**

All purchases must be delivered under a form of contract approved by Legal Services and Procurement. (Contracts can take various forms from Frameworks, Spot purchases, call off agreement and purchase orders). The Council manages the process of awarding contracts via its e-tendering and contract management systems, to ensure that contracts are properly filed and documented.

Where contract funding is received by the Council from a third party (for example, an incoming grant), the contract terms must include a provision for dealing with liabilities under the contract should that funding cease to be available.

### **7.1 Contract Award Notices**

A Contract Award Notice must be published on both Contracts Finder and the Official Journal of the European Union, within the timescales set out in the PCRs for all contracts:

- Over PCR Threshold values;
- For all contracts called-off from a DPS within 30 days of the contract award. Contracting authorities also have the option to group together contract award notices and publish them on a quarterly basis within 30 days of the end of each quarter.

For contracts below EU threshold and where commercial sensitivity or personal information is associated with the publication of this information, please contact Procurement for advice.

For all other contracts under the PCR thresholds, a Contract Award notice must be published on the Contracts Finder website for all contracts over a value of £25,000 including all call-off contracts from Framework Agreements as soon as is practicable after the conclusion of the contract.

All staff undertaking procurement competitions from Framework Agreements are responsible for the providing the required appropriate information to enable publication of the Contract Award Notice.

### **7.2 Contracts Register**

All contracts, including any variations or amendments, must be registered and maintained in the Electronic Contract Management System (ECMS) managed by Procurement. Data regarding contracts may be maintained in other systems i.e. PAMS, Wisdom etc. however the ECMS must be used to store both scanned copies and summary data relating to all contracts over £15,000.

All original signed contracts must have a completed summary contract certificate and be stored in a secure fireproof location.



All contracts over £100,000 must have a designated Contract Manager throughout the life of the contract as initially defined within the Procurement Engagement Plan (PEP), recorded on the contract certificate and on the ECMS. The role of the Contract Manager is as defined in the contract management framework segmentation model.

### 7.3 Contract Segmentation and Management

The procurement Service can help classify contracts using a segmentation model. The model will help identify the complexity of the contract and the risks and opportunities involved as well as the offer guidance on the indicative resources required to manage a contract of that nature. Segmentation is dynamic and may change during the lifetime of the Contract

The Contract and Supply Management team within Procurement will provide support, training and guidance in line with the Contract Management Framework. Contract Managers will be responsible for the delivery of all Contract Management activities.

All identified business critical contracts must have a written business continuity plan, to be held on the contract management system.

### 7.4 Contract Modifications and Extensions

A contract may only be amended (or varied) if the contract permits such a variation and is allowable under the PCRs. Further guidance is available from Procurement.

Officers must discuss requests to extend or modify contracts with Procurement and where appropriate Legal Services. Such modifications must be planned in a timely way and must not be used as a way to avoid these Orders or PCRs. Modifications must also take into account any requirement in the specification and consider if this needs updating to meet current needs.

You require the agreement of Legal Services and Procurement before any modifications are made to a Contract, to confirm that they are lawful and whether publication of a “Notice of modification of a contract during its term” is required. All modifications must then be recorded in writing, signed appropriately and retained with the original contract on the ECMS.

Contract extensions that are allowable under these Orders and PCRs must also be approved in line with the table below. **This is still required in addition to approvals granted at the time the contract was awarded.** These arrangements include amendments and extensions and the aggregate value of these modifications determines the approval. Contracts amendments or extensions need to be made with consultation and approval of the appropriate Service representative and signed (or sealed) according to the table in 2.2.1. and executed as per the original contract.

Where contract funding is received by the Council from a third party (for example, an incoming grant), the contract terms must include a provision for the termination of the contract should that funding cease to be available.

#### 7.4.1 Approval of Contract Modifications and Extensions

Value of Modification/Extension	Approval
Up to £99,999	Head of Service

£100,000 and over	AD Procurement
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For extensions above £499,999 further advice and guidance is available from the Contract and Supply Management team.

AD Procurement reserves the right to refer the approval decision for contract amendments or variations to s.151 Officer, Lead Cabinet Member or Cabinet as necessary, in accordance with the thresholds at table 2.2.1.

## 8 Paying our suppliers

### 8.1 Electronic Invoicing

The Council aims to move all invoicing to electronic format to make it easier for our suppliers to trade with us and to track the progress of orders and payments.

Where you are using a supplier registered for electronic invoicing you must follow the rules and guidance issued by Procurement. The Council's main supplier portal supports early payment to suppliers in return for a small discount. Such discounts are recovered centrally by Finance.

### 8.2 Invoice Payments

Suppliers must issue all invoices via the route provided by Business Operations. No invoice may be received or processed directly by your Service unless it is agreed as a payment exception by the AD Procurement, who may agree general exceptions where Service-specific systems are in use. Business Operations are responsible for maintaining a register of all agreed payment exceptions.

All invoices received in Business Operations must include a purchase order number. Invoices without a Purchase Order number will be returned to the supplier.

Suppliers cannot be paid until you have confirmed that the requirement has been satisfactorily delivered. A Purchase Order must be followed by a Goods Receipt Notice before an invoice can be paid. It is the 'shopper's' responsibility to ensure all purchases are receipted to the appropriate value and in a timely fashion.

### 8.3 Payment Terms

The standard payment terms are 30 days from the invoice date, with payments made via BACS (electronic bank transfer). The Council discourages paper invoices and suppliers are expected to provide electronic invoices.

You must obtain the agreement of Procurement and Finance Manager for any deviation from the standard payment terms. This must be in writing as a Payment Exception. Where payments are agreed in advance, appropriate review of a supplier's financial stability and standing and due regard for risk in the event of supplier failure must be undertaken and agreed by the Head of Procurement and relevant Finance Manager.

The Late Payment of Commercial Debts Regulations 2013 requires us to pay interest and fixed charges if we pay suppliers late. The Council is a signatory of the Government/ICM Prompt Payment Code, and aims to pay all invoices within the agreed terms.

The PCRs require that all Council contracts will contain clauses confirming that all sub-contractors will have invoices paid no later than the end of a period of 30 days from the date on which the relevant invoice is regarded as valid and undisputed. The same payment terms will also apply to all sub-contractors involved in providing the contract (the supply chain).

## 8.4 Purchasing Cards

Purchasing Cards can only be used for spend in line with the 'Purchase Card Rules and Guidance' maintained on the intranet, except in the case of a declared emergency as defined in section 5.2.

## 9. Remedies Directive

Should a successful challenge be made after a contract has been awarded the Court could order the contract to be ineffective. This means that the contract would be cancelled and an alternative method of delivering the service would have to be found, as well as the risk of a financial penalty. This could result in significant costs to the Council. If the appropriate standstill periods are correctly applied, the Council will be able to minimise the risk of any challenge. The AD Procurement is responsible for ensuring the correct contract award processes are followed, including observing a standstill period and publishing a Contract Award Notice for all contracts as required.

### 9.1 Voluntary Ex-Ante Transparency Notice (VEAT)

Should a VEAT Notice be assessed by the AD Procurement and Legal Services as being required to manage potential risk to the Council, this will be approved by the AD Procurement and Monitoring Officer, and a log of all published VEAT notices maintained by Procurement.

## 10. Disposing of surplus goods

A competitive process must be used for the disposal of surplus goods, though separate procedures apply to the sale of land and / or property. In principle, for assets being sold with a value of:

£0 - £14,999	A minimum of 1 bid is required
£15,000 - £99,999	A minimum of three bids must be invited
£100,000 and over	A minimum of three sealed bids must be invited

You must seek advice from Procurement when making valuations and the book value of the asset will be primarily used to calculate value. In most cases, it is anticipated that the highest bid received will be accepted.

Care must be taken to ensure that environmental sustainability as well as security and other associated issues and obligations (including those from the Data Protection Act and WEEE Regs) must be considered and/or complied with when arranging for the disposals of goods.

## 11. Glossary of terms

Term	Description
Aggregate value	The total spend with a supplier over the period of a contract, or the proposed period for new contracts. Individual or annual costs are irrelevant where goods, services or works are of the same type or have similar characteristics. The total cost of the contract (including any extensions available) must be used when deciding the application of these orders.
Collaborative agreement	An agreement entered into by a group of authorities acting together in partnership in relation to a particular procurement or series of procurements governing the manner in which the procurement will be dealt with, and a governance regime around how decisions will be made, liability and payments will be dealt with.
Compact	The Compact is an agreement between statutory and voluntary organisations in Surrey which aims to improve joint working, communication and collaboration. It provides a framework for how the two sectors should work together.
Concession Contracts	A concession contract for works or services as defined by the Concession Contracts Regulations 2016. Contracts are defined where all or part of the payment for the contract is derived from the right to exploit the works or services for a proportionate income stream, as well as transferring the operating risk to the supplier.  e.g. toll bridges, canteen services, leisure centres
Contract Award Notice	All contract opportunities advertised on Contracts Finder, as well as for <b>all</b> contracts called-off from a Framework Agreement, a Contract Award Notice detailing the successful supplier and contract details must be published on the Contracts Finder website.  Contracts over EU thresholds or <b>all</b> call-off from Dynamic Purchasing Systems must have a CAN published in the Official Journal of the European Union within 30 days of conclusion of the contract (these can be grouped and published quarterly for DPS call-off contracts)
Contracts Finder	Government website where all contract opportunities over £25,000, where advertised, <b>must</b> be published. Contract Award Notices for relevant contracts must also be published on the site in a timely manner: <a href="http://www.contractsfinder.gov.uk">www.contractsfinder.gov.uk</a> . Contracts awarded via the Council's electronic tendering system are automatically notified to Contracts Finder.
Consortium	A grouping of two or more organisations who agree to work together in order to deliver goods, works or services to the Council.
Consultant	Definition in section 3.11

Contract	An agreement having a lawful objective entered into voluntarily by two or more parties, each of whom intends to create one or more legal obligations between them. The elements of a contract are "offer" and "acceptance" by "competent persons" having legal capacity, who exchange "consideration" to create "mutuality of obligation."
Contract Management	The process which ensures that both parties to a contract fully meet their obligations as efficiently and effectively as possible in order to meet the business and operational objectives of the contract and in particular to provide value for money.
Dynamic Purchasing System	An entirely electronic system established that admits all suppliers able to meet the defined selection criteria. New applicants meeting the requirements must be evaluated and admitted to set timescales at any point during the duration of the DPS. Call-off contracts from a DPS invite all suppliers on the DPS or relevant category of it to submit a tender and must have a Contract Award Notice published in the OJEU.
Framework Agreement	An agreement or other arrangement between one (or more) contracting authorities and one or more suppliers which establishes the terms) under which the supplier will enter into one or more contracts with a contracting authority in the period during which the framework agreement applies. Generally framework agreements do not have any guaranteed minimum volumes of spend. Call-off contracts awarded via a framework can be via a direct award to a supplier on the framework or by holding a secondary (mini-competition) process that details the specifics of the actual requirement. The framework will determine how the call-off should be administered and managed.
Gateway (in project)	A milestone in a project where formal approval is given to move to the next stage.
Grant	A grant is where the Council is not contracting for a service that it might otherwise have delivered itself. Rather it is offering financial support in an area of work, designed and proposed by another organisation, which it wishes to sponsor. The work to be carried out by the other organisation would be deemed to add value to the council's overall aims or objectives.
Public Contract Regulations (PCRs)	UK Government's codified regulations of the EU Procurement Directive. Reference to the PCRs means any version of the PCRs past, present and future.
Purchase Card	A credit card which can be used by authorised people to buy low-value goods or services for the Council. The bill for the card is settled centrally in Orbis Business Operations, once the card-holder has assigned all transactions to the appropriate cost codes

Purchase Order	A formal order to a supplier for goods or services. This can refer to an order generated by a service-specific system such as PAMS or Swift, as well as from SAP.
Request for Quotation (RFQ)	A formal request to a supplier to provide a price for specified goods, works or services. The RFQ will also indicate how the quote will be evaluated in comparison with others to decide best value. RFQs are undertaken for requirements under £100,000 in value.
Select List	Definition in section 3.4
Social Value	Those aspects of a contract which support a) community well-being, fair and ethical working practices by the supply chain, b) the local economy and local businesses, and c) improvements to the environment.
Supplier Management	The process of driving improvements from contracts by developing robust performance plans with the supplier.
Supply chain	The chain of suppliers and customers of all the component goods, works and services that go into delivering a given finished supplies or service.
Tender	The procurement process of inviting and evaluating sealed bids from people and organisations to provide goods, works or services.
OJEU	Official Journal of the European Union where all notices relating to contracts over European threshold values are placed.

## 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**

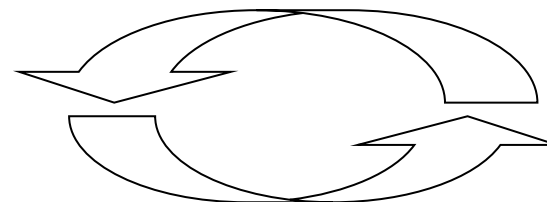


**Respect**

## 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.

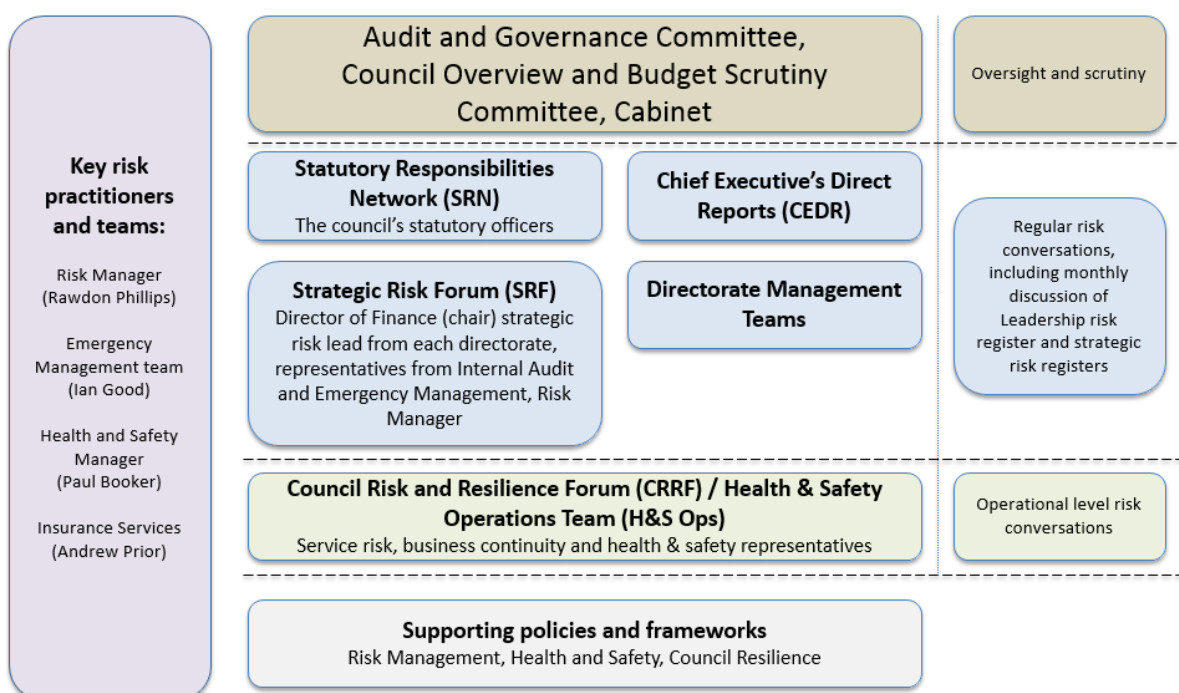
Risk management is a continuous and evolving process that runs through everything we do. Continually identifying and managing risks and opportunities increases the probability of success and supports the achievement of our goals and priorities.

## 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.

Surrey County Council  
**Corporate Resilience Policy**  
2014

**Document Control**

<b>Owner</b>	Susie Kemp, Assistant Chief Executive		
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**Authorising signature:**

**Susie Kemp**  
Assistant Chief Executive

**20<sup>th</sup> December 2013**

This Policy was signed off by the Assistant Chief Executive on 20 December 2013. A signed copy is held by the Emergency Management Team in Room 194, County Hall.

**Distribution**

The Corporate Resilience Policy is published on the County Council intranet (S::Net) Emergency Management section and public website and can be provided in other languages and Braille on request so that all persons working for or on behalf of the organisation have access to this document.

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## 1.0 Introduction, purpose and objectives

- 1.1 Surrey County Council has the duty to provide various services to the communities of Surrey and other partner organisations. Many of these duties are set by legislation and other duties come from common law. Many have a direct impact on the health and quality of life of the residents of Surrey.
- 1.2 The Civil Contingencies Act 2004 places a duty on Surrey County Council to ensure critical services are resilient in order to respond to disruptive events.
- 1.3 The purpose of this policy is to ensure the following objectives are met:
- (a) That Surrey County Council has a planning process in place that encompasses **anticipation, assessment, prevention** and **preparation**, so that we are ready to deal with rapid increased demands for services caused by emergencies.
  - (b) That Surrey County Council **responds** to these increased demands for service efficiently and effectively,
  - (c) That Surrey County Council will have a **business continuity** process in place to enable vital services to be maintained in the face of a serious and / or widespread disruptive incident, including disruption to services during an emergency,
  - (d) That Surrey County Council will have in place business **recovery** plans and community recovery plans to ensure a rapid return to normal or a new normal.
  - (e) That Surrey County Council maintains a training and exercising programme for staff to ensure effective implementation of this policy.
- 1.4 The Chief Executive will ensure on behalf of the Council that the provisions of the Policy are fulfilled.
- 1.5 This Policy will be reviewed annually and if necessary be amended to take into account new legal requirements, non-statutory guidance from central government and revisions and implementation of relevant British Standards and International Standards.
- 1.6 This Policy also covers other statutory Emergency Planning functions the County Council has, as outlined in the following legislation and regulations.
- (a) Local Government Act 1972, Section 138
  - (b) Reservoir Act 1975
  - (c) Notification of Installations Handling Hazardous Substance (NIHHS) Regulations 1982
  - (d) The Pipelines Safety Regulations 1996
  - (e) The Control of Major Accident Hazards (COMAH) Regulations 1999
  - (f) The Radiation (Emergency Preparedness & Public Information) Regulations (REPPiR) 2001
  - (g) The Flood and Water Management Act 2010
  - (h) Health and Social Care Act 2012

## **2.0 Scope**

- 2.1 This policy applies to all activities for which the Council has direct responsibility. The Council will also seek to promote this policy with all partners, stakeholders and contractors. Surrey Fire and Rescue Service is a category one responder under the Civil Contingencies Act 2004 and have specific arrangements in place for business continuity management. In the case of School Governing bodies for example the Council will promote practices and procedures, which are consistent with this policy.

## **3.0 Commitment and Intention**

- 3.1 The Council accepts its responsibilities for the provision of services to the residents of Surrey and acknowledges that many of these services are critical to health and quality of life within Surrey.
- 3.2 The Council is committed to ensuring critical services will continue to be delivered and that increased demand for services due to emergencies are met. In meeting this commitment services and activities will be prioritised and reviewed periodically through business impact analysis.
- 3.3 The Council will comply with the Civil Contingencies Act 2004, regulations and statutory guidance.
- 3.4 The Council will adopt and promote best practice for preparedness, response and resilience, including minimising the impact of emergencies on the Council and the communities of Surrey.
- 3.5 The Council will regularly assess its business continuity arrangements through internal audit and peer review. It will seek to align itself against International Standard BS ISO 22301:2012.
- 3.6 The Council will provide information, instruction, training and supervision for employees to help them understand their role in the resilience processes of the County Council and to allow them to contribute positively towards the preparedness and resilience of the organisation.
- 3.7 The Council is committed to the effective management of contracts and their performance to ensure preparedness and resilience standards in their business arrangements with and on behalf of the Council.
- 3.8 The Council is committed to working closely with all staff to develop and implement preparedness and resilience measures that ensure the Council is able to deal with disruptive events.

## **4.0 Roles and Responsibilities**

### **4.1 Elected Members**

4.1.1 The Elected members are seen as crucial in the scrutiny of the Civil Contingencies Act 2004 duties in line with the expectation of the wider community of Surrey.

4.1.2 Elected members will monitor the overall preparedness and resilience of the Council and its compliance with relevant legislation, and ensure that decisions taken when developing Council policies and services reflect the County Council's Preparedness and Resilience commitment. The Community Safety Cabinet Member has responsibility for leading member activity on this issue. The Cabinet will:

- (a) Receive annual reports on preparedness and resilience,
- (b) Ensure that adequate resources are available to discharge the Council's preparedness and resilience commitments.
- (c) Consider overall preparedness and resilience trends and issues likely to affect the Council.
- (d) Promote a positive preparedness and resilience culture within the Council.

4.1.3 The Oversight and Scrutiny Committee will receive reports on this work and scrutinise the response of the Council to its Category 1 responsibilities under the Civil Contingencies Act 2004.

### **4.2 Chief Executive Officer (CEO)**

4.2.1 The Chief executive of Surrey County Council has the overall responsibility for achieving this Corporate Resilience Policy and accounts to the elected members for the operations of the County Council complying with all Civil Contingencies legislation and standards.

4.2.2 The Chief Executive is responsible for ensuring that all statutory requirements are adhered to, and for reviewing the effectiveness of this policy. The Chief Executive will:

- (a) Ensure strategic representation at the Surrey Local Resilience Forum.
- (b) Ensure members of the Corporate Leadership Team establish and demonstrate commitment to the Corporate Resilience Policy.
- (c) Delegate the Assistant Chief Executive to be accountable for the Corporate Resilience Policy.
- (d) Promote a positive preparedness and resilience culture embracing and encouraging positive attitudes amongst all staff and in the interface with other agencies and the community.
- (e) Ensure appropriate priority is given to emergency management and business continuity in County Council strategic planning.
- (f) Ensure that emergency management and business continuity performance is reviewed annually and at other times when necessary.

- 4.2.3 Ensure that the emergency response and business continuity arrangements are included in the business planning process, other strategic plans and job descriptions and objectives as appropriate.

#### **4.3 Strategic Directors and the Assistant Chief Executive**

- 4.3.1 Strategic Directors are responsible for ensuring adequate emergency management and business continuity arrangements are in place for their Directorates.

- 4.3.2 The role of Strategic Directors and the Assistant Chief Executive is to:

- (a) Promote a positive preparedness and resilience culture.
- (b) Ensure the Corporate Resilience Policy procedures and its associated guidance is followed.
- (c) Prepare a statement of their Directorate's emergency management and business continuity arrangements, explaining the requirements of Head's of Service and other managers and staff.
- (d) Ensure that emergency management and business continuity responsibilities within their Directorate are properly assigned and fulfilled with the support of the Emergency Management Team.
- (e) Ensure resources are made available as necessary for fulfilling the Council's commitment to Emergency Management and Business Continuity in their Directorate.
- (f) Ensure emergency preparedness and business continuity is adequately reflected in service business plans and risk registers.
- (g) Sign off the documented list of key services, the business impact analysis and risk assessment to ensure that the work has been appropriate, is accurate and reviewed when circumstances require.
- (h) Ensure that service specific risks relating to the risk of service disruption through either an external risk impact on the communities of Surrey or an internal business continuity crisis are reflected in the directorate and service risk registers as per the Risk Management Strategy and Corporate Governance.

#### **4.4 Deputy Directors / Assistant Directors / Heads of Service**

- 4.4.1 Heads of Service are responsible for the provision of emergency preparedness and business continuity arrangements within their Service. The Emergency Management Team will assist them with this activity. Services need to ensure that they are prepared to deal with rapid increase in demand for services resulting from an emergency and to deal with disruptive events that will impact on the performance of their unit. This should be reflected in the performance management processes.

- 4.4.2 The role of each deputy director / assistant director / head of service is to:



- (a) Promote a preparedness and resilience culture within their service, encouraging activities that develop the resilience of the service and requiring consideration of preparedness and resilience in the provision of their services.
- (b) Adopt and implement corporate codes of practice, procedures and guidance.
- (c) Ensure emergency management and business continuity responsibilities within the service are properly assigned and fulfilled, and that job descriptions reflect these responsibilities.
- (d) Ensure all staff in their Service are aware of current emergency management and business continuity issues that may impact on the service.
- (e) With the help of the Emergency Management Team ensure that staff are trained and systems are tested as appropriate.
- (f) Ensure that service business continuity arrangements are tested and exercised periodically, documented, and learning fed back into plans and arrangements.
- (g) Participate in, and sign-off on, Service Business Impact Analysis, Service Business Continuity Plan, Emergency Risk Analysis and performance review to assist in the development of an annual plan to address emergency management and business continuity issues, including resourcing.
- (h) Appoint a service preparedness and resilience representative to lead on Emergency Planning and Business Continuity and represent the service at the Council Resilience Forum.
- (i) Activate emergency and business continuity plans they are responsible for as necessary.
- (j) Support the Head of Emergency Management in his role of corporate coordinator in responding to emergencies or business continuity events.
- (k) Support all Strategic Directors and other Heads of Service with appropriate planning and deployment of staff and resources in an emergency.
- (l) Ensure that Business Continuity and Emergency Planning activities are reflected in Service Delivery Plans.
- (m) Ensure service risk registers have due regard for both internal and external risks, which have the potential to cause disruption to critical services.
- (n) Ensure services adhere to Council Risk Management Strategy and Code of Corporate Governance.

#### **4.5 Head of Policy and Performance**

4.5.1 The Head of Policy and Performance is central to monitoring the success of the Business Continuity Management System. The Head of Policy and Performance shall ensure internal audits are conducted at planned intervals to determine:

- (a) The Council conforms to planned arrangements for Emergency Management and Business Continuity.
- (b) The Emergency Management and Business Continuity programme is properly implemented and maintained.
- (c) Is effective in meeting the Corporate Resilience Policy.

#### **4.6 Head of Emergency Management**

##### **4.6.1 The Head of Emergency Management will:**

- (a) Advise and brief the Statutory Responsibility Network to assure the achievement of the Council's Emergency Management and Business Continuity commitment.
- (b) Maintain the County Council's Corporate Resilience Policy, and ensure that the most up-to-date version is available to all staff.
- (c) Develop Corporate Emergency and Business Continuity Plans that outline corporate response procedures.
- (d) Develop and manage the emergency planning process.
- (e) Through the Emergency Management Team provide professional and specialist advice, support and guidance to Cabinet Members, Chief Executive's Board, Preparedness and Resilience Liaison Officers, Heads of Service and other managers and supervisors.
- (f) Ensure that the corporate training programme makes adequate provision for the development of emergency management and business continuity skills.
- (g) Maintain adequate records, which reflect staff training and skills.
- (h) Ensure that adequate arrangements are made for consultation with staff, including representatives and unions.
- (i) Liaise with nominated Emergency Management and Business Continuity representatives from service units.
- (j) Undertake performance measurement in emergency management and business continuity.
- (k) Represent the Chief Executive in Local Resilience Forum inter-agency groups, regional and national activities.
- (l) Be responsible for the activation of the County Emergency Plan or the County Council Corporate Incident Management Plan.
- (m) On behalf of the Chief Executive, coordinate the corporate response of Surrey County Council to emergencies and business continuity events.
- (n) Ensure appropriate emergency planning and business continuity resources are in place to support the Director of Public Health in discharging responsibilities under the Health and Social Care Act 2012 including the Surrey Local Health Resilience Partnership.

#### **4.7 The Risk and Governance Manager**

- 4.7.1 The Risk and Governance Manager will ensure that the identification, control and treatment of risks that could affect the Council's Resilience are assessed and included on the corporate risk register as appropriate. They will also be responsible for ensuring that where appropriate treatment plans are in place for identified risk as per the Risk Management Strategy and Corporate Governance.

#### **4.8 Managers and Supervisors**

- 4.8.1 Managers and Supervisors will be responsible for the implementation of the Corporate Resilience Policy. Their role is to:
- (a) Promote a preparedness and resilience culture within their service through regular engagement with their nominated Council Resilience Forum Representative
  - (b) Activate emergency and business continuity plans they are responsible for as necessary.
  - (c) Ensure staff are trained to the necessary competence
  - (d) Ensure that plans are regularly tested as necessary, documented and learning fed back into arrangements and plans.

#### **4.9 Individual Employees**

- 4.9.1 Individual employees must:
- (a) Be aware of the emergency and business continuity responsibilities of the County Council, their service group, unit and team.
  - (b) Understand their role within an emergency and business continuity response.
  - (c) Help ensure there is a preparedness and resilient culture within their team.
  - (d) Undertake appropriate training through the corporate training programme and with the Emergency Management Team

#### **5.0 Continual improvement**

- 5.1 The County Council will continually improve the suitability, adequacy or effectiveness of the Business Continuity Management System through training, workshops, exercising and review of incidents.

#### **6.0 Consultation and acknowledgements**

##### **6.1 Consultation with Unions and staff representatives**

- 6.1.1 The Council has a duty to consult with staff on any matters that effect health, safety and welfare at work. In areas where this policy and supporting corporate codes, plans, procedures and guidance impact on health safety and welfare there will be full consultation conducted within the normal service unit arrangements. Corporately, consultation will be carried out with unions and representatives of staff.

##### **6.2 Acknowledgements**

- 6.2.1 The Council is mindful of the growing level of work and services delivered in partnership with organisations within and outside of the County. As a result, business continuity and emergency planning is looked at more holistically to ensure arrangements are complimentary to partner organisations. We acknowledge the support from the neighbouring counties of Hampshire and West Sussex County Councils in reviewing our arrangements.

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# CONSTITUTION OF THE COUNCIL

## Part 6 – Codes and Protocols

<b>1</b>	<b>Member Code of Conduct</b>
<b>2</b>	<b>Arrangements for dealing with Member Conduct</b>
<b>3</b>	<b>Officer Code of Conduct Policy</b>
<b>4</b>	<b>Member/Officer Protocol (including Member role profiles)</b>
<b>5</b>	<b>Counter Fraud Strategy</b>
<b>6</b>	<b>Media and Publicity Protocol</b>
<b>7</b>	<b>Protocol for handling reports from Scrutiny Boards</b>
<b>8</b>	<b>Protocol for scrutiny of contracts</b>
<b>9</b>	<b>Politically Restricted Posts and Exemptions from Political Restrictions</b>
<b>10</b>	<b>Granting Dispensations: Processes</b>
<b>11</b>	<b>Code of Best Practice in Planning Procedures</b>

## **PART 6 (1)- SURREY COUNTY COUNCIL MEMBER CODE OF CONDUCT AND RELATED PROVISIONS**

### **A. Surrey County Council Member Code of Conduct**

As a Member or co-opted member of Surrey County Council you shall have regard to the following Principles of Public Life (also known as the Nolan Principles) – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a Member or co-opted member:

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. When carrying out your public duties you must make all choices (such as making public appointments, awarding contracts or recommending individuals for rewards or benefits) on merit, and must be impartial and be seen to be impartial.
4. You must co-operate fully with whatever scrutiny is appropriate to your office.
5. You must be as open as possible about your decisions and actions and the decisions and actions of Surrey County Council and should be prepared to give reasons for those decisions and actions.
6. You will on occasions be privy to confidential and sensitive information, such as personal information about someone, or commercially sensitive information which, if disclosed, might harm the commercial interests of the Council or another person or organisation. This information must not be revealed without proper authority.
7. You should be mindful of the requirement to declare and record any disclosable pecuniary or personal interests in a manner conforming with the procedures set out in the provisions below.
8. You must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. For guidelines on the personal use of Council IT resources by Members, please refer to the IT Code.

9. You must promote and support high standards of conduct (characterised by the above requirements) by leadership and example when serving in your public post.
10. In addition to compliance with the Member Code of Conduct, you are expected to comply with the following codes:
  - (a) Member/Officer Protocol
  - (b) Planning Code of Best Practice

And to comply with any reasonable request by the Council that you complete a related party disclosure

## **B. Registering and declaring disclosable pecuniary interests**

1. You must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of your disclosable pecuniary interests. A disclosable pecuniary interest is an interest of yourself or your partner ("partner" means a spouse, civil partner, or a person with whom you are living as husband and wife or as civil partners) falling within the descriptions set out in regulations made by the Secretary of State and set out, for ease of reference, in part C of this Code. Any such interests will then be included in the Council's Register of Members' Interests. A copy of the Register will be available for public inspection and will be published on the Surrey County Council website
2. Where you consider that disclosure of the details of a disclosable pecuniary interest could, if the interest is entered on the register, lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but will state that you have a disclosable pecuniary interest, the details of which are withheld.
3. In accordance with this Council's requirement that Members will be as open as possible about their decisions and actions, it is good practice to ensure that your entries in the Council's Register of Members' Interests are kept up to date. You are advised to notify the Monitoring Officer promptly of any changes occurring to your interests whilst you remain in office so that these may be recorded in the Register. There are also occasions when you may be required to update the Register in accordance to comply with B 6 of this Code
4. If you are present at a meeting of the Council, the Cabinet, a committee, sub-committee or joint committee of the Council, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, unless you have obtained a dispensation, the following apply:

- I. You must not participate in any discussion of, or any vote taken on, the matter at the meeting and you must leave the room where the meeting is held while any discussion or voting takes place.
  - II. You should either declare the interest to the meeting or notify the Chairman of the reason you intend to withdraw before leaving the meeting. If the interest is not registered, you must disclose the existence and nature of the interest at the meeting
5. Where you are a Cabinet Member discharging a function alone and you become aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by you
- I. You must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.
  - II. If the interest is not registered, you must disclose the existence and nature of the interest at the meeting
6. When you have disclosed a disclosable pecuniary interest which was not already recorded on the Register and it is not the subject of pending notification, you must then notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
7. The Council's Audit and Governance may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. Part 6 of the Constitution sets out how to apply for a dispensation and the criteria that will be used to consider your request.
8. You should be aware that it is a **criminal offence** if, without reasonable excuse, you
- (a) fail to disclose a disclosable pecuniary interest as set out above;
  - (b) participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
  - (c) take any steps as a single member discharging a function of the Council, when you have a disclosable pecuniary interest in a matter you are dealing with
  - (d) provide information in relation to your disclosable pecuniary interests that is false or misleading and you know that the information is false or misleading, or are reckless as to whether the information is true and not misleading.



## C. Definition of disclosable pecuniary interests

Current legislation states that any of the following is a disclosable pecuniary interest if it is your interest or an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you are civil partners, and you are aware that that other person has the interest:

1. Any employment, office, trade, profession or vocation carried on for profit or gain.
2. Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.  
This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest<sup>1</sup>) and Surrey County Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
4. Any beneficial interest in land which is within the area of Surrey County Council.
5. Any licence (alone or jointly with others) to occupy land in Surrey for a month or longer.
6. Any tenancy where (to your knowledge):-
  - (a) the landlord is Surrey County Council; and
  - (b) the tenant is a body in which the relevant person has a beneficial interest.
7. Any beneficial interest in securities of a body where:-
  - (a) that body (to your knowledge) has a place of business or land in Surrey; and
  - (b) either:-
    - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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<sup>1</sup> "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

## **D. Registering and declaring gifts and hospitality**

1. In considering whether it is appropriate to accept offers of a gift hospitality Members will need to take account of the Council's requirement that you do not "place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties"<sup>2</sup>
2. You must notify the Monitoring Officer of any gift or hospitality with a value of £100 or above which you have been offered and accepted in your role as a member within 28 days of the offer being made to you. Any such interests will then be included in the Council's Register Gifts and Hospitality. All entries on the Register will be maintained for three years and a copy of the Register will be available for public inspection.
3. You must, during that three year period, declare the acceptance of any such gift or hospitality at any discussion of vote on or discharge on any function relating to the donor

## **E. [Registering and] declaring Personal interests**

1. In addition to the disclosable pecuniary interests dealt with in parts B and C of this Code, you will have a personal interest in any organisation, operating in Surrey of which you are in a position of general control or management, even if you were appointed or nominated to that organisation by the Council. This includes public and voluntary sector organisations, such as other councils, schools, charities and some companies. It also includes political parties and campaigning groups.
2. You must, within 28 days of taking office as a member or co-opted member notify the Council's Monitoring Officer of your personal interests. Any interests you declare will be included in the Council's Register of Members' Interests. A copy of the Register will be available for public inspection and will be published on the Surrey County Council website. You must also notify the Monitoring Officer of any changes in your interests arising after you have completed your initial notification.
3. In accordance with this Council's requirement that you are as open as possible about your decisions and actions<sup>3</sup>, where you have a personal interest in any matter to be considered or being considered at a meeting of the Council, the Cabinet, a committee, sub- committee or joint committee of the Council and you speak at that meeting, you must, unless the chairman of the meeting rules it unnecessary, disclose to that meeting the existence and nature of that interest.

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<sup>2</sup> See A 2 above

<sup>3</sup> See A5 above

4. You can participate in any discussion and vote on any matter in which you have a personal interest unless you consider, having taken advice from the Monitoring Officer where relevant, that the interest is one that would reasonably be regarded as prejudicial<sup>4</sup>, in which case you should withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting
5. If you are discharging a function of the Council as a member acting alone (e.g as a Cabinet member) you will need to consider whether you have a personal interest in any matter you are dealing with, in the course of discharging that function. If you do have such an interest you must ensure that a record of the existence and nature of the interest is recorded in the minutes of the meeting.
6. If, having taken advice from the Monitoring Officer where relevant, you consider that the interest is one that would reasonably be regarded as prejudicial<sup>5</sup> and therefore inappropriate for you to continue to take any steps in relation to the matter, you should not do so (except for the purpose of enabling the matter to be dealt with by someone else).

## **F. Prejudicial Interests**

7. A prejudicial interest is an interest which meets the following condition:

The interest is so significant that a member of the public who knew the relevant facts would reasonably think that your interest would prejudice your judgment of the public interest and prevent you from participating in any council business that affected or related to the interest whilst continuing to comply with the Nolan principles or the requirements of this Council's code. In particular those requirements that:

- I. "You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate<sup>6</sup>."

And/or

- II. "When carrying out your public duties you must make all choices (such as making public appointments, awarding contracts or recommending individuals for rewards or benefits) on merit, and must be impartial and be seen to be impartial"<sup>7</sup>

8. You must not participate in any business of the Council in which you have a prejudicial interest. If you are present at a meeting of the Council, the Cabinet, a committee, board, sub-committee or joint committee of the Council, and you have a prejudicial interest in any matter to be considered or being considered at the meeting, you, or the chairman of the meeting, should declare that you have an interest in the matter. You must not participate in any discussion of, or any vote

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<sup>4</sup> See section F below

<sup>5</sup> See section F below

<sup>6</sup> See A 1 above

<sup>7</sup> See A 3 above

taken on, the matter at the meeting and you must leave the room where the meeting is held while any discussion or voting takes place.

<b>ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACHES OF THE MEMBER CODE OF CONDUCT</b>
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## **1 Context**

- 1.1 Surrey County Council is committed to promoting and maintaining high standards of conduct amongst its 81 elected Councillors, known as Members, and has adopted a Code of Conduct setting out the conduct it expects of its Members and Co-opted Members as they carry out that role.
- 1.2 These are the Council's arrangements for dealing with any complaint it receives alleging that an elected or co-opted Member of Surrey County Council has failed to comply with its Code of Conduct. These arrangements will form the basis for investigating and deciding any such complaints.
- 1.3 The Council will appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on any allegation which it has decided should be investigated. The Council may also seek the view of the Independent Person at any other stage it chooses and a Member against whom an allegation as been made can also consult the Independent Person.

## **2 The Code of Conduct**

- 2.1 A copy of the Council's Code of Conduct for Members is set out within the Constitution which is available for inspection on the Council's website and upon request from Democratic Services.
- 2.2 The Code applies to Members when they go about the work of the Council or their role as a Member. The Council will not investigate complaints relating to a Member's private life.

## **3 Making a complaint**

- 3.1 Anyone wishing to make a complaint about the behaviour of a Surrey County Councillor ("Member"), should write or email to –

The Monitoring Officer  
Surrey County Council  
County Hall  
Kingston Upon Thames  
KT1 2DN  
Or email [monitoringofficer@surreycc.gov.uk](mailto:monitoringofficer@surreycc.gov.uk)

- 3.2 The Monitoring Officer is the member of the Council's staff who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of member misconduct.
- 3.3 Only written complaints will be investigated and the Council will require a name and a contact address or email address to acknowledge receipt of the complaint and keep the complainant informed of its progress. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. The Monitoring Officer will disclose the name of the complainant to the Member unless specifically asked to withhold it. Only in very exceptional cases will the Council be able to progress a complaint to an investigation without disclosing the identity of the complainant to the Member.
- 3.4 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it, and will keep the complainant informed of the progress of the complaint. The Monitoring Officer will also inform the Member that a complaint has been received.

#### **4 How a complaint is resolved**

- 4.1 The Monitoring Officer will review every complaint received. Where they are of the view that your complaint, if proven, would not amount to a breach of the Member Code of Conduct they will notify you of this and will not progress the matter further.
- 4.2 Wherever possible the Monitoring Officer will seek to resolve your complaint through informal resolution. Informal resolution may avoid the need for a formal investigation and could, for example, consist of the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council. The Monitoring Officer will consult the Chairman of the Member Conduct Panel before recommending informal resolution and will notify you and the Member concerned of any recommendation and how that will be progressed.

#### **5 When a complaint will be investigated**

- 5.1 On some occasions informal resolution will not be possible, because one of the parties does not agree to cooperate with an informal process. If this happens the Monitoring Officer will seek a ruling from the Independent Person, who will decide whether the matter proceeds to an investigation or progresses no further. In order to inform that decision the Monitoring Officer will disclose information to the Independent Person, including details of the complaint, steps taken to achieve informal resolution and why this has not been successful. The complainant and the Member will be notified of the outcome.

- 5.2 On some occasions the Monitoring Officer may consider that the conduct alleged, if proved to have occurred, would amount to a breach of the Members Code of Conduct and would not be capable of informal resolution. If this is the case, after consultation with the Chairman of the Member Conduct Panel, the Monitoring Officer will decide whether the complaint merits formal investigation. In making that decision the Monitoring Officer will take into account both the seriousness of the alleged breach and the information provided in support of the complaint. Where the Monitoring Officer requires additional information in order to come to a decision, they may contact either the complainant or the Member to request that information.
- 5.3 If a complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

## **6 How is the investigation conducted?**

- 6.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. This may be a member of the Council's staff or an external investigator. The Investigating Officer will decide whether to speak to the complainant and to any other witnesses and may collect written evidence, such as correspondence, or minutes of meetings.
- 6.2 The Investigating Officer will contact the Member and provide them with a copy of the complaint, and ask the Member to provide his/her explanation of events, and to identify what documents the Investigating Officer needs to see and anyone they should interview. In very exceptional cases, where the Monitoring Officer, after consulting the Independent Person, considers that disclosing details of the complaint to the Member might prejudice the investigation, these will be withheld from the Member until the investigation has progressed sufficiently.
- 6.3 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the member concerned, to give them both an opportunity to identify any inaccuracies in the report and to comment on their findings. Having received and taken account of any comments that you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.
- 6.4 The investigation and the Investigating Officer's report will be kept confidential at this stage.

**7 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will send a copy of the Investigating Officer's report to the Chairman of the Member Conduct Panel and to the Independent Person and seek their views on whether to convene a Member Conduct Panel hearing. Where a hearing is inappropriate the Monitoring Officer will write to the parties, notifying them that they are satisfied that no further action is required. The Monitoring Officer will send them both a copy of the Investigating Officer's final report, which will no longer be confidential at this point.

**8 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct the Monitoring Officer will arrange for the Member Conduct Panel to hold a meeting, within three months of the Investigator's final report being issued, so that it can take a decision on the complaint.

8.1 The Monitoring Officer will invite the Member to reply in writing to the Investigation Officer's report, in particular to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Member will be invited to give a view on whether the Panel should meet in public or in private. The Chairman of the Member Conduct Panel will set a date for the hearing and may issue directions as to the manner in which the hearing will be conducted, including whether or not the Member Conduct Panel will meet in public or private.

8.2 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct.

8.3 The Member will also have an opportunity to give evidence, to call witnesses and to make representations to the Member Conduct Panel as to why they consider that they did not fail to comply with the Code of Conduct.

8.4 After hearing from all the parties the Member Conduct Panel may conclude either:

- that the Member did not fail to comply with the Code of Conduct or
- that the Member did fail to comply with the Code of Conduct, in which case it will also decide what action to recommend or to take.

The Member Conduct Panel will not announce its decision at the Hearing. Before reaching a final decision on the complaint and any sanction, the Chairman of the Member Conduct Panel will report its



finding to the Independent Person, whose views will be sought and taken into account by the Panel before a final decision is made.

## **9 What action can the Member Conduct Panel take where a member has failed to comply with the Code of Conduct?**

The Council has delegated to the Member Conduct Panel the power to take such action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Member Conduct Panel may –

- 9.1 Decide that no action is needed
- 9.2 Issue a statement of censure
- 9.3 Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she consider all or any of the following sanctions:
  - the Member be removed from any or all Committees or Sub-Committees of the Council;
  - the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - the Member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.
- 9.4 Report its findings and recommendations to the next available meeting of the County Council.

The Member Conduct Panel has no power to suspend or disqualify the Member or to withdraw members' or special responsibility allowances.

## **10 How are the Panel's findings communicated to me?**

As soon as reasonably practicable after the Panel has made its final decision, the Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Member Conduct Panel, and send a copy to the complainant and to the Member and will make that decision notice available for public inspection.

## **11 Who is on the Member Conduct Panel?**

The Member Conduct Panel is a cross party Panel of Members of the Council chaired by the Chairman of the County Council. Any hearing will be conducted by three of their number, one of whom shall be the Chairman or Vice Chairman of the Council, who will chair the meeting. In the event that neither the Chairman nor Vice Chairman are able to chair the meeting the hearing will be conducted by three members of the Panel and the election of one of their number to chair the hearing will be the first item of business at the meeting.

## **12 Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council.

A person cannot be “independent” if he/she –

- is, or has been within the past 5 years, a member, co-opted member or officer of the Council; or
- is a relative, partner or close friend, of a member, co-opted member or officer of the Council; or
- is an active member of a political party.

## **13 Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Member Conduct Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

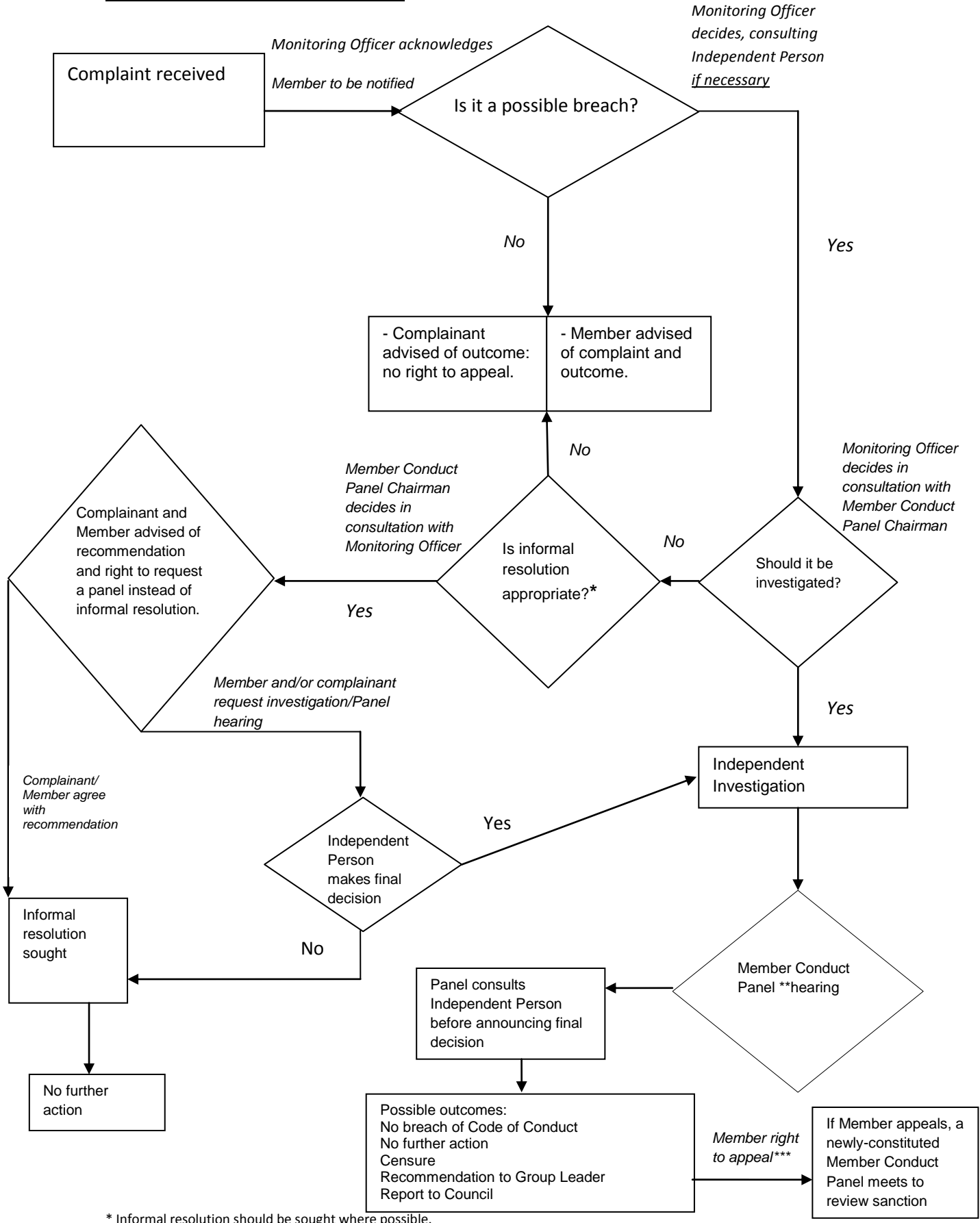
## **14 Appeals**

A Member is expected to comply with the decisions taken through the process and has no right of appeal against a finding of breach of the Code of Conduct. However a Member may require that a further Member Conduct meeting reviews any sanction imposed at a hearing.

## **15 Local Government Ombudsman**

Where a complainant concludes that the authority has failed to deal properly with a complaint they may make a complaint to the Local Government Ombudsman.

**Complaints handling flow chart**



\* Informal resolution should be sought where possible.

\*\* Three Members drawn from standing panel, chaired by Chairman of Council

\*\* \*No right to appeal for complainant. Member can appeal to Member Conduct Appeals Panel on Sanction

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# 1 Welcome to the Code of Conduct Policy

The purpose of this Code is to help employees support the County Council's aim to provide high quality services fairly and efficiently in line with its values of listening, responsibility, trust and respect. Members have their own Code of Conduct and there is also protocol which outlines how members and officers work together.

The Code of Conduct applies to all employees of the County Council, agency workers, contractors and their staff whilst working for, or on behalf of, the Authority.

Employees are expected to apply the Code of Conduct and other Council policies to the performance of their duties, including to their use of work related social media. Where an employee identifies themselves or can be identified as a Surrey County Council employee, the same rules that apply to actions in general apply to conduct online, including on personal social media sites – see [Personal use of social media](#) (*link*) for further information.

Employees should be aware of the standards of behaviour outlined in the Code of Conduct in relation to their conduct outside of work. Any unlawful, anti-social or other **conduct** by employees that takes place outside of work which may jeopardise the Council's reputation or position will be dealt with through the disciplinary procedure.

Any breach of the Code of Conduct will be regarded as a disciplinary offence. The code may be taken into account in performance appraisal.

## 2 Organisational Ethics and Personal Conduct

The Council needs to ensure its decisions and operations are open, accountable and in line with recognised ethical standards. Officers of the Council are therefore required to be aware of and act in accordance with [The Seven Principles of Public Life](#), which are:

**Selflessness** - Officers and members should act solely in terms of the public interest;

**Integrity** - Officers and members should avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work;

**Objectivity** - Actions and decisions should be taken impartially, fairly and on merit using the best evidence and without discrimination;

**Accountability** - Officers and members are accountable to the public and submit themselves to the scrutiny necessary to ensure this;

**Openness** - Actions and decisions should be taken in an open and transparent manner and information should not be withheld from the public unless there are clear and lawful reasons for so doing;

**Honesty** - Officers and members should be truthful; and

**Leadership** - Officers and members should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

This code is based, and builds, on these seven principles published by [the Committee on Standards in Public Life](#).

The Council expects all employees to behave ethically and maintain high standards of personal conduct to sustain the good reputation of the Council and its services. In doing so employees are expected to be aware of and act in accordance with the Council's [values and behaviours](#) (*link*). Values and behaviours are very much linked. The Surrey County Council values sit at the heart of everything we do. The behaviours are what people see, and express what we value. The values are brought to life in each of the behaviour clusters.

### **3 Compliance with County Council Instructions**

The Council expects all employees to comply with lawful written and oral instructions.

This will ensure that we take a consistent approach across the County Council in relation to how we procure services and goods, carry out people management activities and how we approach financial management.

The relevant procedures and instructions are published on snet – see [related information](#).

### **4 Health, Safety and Wellbeing**

The Council has a legal duty of care for the health, safety and wellbeing of its employees. In addition, all employees must take reasonable steps to protect their own health and safety and that of other people who may be affected by their work. Some employees, particularly managers, have specific responsibilities and these are detailed in the Council's safety policies and procedures. The Council's [Health and Safety Policy and Manual](#) (*link*) is published on the website.

Employees are expected to report for work in a fit and safe state to carry out their duties. They must not drink alcohol or take drugs at any time whilst at work, including during rest or meal breaks spent at or away from council premises. Incidents outside working hours that involve intoxicating substances may be considered a disciplinary offence if the incident breaches the code of conduct. For further detail about the council's expectations regarding drugs and alcohol employees should refer to the [Drug and alcohol workplace policy](#) (*link*).

The Council is committed to providing a smoke free environment for staff and employees are expected to comply with the Council's [Smoke free workplace policy](#) (*link*).

## 5 Governance

### 5.1 Handling and Treatment of Information relating to the County Council

It is generally accepted that open government is best. All employees should be aware as to what information should be made available to Members, auditors, government departments, service users and the public, and **which information should remain confidential**. Any information made available should be provided in a clear and concise way.

Employees should **not use any information** gained in the course of their employment for **personal gain**, or pass it on to others who might use it in such a way. Information concerning a service user, resident, employee's or Member's personal affairs **should not** be divulged without prior approval, except where that disclosure is required or sanctioned by law. It is important that employees take all relevant steps to comply with data protection requirements and ensure that confidential information is kept secure. For further information you should read the [Information governance](#) (*link*) guidance.

### 5.2 Declaring Personal Interests and Outside Commitments

All employees **must declare**:

- i. Any non-financial or financial interest which might conflict with the authority
- ii. Membership of any organisation that is **not open to the public** without formal membership and commitment of allegiance and which has secrecy about rules, membership, or conduct
- iii. Membership of **other groups, clubs and societies**, that an employee believes could be relevant to declare in particular circumstances.

Declarations should be made to Heads of Service who should ensure that a written record is made on the employee's personnel file. Declarations must extend to acknowledging the involvement of a relative or partner of an employee in an organisation in which the County does or seeks to do business, particularly if they are directors, partners or hold senior managerial positions in those organisations.

Employees should be aware of any **contractual restrictions** on taking outside employment. In any case, outside employment should not be taken which conflicts with the council's interests.

For further guidance see [Conflict of interest](#) (*link*).

Where employees are in any doubt about whether any personal relationships, interests, or outside commitments should be declared in particular circumstances, they should either declare the information in any case, or else seek further advice from their manager or HR by phone on 0208 541 9000 or e-mail [myhelpdesk@surreycc.gov.uk](mailto:myhelpdesk@surreycc.gov.uk).

### **5.3 Declaring Related Party Transactions**

The County Council is obliged to fulfil a disclosure requirement in respect of related party transactions. This reporting requirement aims to provide assurance to readers of financial statements that any material transactions entered into between the organisation and those in a position of power to influence its decisions are disclosed and above board.

Senior Managers Levels 1 – 4, must **declare**:

- I. Positions of influence they hold within partnerships, companies, trusts or any entities providing services to the County Council
- II. Positions of influence they hold (in a personal capacity) within organisations receiving grant funding from the County Council

Declarations must extend to a relative or partner of the employee if they have an interest in any such organisation. Senior Managers Level 1 – 4 will be required to declare this and complete an annual return.

### **5.4 Whistleblowing**

The Council is committed to the highest possible standards of honesty, openness, probity and accountability. We seek to conduct our affairs in a responsible manner, ensure that our activities are openly and effectively managed, and maintain our integrity and principles of public interest disclosure.

In line with this commitment, where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the code of conduct for employees, the employee is encouraged to report the matter in line with the council's confidential reporting procedure – see [Whistleblowing](#).

Employees who raise matters of concern in this way have specific protections afforded them under the Public Interest Disclosure Act 1998.

### **5.5 Fraud and Corruption**

The Council maintains a zero tolerance approach to fraud and corruption. All employees need to understand their responsibilities and duties in regard to the prevention and reporting of suspected fraud and corruption as outlined in the Council's [Strategy Against Fraud and Corruption](#).

## **6 Working Relationships**

Internal and external relationships with colleagues, service users and contractors should be conducted in a professional, courteous and respectful



manner. Employees are expected to treat others with fairness and dignity at all times and to work to resolve differences where these exist.

## 6.1 Working with Members

**Mutual respect** between employees and members is **essential** to good local government. **Close personal familiarity** between employees and individual members can damage the relationship and should therefore be **avoided**.

For further information about working relationships between officers and members please see the [Members/Officers protocol](#) (*link*).

## 6.2 Working with Colleagues

Employees must ensure compliance with all the County Council's employment policies. Employees should not be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions of another employee, or prospective employee to whom they are related or have a close personal relationship.

## 6.3 Working with the Local Community & Service Users

Employees should ensure professional, courteous, efficient and impartial service delivery to all. Employees should be especially sensitive in dealing with vulnerable children and adults.

## 6.4 Political Neutrality

- i. Members are elected to direct the policies and activities of Surrey County Council. **Employees** should ensure they **serve all members**, not just those of the controlling group, and respect their individual rights.
- ii. Employees should ensure that their own **personal or political opinions should not interfere** with any policy of the authority. Where employees advise political groups, **political neutrality must be retained**.

(Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from political neutrality).

Certain posts are designated as politically restricted by the Local Government and Housing Act 1989. Your contract of employment will tell you whether you hold one of these posts and, if you do, you will be required by law to observe certain restrictions regarding your out of work activities. For further information see the [Politically restricted posts](#) protocol.

## 6.5 Equality Issues

- i. Employees must ensure compliance with the County Council's **Equalities Statement** and other employment policies in relation to equality issues to comply with high standards of employment practice.

- ii. Employees are expected to be aware of and act in accordance with the Council's [Ending harassment, bullying, victimisation and discrimination \(link\)](#) policy. The Council will not tolerate any form of harassment, bullying, victimisation or discrimination against colleagues, other employees or job applicants. All members of the local community have a right to be treated with **fairness and equality**.

## 7 Contractors and Competitive Tendering

Contractors may include individuals who are temporarily working alongside County Council employees, or employees of an external firm that has been awarded a contract to provide services on behalf of the County Council. All Contractors should be treated with courtesy and respect.

### 7.1 Contractors

Any orders and contracts must be awarded by **fair and open competition** against other tenders. No special favour should be shown to businesses with particular connections to employees.

Employees should **declare any relationship** with a particular contractor, or any potential contractors, to the Head of Service and should not participate in any buying activity where these Conflicts of Interest could arise. See the [Procurement standing orders \(link\)](#) for further information.

### 7.2 Separation of Roles during Competitive Tendering

- i. Employees should be clear on the separation of **client and contractor roles**. Senior employees who have both a client/contractor responsibility must be aware of the need for accountability and openness.
- ii. Employees privy to **confidential information** on tenders of costs relating to contractors should not disclose the information to any unauthorised party or organisation.
- iii. Employees should ensure no special favour is shown to **current or recent former employees**, or associates, in awarding contracts.

## 8 Gifts, Hospitality, Sponsorship or Endorsements

County Council employees should exercise caution concerning the **acceptance of gifts or hospitality** in relation to their role in the Council; and any **involvement in sponsorship events, or endorsement of a product or service**, where there may be a **conflict of interest**.

All gifts and hospitality should be properly recorded and employees are expected to be aware of and act in accordance with the Gifts and hospitality policy. For further detail and information about what needs to be recorded [see Gifts and hospitality](#) policy and guidance (*link*).

## **9 Use of the County Council's Materials or Resources**

Employees should not make personal use of any County Council property, facilities, materials, or resources unless properly authorised to do so.

### **9.1 Property and Resources**

County Council property and resources should be used solely in respect of its work. No improper use should be made of any facility such as vehicles, equipment, stationery or secretarial services which the County Council provides for its own business.

The Authority recognises that there are times when calls must be made during working hours, for emergencies or to utility companies, for example. Reasonable usage of the telephone in these cases is permissible, but employees are expected to keep the length of call to the minimum possible.

### **9.2 Intellectual Property**

Employees should follow County rules on the ownership of intellectual property or copyright created during their employment. Any invention, improvement or design made or conceived by you while you are engaged to work for the County Council which is in the existing, or contemplated, scope of the business of Surrey County Council shall become and remain the exclusive property of Surrey County Council.

## **Related information**

[Values and behaviours](#)      [Members/Officers protocol](#)  
[Equalities information](#)      [Conflict of interest](#)      [Gifts and hospitality](#)  
[Politically restricted posts](#)      [Disclosing information](#)      [Health & Safety](#)  
[IMT policies](#)      [Whistleblowing](#)      [Financial governance](#)  
[Information governance](#)      [Procurement guidelines](#)  
[Strategy against Fraud and Corruption](#)  
[Ending harassment, bullying, victimisation and discrimination](#)

# MEMBER/OFFICER PROTOCOL

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## **INTRODUCTION**

1. The Member/Officer Protocol is designed to provide a guide to good working relations between Members and Officers, to define their respective roles and provide some principles governing conduct.
2. Given the variety and complexity of Member/Officer relations, this protocol cannot and does not seek to cover every eventuality, but it does seek to clarify possible areas of doubt and to offer advice as to how any difficulties which might arise can be best resolved properly. The guidance included in the protocol should, as far as is possible, be uniformly followed throughout the Council.
3. This Protocol is part of the Council's Constitution. The guidance refers to(?) supplements that are included elsewhere in the Constitution, particularly the Members' code of conduct, the code of conduct for staff and Standing Orders.
4. This Protocol will also apply to co-opted members of committees/boards.
5. A "Member" refers to a county councillor, elected every four years to represent one of the electoral divisions in Surrey, as well as "co-opted Members" appointed to sit on any of the Council's committees. An "Officer" refers to a member of staff, employed by Surrey County Council.

## **ROLES AND RESPONSIBILITIES**

6. Both Members and Officers are servants of the public but their responsibilities are distinct. This section details the different roles of Members and Officers and provides guidance on working effectively together.
7. **Role of Members**

Members are democratically accountable and have political affiliations. They are responsible to the electorate and serve only so long as their term of office lasts. All Members have an important role to play in representing their constituents and promoting the welfare of the communities they represent, as well as acting together as the County Council. Members formulate policy, make decisions and seek to ensure that their constituents' issues are addressed. Members can also be appointed to represent the Council on a range of external bodies whose work is important to the Council and the community. Non-Cabinet Members are members of scrutiny boards, reviewing and scrutinising performance by services and holding the Cabinet to account on decisions made and/or of quasi-judicial committees executing statutory functions.
8. The Leader of the Council appoints the Cabinet and the Council appoints Members to serve on the Council's committees/boards in line with Standing Orders. Individual Members may take on a range of roles, for example becoming a Cabinet Member, a Chairman of a committee or Chairman of the Council. A role profile for each such position within the County Council is attached at appendix A for reference.

9. The leaders of the minority groups act as the leading spokesmen for their respective groups at meetings of the Council. Minority groups may choose to appoint spokesmen to represent them on committees/boards, in which case the spokesman will be recognised by other groups and Officers as the normal channel for communications with groups on matters affecting the committee/board.
10. Members should ensure that they take proper advice on council procedures. If Members are ever in any doubt in terms of law, the Code of Conduct and declarations of interest, Standing Orders, general propriety, conflicts of interest, etc, then the Monitoring Officer or Deputy Monitoring Officers should be consulted.

### **Role of Officers**

11. Officers must be politically neutral in their work. Their job is to give advice to Members and the Council and to carry out the Council's work under the direction and control of the Council and the Leader/Cabinet. Officers advise the Council, the Cabinet, and committees/boards. Officers are also responsible for implementing decisions taken by the Council, Cabinet and/or the appropriate committee/board as well as taking decisions delegated to them under the Scheme of Delegation.
12. Officers are responsible to the Chief Executive, and not to individual Members of the Council whatever office they might hold. The Chief Executive, Strategic Directors, and Senior Officers will need to work closely with the Cabinet if there is to be effective policy development and executive decision-making. This relationship has to function without compromising the ultimate responsibilities of staff to the Council as a whole.

### **Member/Officer Working**

13. For the effective conduct of County Council business, there must be mutual dignity, trust and courtesy between Members and Officers. Members and Officers should also avoid close personal familiarity with each other and not use their relationship to advance their personal interests or influence decisions improperly.
14. To support a healthy and constructive working relationship Officers can expect Members:
  - a) To speak with and relate to them in an appropriately professional manner, avoiding undue pressure, particularly in relation to more junior staff.
  - b) Not to single out individual Officers for blame or criticism, in a way which would amount to a personal attack, particularly in publications, press statements or meetings attended by the public.
  - c) To avoid words or actions which could undermine respect for Officers by the public.
  - d) Not to require an Officer to carry out work on a matter which is not justified in terms of budgetary controls, Council policy or the Officer's duties and responsibilities.
  - e) Not to require an Officer to carry out work within unreasonable deadlines or work that imposes an excessive workload.
  - f) To avoid becoming regarded as a member of Directorate/Service management teams, for example by always attending management team meetings (although it is

recognised that, on occasion, Officers may invite Members to such officer meetings for specific items.)

15. Similarly, Members can expect Officers:

- a) To speak with and relate to them in an appropriately professional manner.
- b) To be mindful that they work in a political environment.
- c) To ensure that they communicate clearly and effectively with Members, providing a timely response to any appropriate queries.
- d) To perform their duties effectively, efficiently and without discrimination.
- e) Not to lobby Members to make a decision which benefits them personally or any group or association to which they have a close personal connection.

## **PROVIDING ADVICE AND INFORMATION FOR MEMBERS**

16. Members need to have adequate and relevant advice and information available to them in order to carry out their tasks as Members of the Council, Cabinet or any relevant Committees or Boards and in particular in their role as local Members in relation to matters affecting their division. This will enable Members to make properly informed decisions, be effective community leaders and scrutinise and develop policy. It is important that Officers assist Members by providing such advice and information in a timely way when needed.

### **Support for Members when dealing with Council business**

17. The Chief Executive is responsible for ensuring that Members are fully and effectively supported by Officers in exercising both executive and non-executive functions.

18. The Chief Executive is the principal policy adviser to the Council, committees/boards and Cabinet, with responsibility for co-ordinating and ensuring that they receive appropriate policy and operational advice on service issues. The Director of Legal, Democratic and Cultural Services will provide legal advice to the Cabinet and committees. The Director of Finance will be responsible for financial advice to the Cabinet and committees/boards.

19. Members can expect to be fully informed on matters on which they will be expected to take decisions in meetings of the Cabinet and any committee. It is the duty of each Strategic Director to ensure effective and timely arrangements are in place to inform, consult and listen to Members and, where requested, for Members' views to be reported before any decision is made.

## **Requests for Information**

20. Members may request access to the agenda for meetings of the Cabinet, Cabinet Members, and of committees/boards of which they are not appointed Members.
21. The statutory rights of Members to access other information held by the Council is described in Articles 2 and 4 of the Council's Constitution.
22. Any Member of the Council may ask the relevant Officer for factual information about a service where it relates to his/her division, or to the work of a committee/board on which he/she serves. Such requests will be met in a timely and accurate way, subject to any overriding legal requirements, or if on referral to him/her, the Strategic Director considers the cost of providing the information unreasonable.

## **Keeping the Local Member informed**

23. To enable them to carry out their divisional role effectively, Members can expect to be informed as early as possible and kept fully informed about matters affecting their division.
24. Senior Officers must ensure that effective and timely arrangements are in place to inform Members of such matters, thus allowing Members to promote and develop their representative role.
25. Whenever a meeting is organised by the Council to consider a local issue, all the Members representing the divisions affected should be invited to attend the meeting as a matter of course.
26. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant Officer.

Provided the meeting has not been arranged on a party political basis:

- an Officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

No such meetings should be arranged or held using Council resources in the immediate run-up to Council elections.

27. Where a politically sensitive matter is being handled by an Officer under delegated authority, he/she will be responsible for keeping the local Members informed. Where the matter may possibly be politically sensitive or contentious, the relevant Cabinet Member or committee/board chairman and vice-chairman (as appropriate) will be consulted before any action is taken, so that if necessary the matter can be brought before the Cabinet or a committee/board.
28. The Officer responsible for preparing a report for the Cabinet, a Cabinet Member or a committee/board will, in conjunction with Democratic Services, notify the local Members concerned by sending them a copy of the report.



29. Where an issue relevant to a local Member is to be discussed by the Cabinet, at a Cabinet Member meeting, or by a committee/board on which the local Member does not serve, he/she may attend the meeting for consideration of the item and, with consent of the chairman (which will not normally be withheld), speak on it if he/she wishes to do so.
30. Members should also be invited to attend official openings or other similar ceremonies within their electoral division.

### **Confidentiality**

31. Any Council information provided to a Member must only be used by the Member for the purposes for which it was provided, that is in connection with the proper performance of the Member's duties as a Surrey County Councillor.
32. Confidential information provided to Members should not be divulged to anyone. The Council requires Members to take appropriate legal advice, e.g. from the Monitoring Officer, before disclosing information that they believe or ought reasonably to believe was given to them in confidence.
33. If Members are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled to carry out their duties as County Councillors they should contact the Monitoring Officer. Officers, if they feel it necessary, may check with the Monitoring Officer before releasing confidential information to a Member.

### **Political Group Briefings**

34. Any political group may ask for a private and confidential briefing from an Officer on matters of policy which have been, or which may be, the subject of formal meetings. In response to a request, officers:
  - a) will be able to attend group meetings to give advice.
  - b) will notify any other political groups of this and the nature of the subject matter under discussion.
  - c) may give factual information, and advice on potential options.
  - d) must withdraw from the group meeting before Members start to consider the decisions they wish to see taken.

### **ADMINISTRATIVE SUPPORT TO MEMBERS**

35. The Council can lawfully provide support services, materials and equipment to Members to assist them only in their role as Members of the Council. Support services, materials and equipment must therefore only be used for Council business and should never be used in connection with party political or campaigning activity.

36. Officers will always assist Members in their official County Council work and in dealing with their constituents' problems relating to County Council services. They cannot carry out tasks for Members of a purely political or personal nature, or do work arising from service by a Member on another local authority.
37. Any correspondence that is personal between Members or is intended to be confidential between the correspondents, so far as the law allows, will be treated as such. Correspondence between Members, or between an individual Member and an Officer, should not be copied by Officers to another Member unless the author expressly requests or agrees that this should be done. Where correspondence is copied, this should always be made clear on the face of the document and there should be no "blind" copies.
38. Similarly, information requested by a Member (or a political assistant on behalf of a Member of a political group) should be provided by Officers in confidence. It should not be shared with other Members without the consent of the Member making the request or the political assistant acting on his/her behalf.
39. Information and correspondence to Members legitimately pertaining to their role, whether by electronic means or post, will not be delayed or interfered with by Officers or Members.

## **RELEASE OF INFORMATION TO THE MEDIA**

40. There is a code of practice which regulates local authority publicity. In particular publicity must:
  - have the principal purpose of explaining or commenting upon the Council's policy;
  - not include material whose main effect is party political (i.e. designed to affect public support for a political party);
  - relate to a function of the County Council; and
  - not contain material which is disparaging of parties or members of parties.
41. Press releases on decisions by the Council, the Cabinet, Cabinet Members or any committees/boards, and generally on approved policies and initiatives, will be prepared by the Head of Communications in conjunction with the relevant Strategic Director(s). They must be cleared with the appropriate Cabinet Member or chairman before being issued and they may include a statement from the Cabinet Member or chairman.
42. Press releases on routine service issues will be authorised by Strategic Directors and the Head of Communications, and will contain a factual quotation from the appropriate Officer.
43. Copies of all press releases will be circulated as appropriate internally to all Members and Strategic Directors and externally to district and borough councils and to the Surrey MPs and MEPs. Press releases will include the contact details of the local Member where the release relates to a specific local area, in order to allow the local Member to be contacted directly by the press for comment regarding the issue.

44. Personal or group statements will be handled by the political groups. Members making such statements will make every effort to ensure that they are not construed as official statements.
45. The Code of Practice on Local Authority Publicity requires particular care about publicity issued in an election period. This applies to any election or by-election affecting the area. At such times, the Head of Communications will issue guidelines for Members and Senior Officers.

## **HOW TO RESOLVE ISSUES**

46. Members and Officers are encouraged to work together and seek to resolve differences by talking to each other about any concerns at the earliest opportunity. However, there may be exceptional occasions where resolution is not possible.
47. If a Member feels that they have not been treated with proper respect, courtesy or efficiency by any Officer or that an Officer has acted in breach of this protocol, they may raise the matter with the individual's line manager, Head of Service, Strategic Director or the Chief Executive as appropriate. If the matter cannot be resolved informally, any such referral will be processed in line with the Council's employment procedures and policies. The Member and the Officer will be kept informed of progress with the complaint and the action to be taken. An individual Member does not have the power to discipline any Officer.
48. If an Officer feels that a Member has acted in breach of this Protocol, or has otherwise not been shown proper respect and courtesy by any Member, they should raise the matter with their line manager, Head of Service, Strategic Director or the Chief Executive as appropriate. If the matter cannot be resolved informally, the Officer may refer the issue to the Monitoring Officer for consideration. The Officer and Member will be kept informed of progress with the complaint and the action to be taken.
49. In order to respond to changes in legislation, this Protocol will be subject to regular review.

## **MEMBER ROLE PROFILES**

### **The Surrey County Councillor**

#### **Purpose:**

- To represent the needs and interests of the division for which the Councillor was elected.
- To engage with the people of Surrey, particularly those in under-represented groups, and ensure their views are heard by the Council.
- To participate in a range of Member level boards and committees, to assist the Council in reaching informed and balanced decisions.

#### **Key Duties and Responsibilities:**

1. To assist with enquiries on behalf of constituents, representing their interests whilst supporting them to be self-reliant where possible.
2. To help ensure that the needs of local communities are understood by the Council, and that actions are taken to support them.
3. To participate fully in Council, Local/Joint Committees and any other board or committees which the Councillor is appointed to.
4. To represent the Council on outside bodies to which they are appointed.
5. To gain a good working knowledge of the Council's strategic priorities and service areas, and to work effectively with Officers to support the successful delivery of these priorities.
6. To fulfil the responsibilities as 'corporate parent' of Looked After Children, accepting responsibility for children in the Council's care.
7. To take responsibility for their own personal development, attending training and development opportunities where appropriate.
8. To promote and uphold the council's policy regarding equalities and diversity.

#### **Key Personal Attributes, Skills and knowledge:**

- All councillors should demonstrate the seven principles of public life, also known as the 'Nolan Principles'. They are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- The ability to engage and work with a wide range of people, and as part of a team.
- The ability to communicate with a wide range of people, to listen and be empathetic.
- The ability to use IT to carry out their role.
- The ability to speak confidently in public and present reasoned arguments.
- A good knowledge of their own local area and issues, as well as of Countywide priorities and services.

## **The Leader**

**(This role profile identifies responsibilities for the Leader of the Council that are in addition to those of a County Councillor and Cabinet Member)**

### **Purpose:**

- To provide effective political leadership and strategic direction for the Council.
- To ensure effective corporate governance.
- To act as the political spokesperson for the Council.

### **Key Duties and Responsibilities**

1. To provide leadership to the Council and its political administration.
2. To appoint a Deputy Leader and up to eight other Cabinet Members, and designate appropriate portfolios.
3. To retain or delegate executive functions to Cabinet, Cabinet Members, committees, individual local Members and officers.
4. To lead an effective Cabinet, taking responsibility for its forward work programme and chairing meetings in line with the Constitution.
5. To lead the development of local, regional and national partnerships, including Central Government.
6. To have overall responsibility for the fiscal and financial management of the Council.
7. To liaise regularly with the Chief Executive and senior officers on all issues relating to the operation of the Council.
8. To ensure effective corporate governance, including working with opposition groups to seek to achieve, where possible, cross-party co-operation.
9. To champion, and engage in, Member development.

### **Key Personal Attributes, Skills and knowledge:**

- Effective leadership skills.
- The ability to chair meetings and facilitate open discussion.
- A good understanding of the public sector and how different tiers of government can work effectively together.
- Political knowledge and awareness.
- A clear understanding of the operation of the Council.
- Business and financial acumen, including the ability to understand and manage the Council's budget.
- The ability to work effectively with Council officers, the public, the media and outside organisations.

## **The Deputy Leader**

**(This role profile identifies responsibilities for the Leader of the Council that are in addition to those of a county councillor and Cabinet Member)**

### **Purpose:**

- To fulfil the duties of the Leader in his or her absence.
- To assist the Leader in specific duties as required.

**Key Duties and Responsibilities** – see those of the Leader.

**Key Personal Attributes, Skills and Knowledge** – see those of the Leader.

## **Chairman of the Council**

**(This role profile identifies responsibilities for the Chairman of the Council that are in addition to those of a county councillor)**

### **Purpose:**

- To provide effective civic and ceremonial leadership to the Council.
- To chair County Council meetings and ensure its business is carried out efficiently and in line with the Constitution.
- To promote and maintain high standards of conduct from Members.

### **Key Duties and Responsibilities**

1. To act as an ambassador for the Council and Surrey itself.
2. To attend and represent Surrey at civic and ceremonial occasions, acting on behalf of the whole Council in a non-partisan manner.
3. To uphold and promote the Council's Constitution, working with Officers to ensure that it is regularly reviewed and continues to meet its purpose.
4. To preside over meetings of the Council, acting impartially to ensure that its business is carried out efficiently and in line with the Constitution.
5. To promote community engagement and encourage active citizenship within Surrey.
6. To perform official openings or presentations throughout the county.
7. To host diplomatic visits to the Council.
8. To chair the Member Conduct Panel, handling complaints against Members in line with the constitution.
9. To chair the Surrey Civilian-Military Partnership Board, fostering closer relationships with the armed forces.

### **Key Personal Attributes, Skills and Knowledge**

- A clear understanding of the operation of the Council, including an understanding of the Constitution, in particular Standing Orders.
- To promote and uphold the seven principles of public life – acting as a role model to other Councillors.
- A good knowledge of, and interest in, the whole of the county.
- The ability to chair meetings and facilitate open discussion.
- The ability to work effectively with Council officers, the public, the media and outside organisations.
- The ability to engage effectively with a variety of different groups and people.

## **Vice-Chairman of the Council**

**(This role profile identifies responsibilities for the Chairman of the Council that are in addition to those of a county councillor)**

### **Purpose:**

- To support the Chairman of the Council in providing effective civic and ceremonial leadership to the Council.
- To chair County Council meetings in the Chairman's absence and ensure its business is carried out efficiently and in line with the Constitution.
- To promote and maintain high standards of conduct from Members

**Key Duties and Responsibilities** – see those of the Chairman of the Council.

**Key Personal Attributes, Skills and Knowledge** – see those of the Chairman of the Council.



## **Cabinet Member**

**(This role profile identifies responsibilities for a Cabinet Member that are in addition to those of a county councillor)**

### **Purpose:**

- To provide collective and individual leadership as part of the Cabinet.
- To undertake lead responsibility and be accountable for allocated portfolios.

### **Key Duties and Responsibilities**

1. To exercise delegated powers in accordance with the Constitution.
2. To attend Cabinet meetings and take collective responsibility for decisions taken.
3. To act as a lead Member for a particular portfolio as delegated by the Leader, working closely with the relevant Strategic Directors to ensure that the portfolio supports the delivery of the Council's strategic priorities.
4. To monitor performance and budgets within the portfolio, working closely with the relevant Strategic Directors to ensure targets are met.
5. To positively promote the portfolio, acting as a spokesperson in the media as required.
6. To keep Members updated on significant developments within their portfolio, and contribute to the Council's scrutiny process by attending meetings on request.
7. To participate in regional and national networks relevant to the portfolio.

### **Key Personal Attributes, Skills and Knowledge**

- Leadership skills.
- The ability to work as part of an effective team.
- A good understanding of the Council, and the ability to develop an excellent understanding of their relevant portfolio.
- An understanding of the Council budget, particularly that of the relevant portfolio.
- Political knowledge and awareness.
- The ability to work effectively with Council officers, the public, the media and outside organisations.

## **Cabinet Associate**

**(This role profile identifies responsibilities for a Cabinet Associate that are in addition to those of a county councillor)**

### **Purpose:**

- To provide support and assistance to the Cabinet.
- To contribute effectively towards the strategic direction of the Council.
- To assist Cabinet Members with the effective leadership of their portfolios.

### **Key Duties and Responsibilities**

1. To assist, support and advise the relevant Cabinet Member(s) in the exercise of his or her responsibilities.
2. To lead on specific policy areas at the request of the relevant Cabinet Member and/or Leader.
3. To carry out tasks as agreed on behalf of the relevant Cabinet Member.
4. In the absence of the Cabinet Member, to answer questions and speak at meetings of the Council on matters relating to the allocated portfolio area(s).
5. To substitute for Cabinet Members at meetings, briefings and events as appropriate.
6. To handle media interviews and enquiries on behalf of the Cabinet Member(s) in his/her absence.

### **Key Personal Attributes, Skills and Knowledge**

- Leadership skills.
- The ability to work as part of an effective team.
- A good understanding of the Council, and the ability to develop an excellent understanding of their relevant portfolio.
- An understanding of the Council budget, particularly that of the relevant portfolio.
- Political knowledge and awareness.
- The ability to work effectively with Council officers, the public, the media and outside organisations.

## **Scrutiny Chairman**

**(This role profile identifies responsibilities for Scrutiny Chairmen that are in addition to those of a county councillor)**

### **Purpose:**

- To support the continuous improvement of the Council, by leading the work of a Scrutiny Board/Committee.
- To chair meetings of the Scrutiny Board/Committee in line with the Council's Constitution.

### **Key Duties and Responsibilities**

1. To chair meetings of the Scrutiny Board/Committee in compliance with the Council's Constitution and in line with its terms of reference.
2. To lead the Scrutiny Board/Committee in developing an effective forward work programme.
3. To engage with relevant service users and stakeholder groups, ensuring that the Scrutiny Board/Committee reviews issues of public interest within its terms of reference.
4. To engage all Members in the work of the Scrutiny Board/Committee, allowing for robust debate that leads to constructive recommendations.
5. To encourage Members to undertake relevant training and development where appropriate, so that they are able to fulfil the scrutiny role effectively.
6. To develop constructive relationships with the relevant Cabinet Portfolio holders and Strategic Directors in the area that the Board/Committee scrutinises.
7. To co-ordinate the Board's/Committee's work with the Chairmen of other Scrutiny Boards/Committees, avoiding duplication and taking a flexible approach to cross-cutting issues.

### **Key Personal Attributes, Skills and Knowledge**

- Good chairing and leadership skills.
- The ability to analyse and grasp complex issues.
- The ability to influence and work constructively with Members, officers, members of the public and outside organisations.
- The ability to work as part of an effective team.
- A good understanding of the Council, and the ability to develop an excellent understanding of the area that the Board/Committee is responsible for scrutinising.
- An understanding of the council budget.

## **Scrutiny Vice-Chairman**

**(This role profile identifies responsibilities for a Scrutiny Vice-Chairman that are in addition to those of a county councillor)**

### **Purpose:**

- To support the Chairman in providing direction and leadership to the Scrutiny Board/Committee, ensuring that it fulfils its terms of reference.
- To support the Chairman in chairing effective meetings of the Scrutiny Board/Committee.
- To fulfil the responsibilities of the Chairman in his or her absence.

**Key Duties and Responsibilities** – see those of the Chairman of the Scrutiny Board/Committee.

**Key Personal Attributes, Skills and Knowledge** – see those of the Chairman of the Council.

## **Chairman of Planning and Regulatory Committee**

**(This role profile identifies responsibilities for a Chairman of Planning and Regulatory Committee that are in addition to those of a county councillor)**

### **Purpose**

- To provide leadership and direction to the work of the committee, and to ensure compliance with the Surrey Code of Best Practice in Planning Procedures.
- To chair committee meetings in line with the Constitution, and to ensure that the committee fulfils its terms of reference.
- To demonstrate to the public, applicants and objectors, fair and open decision-making on behalf of the committee.

### **Key Duties and Responsibilities**

1. To lead the committee, in consultation with officers, in prioritising its work and setting meeting agendas.
2. To chair meetings in accordance with the Constitution, ensuring that the committee fulfils its terms of reference.
3. To ensure that Members appointed to the committee fully understand the committee's work and receive training in planning procedures as specified by the Council.
4. To engage all members of the committee, ensuring that it takes clear and unambiguous decisions based on sound planning considerations.
5. To facilitate participation in meetings by the public and their representatives in accordance with Standing Orders.
6. To represent the committee at public inquiries held into appeals against decisions made by the committee.

### **Key Personal Attributes, Skills and Knowledge**

- Good chairing and leadership skills.
- The ability to analyse and grasp complex issues.
- A good understanding of planning legislation and procedures.
- The ability to influence and work constructively with Members, officers, members of the public and outside organisations.
- The ability to work as part of an effective team.

## **Vice-Chairman of the Planning and Regulatory Committee**

**(This role profile identifies responsibilities for a Vice-Chairman of Planning and Regulatory Committee that are in addition to those of a county councillor)**

### **Purpose**

- To work with the Chairman to provide leadership and direction to the work of the Committee, and to help ensure compliance with the Surrey Code of Best Practice in Planning Procedures.
- To support the Chairman in chairing committee meetings and ensure the committee fulfils its terms of reference.
- To fulfil the duties of the Chairman in his or her absence.

**Key Duties and Responsibilities** – see those of the Chairman of the Planning and Regulatory Committee.

**Key Personal Attributes, Skills and Knowledge** – see those of the Chairman of the Planning and Regulatory Committee.

## **Chairman of the Audit and Governance Committee**

### **Purpose**

- To provide leadership and direction to the work of the committee, contributing to the continuous improvement of the Council's services through the full range of its work.
- To chair committee meetings and ensure the committee fulfils its terms of reference.

### **Key Duties and Responsibilities**

1. To lead the Audit and Governance Committee in setting an effective forward work programme.
2. To chair meetings in accordance with the Constitution, ensuring that the committee fulfils its terms of reference and meets the standards of best practice set out in the CIPFA Guidance for Audit Committees.
3. To engage all Members in the work of the committee, allowing for robust debate that leads to constructive recommendations.
4. To encourage Members to undertake relevant training and development where appropriate, so that they are able to fulfil their committee role effectively.
5. To develop constructive relationships with the Leader, Chief Executive and other Cabinet Members and officers regarding the management of the committee's business.

### **Key Personal Attributes, Skills and Knowledge**

- Good chairing and leadership skills.
- The ability to analyse and grasp complex issues.
- The ability to influence and work constructively with Members, officers, members of the public and outside organisations.
- The ability to work as part of an effective team.
- A good understanding of the Council, and the ability to develop an excellent understanding of the area for which the committee is responsible for.
- A good understanding of the council budget.

## **Vice-Chairman of the Audit and Governance Committee**

### **Purpose**

- To work with the Chairman to provide leadership and direction to the work of the Committee.
- To support the Chairman in chairing committee meetings and ensure the committee fulfils its terms of reference.
- To fulfil the duties of the Chairman in his or her absence.

**Key Duties and Responsibilities** – see those of the Chairman of the Planning and Regulatory Committee.

**Key Personal Attributes, Skills and Knowledge** – see those of the Chairman of the Planning and Regulatory Committee.



## **Local/Joint Committee Chairman**

### **Purpose**

- To provide leadership, direction to the work and ensure a positive resident experience of the committee,
- To contribute to the continuous improvement of the Council's services in the area which it serves.
- To chair committee meetings and ensure the committee achieves its terms of reference, representing the committee with wider SCC teams and members
- To act as a community leader and encourage partnership working.

### **Key Duties and Responsibilities**

1. To lead the Local/Joint Committee in working as a team and setting an effective forward work programme.
2. To chair meetings in accordance with the Constitution, and where applicable the Local/Joint Committee's, ensuring that the committee fulfils its terms of reference.
3. To engage all Members in the work of the committee, allowing for robust debate that leads to constructive recommendations and decisions.
4. To encourage Members to undertake relevant training and development where appropriate, so that they are able to fulfil their committee role effectively.
5. To develop constructive relationships with the Leader, Chief Executive, and other officers, local committee chairmen and Cabinet Members regarding the management of the committee's business, advocating for the committee as appropriate.
6. To encourage public participation in Committee meetings, hearing questions and petitions as appropriate.
7. To be consulted by the Community Partnerships Team in respect of the approval of grants from Members' revenue allocations and in accordance with any conditions or criteria imposed by the Council or the relevant Local/Joint Committee.
8. To share best practice across the county in relation to the work to the local/joint committee

### **Key Personal Attributes, Skills and Knowledge**

- Good chairing and leadership skills.
- The ability to analyse and grasp complex issues.
- Commitment to improving the resident experience of the committee / council
- The ability to influence and work constructively with Members, officers, members of the public and outside organisations.
- The ability to build and work as part of an effective team.
- A good understanding of the Council and the local area which the committee serves.
- An understanding of the budget.

## **Local/Joint Committee Vice-Chairman**

### **Purpose**

- To work with the Chairman to provide leadership, direction to the work and ensure a positive resident experience of the committee.
- To support the Chairman in chairing committee meetings and ensure the committee achieves its terms of reference, representing the committee with wider council teams and members  
To support the Chairman in encouraging local committee members in their community leadership roles
- To fulfil the duties of the Chairman in his or her absence.

**Key Duties and Responsibilities** – see those of the Local/Joint Committee Chairman.

**Key Personal Attributes, Skills and Knowledge** – see those of the Local/Joint Committee Chairman.

## **Chairman of the Pension Fund Committee**

### **Purpose**

- To provide leadership and direction to the work of the committee.
- To chair committee meetings in line with the Constitution, and to ensure that the committee fulfils its terms of reference.

### **Key Duties and Responsibilities**

1. To lead the Pension Fund Committee in setting an effective forward work programme.
2. To chair meetings in accordance with the Constitution, ensuring that the committee fulfils its terms of reference.
3. To engage all Members in the work of the committee, allowing for robust debate that leads to constructive decision making.
4. To encourage Members to undertake relevant training and development where appropriate, so that they are able to fulfil their committee role effectively.
5. To develop constructive relationships with the Surrey Local Pension Fund Board and Surrey Local Firefighters' Pension Fund Board, the Leader, Chief Executive and other Cabinet Members and officers regarding the management of the committee's business.

### **Key Personal Attributes, Skills and Knowledge**

- Good chairing and leadership skills.
- The ability to analyse and grasp complex issues.
- The ability to understand complex financial information, and to develop a good understanding of pensions management.
- The ability to influence and work constructively with Members, officers, members of the public and outside organisations.
- The ability to work as part of an effective team.
- A good understanding of the Council and its budget.

## **Vice-Chairman of the Pension Fund Committee**

### **Purpose**

- To work with the Chairman to provide leadership and direction to the work of the Committee.
- To support the Chairman in chairing committee meetings and ensure the committee fulfils its terms of reference.
- To fulfil the duties of the Chairman in his or her absence.

**Key Duties and Responsibilities** – see those of the Pension Fund Committee Chairman.

**Key Personal Attributes, Skills and Knowledge** – see those of the Pension Fund Committee Chairman.

## **Chairman of the Surrey Local Pension Fund Board and Surrey Local Firefighters' Pension Board**

### **Purpose**

- To provide leadership and direction to the work of these Boards.
- To chair board meetings in line with the Constitution, and to ensure that the committee fulfils its terms of reference.

### **Key Duties and Responsibilities**

1. To lead the Surrey Local Pension Fund Board and Surrey Firefighters' Pension Board in setting an effective forward work programme.
2. To chair meetings in accordance with the Constitution, ensuring that the committee fulfils its terms of reference.
3. To engage all Members in the work of these Boards, allowing for robust debate that leads to constructive decision making.
4. To encourage Members to undertake relevant training and development where appropriate, so that they are able to fulfil their committee role effectively.
5. To develop constructive relationships with the Pension Fund Committee, the Leader, Chief Executive and other Cabinet Members and officers regarding the management of the boards' business.

### **Key Personal Attributes, Skills and Knowledge**

- Good chairing and leadership skills.
- The ability to analyse and grasp complex issues.
- The ability to understand complex financial information, and to develop a good understanding of pensions management.
- The ability to influence and work constructively with Members, officers, members of the public and outside organisations.
- The ability to work as part of an effective team.
- A good understanding of the Council and its budget.

## **Vice-Chairman of the Surrey Local Pension Fund Board and Surrey Local Firefighters' Pension Board**

### **Purpose**

- To work with the Chairman to provide leadership and direction to the work of these Boards.
- To support the Chairman in chairing board meetings and ensure the committee achieves its terms of reference.
- To fulfil the duties of the Chairman in his or her absence.

**Key Duties and Responsibilities** – see those of the Surrey Local Pension Fund Board and Surrey Local Firefighters' Pension Board Chairman.

**Key Personal Attributes, Skills and Knowledge** – see those of the Surrey Local Pension Fund Board and Surrey Local Firefighters' Pension Board Chairman.

## **Lead Member for Scrutiny of the Police and Crime Commissioner**

### **Purpose**

- To provide leadership and direction to the work of the Surrey Police and Crime Panel.
- To chair committee meetings in line with the panel's constitution, and to ensure that the committee fulfils its terms of reference.

### **Key Duties and Responsibilities**

1. To lead the Surrey Police and Crime Panel in setting an effective forward work programme.
2. To chair meetings as appropriate in accordance with the panel's constitution, ensuring it fulfils its terms of reference.
3. To engage all members of the panel, allowing for robust debate that leads to constructive recommendations.
4. To encourage Members to undertake relevant training and development where appropriate, so that they are able to fulfil their committee role effectively.
5. To develop constructive relationships with the Police and Crime Commissioner, their office and the Chief Constable.

### **Key Personal Attributes, Skills and Knowledge**

- Good chairing and leadership skills.
- The ability to analyse and grasp complex issues.
- The ability to influence and work constructively with Members, officers, members of the public and outside organisations.
- The ability to work as part of an effective team.
- A good understanding of policing and community safety issues.

## **Opposition Group Leader**

**(This role profile identifies responsibilities for an Opposition Group Leader that are in addition to those of a county councillor)**

### **Purpose**

- To be the principal spokesperson for members of their own political group.
- To ensure efficient sharing of information within the group
- To ensure effective and constructive opposition to the Council's majority group, in line with the Council's Constitution.

### **Key Duties and Responsibilities**

1. To establish and represent the views of the group on policy issues.
2. To act as principal spokesperson for the group.
3. To nominate members of his/her group to serve on committees, scrutiny boards and outside bodies.
4. To foster effective communication with the other political groups.
5. To champion and participate in Member development activities.

### **Key Personal Attributes, Skills and Knowledge**

- Leadership skills.
- The ability to work as part of an effective team.
- The ability to analyse and grasp complex issues.
- The ability to influence and work constructively with Members, officers, members of the public and outside organisations.
- A good understanding of the Council.
- Political knowledge and awareness.
- The ability to work effectively with Council officers, the public, the media and outside organisations



# Counter fraud strategy and framework

## Contents

Counter fraud strategy

Appendix A	<a href="#">Reporting categories</a>
Appendix B	<a href="#">Anti-bribery policy</a>
Appendix C	<a href="#">Anti-money laundering policy</a>
Appendix D	<a href="#">Fraud response plan</a>
Appendix E	<a href="#">Sanctions policy</a>

## Key points

- This strategy and framework set out the council's commitment to preventing, detecting and deterring fraud and corruption.
- The council expects the highest ethical and legal standards from its members, officers, contractors and agents carrying out business on its behalf.
- This framework includes guidance on types of fraud and corruption, how to report concerns and the investigation process.
- All cases of suspected financial irregularity or corruption must be reported to the Chief Internal Auditor.
- A Whistle Blowing Policy is in place to support a safe environment for concerns to be raised.
- Failure to comply with the policies contained within this document will result in sanctions being considered.

Date published: December 2017

Next review date: December 2018

## 1. Introduction

- 1.1 Surrey County Council is one of the country's largest local authorities, with a gross budget of £1.7billion in 2017/18 and employing over 26,000 people. The public is entitled to expect the council to conduct its business with integrity, honesty and openness and demand the highest standards of ethical conduct from those working for and with it.
- 1.2 The council takes its statutory duty to protect the public funds it administers seriously. It is essential that we protect the public purse and ensure that council funds are used only for their intended purpose: to support and deliver services to our community within Surrey. As such we maintain a zero tolerance approach to fraud and corruption whether it is attempted from outside the council or within.
- 1.3 This strategy forms part of the council's counter fraud framework, a collection of interrelated policies and procedures including the Code of Conduct, Financial Regulations and Whistle Blowing Policy. It also includes policies and procedures that are specifically targeted at countering fraud and corruption. These are attached as the following appendices:
- A. 'Reporting categories' by which fraud and corruption are reported;
  - B. 'Anti-bribery policy' outlining measures to combat acts of bribery by or to anyone carrying out business for or on behalf of the council;
  - C. 'Anti-money laundering policy' detailing the responsibilities of members and officers, in particular the need to promptly report suspicions;
  - D. 'Fraud response plan' providing guidance on reporting concerns and the investigation process; and
  - E. 'Sanctions policy' explaining how to determine which sanctions are appropriate when fraud or corruption is identified.

## 2. Aims

- 2.1 This strategy sets out the council's commitment to preventing, detecting and deterring fraud and corruption, taking into consideration the council's three strategic goals that it aims to achieve for all residents:
- Everyone in Surrey has a great start to life and can live and age well;
  - Surrey's economy remains strong and sustainable; and
  - Residents in Surrey experience public services that are easy to use, responsive and value for money.
- 2.2 This strategy aims to:
- Embed an anti-fraud culture where people are empowered to challenge dishonest behaviour;
  - Actively prevent, deter and promote detection of fraudulent and corrupt acts;
  - Maintain the council's awareness of emerging fraud risks such as those associated with digital and cyber security;
  - Provide clear guidance on the roles and responsibilities of members and officers; and
  - Identify a clear pathway for investigative and remedial action.

### 3. Our commitment

At Surrey County Council we recognise that every pound lost to fraud reduces our ability to provide services to our residents who really need them.

While the majority of our staff and the people we deal with each day are honest and law abiding, we acknowledge that this may not always be the case and that fraud can and does regrettably happen.

The Council is committed to a zero tolerance policy in relation to fraud and corruption and we fully endorse the Counter Fraud Strategy and Framework.

This has been developed in line with the latest professional good practice guidance and should help to safeguard public funds by minimising the risk of loss as a result of fraud. Everyone at Surrey County Council has a role to play in this.

David Hodge  
Leader of Surrey County Council

Julie Fisher  
Acting Chief Executive Officer

### 4. Definitions

- 4.1 Fraud can be broadly described as a deliberate act, involving deception or concealment, carried out with the intention of making a gain or causing a loss (or risk of loss) to another. The Fraud Act 2006 includes three main offences:
- ‘False representation’ to a person or device, for example, falsely claiming to hold a qualification to obtain a job or misuse of another person’s debit card;
  - ‘Failing to disclose information’ which you are under a legal duty to disclose, such as not declaring assets as part of a means tested application for services; and
  - ‘Abuse of position’ whereby you act against or fail to safeguard any financial interests you are expected to protect, for example, financial abuse of individuals receiving social care.
- 4.2 For the purpose of this strategy the term ‘fraud and corruption’ includes a range of dishonest acts such as those involving theft, misappropriation, bribery, money laundering, concealment of material facts, false representation and abuse of position.
- 4.3 Definitions relating to bribery and money laundering are detailed in Appendices B and C, respectively. A brief description of the categories by which the council reports fraud and corruption, including examples, is attached at Appendix A.

### 5. Strategic approach

- 5.1 The council’s approach to fraud and corruption is based on three key strands, as set out in the Local Government Counter Fraud and Corruption Strategy:
- **Acknowledge** and understand fraud risks
  - **Prevent** and detect more fraud
  - **Pursue** losses and be stronger in punishing fraud

***Acknowledge***

- 5.2 We acknowledge that fraud risks exist both from within and outside the council. These are recorded in a risk register that is updated on a regular basis to reflect both emerging risks and changes to the likelihood and impact of risks in light of any developments. Fraud risks are also considered at the council's Strategic Risk Forum to facilitate coverage of all council services. Internal Audit will work with services and provide advice to mitigate identified fraud risks.
- 5.3 Our response to fraud and corruption is clearly documented in a Fraud Response Plan (Appendix D), which is designed to make available suitable resources and support to tackle fraud and corruption. We will regularly review our approach to tackling fraud, taking into consideration emerging risks, themes and trends both within the council and across wider local government areas.

***Prevent***

- 5.4 We recognise the importance of a strong anti-fraud culture in preventing fraud and corruption. The council operates according to a set of core values (see Section 6) and also has policies in place intended to prevent dishonest behaviour. These include Codes of Conduct, which place a duty on officers and members to declare any interests that may conflict with the council's business, and a Gifts and Hospitality Policy restricting the acceptance of financial or other rewards.
- 5.5 A key measure in the prevention of fraud and corruption is ensuring appropriate checks are made when new employees are recruited. Hiring managers must comply with the Resourcing Policy and Safer Recruitment Policy when conducting pre-employment checks such as verifying identity, obtaining references, confirming the right to work in the UK and, when necessary, Disclosure and Barring Service checks.
- 5.6 The council acknowledges the changing nature of fraud, in particular the risks emerging as a result of increased online access to and delivery of services. In recognition of the importance of robust cyber security and identity assurance, we take a networked approach involving collaboration both with local authorities and also central government agencies and departments.
- 5.7 We will improve controls and processes by learning from instances of proven fraud and corruption and will also take into account findings from the work of Internal Audit. We are committed to making full use of information and technology to proactively detect fraud, as detailed further in Section 7.

***Pursue***

- 5.8 We will ensure appropriate remedial action is taken in all cases of proven fraud or corruption, in line with the Sanctions Policy (Appendix E). This may include collaboration with the police, government departments and other local authorities. We will make every effort to recover funds including, where appropriate, making best use of legislation such as the Proceeds of Crime Act 2002.

**6. Culture**

- 6.1 The council is committed to the highest ethical standards ranging from the expected behaviours set out in the Code of Conduct to the four core values (listen, responsible, trust, respect) that are crucial to delivering the Corporate Strategy.
- 6.2 We believe the 'seven principles of public life' are the foundation of a strong anti-fraud culture and we expect all members, officers and contractors to follow these principles, as well as all legal rules, policies and procedures.

6.3 The seven principles of public life and a brief explanation are listed below.

<b>Principle</b>	<b>You should...</b>
Selflessness	...act solely in terms of the public interest and not for the purpose of gain for yourself, family or friends.
Integrity	...avoid placing yourself under any obligation to people or organisations that might seek to influence you in your work.
Objectivity	...act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	...be accountable to the public for your decisions and actions and submit yourself to scrutiny as appropriate.
Openness	...act and take decisions in an open and transparent manner. Information should only be withheld from the public if there are clear and lawful reasons for doing so.
Honesty	...be truthful. This includes declaring any conflicts of interest and taking steps to resolve such conflicts.
Leadership	...actively promote and support these principles by applying them to your own behaviour and challenging poor behaviour.

6.4 In essence, we expect everyone carrying out council business to protect the public interest and also to challenge instances of dishonest behaviour. The promotion of a strong anti-fraud culture is therefore vital, as not only will it deter potential fraudsters but it will also encourage a safe environment in which individuals can raise concerns.

## **7. Proactive work**

- 7.1 The remit of Internal Audit includes the delivery of a risk based proactive counter fraud programme. These activities are detailed in an annual Fighting Fraud Plan, which is presented to Audit and Governance Committee. The plan takes into consideration emerging trends across the public sector, proven cases of fraud or corruption and other specific areas where there is an increased risk of fraud or corruption.
- 7.2 As part of the proactive detection of fraud and corruption, we undertake data analytics both within the council (for example payroll) and between other public sector bodies. In conducting data matching exercises, the council will comply with all relevant legislation such as the Data Protection Act 1998 and, from May 2018, the General Data Protection Regulation.
- 7.3 We are required to participate in the biennial National Fraud Initiative data matching exercise administered by the Cabinet Office. This exercise, which compares a wide range of data between publicly funded bodies, includes payroll, pensions, creditors, social care payments and concessionary travel.
- 7.4 We are committed to enhancing partnership working and information sharing as a means to reducing fraud and corruption. Where appropriate, information will be shared with anti-fraud networks such as Action Fraud and the National Anti-Fraud Network, as well as Orbis partners, to enable the identification of patterns and sharing of good practice.
- 7.5 As part of the Surrey Counter Fraud Partnership between the council and Surrey's borough and district councils, we will undertake targeted data matching exercises and publicity drives to detect and prevent fraud across the county.

## **8. Awareness and training**

8.1 The success of this strategy is partly dependent on the awareness and training of members and officers across the council. In recognition of this, we will:

- Include information on the counter fraud framework in relevant training and e-learning packages;
- Continue the delivery of presentations raising awareness to individual teams;
- Include a discussion about fraud risks and training needs as part of Internal Audit's client liaison activities with all services; and
- Continue to deliver an annual fraud seminar to the Audit and Governance Committee.

## **9. Reporting**

9.1 Responsibilities contained within this strategy rest with all officers and members of the council but its delivery will be led by the Internal Audit team. The biannual reports presented to Audit and Governance Committee, summarising investigations and counter fraud work, will include an update on progress against this strategy and the Fighting Fraud Plan.

9.2 This strategy will be reviewed on an annual basis.

## Reporting categories

Reporting category	Description	Examples (not an exhaustive list)	Legislation / Policies (examples)
False representation	Knowingly making an untrue or misleading representation to make gain, cause loss or expose the council to the risk of loss	Submitting incorrect expense claims; falsely claiming to hold a qualification	Fraud Act 2006
Failure to disclose information	Intentionally withholding information to make gain, cause loss or expose the council to the risk of loss	Failing to declare pecuniary interests, or assets as part of a means tested assessment	
Abuse of position	Use of position to act against, or fail to safeguard, the interests of the council or Surrey's residents	Nepotism; financial abuse of individuals receiving social care	
Theft	Misappropriation of assets (often cash) belonging to the council or individuals under the council's care	Removing cash from safes; removing individuals' personal items in care homes	Theft Act 1968
Corruption	Offering, giving, seeking or accepting any inducement or reward which may influence a person's actions, or to gain a commercial or contractual advantage	Accepting money to ensure a contract is awarded to a particular supplier	Bribery Act 2010
False reporting	Intentional manipulation of financial or non-financial information to distort or provide misleading reports	Falsifying statistics to ensure performance targets are met; delaying payments to distort financial position	Theft Act 1968; Financial Regulations; Procurement Standing Orders
Misuse of public funds	The use of public funds for ultra vires expenditure or expenditure for purposes other than those intended	Officers misusing grant funding; individuals misusing social care direct payments	
Procurement	Any matter relating to the dishonest procurement of goods and services by internal or external persons	Breach of the Procurement Standing Orders; collusive tendering; falsifying quotations	
Misconduct	Failure to act in accordance with the Code of Conduct, council policies or management instructions	Undertaking additional work during contracted hours; inappropriate use of council assets and equipment	Code of Conduct; IT Security Policy
Poor Control	Weak local or corporate arrangements that result in the loss of council assets or a breach of council policy	Storing a key to a safe in the immediate vicinity of the safe	

## Anti-bribery policy

### Policy statement

Surrey County Council will:

- Not tolerate bribery or corruption in any form or at any level;
- Consider anti-bribery measures as part of its governance process; and
- Commit to policies and procedures to prevent, deter and detect bribery.

### 1. Introduction

- 1.1 The council expects its business to be conducted with probity, openness and accountability. Key to maintaining the council's high standards is the requirement for members, officers, contractors and agents carrying out business on behalf of the council to behave honestly, lawfully and with integrity.
- 1.2 This policy forms part of the council's counter fraud framework and sets out:
- Definitions and legal background in respect of bribery; and
  - The council's approach to bribery including fulfilling its duties under the Bribery Act 2010 (the Act).

### 2. Scope of the policy

- 2.1 This policy applies to all areas of council business and therefore all members, officers, contractors and agents carrying out business on behalf of the council. Any act of bribery by a person outside the council will be a matter for the police.
- 2.2 This policy should be read alongside the Gifts and Hospitality Policy. Other relevant policies (such as the Code of Conduct and Procurement Standing Orders) should be referred to where appropriate.
- 2.3 Failure to comply with this policy will result in action being considered under the Sanctions Policy (see Appendix E).

### 3. Definitions and legal background

- 3.1 Bribery is the act of offering, giving, receiving or seeking an inducement or reward intended to influence the performance of a relevant function or duty to gain a personal, commercial, regulatory or contractual advantage.

#### ***Bribery Act 2010***

- 3.2 The Act includes four key offences:
- Offering, promising or giving a bribe to reward a person for improperly performing a relevant function (Section 1);
  - Requesting, agreeing to accept or receiving a bribe as a reward for improperly performing a relevant function (Section 2);
  - Bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business (Section 6); and
  - A corporate offence by a 'commercial organisation' of failing to prevent bribery that is intended to obtain or retain business or an advantage in the conduct of business (Section 7).



- 3.3 The Act makes no distinction between a bribe being offered, promised or given directly or through a third party. Further, it makes no difference whether the person requesting, agreeing to accept or receiving the bribe knows or believes that the performance of the function will be improper; or whether this person asks another person to carry out the improper performance of the function on their behalf.
- 3.4 The council accepts that it may be classed as a ‘commercial organisation’ in relation to the corporate offence of failing to prevent bribery. The Act allows for a defence to this corporate offence if an organisation can show that it had in place ‘adequate procedures’ designed to prevent bribery.
- 3.5 Good practice and robust governance arrangements include having adequate procedures in place to prevent bribery and protect the council from reputational and legal damage. Whether an organisation’s procedures are ‘adequate’ will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation.

#### ***Public Contracts Regulations 2006***

- 3.6 The Public Contracts Regulations 2006 place a duty on the council to automatically and perpetually exclude from participation in a procurement procedure any company or director that has been convicted of a corruption offence. The council may disregard this regulation on an exceptional basis, for example due to reasons relating to the public interest such as public health or protection of the environment.

### **4. The council’s approach to bribery**

- 4.1 The council has in place a framework of arrangements intended to manage the risk of bribery and corruption and ensure business is conducted to the highest standards. This policy does not change the requirements of other guidance, which includes:
- Member and Officer Codes of Conduct, which require members and officers to declare any personal or pecuniary interests;
  - Procurement Standing Orders governing the negotiation of contracts; and
  - Gifts and Hospitality Policy, which sets out the restrictions on accepting gifts and hospitality and the need to register approved gifts that are accepted.
- 4.2 In the context of this policy, it is unacceptable for members, officers, contractors and agents carrying out business for or on behalf of the council to:
- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
  - Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to ‘facilitate’<sup>1</sup> or expedite a routine procedure;
  - Accept payment from a third party that is known or suspected to be offered with an expectation that it will obtain a business advantage for them;
  - Accept a gift or hospitality from a third party if it is known or suspected that it is offered with an expectation that a business advantage will be provided by the council in return;

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<sup>1</sup> Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions, including but not limited to: awarding contracts; making appointments to temporary or permanent positions; and determining eligibility to receive services.

- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy; or
- Engage in activity in breach of this policy.

## **5. Reporting suspected bribery**

- 5.1 You should report any suspected acts of bribery. If you have been offered an inducement from another party, you should report this even if you declined.
- 5.2 The council has put in place a safe environment to report suspected cases of fraud and corruption, including bribery. The Fraud Response Plan (see Appendix D) provides full details of who to contact but any individual may contact the council's Internal Audit team directly as below.

Email: [internal.audit@surreycc.gov.uk](mailto:internal.audit@surreycc.gov.uk)

Telephone: 020 8541 9299

Post: Internal Audit  
Surrey County Council  
Room 318, County Hall  
Penrhyn Road  
Kingston upon Thames  
Surrey KT1 2DN

## Anti-money laundering policy

### Policy statement

Surrey County Council will do all it can to:

- Prevent any attempts to use the council and its staff to launder money;
- Identify potential areas where money laundering may occur; and
- Comply with all legal and statutory requirements, especially with regard to the reporting of actual or suspected cases of money laundering.

### 1. Introduction

- 1.1 The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, the Proceeds of Crime Act 2002 and the Terrorism Act 2000 (and all relevant amending legislation) place obligations on the council, including its members and employees, with respect to suspected money laundering.
- 1.2 While most money laundering activity in the UK occurs outside of the public sector, vigilance by council employees and members can help identify those who are, or may be, perpetrating crimes relating to the financing of terrorism and money laundering.
- 1.3 This policy forms part of the council's counter fraud framework and sets out:
  - Definitions and legal background in respect of money laundering;
  - The council's approach to money laundering including the responsibility of members and officers to report suspicions promptly; and
  - Guidance and procedures for members and officers.

### 2. Scope of the policy

- 2.1 This policy applies to all members and officers of the council and aims to maintain the high standards of conduct that the public is entitled to expect from the council.
- 2.2 It is vital that all members and officers are aware of their responsibilities and remain vigilant; criminal sanctions may be imposed for breaches of legislation.
- 2.3 Failure to comply with the procedures set out in this policy will result in action being considered under the Sanctions Policy (see Appendix E). This may include disciplinary action in line with the Officer, or Member, Code of Conduct.

### 3. Definitions and legal background

- 3.1 Money laundering is the process of converting illegally obtained money or assets into 'clean' money or assets with no obvious link to their criminal origin.
- 3.2 There are three primary money laundering offences set out in legislation:
  - Concealing, disguising, converting, transferring, or removing from the UK any criminal property (Section 327 of the Proceeds of Crime Act 2002);
  - Entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person (Section 328); and
  - Acquiring, using or possessing criminal property (Section 329).

- 3.3 There are also two secondary offences:
- Failure to disclose any of the three primary offences; and
  - Tipping off (the act of informing a person suspected of money laundering in such a way as to prejudice an investigation).
- 3.4 Any member or employee of the council may potentially be implicated in money laundering if they suspect money laundering and either become involved with it in some way and/or do nothing about it. The key requirement is to promptly report any suspected money laundering activity to the Money Laundering Reporting Officer.

#### **4. The Money Laundering Reporting Officer (MLRO)**

- 4.1 The officer nominated to receive disclosures about money laundering activities within the council is the Chief Internal Auditor:

Russell Banks  
Orbis Chief Internal Auditor

Telephone: 01273 481447 / 020 8541 9299  
Email: [russell.banks@eastsussex.gov.uk](mailto:russell.banks@eastsussex.gov.uk)

Surrey County Council  
Room 318, County Hall  
Penrhyn Road  
Kingston upon Thames  
Surrey, KT1 2DN

- 4.2 In the absence of the MLRO, the Audit Performance Manager is authorised to deputise:

David John  
Audit Performance Manager

Telephone: 020 8541 7762  
Email: [david.john@surreycc.gov.uk](mailto:david.john@surreycc.gov.uk)

Surrey County Council  
Room 318, County Hall  
Penrhyn Road  
Kingston upon Thames  
Surrey, KT1 2DN

#### **5. Procedures**

##### ***Cash***

- 5.1 The council will not accept any cash payment in excess of £5,000 irrespective of whether this is through a single payment or series of linked payments. 'Cash' includes notes, coins, banker's drafts and travellers cheques.
- 5.2 This does not necessarily mean that cash transactions below this value are legitimate and legal. Professional scepticism is encouraged at all times and any suspicions must be reported to the MLRO or their deputy.

##### ***Responsibilities of members and officers***

- 5.3 Any member or officer who suspects money laundering activity must report their suspicion promptly (as soon as practicable) to the MLRO or their deputy if appropriate. If you prefer, you can discuss your suspicions with your line manager first.
- 5.4 Your disclosure must be made at the earliest opportunity following the information coming to your attention, not weeks or months later, and should be made to the MLRO or deputy using the form attached at the end of this policy.
- 5.5 You must follow any subsequent directions from the MLRO or deputy. You must not:
- Make any further enquiries into the matter;
  - Take any further steps in any related transaction without authorisation from the MLRO or deputy;

- Disclose or otherwise indicate your suspicions to the person suspected of money laundering; or
- Discuss the matter with others or make a note on file that a report to the MLRO or deputy has been made, as this may alert the suspected perpetrator.

### ***Responsibilities of the MLRO***

- 5.6 The MLRO or deputy must promptly evaluate any disclosure to determine whether it should be reported to the National Crime Agency (NCA). Any decision not to submit a report to the NCA must be recorded.
- 5.7 If they so determine, the MLRO or deputy must promptly submit an online Suspicious Activity Report (SAR) to the NCA. Alternatively, a SAR may be manually reported to the NCA. Both online and up to date manual reporting forms are available on the NCA's website.
- 5.8 If a disclosure provides the MLRO or deputy with knowledge or reasonable grounds to suspect that a person is engaged in money laundering, and they do not disclose this to the NCA as soon as practicable, the MLRO or deputy will have committed a criminal offence.

### ***Customer due diligence***

- 5.9 Customer due diligence refers to taking steps to identify customers and checking they are who they claim to be. The Money Laundering Regulations 2017 require customer due diligence measures to be applied when:
- A business relationship with a customer is established;
  - There are doubts about a customer's previously obtained identification;
  - There is a change in an existing customer's circumstances;
  - There is an 'occasional transaction' of €15,000 or more (or the equivalent in Sterling); and/or
  - Money laundering or terrorist financing is suspected.
- 5.10 Customer due diligence measures include:
- Identifying and verifying the client's identity based on reliable and independent sources, such as a passport;
  - Where applicable, identifying the beneficial owners of the client and taking reasonable steps to verify their identity and, if the beneficial owner is an entity or legal arrangement, taking reasonable steps to understand its ownership and control structure;
  - Assessing and, where appropriate, obtaining information on the purpose and intended nature of the business relationship or transaction; and
  - Identifying and verifying the identity of a person who purports to act on behalf of a client and verifying that they are authorised to act on behalf of the client.
- 5.11 Where the customer is a corporate body, you must obtain and verify:
- Its name, company number or other registration; and
  - The address of its registered office and its principal place of business.
- 5.12 In addition, unless the corporate body is a company listed on a regulated market, you must take reasonable steps to determine and verify:

- The law to which it is subject and its constitution or other governing documents; and
- The names of the board of directors (or equivalent managing body) and the senior persons responsible for its operations.

5.13 The level of due diligence required should be determined following a risk assessment. 'Simplified' due diligence is permitted where the business relationship or transaction presents a low risk of money laundering or terrorist financing. Among other criteria, 'Enhanced' due diligence must be applied where the business relationship or transaction involves a 'politically exposed person' or a customer established in a 'high risk third country'.

## **6. Record keeping**

- 6.1 A copy of all documents and information obtained as part of the customer due diligence checks, together with supporting records of the transaction(s), must be retained for a period of five years following the completion of the transaction or end of the business relationship.
- 6.2 The MLRO will keep a record of all referrals received and any action taken to ensure an audit trail is maintained. All disclosure reports referred to the MLRO and reports made to the NCA will be retained by the MLRO in a confidential file for a minimum of five years.

## **7. Guidance and training**

- 7.1 The council will:
- Make members and officers aware of the requirements and obligations placed on the council, and on themselves as individuals, by anti-money laundering legislation; and
  - Give targeted training to those considered to be the most likely to encounter money laundering.
- 7.2 Further information can be obtained from the MLRO and the following sources:
- Anti-money laundering responsibilities from gov.uk: <https://www.gov.uk/guidance/money-laundering-regulations-your-responsibilities>
  - Anti-money laundering guidance from the Law Society: <http://www.lawsociety.org.uk/support-services/advice/articles/quick-guide-to-the-money-laundering-regulations-2017/>
  - CIPFA: [www.cipfa.org/members/members-in-practice/anti-money-laundering](http://www.cipfa.org/members/members-in-practice/anti-money-laundering)
  - The National Crime Agency: [www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk)

[OFFICIAL – SENSITIVE]

**Confidential report to the Money Laundering Reporting Officer**

To: Money Laundering Reporting Officer  
From: \_\_\_\_\_ *[insert your name]*  
Title/Service: \_\_\_\_\_ *[insert your post title and service]*  
Telephone: \_\_\_\_\_  
Date of report: \_\_\_\_\_  
Response needed by: \_\_\_\_\_ *[e.g. transaction due date]*

**Name(s) and address(es) of person(s) involved:**  
*[If a company/public body please include details of nature of business]*

**Nature, value and timing of activity involved:**  
*[Please give full details e.g. what, when, where, how. Continue on a separate sheet if necessary]*

	Yes	No	
Has any investigation been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	If 'yes' please provide details below
Have you discussed your suspicions with anyone else?	<input type="checkbox"/>	<input type="checkbox"/>	

**Details of investigation undertaken and/or discussions held:**

**THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS**

[OFFICIAL – SENSITIVE]

**To be completed by the Money Laundering Reporting Officer**

Date report received:

Date acknowledged:

**Evaluation**

What action is to be taken?

Are there reasonable grounds to suspect money laundering activity?  
If so, please provide details

**Reporting**

If there are reasonable grounds for suspicion, will a report be made to the NCA?

 Yes No

If 'no', reasons for non-disclosure

If 'yes', date of report to NCA

Online / Manual  
[delete as appropriate]

**Consent**

Is NCA consent required for any ongoing or imminent transactions?

 Yes No

If 'yes', please confirm details

Date consent received from NCA

Date consent passed on to officer

**Other relevant information**

Signed \_\_\_\_\_

Date: \_\_\_\_\_

**THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS**



## Fraud response plan

### 1. Introduction

- 1.1 This plan provides guidance on the action to be taken where fraud, theft or corruption against the council is suspected or discovered. It sets out who to report your concerns to, the investigation process and what to expect from Internal Audit.
- 1.2 This document forms part of the council's counter fraud framework and should be read in conjunction with the other documents that make up the Strategy against Fraud and Corruption. You may also wish to refer to the council's Whistle Blowing Policy, Code of Conduct, Disciplinary Policy and Financial Regulations.
- 1.3 The objectives of this plan are to ensure timely and effective action can be taken to:
- Minimise the risk of inappropriate action or disclosure which would compromise an investigation;
  - Ensure there is a clear understanding of who will lead any investigation and keep other individuals informed and involved as appropriate;
  - Prevent further loss of funds or other assets and maximise recovery of losses;
  - Identify the perpetrator and secure sufficient evidence necessary for disciplinary or legal action;
  - Review the reasons for the incident and identify the measures required to prevent a reoccurrence;
  - Reduce the adverse impacts on the business of the council and minimise adverse publicity arising from fraud; and
  - Identify any action needed to strengthen future responses to fraud.

### 2. Reporting your concerns

- 2.1 You should report your concerns to an appropriate person as soon as possible. All reporting channels shown overleaf are (with the exception of Expolink) available to members, officers, contractors, partners and the public.
- 2.2 Regulation 4.5 of the Financial Regulations requires all cases of suspected corruption or financial irregularity to be reported to the Chief Internal Auditor. The individuals listed overleaf will notify the Chief Internal Auditor of any referrals.
- 2.3 Employees may wish to approach their line manager in the first instance (unless this is not appropriate because, for example, they are implicated) to pass on the information on their behalf. This is acceptable in all cases except suspected money laundering, which must be reported directly to the Money Laundering Reporting Officer or their deputy (see Appendix C).
- 2.4 While you may choose to make an anonymous referral, please consider the following:
- There will not be any opportunity to ask you follow up questions or seek clarification, which may prevent an investigation from reaching a satisfactory conclusion.
  - The Whistle Blowing Policy clearly sets out the council's zero tolerance approach to harassment or victimisation and its commitment to protect officers who raise concerns in good faith.
- 2.5 You must only report concerns that you believe to be true. If it is subsequently determined that a referral was made maliciously, or for personal gain, it may be dealt with as a disciplinary matter.

2.6 You may report your concerns to:

**Chief Internal Auditor** (Money Laundering Reporting Officer – see Appendix C)

Telephone: 01273 481447 / 020 8541 9299

Email: [internal.audit@surreycc.gov.uk](mailto:internal.audit@surreycc.gov.uk)

**Director of Finance** (Section 151 Officer)

Telephone: 020 8541 7012

Email: [sheila.little@surreycc.gov.uk](mailto:sheila.little@surreycc.gov.uk)

**Director of Legal, Democratic & Cultural Services** (Monitoring Officer)

Telephone: 020 8541 9088

Email: [monitoring.officer@surreycc.gov.uk](mailto:monitoring.officer@surreycc.gov.uk)

**Elected Members**

Find your local councillor: <http://mycouncil.surreycc.gov.uk/mgFindMember.aspx>

**Chairman of the Audit and Governance Committee**

Email: [david.harmer@surreycc.gov.uk](mailto:david.harmer@surreycc.gov.uk)

**Grant Thornton** (the council's external auditors)

Email: [marcus.ward@uk.gt.com](mailto:marcus.ward@uk.gt.com)

**Public Concern at Work** (charity offering free whistle blowing advice)

Telephone: 020 7404 6609

Email: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)

**Expolink** (independent, confidential hotline)

Telephone: 0800 374 199

Submit an online report: [www.expolink.co.uk/whistleblowing/submit-a-report](http://www.expolink.co.uk/whistleblowing/submit-a-report)

Please note, this is not available to the public; the access code is available on s-net.

### 3. Initial response

3.1 If someone approaches you to report concerns, you should:

- Listen patiently and without prejudice to their concerns
- Ask whether they wish to remain anonymous (obtaining contact details if not)
- Treat all information seriously and in strict confidence
- Obtain as much information as possible during the referral (but do not conduct your own investigation), such as:
  - Outline of the allegations and their impact
  - People involved including job role in the case of employees
  - Amount of money and/or details of other assets involved
  - Timescales (one-off or ongoing)
  - Evidence (available notes, documents or other evidence)
- Not interfere with any evidence and ensure it is kept secure

3.2 As required by the Financial Regulations, you should contact the Chief Internal Auditor to agree any proposed action. The Chief Internal Auditor may request additional information before determining whether a full investigation is necessary and advice will be given on how to approach this without alerting the suspected perpetrator.

3.3 You should also consider whether the allegations pose any immediate safeguarding risks and contact the relevant managers in Adult Social Care or Children Schools and

Families directorates if necessary. Safeguarding concerns will take priority over an allegation of fraud and corruption, although this should still be reported.

- 3.4 Where an allegation involves an employee, it may not be appropriate for the employee to remain in their role whilst the investigation is undertaken. Any risk assessment and decision to suspend an employee (or move them to alternative duties) will be taken by Human Resources in consultation with the line manager and advice from the Chief Internal Auditor.

#### **4. Investigating officer**

- 4.1 The Chief Internal Auditor will evaluate the outcomes from the initial enquiries to determine whether a full investigation is warranted and, if so, appoint an investigating officer. In most cases this will be an officer from Internal Audit but, where an officer from another service is appointed, advice and support will be provided.
- 4.2 The investigating officer will remain impartial throughout the investigation and will:
- Conduct the investigation in a prompt manner;
  - Obtain evidence in line with the guidance in section 5 of this plan;
  - Record and secure all evidence obtained;
  - Ensure any information and/or knowledge is contained;
  - Involve and notify other key officers as appropriate (management, Human Resources, Insurance, Internal Audit); and
  - Conclude the investigation in line with guidance in section 6 of this plan.

#### **5. Evidence**

- 5.1 It is essential that all available evidence relating to the allegation is preserved. This involves a fine balance between not alerting the suspected perpetrator before it is appropriate, complying with council policies and ensuring evidence remains admissible in a court of law.
- 5.2 Legislative requirements must also be fulfilled, in particular those of the Police and Criminal Evidence Act 1984 (PACE) and the Regulation of Investigatory Powers Act 2000 (RIPA). If you are uncertain, seek advice from the Chief Internal Auditor. The most common forms of evidence and brief guidance are given below.

##### ***Council premises***

- 5.3 Inspection of any council premises or property must be witnessed by a key/code holder in the case of locked areas, safes and cash tins, or at least one manager in the case of other store rooms, cupboards and work stations. A list of the contents should be made and the list signed and dated by both you and the witness as being a true record of what was found.
- 5.4 You must not remove any cash or other valuables without first speaking with the Chief Internal Auditor to agree such action and arrange alternative secure storage.

##### ***Original documents***

- 5.5 Original documents should be obtained and retained, handled as little as possible and placed in a protective folder. Under no circumstance must they be marked in any way. All copies of original documents or screen images should be formally certified as a true copy with the date of copying. You should maintain a record of all documents detailing how, when and where they were obtained.

### ***Computer data***

- 5.6 When evidence is held on a computer hard drive, the computer should be secured. You must not attempt to access or download information from the computer yourself. Information may also be held on the council's network, for example, networked folders and emails.
- 5.7 In both cases, the Chief Internal Auditor and Technical Delivery Manager in IMT will advise on the most appropriate way of retrieving the data in accordance with council policy and the rules of evidence.

### ***Video footage***

- 5.8 If you suspect that a CCTV or other camera system may have information of value, secure the hard copy media or arrange for a certified download of the data that is compliant with PACE requirements. The camera system engineer should be able to provide an appropriate download but you should seek advice initially from the Chief Internal Auditor about how to proceed.

### ***Interviews***

- 5.9 You should maintain a record of interviews or meetings held, including the date, location, attendees and, as a minimum, summary notes. When obtaining evidence through interviews and meetings, be aware of how much (or little) information needs to be shared for the meeting to be useful.
- 5.10 Interviews with the suspected perpetrator are normally conducted by two people. Unless the interview is part of a formal disciplinary process, the person is not expected to be accompanied by a representative. You should retain original copies of any handwritten notes made during the interview in addition to any subsequently typed notes. These notes should try to reflect a full account of the conversation.
- 5.11 Within the council, 'interviews under caution' will only be conducted by officers from Internal Audit or Trading Standards to ensure such interviews are appropriately recorded and fully compliant with PACE.

### ***Surveillance***

- 5.12 RIPA provides a clear statutory framework for certain investigative techniques such as surveillance, the definition of which includes:
- Monitoring, observing or listening to persons, their conversations, their movements or their other activities; or
  - Recording anything monitored, observed or listened to in the course of surveillance; and
  - Surveillance by or with the assistance of a surveillance device.
- 5.13 RIPA authorisation must be obtained before conducting certain types of surveillance. You **must not** use any 'covert'<sup>2</sup> and/or 'directed'<sup>3</sup> surveillance without first seeking advice from the Chief Internal Auditor. Failure to comply with RIPA may result in evidence being deemed inadmissible in court and the council being fined.

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<sup>2</sup> Action is 'covert' if it is carried out in a manner that is calculated to ensure that the person who is subject to surveillance is unaware that it is or may be taking place.

<sup>3</sup> 'Directed' surveillance targets an individual with the intention of gaining private information. This includes information relating to private and family life, home and correspondence, and includes activities of a professional or business nature.

## **6. Investigation conclusion**

- 6.1 You will present your conclusions, together with your evidence and notes, to the Chief Internal Auditor who will review the outcome of the investigation irrespective of whether the investigating officer is a member of the Internal Audit team.
- 6.2 Your conclusions must be based solely on the available evidence and any recommended sanction should be in accordance with the Sanctions Policy (Appendix E). You should be prepared to give a statement, if required, as part of any subsequent disciplinary or legal action.
- 6.3 The Chief Internal Auditor will take into account your conclusions when agreeing the appropriate action to take including sanctions.

## **7. What to expect from Internal Audit**

- 7.1 Any conversations you have, or information that you share, with the Internal Audit team will remain confidential. You should remember, however, that the Chief Internal Auditor has a responsibility to investigate all cases of suspected fraud.
- 7.2 When a decision is made not to conduct a full investigation, Internal Audit will offer advice and assistance to improve management controls and minimise adverse impacts on the service.
- 7.3 If the investigating officer is within Internal Audit, a summary email, briefing note or full report (as appropriate) will be issued to relevant council officers and members. Due to requirements of the Data Protection Act, however, and the council's duty of confidentiality to its clients, employees and members, information about investigation outcomes may be limited for those outside the council.
- 7.4 Any investigation led by Internal Audit will seek to make recommendations to reduce the risk of reoccurrence and strengthen control systems. Information gained during investigation may also be used to help disclose similar frauds within the council.

## **8. Press and publicity**

- 8.1 Publicity can act as a strong deterrent to fraud and corruption with publicity of successful cases demonstrating the council's zero tolerance approach. Under no circumstance, however, must details of any cases suspected or under investigation be released to the press or public.
- 8.2 All press and publicity, whether internal or external, will be managed by the council's Communications team. Disclosure of details of a case, successful or otherwise, to the media without the express authority of Communications may be dealt with as a disciplinary matter.
- 8.3 Publicity within the council will be managed by Internal Audit in consultation with Communications. Case details in any such publicity will be anonymised.

## Sanctions policy

### Policy statement

Surrey County Council will ensure that:

- Appropriate sanctions are applied in all proven cases of fraud, theft and corruption;
- Public funds are recovered wherever possible; and
- The sanction decision making process is robust, transparent and fair.

### 1. Introduction

- 1.1 The council takes its responsibility to protect public funds seriously and expects its business to be conducted to the highest ethical and legal standards. Where there is evidence of fraud, theft or corruption against the council, those responsible, whether internal or external to the council, will be held accountable for their actions using the full range of sanctions available.
- 1.2 This policy forms part of the council's counter fraud framework and sets out:
- The range of sanctions available; and
  - Guidance on determining the appropriate action to take.
- 1.3 This policy is not prescriptive. A range of factors will require consideration before deciding on the appropriate sanction, including the individual circumstances of each case and the seriousness of the offence.

### 2. Sanction options

- 2.1 Where there is evidence of fraud, theft or corruption, the following options will be considered:
- No further action
  - Referral to professional bodies
  - Disciplinary action
  - Civil proceedings
  - Criminal prosecution
- 2.2 These options are not mutually exclusive and parallel sanctions may be pursued.

#### ***No further action***

- 2.3 The council may consider closing a case without taking any further action. This may be due to the following factors:
- Evidence is not robust or reliable
  - The offence is minor
  - The cost to pursue the case is not proportionate to the offence committed

#### ***Referral to professional bodies***

- 2.4 Where there is adequate evidence that a person or entity has breached professional duties or responsibilities, the council will refer the matter to the relevant professional body. This may include the Disclosure and Barring Service if there is evidence of a safeguarding concern.

***Disciplinary action***

- 2.5 In the event that an allegation is made against a council employee, the investigating officer will consult with Human Resources and the employee’s line manager regarding risk assessments and disciplinary action. Any disciplinary action will be in accordance with the council’s Disciplinary Policy. Sanctions may include warnings or dismissal on the grounds of gross misconduct.
- 2.6 Additional sanction options will be considered alongside any disciplinary action including referral to professional bodies, civil proceedings and criminal prosecution.

***Civil proceedings***

- 2.7 Where evidence is not sufficient to prove a case beyond reasonable doubt, and therefore successful criminal prosecution is unlikely, the council may consider civil proceedings for which the standard of proof is on the balance of probability.
- 2.8 Regardless of whether any sanction action is taken, the council will always seek recovery of overpaid, misused or unfairly gained monies. The following measures may be considered in the pursuit of financial recovery:
- Consultation with the council’s Payroll and Pensions Teams to redress financial loss caused by employees;
  - Application of the Credit Control Team’s usual procedures, which includes civil action when necessary;
  - Legal action such as search orders and freezing/tracing injunctions to preserve evidence and assets; and
  - Recovery of money through appropriate legal proceedings.

***Criminal prosecution***

- 2.9 Where there is sufficient evidence to indicate that a criminal act has taken place, the case may be referred to the police. The decision to refer the issue to enforcement agencies, such as Surrey Police, will be taken by the Director of Finance and/or Monitoring Officer as advised by the Chief Internal Auditor.
- 2.10 The police or Crown Prosecution Service will provide a final decision on whether to pursue the case. This decision will consider the following:
- **Evidential criteria** such that the evidence must be:
    - Clear, reliable and admissible in court
    - Strong enough for a realistic chance of prosecution; to prove a case ‘beyond reasonable doubt’
  - Whether prosecution is in the **public interest**, taking into account:
    - Seriousness and/or monetary value of the offence
    - Cost and proportionality of the prosecution
    - Age, health and level of culpability of the suspect
    - Circumstances of and harm caused to the victim
    - Other factors such as community impact
- 2.11 Where the council considers it “expedient for the promotion or protection of the interests” of its residents, Section 222 of the Local Government Act 1972 empowers the council to:
- Prosecute or defend or appear in legal proceedings and, in the case of civil proceedings, institute them in their own name; and

- In their own name, make representations in the interests of residents at any public inquiry held by or on behalf of a public body under any enactment.
- 2.12 The council will only consider undertaking prosecutions through this route under exceptional circumstances and any decision to do so will be taken by the Director of Finance and Monitoring Officer as advised by the Chief Internal Auditor.
- 2.13 Any criminal proceedings will include an attempt to recover money under the Proceeds of Crime Act 2002.

### **3. Leaving the council**

- 3.1 During the course of an investigation or disciplinary action, the employee(s) suspected of fraud, theft or corruption may choose to resign from their employment with the council. In this case, following a review of evidence, the council may continue to pursue referral to professional bodies, civil proceedings or criminal prosecution.
- 3.2 The employee's line manager will also consult with Human Resources to determine whether it will be appropriate to provide a reference to future employers.

### **4. Publicity**

- 4.1 Guidance on publicity is available in the Fraud Response Plan (Appendix D). The decision to publicise outcomes will consider the following criteria:
- Interests of Surrey County Council;
  - Interests of Surrey residents; and
  - Deterrent value to others.



# Media and Publicity Protocol

## **Introduction**

1. This protocol will operate along with the Member/Officer Protocol.
2. The provisions of the Local Government Act 1972, the Local Government Act 1986 and the Code of Local Authority Publicity 2001 govern this protocol. All media and communications work done by the Council will comply with these Acts and the code.
3. A key paragraph of the code worth remembering is paragraph 12 which says "Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on facts or explanations or both". This principle will underpin our approach.

## **Role of the communications function**

4. The communications function will continue to develop and promote the Council's reputation across the full range of its activities. It will provide objective professional advice to the whole Council, will remain non-party political and will support and advise both the executive and scrutiny functions. It will:
  - (a) promote corporate initiatives in consultation with the Leader of the Council, the Chief Executive and officers, including media information, briefings, publications, events and other communications;
  - (b) promote agreed Cabinet initiatives in consultation with the Leader of the Council, Cabinet Members, the Chief Executive and chief officers;
  - (c) promote agreed service initiatives as requested by senior managers in consultation with Cabinet Members and the Leader of the Council where appropriate; and
  - (d) promote the role of scrutiny as a key part of the democratic process in consultation with the Chief Executive and chief officers.

## **Political groups**

5. The communications function will provide information on request to the political groups within the protocols and the Constitution of the Council. It will provide professional non-party political advice to Members on request within the existing publicity code.

6. Political groups will be responsible for issuing their own information and party political media releases. This is a legitimate part of the democratic process; however, this should not be done using Council resources.

### **Council meetings**

7. The Communications Service will promote its role in the democratic process by:
  - (a) issuing factual media information before the meetings as appropriate to highlight key issues as agreed by the Leader, the Chairman and Chief Executive to explain and promote the Council's policies and services.
  - (b) issuing media materials as appropriate following the meeting describing the decisions to promote Council policies and services. These will quote the Leader of the Council or the appropriate Cabinet Member as agreed by the Leader, Chairman and the Chief Executive.
  - (c) responding to all media enquiries before and after the meeting, providing an objective, factual explanation of the issues to promote understanding and awareness of the Council and its services in consultation with the Leader, the Chairman and Chief Executive. This will include facilitating interviews and photo opportunities as appropriate.
  - (d) promoting the valuable democratic role of elected Members as appropriate in consultation with the Leader, the Chairman and the Chief Executive.
  - (e) referring all requests for political comment to the relevant group leader.
  - (f) arranging briefings on issues as appropriate in consultation with senior officers and the Leader of the Council or their nominee.

### **Cabinet**

8. The Cabinet is a key focus of the Council and its decision-making process. We will proactively promote the work of the Cabinet as an important public face of the authority by:
  - (a) issuing media information/releases as appropriate with the agenda highlighting important issues and initiatives to explain and promote the Council, its policies and services. Where appropriate these will quote the Leader of the Council or the appropriate Cabinet Member as agreed by the Leader and the Chief Executive.
  - (b) issuing media materials as appropriate in consultation with the Leader or relevant member of the Cabinet and the Chief Executive following the meeting describing the decisions taken to promote Council policies and services. These will quote the Leader of the Council or the appropriate Cabinet Member as agreed by the Leader and the Chief Executive.
  - (c) responding to any media enquiries prior to the meeting by providing a factual explanation of the issue. Where a matter of

- policy is in question, we will consult the appropriate chief officer and Cabinet Member in conjunction with the Leader.
- (d) responding to media enquiries following the meeting by providing a factual explanation of the decision. Where a matter of policy is in question, we will consult with the appropriate chief officer and Cabinet Member in conjunction with the Leader.
  - (e) referring all requests for political comments to the appropriate group leader.

### **Scrutiny and monitoring**

9. The scrutiny processes should be recognised publicly by the Council to help convey the legitimacy of the decision making processes. For that reason, the communications function will support the scrutiny role in the following ways:
- (a) issuing factual media material as appropriate at the request of the chairman and vice-chairman of a scrutiny board and agreed by both, factually describing the outcome of the meeting and reflecting the majority view of the board.
  - (b) responding to any media enquiries prior to the meeting by providing a factual explanation of the issue. Where a matter of policy is in question, we will consult with the appropriate chief officer and Cabinet Member.
  - (c) responding to media enquiries following the meeting by providing a factual explanation of the decision. Where a matter of policy is in question, we will consult with the appropriate chief officer and Cabinet Member.
  - (d) referring all requests for political comments to the appropriate group leader.

### **General media enquiries**

10. (a) media officers will continue to field general media enquiries and provide factual, objective information on the policies and decisions of the Council in consultation with the Leader of the Council, the relevant member of the Cabinet or chief officer.
- (b) any requests for political comments will be referred to the appropriate group spokesperson.

**PROTOCOL FOR HANDLING REPORTS FROM SCRUTINY BOARDS ,  
LOCAL AND OTHER COMMITTEES TO THE CABINET**

Article 6.04 2 (b)(ii) of the Constitution (Cabinet Procedure Rules) states that 'the business at Cabinet meetings will include consideration of reports from scrutiny boards, local committees and any other committees of the Council, where the subject matter relates to more than one portfolio area or as determined by the Leader' and that 'the Cabinet will always formally respond to reports and recommendations made to it by any committees of the Council.'

Article 6.04 2 (e)(ii) of the Constitution states that 'the business at Cabinet Member meetings will include consideration of reports from scrutiny boards, local committees, any other committees of the Council where the subject matter relates to the Cabinet Member's portfolio area....' and that 'the Cabinet Member will always formally respond to reports and recommendations made to him/her by any committees of the Council.'

The Cabinet/Cabinet Member, in responding, should:

- (1) Refer to all recommendations individually.
- (2) Include details of the mechanism and timescales for implementation where appropriate.
- (3) If recommendations are not agreed, give reasons for this.
- (4) Ensure that responses to reports and recommendations are made within two months of receipt of the report.

Boards and committees submitting reports and recommendations to the Cabinet or Cabinet Member should:

- (1) Ensure any actions required are specific.
- (2) Identify any resource implications and specify timeframe.
- (3) Monitor progress against any agreed actions to ensure effective implementation.

# **PROTOCOL FOR SCRUTINY BOARD REVIEW OF CONTRACTS**

## **Purpose**

1. The Council's scrutiny boards intend, as part of their published programme of work, to scrutinise the Council's procurement and contract management processes and key Council contracts in order to:-
  - 1.1 Confirm that an effective procurement process is in place and that all procurement is operating in line with that process.
  - 1.2 Confirm that the Council's contracts are being properly monitored and managed in accordance with the Council's contract management procedures.
  - 1.3 Identify at an early stage any concerns about the performance of any contract.
2. The Council's contracts are commercially sensitive. This protocol is designed to ensure that scrutiny boards operate within their remit, as set out in the Council's Constitution, and that the confidentiality of the Council's contracts is not breached.
3. This protocol excludes contracts of employment, which are not available for scrutiny by scrutiny boards.

## **Remits of the scrutiny boards**

4. Within its remit, the Council Overview Board can scrutinise:-
  - 4.1 The procurement process - why a decision was taken to procure externally by means of a contract; the process for letting the contract; competition and best value;
  - 4.2 The contract preparation process - how the contract was set up to achieve the benefits and minimise the risks identified by the Cabinet in its original decision; that robust performance indicators have been included in the contract appropriate to the identified benefits and risks.
  - 4.3 The contract management process - that an effective process for monitoring and managing the contract is in place and being followed; that steps have been taken to ensure that all staff managing contracts are properly trained and equipped.
  - 4.4 The performance of individual contracts within the Board's remit - how the contracts are performing against their agreed performance indicators.

5. Service-focused scrutiny boards can scrutinise
  - 5.1 The procurement process, contract preparation process and contract management process as set out in 4.1 –4.3 above in relation to those contracts that fall within the remit of that scrutiny board.
  - 5.2 The performance of individual contracts within the remit of that scrutiny board: how the contracts are performing against their agreed performance indicators; whether the contracts are meeting the needs of Surrey citizens and communities.

### **Access to contract documents**

6. Scrutiny Board members are entitled to copies of any document “which is in possession or control of the Cabinet and which contains material relating to any business transacted at a public or private meeting of the Cabinet”, provided that:-
  - 6.1 It is not in draft form and
  - 6.2 It is relevant to an action or decision that it is scrutinising or intending to scrutinise as part of its agreed work programme.
7. A scrutiny board must agree a programme of work that demonstrably scrutinises decisions made by the Council or by the Cabinet/Cabinet Members and actions taken in connection with those decisions. Contractual documentation is only relevant as evidence of those decisions and actions. The relevant Scrutiny Officer will notify the Head of Legal, Democratic and Cultural Services and Head of Procurement in advance of any item of scrutiny on the board’s forward programme that is likely to require access to a contract.
8. The scrutiny board, or a task group or Member authorised by the scrutiny board, may have a photocopy of a contract provided that:-
  - 8.1 It is relevant to a decision/action being scrutinised by the scrutiny board and
  - 8.2 The Member(s) follows the procedure set out in paragraph 11 below.

### **Maintaining confidentiality**

9. Paragraph 6 of the Members’ Code of Conduct specifies:-

“You will on occasions be privy to confidential and sensitive information, such as personal information about someone, or commercially sensitive information which, if disclosed, might harm the commercial interests of the Council or another person or organisation. This information must not be revealed without proper authority”.
10. Under Standing Order 61 and 62, any scrutiny board member with a disclosable pecuniary interest in a contract/party to a contract or has received a gift or

hospitality from a contractor/party to a contractor being scrutinised by that scrutiny board must disclose that interest and not participate in any scrutiny of the contract.

11. Any contract documentation made available to a member of the scrutiny board must not be copied, handed to or discussed with any third party, except another member of that scrutiny board or designated officers involved in the scrutiny process. A failure to conform with this will constitute a breach of confidentiality and therefore of the Code of Conduct.
12. Any Member receiving a copy of any contract will be required to confirm by signature their understanding of and agreement to maintaining the confidentiality of the document.

### **Status of task groups and individual scrutiny board members**

13. A scrutiny board may appoint a task group or ask an individual scrutiny board Member to undertake a specified task of scrutiny and analysis on behalf of the committee. Any task group or individual must keep to the task that they have been given and report back their findings to the agreed meeting of the full scrutiny board in order that it can agree its course of action and/or formulate its recommendations to the Cabinet/Cabinet Member. Scrutiny boards should not appoint task groups or individuals to carry out a roving commission.
14. The Council's main contracts are extremely complex. A suggested list of questions for scrutiny board members to apply in order to effectively scrutinise a contract is attached at **Annex A**.

Ann Charlton  
Head of Legal, Democratic and Cultural Services

**CONTRACT QUESTIONNAIRE (SAMPLE)**

**Annexe A**

Reference	XXXXX		
Contract Owner			
Type	Services		
Commodity		Sub Category	
Contract Description			
Supplier			
Start date		End date	
Is there a provision to extend the term?			
What is the available extension period (months)?			
Has the extension option been taken?			
Total contract value			
Is this fixed or estimated?			
Approximate annual value			
Is this contract open to other local authorities?			
Was it subject to OJEU Procedures?			
What are the payment terms?			
Brief outline of the scope of supply:			
Are there provisions for measuring supplier performance?			
Are there financial recourses for poor supplier performance?			
Is there a provision that allows termination of the contract for poor performance?			
Is there a provision that allows either party to terminate for convenience?			
Is there a provision that allows only SCC to terminate for convenience?			
Is there a provision that allows for adjustment of the contract through benchmarking?			
The benchmarking includes the following			
Is there a provision that allows for a review of the price?			
Does this include indexation?		If yes, what index?	
Does the contract allow for management reviews in line with the Procurement Governance Process?			
Is there a provision for transitioning to another supplier at the end of the contract?			



## POLITICALLY RESTRICTED POSTS AND EXEMPTIONS FROM POLITICAL RESTRICTION

### Explanatory Note:

This protocol explains how the rules restricting the political activities of certain local government employees apply in the Surrey County Council (SCC) context and sets out procedures for applying to the Chief Executive for a post to be exempt from or included in the list of politically restricted posts.

### 1 The Effect of Political Restriction

The main provisions regarding politically restricted posts are set out in Part 1 of the Local Government and Housing Act 1989 (as amended). The law aims to ensure the political impartiality of local government staff who hold posts involving duties of a politically sensitive nature.

The effect of including a post on the list of politically restricted posts is to prevent the post holder from having any active political role either in or outside the workplace, in particular:

- Standing as a candidate for publicly elected office, unless the employee resigns prior to announcing his or her candidature.
- Acting as an election agent or sub agent for any candidate for election.
- Holding office in a political party.
- Canvassing at any elections.
- Speaking or writing publicly (other than in an official capacity) with the intention of affecting public support for a political party (the only exception to this is that displaying a poster or other documents at the post holder's home or in their car is allowed).

Employees within politically restricted posts are permitted to join political parties but must have no active participation within the party.

### 2 Categories of Politically Restricted Posts

- 2.1 Politically restricted posts fall into four categories of local government officer as follows:
- 1 Posts individually identified in the legislation, either by name or by their relationship to other senior officers.
  - 2 Posts where the duties of the post include giving advice on a regular basis to the authority themselves, to the executive, to any committee/board or sub-committee of the Council or any joint committee on which the Council is represented and/or speaking on behalf of the Council on a regular basis to journalists or broadcasters.
  - 3 Posts to which duties have been delegated under the Scheme of Delegation to Officers.
  - 4 Political Assistants.

Secretarial, clerical or support staff, even if they report to the Chief Executive or directors will not fall into category 1 for the purposes of political restriction. They may however be deemed to be in politically restricted posts under 2 above.

#### Politically Restricted Posts at Surrey County Council

- 2.2 Posts set out in the Table 1 are politically restricted without rights of exemption

**Table 1**

<b>Description of post in the Local Government and Housing Act 1989</b>	<b>Council's Designated Post</b>
The Head of the Authority's Paid Service	Chief Executive
Statutory Chief Officers	Strategic Director Children, Schools and Families Strategic Director, Adult Social Care and Public Health Director of Finance Head of Fire and Rescue
Non Statutory Chief Officers	Strategic Director Environment and Infrastructure Strategic Director Customers and Communities Deputy Chief Executive
Deputy Chief Officers	Assistant Directors Heads of Service Any other employee who reports directly to or is directly accountable to any of the posts listed in the above three categories
The Monitoring Officer	Director of Legal, Democratic and Cultural Services
Political Assistants	Political Assistant to Conservative Group Political Assistant to the Surrey Opposition Forum Political Assistant to the Residents' Association/Independent Group
Posts with functions delegated to them under the Scheme of Delegation to Officers	Posts with functions delegated to them under the Scheme of Delegation to Officers set out in Part 3 Section 3 of the Constitution

2.3 Posts set out in Table 2 must be recorded on the list of politically restricted posts and post holders may apply for exemption from political restriction if they can demonstrate that the criteria set out in the Table do not apply to their posts:

**Table 2**

<b>Description of posts in the Local Government and Housing Act 1989 (as amended)</b>	<b>Council's Designated Posts</b>
Posts whose duties include giving advice on a regular basis to the authority themselves, to the executive to any committee of that executive, or to any member of that executive who is also a member of the authority, to any committee or sub-committee of the authority or any joint committee on which the authority is represented and/or speaking on behalf of the authority on a regular basis to journalists or broadcasters	Posts whose duties include giving advice on a regular basis to the Council, to Cabinet, to the Leader or any portfolio holder, to any committee/board or sub-committee of the Council, to any local committee or any joint committee on which the Council is represented (such as Health Scrutiny when it meets jointly with other authorities) <b>and/or</b> speaking on behalf of the Council on a regular basis to journalists or broadcasters.

### **3 The Role of the Chief Executive (Head of Paid Service)**

The Chief Executive, as the Head of Paid Service, has statutory responsibility for the grant and supervision of exemptions from political restriction and will consider applications from members of staff for exemption from political restriction in respect of a post he or she holds with the Council and consider applications for a direction that the Council include any post in the list of politically restricted posts maintained by it.

### **4 Guidance for Human Resources**

- 4.1 The Council is required to maintain a list of its posts falling within 2.3 above. The Head of Human Resources and Organisational Development is the Council's "Proper Officer" designated to maintain this list who will update and publish this.
- 4.2 Where the Chief Executive issues a direction regarding a post, the Head of Human Resources and Organisational Development will amend the list accordingly.
- 4.3 Where new appointments are made to posts included in any of the categories of posts referred to in section 2 above, the Council's letter of appointment must refer to the fact that the post is politically restricted.

### **5 Guidance for Employees**

#### **5.1 What political restrictions apply to officers?**

The appointment or conditions of employment of every person holding a politically restricted post under a local authority are deemed to incorporate requirements to restrict his or her political activities. These restrictions are set out in the Local Government Officers (Political Restrictions) Regulations (SI 1990/851).

If you hold a politically restricted post with the Council:

- If you intend to stand for election as a Member of the House of Commons, the European Parliament, the Scottish Parliament, Welsh Assembly or any local authority (excluding parish/town councils) you must, by notice in writing, addressed to your manager and the Chief Executive, resign with immediate effect prior to announcing your candidature. It is left to the discretion of the Chief Executive whether or not to reinstate an employee who resigns his/her post and consequently loses an election.
- You cannot act as an agent or election agent for a candidate standing for election to any of the bodies mentioned above.
- You cannot be an officer in a political party or canvass on behalf of a political party or for a candidate standing for election to any of the bodies mentioned above.

#### **5.2 Who can apply for an exemption from political restriction?**

- 5.2.1 Any Council employee and in some circumstances any successful candidate for a post at Surrey County Council whose post has been identified as falling within the categories set out in section 2.3 above is eligible to apply to the Chief Executive for the post to be removed from the list of politically restricted posts if he/she considers that the criteria have not been correctly applied. Those posts within the categories set out in 2.2. are not eligible for exemption from political restriction.

5.2.2 It is in the interests of anyone applying to the Chief Executive for exemption from political restriction to ensure that they submit their application at least two months before they intend to stand for election.

5.2.3 The Local Government and Housing Act 1989 (as amended) requires an application for exemption to be made by the post holder in respect of a particular post. An original exemption cannot therefore be transferred to another local authority or to another post.

### **5.3 How to apply for an exemption**

5.3.1 Post holders applying for an exemption in relation to their post may apply on the grounds that the criteria referred to in Section 2(3) Local Government and Housing Act 1989 do not apply to their post.

5.3.2 If you want to apply for a political exemption you should write to the Director of Human Resources stating the title of your post, the basis upon which the post is currently deemed to be politically restricted and the reason why you do not consider that the relevant criteria apply. You must include the current job profile for the post approved by your line manager.

5.3.3 The Director of Human Resources or her nominee will confirm whether the post should be politically restricted and the reasons for this.

5.3.4 Your application will be presented to the Chief Executive for a decision on whether the post should be exempted from political restriction.

5.3.5 If the Chief Executive determines that the duties of the post do not fall within the remit of Section 2(3) of the Local Government and Housing Act 1989, the Chief Executive will direct that for so long as the direction has effect, the post will not be regarded as politically restricted and should be removed from the list of politically restricted posts maintained by the Council. The Director of Human Resources will remove the post from the relevant politically restricted list and keep the post under review.

## **6 Consideration of Applications by the Chief Executive**

### **6.1 Procedure to be followed**

6.1.1 The Chief Executive, in consultation with the Monitoring Officer, will consider any applications for exemption from or inclusion of posts on the list of politically restricted posts maintained by the Council.

6.1.2 Any employee or future employee whose post is included in the list of politically restricted posts may make an application to the Chief Executive for a direction that his or her post should be removed from the list of politically restricted posts if they consider that the criteria set out in Section 2(3) Local Government and Housing Act 1989 do not apply to their post. The Chief Executive will however only consider applications for exemption from future joiners if they have received formal job offers from the Council. The Chief Executive will not consider applications from people who are only considering applying for a Council post but have not received a job offer.

6.1.3 In addition to the application from the post holder, the Chief Executive will require a copy of the post holder's job description, approved by their line manager (or in the case of a future joiner a copy of the job description provided by the recruitment team). The Director of Human Resources will also produce a report clarifying why the post has been designated as a politically restricted post and the basis on which the relevant criteria apply.

- 6.1.4 The Chief Executive will consider applications based on the written representations in the first instance. However, if it is considered necessary by the Chief Executive, he may invite the applicant to attend a meeting to consider the application at which the applicant may be accompanied by an accredited trade union representative or work colleague. In this instance, the Director of Human Resources or her nominee would also be invited to attend to present her views.
- 6.1.5 Once the application has been considered, the Chief Executive will notify the Director of Human Resources and the post holder of his decision.
- 6.1.6 In cases where any person is seeking a direction from the Chief Executive as to whether a particular post should be added to the list of politically restricted posts, the application should be made to the Director of Human Resources who will refer the case to the Chief Executive. He will deal with such an application in a similar way to that set out above in relation to exemptions, considering written representations in the first instance or, if necessary, hearing from both the applicant and the Director of Human Resources before making a decision.
- 6.1.7 The Director of Human Resources will implement any direction for inclusion of a post in or exclusion of a post from the list of politically restricted posts.
- 6.1.8 The decision of the Chief Executive is final; there is no right of appeal.

## **6.2 Criteria for determining applications**

- 6.2.1 Those posts to be included on the list of politically restricted posts are described in Section 2(3) of the Local Government and Housing Act 1989 as follows:

*“The duties of a post under a local authority fall within this subsection if they consist in or involve one or both of the following, that is to say –*

- a. Giving advice on a regular basis to the authority themselves, to any committee or sub committee of the authority or to any joint committee on which the authority are represented, or where the authority are operating executive arrangements to the executive of the authority, to any committee of that executive, or to any member of that executive who is also a member of the authority;*
- b. Speaking on behalf of the authority on a regular basis to journalists or broadcasters.”*

- 6.2.2 Adjudication of matters arising as a result of differing interpretations of Section 2(3) is for the Chief Executive. However the Chief Executive must reach a reasonable decision and give reasons for that decision. The Chief Executive may wish to seek evidence by way of job description, and any representations it receives from or on behalf of the applicant and the Council, bearing in mind the following points:

- *Giving advice to the Council, its Cabinet and Committees:* Guidance from the Independent Adjudicator has established that advice must be to the Council and/or its decision makers and committees. Advice to individual backbench members does not fall within this definition.
- *“On a regular basis”* – Something more than an occasional attendance to present a formal report to a committee is needed to establish that advice is needed on a regular basis.
- Overview and scrutiny committees are *committees of the authority* and therefore giving advice on a regular basis to overview and scrutiny committees and sub-committees comes within the scope of Section 2(3) (a) of the 1989 Act.

## **Granting Dispensations: Processes**

### **Introduction**

Under the Localism Act 2011, the County Council has delegated to the Audit and Governance Committee the power to grant dispensations for Members allowing them to speak and vote at a meeting when they have a disclosable pecuniary interest. This note outlines the process via which a dispensation may be granted.

### **Making a Request for a Dispensation**

- The Member who wishes to be granted a dispensation must submit an application in writing to the Monitoring Officer.
- The Monitoring Officer will arrange for the dispensation to be considered in public by the Audit and Governance Committee.

### **Process to Determine the Granting of Dispensations**

- Following receipt of a request for dispensation, an item will be added to the next meeting of the Audit and Governance Committee or, with the agreement of the chairman, an additional meeting of the committee will be convened to consider the request for dispensation.
- The Committee will consider the application of legal criteria and locally agreed criteria to the request for dispensation.
- The Member making the request for dispensation has the option of making an oral representation to the Committee.
- The Committee has the discretion to decide the nature of any dispensation or to refuse to grant a dispensation.
- Following the meeting, a decision notice will be issued to the Member requesting the dispensation, the Chairman of the relevant Committee, and a copy will be kept with the authority's Register of Interests and published online.

### **Legal Criteria**

Dispensations may be granted:

- for speaking only, or for speaking and voting.
- for one meeting or on an ongoing basis up to a maximum of four years.

The Audit and Governance Committee may grant a dispensation to a Member or co-opted Member of an authority if it considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business;

- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote;
- the granting of the dispensation is in the interests of people living in the council's or authority's area;
- without the dispensation each member of the council's Cabinet would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

It should be noted that a dispensation will not be given to allow a Cabinet Member with a disclosable pecuniary interest in an item of executive business to take an executive decision about it on their own.

### **Locally Agreed Criteria**

Under the Localism Act, the Audit and Governance Committee can also grant a dispensation if they consider it appropriate for other reasons.

The Audit and Governance Committee will consider any reason put forward by a member as part of their application on a case-by-case basis and may grant a dispensation to a Member or co-opted Member of an authority if it considers that:

- the nature of the Member's interest is such that allowing them to participate would not damage public confidence in the conduct of the authority's business;
- the interest is common to the Member and a significant proportion of the general public; or
- the participation of the Member in the business that the interest relates to is justified by the Member's particular role or expertise.

**THE SURREY CODE OF BEST PRACTICE  
IN PLANNING PROCEDURES**

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# THE SURREY CODE OF BEST PRACTICE IN PLANNING PROCEDURES

## **1 INTRODUCTION**

- 1.1 The third report of the Committee on Standards in Public Life (the Nolan Committee) recommended that all planning committees should consider whether their procedures were in accordance with best practice, and adapt their procedures if necessary, setting them out in a code accessible to members, staff and the public.
- 1.2 This Code of Best Practice aims to provide clear guidance to Members about how they should carry out their duties in relation to planning and development proposals.
- 1.3 This Code should be considered in conjunction with the Members' Code of Conduct, the Member/Officer Protocol and the Media & Publicity Protocol.

## **2 ROLE OF MEMBERS**

### **Committee members**

- 2.1 Members of the Planning & Regulatory Committee act in a semi-judicial capacity making decisions on planning and development proposals.
- 2.2 It is recognised that voting members of the Planning & Regulatory Committee have an overriding duty to the whole community, and not just the people living or working in their division, when considering proposals brought to the committee. Whilst Members should bring to planning decisions a sense of the community's needs and interests, they have the difficult task of marrying their duty to represent the interests of the community with an obligation to remain within the constraints of planning law. They must only take account of relevant matters, i.e. sound land use planning considerations and must have regard to the development plan and government policy. Local feelings may run high but these must be weighed carefully against all material considerations. The officer's report will deal specifically with these matters so that Members can arrive at an informed decision.
- 2.3 Members of the Committee are required to observe the Members' Code of Conduct as set out in this Constitution.

### **Local Members on the Committee**

- 2.4 It is recognised that a local Member can give support to a body of opinion whilst not advocating for a particular outcome. If a member of the committee felt they wished to support a particular outcome on a local matter coming to the committee for consideration, the Member could speak as the local Member as long as they declare their intention at the meeting, move to act as the local Member and do not vote on the application.
- 2.5 Members of the committee who wish to act as the local Member on a particular application must inform the Chairman of the committee and Committee Manager of

their wish to speak as such following the agenda publication and prior to the committee meeting. They will then be entitled to speak as a local Member rather than a member of the committee.

- 2.6 If there were several items for consideration at the meeting where the committee member wished to act as the local Member, it would be better for the Member to appoint a substitute and attend the meeting as the local Member only.
- 2.7 If a Committee member wished to participate in the consideration and voting on a particular issue at the committee, they should avoid leading a campaign or organising support for or against the planning application.

### **Local Members not on the Committee**

- 2.8 Members who are not members of the Planning & Regulatory Committee may wish to address the committee on a matter within their division. In this circumstance, they will inform the Chairman and Committee Manager of their wish to speak prior to the meeting. They will then be entitled to speak immediately after representatives of the applicant and/or objectors have addressed the committee in accordance with Article 2.03 (b)(ii) of the Council's Constitution. the Chairman may terminate a speech by a Member if s/he considers that it is not contributing to the effective working of the meeting.

### **Twin-Hatted Members**

- 2.9 Members of the Planning & Regulatory Committee who sit on borough, district or parish councils need to ensure that, when they consider planning applications on which they have been consulted in their capacity as a councillor of another Council, that they come to the matter with an open mind
- 2.10 Where an application has been discussed at a meeting at another Council at which the Member was present they should declare this before proceeding to consider the matter at County level on the basis of the reports and information presented to the committee.

### **Planning applications by Council Members**

- 2.11 When the committee considers a planning application submitted by a Council Member, the Member who submitted the application will be entitled to speak to officers prior to the committee as an applicant but not as a Council Member. The Council's Monitoring Officer will be informed of all applications by Members and officers.
- 2.12 When the committee considers a planning application submitted by a committee member, the Member must withdraw from the committee, speak on the application when the applicant is provided the opportunity to address the meeting, and then withdraw from the room for the consideration and voting on the application.
- 2.13 If a Member has acted in a professional capacity for any individual, company or other body pursuing a planning matter then that Member must declare any disclosable pecuniary interest and act in line with the Members' Code of

Conduct. If the Member is a member of the committee, they should withdraw from the committee for this item.

### **3 DECLARATION AND REGISTRATION OF INTERESTS**

**Members will make oral declarations at Planning Committee of significant contact with applicants and objectors, in addition to the usual disclosure of pecuniary interests.**

- 3.1 The law and guidance on the declaration of disclosable pecuniary interests as set out in the Members' Code of Conduct and the Council's Standing Orders, must be observed and upheld by all Members and officers. At committee meetings Members will make oral declaration of significant contact with applicants or objectors
- 3.2 Members who have substantial property interests or involvement with the property market or other interests which would prevent them from voting on a regular basis will avoid serving on the Planning & Regulatory Committee.
- 3.3 Members should bear in mind the potential for their interests to affect the decisions they may take on such matters, even if such interests do not amount to disclosable pecuniary interests. If a member's interest in a matter would lead them to predetermine a decision, it would not be appropriate for that member to participate in the decision, even if they are not subject to any specific statutory prohibition relating to disclosable pecuniary interests. If they were to do so, they would be at risk of breaching the code of conduct and making the authority's decision vulnerable to challenge.

### **4 TRAINING**

Before sitting on the **Planning and Regulatory Committee new Members must undertake a period of training in planning law and procedures**

- 4.1 No Member can act as a member of the Planning & Regulatory Committee without having previously attended training by the Council's lawyers and planning officers on the legal and practical aspects of the operation of the Town and Country Planning system such training will also be required for both ex-officio Members and named substitutes.
- 4.2 Members are encouraged to attend training sessions relating to planning or related legal matters, these sessions are open to all Members.
- 4.3 The County Council will from time to time consider and review the form of training that is most appropriate. The Council will welcome suggestions from Members on any other subjects which they would like to see covered and any other training procedures that they would wish to adopt.

### **5 SITE VISITS**

- 5.1 Site visits will be arranged to familiarise members with land or buildings which are the subject of a planning application and the surrounding area where there is a clearly identified benefit to be gained because a proposal is contentious or particularly complex and/or the impact might be difficult to assess or visualise from the submitted information or plans.
- 5.2 A record will be kept by the Committee Manager of such visits and those attending.
- 5.3 The need for a site visit will be determined by the Planning Manager in consultation with the Chairman of the committee in advance of the application being considered by the committee. Any member of the committee who considers that a site visit would be useful in respect of a particular application should contact the Committee Manager in advance of the committee meeting
- 5.4 All members of the committee are invited to attend site visits, together with the local Member(s). Where a proposal could have a significant impact on an adjoining electoral division or divisions the adjoining local Member(s) will also be invited.
- 5.5 All Members attending site visits should be accompanied by an officer. If access to private land is necessary the case officer will secure the prior agreement of the land owner/operator/applicant who will be advised against lobbying and asked to provide only factual answers or information to Members.
- 5.6 Any persons present at a site visit who are neither Members nor officers of the Council may observe but not participate in the site visit.
- 5.7 Site visits are not part of the formal consideration of the planning application therefore public rights of attendance and speaking do not apply.

## **6 LOBBYING OF AND BY COUNCILLORS**

**Members and officers should avoid indicating the likely decision on an application or otherwise committing the Authority during contact with applicants and objectors.**

- 6.1 Members of the Planning & Regulatory Committee keep an open mind when considering planning applications in accordance with the relevant planning considerations. Members must not favour any person, company, group or locality. However Members who have previously done something that directly or indirectly indicated what view they took, would or might take in relation to a matter and the matter was relevant to the decision but who come to the Committee prepared to hear all relevant considerations will not be perceived to have a closed mind when voting on the application
- 6.2 Members involved in decision making on planning applications should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Members, act as advocate or put pressure on officers for a particular recommendation. However, Members not on the Committee can make written representations on an application

### **Attendance at public meetings**

- 6.3 When Members attend public meetings, they may request that an officer attends with them. Wherever possible such meetings should ensure that representatives of both proposers and objectors are allowed to present their views. Members will be subject to lobbying on specific applications and in such cases it is essential that care is taken to protect the public perception of the independence of the planning process.

## **7 COMMITTEE MEETING PROCEDURE**

- 7.1 The following procedure will apply in respect of each item when any of the persons identified are eligible to speak at the meeting:

- Chairman introduces the item
- Representations by objector(s)
- Representations by supporter(s)
- Representations by applicant or agent
- Representation by local Member(s)
- Introduction of item by officer(s)
- Consideration of application by committee

## **8 OFFICER REPORTS TO COMMITTEE**

**All applications considered by a Planning Committee should be the subject of full written reports from officers incorporating firm recommendations.**

- 8.1 All applications considered by the Committee will be the subject of a full written report by officers incorporating firm recommendations. These reports will deal with national and local plan policies and guidance and representations made by statutory consultees, local residents and other interested parties. An updating sheet will be provided at Committee only if there have been any significant developments or changes to the report.
- 8.2 Proposals for the County Council's own development must by law be determined by the Planning & Regulatory Committee and will be treated in the same way as any application submitted by a private developer. Decisions will be made strictly on planning merits.
- 8.3 In any case where the Planning & Regulatory Committee is minded to refuse a planning application for County Council development, it will refer the application back to the applicant with the grounds for refusal which would apply were it to determine the application. This will provide the applicant an opportunity for the applicant to reconsider the application in discussion with the Planning Manager before deciding whether or not to resubmit the original application or to amend it in some way.
- 8.4 Where the committee decides to approve or refuse an application when the officer's recommendation has been to permit the application, the Committee must provide detailed reasons for its refusal.
- 8.5 If, having read the committee report, a member of the committee is minded to vote against the officer recommendation they may find it helpful to liaise with the Planning Manager, Development Control Team Leader or Case Officer with regards to wording of possible reasons for refusal that could be put forward to the

committee if they are still so minded following the discussion at the committee. There is nothing to prevent a Member from seeking advice from officers before a committee meeting. In this instance, the committee member should declare that s/he had discussed possible reasons for refusal prior to the meeting but that s/he would consider all the information presented at the meeting before deciding what course of action to take.

## **9 LEGAL REPRESENTATION AT COMMITTEE**

- 9.1 An officer from the Council's Legal and Democratic Services will attend meetings of the Committee to advise Members on legal and procedural matters.

## **10 DETERMINATION OF APPLICATION**

**The reasons given by a Planning Committee for refusing or granting an application should be fully minuted.**

- 10.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the development plan, if material to the application, and all other material considerations.
- 10.2 The County Council recognises that planning decisions are often matters of fine judgement. The officer's report will normally rely heavily on planning policy and Members may exercise their discretion to permit an application as an exception to policy or disagree with the recommendation.
- 10.3 Where the committee wishes to make a decision contrary to the officer's recommendations (whether for approval or refusal) a member will move a motion which will be seconded and a vote taken. If the motion is carried the committee will agree the reasons for refusal (or any conditions if approved) after taking advice from officers on the correct policy references. If this cannot be completed during the debate, the committee may then adjourn or proceed with the agenda whilst the Planning Manager considers the formal wording of the decision to go against officer recommendation. This wording will then be presented to the committee when the meeting reconvenes to approve or amend the wording.
- 10.4 If a decision cannot be reached on the wording of reasons at the meeting, the committee may delegate this action to the Planning Manager or Development Control Team Manager in consultation with the Chairman of the committee, the proposer and the seconder of the approval or refusal of the proposals.
- 10.5 There will be full and accurate minuting of resolutions with a careful record being kept of the debate when a resolution is proposed which is contrary to an officer recommendation. In such cases the Chairman will summarise, or cause to be summarised, the salient points of the debate, and ensure the text of the proposition is clearly understood before putting the matter to the vote. The officers will support the decision of the committee.
- 10.6 A Member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the committee throughout the consideration of that particular item.

**SURREY CODE OF BEST PRACTICE  
IN RIGHTS OF WAY PROCEDURES**

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## **THE SURREY CODE OF BEST PRACTICE IN RIGHTS OF WAY PROCEDURES**

### **1 INTRODUCTION**

- 1.1 The Surrey Code of Best Practice has been produced so that there is clarification regarding the procedures in rights of way when they go to Local Committees for decisions.
- 1.2 This Code should be considered in conjunction with the Members' Code of Conduct, the Member/Officer Protocol and the Media & Publicity Protocol.
- 1.3 Local Committees have four roles. They:
  - decide on local services and budgets delegated to them by the Cabinet
  - decide on local services and functions handed down to them within a framework of agreed performance standards and budgets
  - monitor the quality of services locally
  - engage local people in issues of concern, and influence the County Council and its Cabinet on county-wide plans and services in the light of local needs.
- 1.4 One of those areas of responsibility is rights of way issues. Those issues include but are not limited to rights of way diversions, definitive map modification orders, and traffic regulation orders.
- 1.5 To have your say on Rights of Way items please visit the Local Committees pages where guidance is available for speaking at Local Committee on those issues. The Rights of Way public notices page also advertises legal orders, which keep members of the public informed about current orders.

### **2 SUMMARY**

- 2.1 The Surrey Code of Best Practice in Rights of Way Procedures is to clarify what Members can expect from Officers, and the public from Members, for all committee decisions relating to public rights of way in Surrey.
- 2.2 All rights of way decisions considered by a Local Committee (or other decision-making committee) will be the subject of full, written reports from officers incorporating firm recommendations. The reasons given by the committee for refusing or granting a recommendation should be fully minuted, especially where these are contrary to officer advice and/or Surrey County Council or other policies.



- 2.3 Members taking part in the consideration of items relating to rights of way issues are encouraged to undertake a period of training in rights of way procedures as specified by the Authority.
- 2.4 Members and officers should avoid indicating the likely decision on a procedure or otherwise committing the Authority during contact with applicants and objectors.
- 2.5 The law and guidance on the declaration of disclosable pecuniary interests as set out in the Member's Code of Conduct and the Council's Standing Orders, must be observed and upheld by all Members and officers.

### **3 The Code**

- 3.1 The Surrey Code of Best Practice in rights of way procedures is to clarify what Members can expect from Officers and the public from Members for all decisions relating to public rights of way in Surrey.

### **4 Training**

- 4.1 Members are encouraged to undertake a period of training in rights of way procedures before taking part in the formal consideration (and voting) of items relating to rights of way issues.
- 4.2 The County Council will from time to time consider and review the form of training that is most appropriate. Such training will also be required for both ex-officio Members and substitutes. A register of those who have attended training will be kept.
- 4.3 In the first instance there will be a series of short seminars by Countryside Access Officers on the legal and practical aspects of the operation of the relevant legislation and procedures surrounding rights of way matters.
- 4.4 This training will be open to all Members and brief handouts will be provided where appropriate. The Council will welcome suggestions from Members on any other subjects that they would like to see covered and any other training procedures that they would wish to adopt.

### **5 Lobbying of and by Councillors**

**Members and officers should avoid indicating the likely decision on an application or otherwise committing the Authority during contact with applicants and objectors.**

- 5.1 Members should keep an open mind when considering rights of way items in accordance with the relevant considerations. Members must not favour any person, company, group or locality. However Members who have previously done something that directly or indirectly indicated what view they took, would or might take in relation to a matter and the matter was relevant to the decision but who come to the committee prepared to hear all relevant considerations, will not be perceived to have a closed mind when voting on the item.

- 5.2 Members involved in decision making on rights of way items should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Members, act as advocate or put pressure on officers for a particular recommendation. However, Members not on the Committee can make written representations on an item.

## **6 Attendance at public meetings**

- 6.1 Where possible Members who attend public meetings, should inform an Officer so they can attend and take notes. Wherever possible, such meetings should ensure that representatives of both proposers and objectors are allowed to present their views.
- 6.2 It is recognised that Members will be subject to lobbying on specific rights of way matters. In such cases it is essential that care is taken to maintain the Council's and Members' integrity and to protect the public perception of the processes involved with rights of way matters.
- 6.3 Whilst Members should bring to rights of way decisions a sense of the community's needs and interests, they have the difficult task of marrying their duty to represent the interests of the community with an obligation to remain within the constraints of national legislation. They must only take account of relevant matters laid by the relevant Act under which the right of way issue is being considered. Local feelings may run high but these must be weighed carefully against all material considerations. The officer's report will deal specifically with these matters so that Members can arrive at an informed decision.

## **7 Site Visits**

- 7.1 The purpose of a site visit conducted by Members and officers is to gain information relating to the rights of way decision and which would not be apparent from the officer's report and recommendation to be considered by the Committee. A site visit may also assist Members in matters relating to the context of the decision in relation to the characteristics of the surrounding area.
- 7.2 Formal site visits will be held where there is a clearly identified benefit to be gained from holding one i.e. where a proposal is contentious or particularly complex and the impact is difficult to assess or visualise from the submitted information or plans contained in the information before the Committee. The Committee Manager or Countryside Access Officer will keep a record of why such visits are being held and who attended.
- 7.3 The need for a site visit will be determined by the Countryside Access Manager in consultation with the Chairman of the Committee in advance of the report being considered by the Committee. All Members of the Committee will be invited to attend the site visit, together with the local Member(s), or Members may defer making a decision until they have held one.
- 7.4 All Members attending site visits should be accompanied by an officer. If access to private land is necessary, the Committee Manager in consultation with the case officer will secure the prior agreement of the land owner/tenant/applicant who will be advised that lobbying is unacceptable and that only factual answers or information should be given to Members.
- 7.5 At the discretion of the Chairman of the Committee, the relevant District and Parish Councils will be notified of any site visit and invited to attend and observe. Any persons present at a site visit who are neither Members nor officers of the Council may observe but not participate in the site visit.

## **8 Declaration and registration of interests**

**Members will make oral declarations at a Local Committee of significant contact with applicants and objectors, in addition to the usual disclosure of pecuniary interests.**

- 8.1 The law and guidance on the declaration of personal and prejudicial interests as set out in the Members' Code of Conduct and the Council's Standing Orders, must be observed and upheld by all Members and officers. At Committee meetings Members will make oral declaration of significant contact with applicants or objectors.
- 8.2 Members should bear in mind the potential for their interests to affect the decisions they may take on such matters, even if such interests do not amount to disclosable pecuniary interests. If a Member's interest in a matter would lead them to predetermine a decision, it would not be appropriate for that Member to participate in the decision, even if they are not subject to any statutory prohibition relating to disclosable pecuniary interests. If they were to do so, they would be at risk of breaching the code of conduct and making the authority's decision vulnerable to challenge.

## **9 Officer reports to Committee**

- 9.1 All items considered by the Committee will be the subject of a full written report by officers, which incorporates firm recommendations. These reports will consider national legislation, Surrey County Council policies and guidance, and representations made by statutory consultees, local residents and other interested parties. The report will contain all the relevant material known at the time the report is despatched to Members. An updating sheet will be provided at Committee only if there have been any significant developments or changes to the report.
- 9.2 Rights of Way items, which may be submitted to the Planning and Regulatory Committee for determination will relate to: Minerals and Waste applications, cross boundary applications and locally contentious issues.
- 9.3 Decisions for rights of way on Surrey County Council, Borough or District land will be treated in the same way as any decision on private land. Decisions will be made strictly on legislation and Surrey County Council policy without regards to any financial or other gain that might accrue to the Council in respect of the decision. The County Council recognises that its own rights of way applications may not be treated any differently from any other.
- 9.4 Applications for changes to the rights of way network relating to Minerals and Waste applications will be considered by the Planning and Regulatory Committee usually when the decision on the planning application itself is made.
- 9.5 Definitive Map Modification Orders must be determined either way within twelve months in accordance with national legislation; officers conduct a comprehensive consultation and all responses get included in the officers report. Should Members recommend deferring the decision of an application a reason must be fully minuted. New evidence can be submitted to Officers, and a recommendation taken back to the following Local Committee.

9.6 Where rights of way proposals cross Borough and District boundaries, a report would normally go to both Local Committees. For example, in the consideration of Traffic Regulation Orders a report has to go twice; once for a decision on whether to publish a Notice of Intention to make an order and a second time to consider any representations from that Notice and determine whether an Order should be made. In this instance, the rights of way application may go to the Planning and Regulatory Committee for determination following an initial consultation with the appropriate local committee chairmen. Similarly, the Planning and Regulatory Committee can consider items that are particularly contentious locally.

## **10 Determination of rights of way matters**

- 10.1 The reasons given by a Local Committee for refusing or granting a recommendation should be fully minuted, especially where these are contrary to officer advice or the county policy.
- 10.2 The County Council recognises that rights of way decisions are often matters of fine judgement where the balancing of considerations is difficult. The officer's report will normally rely heavily on national legislation and the Council's policies for Rights of Way as stated in the Rights of Way Statement for Surrey (January 2010). Members may wish to exercise their discretion to choose a recommendation as an exception to policy or may not agree with the recommendation. Where the Committee wishes to make a decision contrary to the officer's recommendations (whether for approval or refusal) the Committee will agree the reasons for the decision during the debate on the item, after taking advice from officers. If for any reason this cannot be completed during the debate, the Committee may delegate approval of the detailed drafting of the reasons to the Committee Chairman in consultation with officers. Should the matter end at Public Inquiry as a result of the decision, a Member will be required to attend and give evidence in support.
- 10.3 There is nothing to prevent a Member from seeking advice from officers, including advice on wording for an alternative recommendation, before a Committee meeting provided that he/she comes to the meeting with an open mind.
- 10.4 There will be full and accurate minuting of resolutions with a careful record being kept of the debate when a resolution is proposed, which is contrary to an officer recommendation. In such cases the Chairman will summarise, or cause to be summarised, the salient points of the debate. They will also ensure the text of the proposition is clearly understood before putting the matter to the vote. The officers have a duty to support the decisions of the Committee.
- 10.5 A Member shall decline to vote in relation to any rights of way decision unless he or she has been present in the meeting of the Committee throughout the consideration of that particular item.
- 10.6 Members of the public and their representatives may address the Local Committee on items relating to public rights of way being considered by the Committee. Speakers must first register their wish to speak by telephone or in writing/e-mail to the Community Partnership & Committee Officer by 12 noon one working day before a meeting stating on which item(s) they wish to speak.

10.7 Only those people who have previously made written representations to the Countryside Access Team, in response to an item will be entitled to speak. These representations should have been received during the formal consultation period. Further information about speaking at Local Committees can be found on the Surrey County Council website.

## CONSTITUTION OF THE COUNCIL

<b>Part 7 – Members’ Allowances Scheme</b>
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## **MEMBERS' ALLOWANCES SCHEME**

The Surrey County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1990 and Amendment Regulations 1995, hereby makes the following amended scheme:

### **INTRODUCTION**

1. This scheme may be cited as the Surrey County Council Members' Allowances Scheme, and shall have effect for the part-year commencing 6 May 2014 and until otherwise amended.
2. In this scheme,
  - 'councillor' means a member of the Surrey County Council who is a councillor;
  - 'year' means the 12 months ending with 31 March.
3. The scheme should be read in conjunction with the Guide to Members' Allowances.

### **BASIC ALLOWANCE**

4. Subject to paragraph 9, for each year a Basic Allowance of £12,418 shall be paid to each councillor.

### **SPECIAL RESPONSIBILITY ALLOWANCES**

5. (1) For each year, a Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.  
  
(2) The amount of each such allowance shall be the amount specified against that special responsibility in Schedule 1.

### **ATTENDANCE ALLOWANCES**

6. No Attendance Allowances shall be paid.

### **TRAVELLING AND SUBSISTENCE ALLOWANCE**

7. Travelling and Subsistence Allowances will be paid for 'Approved Duties' as set out in Schedule 2 to this Scheme.



## **CO-OPTEEES' ALLOWANCE**

8. No co-optees allowances are payable. However, co-opted members may claim travel expenses.

## **CHILDCARE AND DEPENDENT CARERS' EXPENSES**

9. The Council will reimburse Members for expenditure incurred in providing child care arrangements for children for whom they have parental responsibility to enable them to attend an approved duty subject to a number of requirements specified in the Guide to Members' Allowances.
10. The Council also provides for the reimbursement of expenditure incurred by Members in providing care for dependant adults or children who are frail and/or disabled at a rate based on actual cost up to a specified limit.
11. The rates which may be claimed amount to a maximum of £8.00 per hour for childcare and £14.50 per hour for carers of dependent adults and children. These allowances may only be claimed for attendance at approved duties as specified in the Guide to Members' Allowances.

## **PENSIONS**

12. All eligible Members of the County Council may elect to join the Local Government Pension Scheme (LGPS). Where Members elect to join the scheme their Basic Allowance and any Special Responsibility Allowance to which they are entitled will be treated as amounts in respect of which a pension is payable. The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 apply to Members who elect to join the LGPS.

## **RENUNCIATION**

13. A councillor may by notice in writing given to the Democratic Services Lead Manager elect to forego any part of his/her entitlement to an allowance under this Scheme.

## **PART-YEAR ENTITLEMENTS**

14. (1) If an amendment to this Scheme is made which affects payment of a Basic Allowance or a Special Responsibility Allowance in the year in which the payment is made, a councillor shall be entitled to receive payment in accordance with the revised Scheme for the period of the year in which that Scheme is in operation.

- (2) If a councillor becomes or ceases to be eligible for a Basic or Special Responsibility Allowance during the course of a year, the entitlement will be adjusted by reference to the number of days for which entitlement existed relative to the number of days in that year.

## **CLAIMS AND PAYMENTS**

15. A claim for travelling and subsistence allowances under this scheme shall be made in writing within two months of the date of the meeting in respect of which the entitlement to the allowance arises.
16. Subject to any in-year amendments to the Scheme or changes in entitlement, Basic and Special Responsibility Allowances will be paid in instalments of one-twelfth of the amount specified in this Scheme on the last Thursday of each month.

## **SUSPENSION OF MEMBERS' ALLOWANCES**

17. Under the Local Authorities (Members' Allowances) England regulations 2003:
  - (1) Allowances may be withheld during any period of suspension.
  - (2) Part of any Special Responsibility Allowance payable to a Member may be withheld in respect of the responsibility or duties from which the Member is suspended or partially suspended.
  - (3) In the event of suspension of a Member from a post of special responsibility, and the appointment of another Member to fill that post, then the full allowance relating to the post should be paid to the Member acting in that capacity.
  - (4) That suspension should not have any implications for membership of the Local Government Pension Scheme.
  - (5) That the implications of suspension on the rules governing the attendance at meetings should be taken into account by the Standards Committee when considering what sanctions should be made against a Member.
18. The foregoing Scheme was made pursuant to the authority given by the County Council at its meeting held on 6 May 2014.

<b>SURREY COUNTY COUNCIL SCHEME OF MEMBERS' ALLOWANCES</b>
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## SCHEDULE 1

A Special Responsibility Allowance will be paid to those Members of the Council/Independent Representatives who hold the following offices:

Chairman of the Council	£18,000
Vice-Chairman of the Council	£8,000
Leader of the Council	£43,000
Deputy Leader of the Council	£31,250
Members of Cabinet other than the Leader and Deputy Leader of the Council	£22,500 per Member
Cabinet Associate	£12,500
Lead Member for Scrutiny of the Police & Crime Commissioner	£8,000
Opposition Group Leader	£5,000
Members of Adoption and Fostering Panels	£1,000

**Committee  
Chairmen  
£**

**Vice-Chairmen  
£**

### Select Committees

Council Overview & Scrutiny	12,000	1,500
Adult Social Care	10,000	1,500
Children & Education	10,000	1,500
Communities	10,000	1,500
Environment & Transport	10,000	1,500
Health Scrutiny	10,000	1,500

### Statutory Committees

Planning & Regulatory	12,000	1,500
Audit & Governance Committee	9,000	1,500

<b>Local Committees</b>	<b>8,000</b>	<b>1,500</b>
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<b>Pension Fund Board</b>	<b>8,000</b>	<b>1,500</b>
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If a Member qualifies for a Special Responsibility Allowance for more than one post, all allowances may be claimed.

### **Officers of Political Groups**

**£170** per group Member:

	<b>£</b>
Conservative	9,860
Liberal Democrat	1,530
Residents' Association/Independent	1,530
UK Independence Party	510

## **SCHEDULE 2**

### **Approved Duties**

Travelling and subsistence allowances are payable in respect of the approved duties listed in Appendix 1.

**APPROVED DUTIES**

Approved duties are defined as follows:-

- (a) a meeting of the Council, the Cabinet (or a Cabinet Member meeting), any committee, or any formally constituted task groups or panels appointed by the Council, the Cabinet or any committees;
- (b) any other meeting (including, for example, a site visit or tour or induction or training seminar) convened by the Council, the Cabinet or a committee, or convened by the Chairman of the Council, the Cabinet or committee acting on their behalf (but not a meeting convened by an officer of the Council), provided that it is a meeting to which members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);
- (c) attendance by the Chairman of the Cabinet or a committee at a meeting of any Task Group of the Cabinet or that committee of which he/she is not a member;
- (d) attendance by a non-member of the Cabinet, a committee or task group in the following circumstances:
  - (i) an item on the agenda in which they have a local interest and on which, with the Chairman's consent, they would wish to speak;
  - (ii) an Original Motion in their name which stands referred to the Cabinet or a committee under Standing Orders;
  - (iii) an item on the agenda of which they have given notice under Standing Orders; or
  - (iv) a question of which they have given notice under Standing Orders.

and where advance notice has been given to the Democratic Services Lead Manager.

- (e) attendance by an individual or named group of Members especially appointed by the Cabinet or a committee or task group to examine a particular problem or site or to meet representatives of other organisations or individuals as part of an agreed programme of activity;

- (f) attendance by Members at local briefing meetings at the invitation of an officer of the Council, provided that members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);
- (g) attendance by Members at public consultation meetings on significant matters of policy or service change, provided that members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);
- (h) attendance by Members at joint briefings on the business to be transacted at committee meetings, organised by officers under the Member/Officer Protocol, provided that members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);
- (i) attendance at County Hall or elsewhere by -
  - (i) the Chairman or Vice-Chairman of the Council
  - (ii) the chairmen and vice-chairmen of committees
  - (iii) Cabinet Members

for the purpose of agenda planning and 'call-over' prior to a meeting; conferring with officers; visiting County establishments; inspecting sites; or being engaged in a similar manner directly in connection with the discharge of any of the functions -

- (i) of their respective offices; or
- (ii) of their respective committees.
- (j) meetings held in connection with Local Ombudsman investigations; provided that they are meetings to which members of at least two political groups have been invited (except in the case of meetings relating to the work of a local committee which consists of a single political group);
- (k) a meeting of the Local Government Association, or of any committee, or other Member group of the Association to which a Member of the Council has been duly appointed;
- (l) attendance as a duly appointed County Council representative or nominee at meetings of those bodies listed in Appendix 4.

- (m) visits by Members to County Council establishments including children's homes, other social services' residential establishments and special schools in accordance with a pre-determined rota;
- (n) meetings between leaders of the political groups;
- (o) meetings of parish and town councils and residents associations;
- (p) attendance at official openings at the specific invitation of the Chairman or Vice-Chairman of the County Council;
- (q) attendance at formally arranged meetings with officers or representatives of external organisations to discuss a significant issue relating to a County Council service or affecting the Member's Electoral Division.
- (r) Attendance at a meeting with a constituent from the Member's own Division in direct response to a request about County Council services.

**TRAVELLING EXPENSES**

(a) **MOTOR CYCLES**

24p per mile

(b) **MOTOR CARS**

45p per mile for the first 10,000 miles

25p per mile for mileage over 10,000

An additional claim of 5p per mile may be made for each car passenger (not exceeding four) for whom travel expenses would otherwise be payable.

(c) **TAXI FARES**

Actual fare and a reasonable gratuity for travel by taxi. A taxi should only be used in cases of urgency or where no public transport is available.

(d) **HIRED MOTOR VEHICLES (OTHER THAN A TAXI OR MINICAB)**

Reimbursement may be claimed not exceeding the rate allowed for the use of a Member's own car.

(e) **TRAVEL BY PUBLIC TRANSPORT**

The actual expenditure may be claimed but Claims for reimbursement should normally be restricted to the cheapest available fares for the chosen mode of transport. Claims for first class travel may only be made if no alternative ordinary fares were available at the time of booking or where exceptional circumstances apply.

(f) **TRAVEL ABROAD**

Where travel abroad is necessary, for example for meetings or site visits, the officers involved will make the necessary travel arrangements. In any circumstances where individual Members need to travel abroad and officers are not directly involved in setting up the visit, they should obtain approval from the Leader of the County Council and contact the Democratic Services Lead Manager, who will make the necessary arrangements. Bookings for travel abroad will normally be made using the cheapest appropriate available fare.



(g) **CYCLE ALLOWANCE**

The current rate for cycling allowance is 20p per mile.

## SUBSISTENCE ALLOWANCES

### DAY SUBSISTENCE

1. Breakfast Allowance (more than 4 hours away from normal place of residence before 11.00am e.g. 7 am - 11 am) **£5.30**;
2. Lunch Allowance (more than 4 hours away from the normal place of residence including a lunchtime between 12 noon and 2.00pm e.g. 10 am - 2 pm; 12 pm - 4 pm) **£7.25**;
3. Tea Allowance (more than 4 hours away from the normal place of residence including the period 3.00pm to 6.00pm e.g. 2 pm - 6 pm) **£2.90**;
4. Evening Meal Allowance (more than 4 hours away from the normal place of residence ending after 7.00pm e.g. 4 pm - 8 pm; 5 pm - 9 pm) **£9.00**.

### OVERNIGHT SUBSISTENCE

5. For absence overnight (deemed to cover a continuous period of 24 hours) from the usual place of residence, **£85.80**, or where the absence overnight is in London or for attending one of the approved conferences, **£97.85**.
6. Overnight subsistence may only be claimed by Members to reimburse them for the cost of hotel accommodation and meals when attending one of the approved conferences, and up to the maximum rate set out in the guide.

If overnight allowance is claimed the Member may not claim allowance for meals which are provided as part of the overnight allowance e.g. breakfast, evening meal etc.

In most cases where the Member attends an approved conference, the booking arrangements are made by Democratic Services and the invoices will be paid directly by them on the Member's behalf. It will therefore not usually be necessary to claim overnight subsistence.

## OUTSIDE BODIES

Bodies with a County-wide, regional or local remit, but especially those which have important working relationships with the County Council or a particular service.

40 Degreez (formerly Farnham Youth Project)  
 Active Surrey Sports Partnership  
 Admissions Forum  
 Adoption Panel  
 Age UK – Surrey  
 Ashted Common Consultative Committee  
 Basingstoke Canal Joint Management Committee  
 Biggin Hill Airport Consultative Committee  
 Blackwater Valley Countyside Partnership  
 Brightwells Gostrey Centre  
 Brooklands College Governing Body  
 Charity of Robert Phillips  
 Charterhouse Board of Governors  
 Colne Valley Community Interest Company (CIC)  
 Countryside Access Group  
 County Councils Network Council  
 Crossroads Care Surrey  
 Downlands Countryside Management Project  
 Duke of Edinburgh Award Scheme Committee  
 Epsom & Walton Downs Training Grounds Management Board  
 Esher College Corporation  
 Esher Older Persons' Advisory Panel  
 Fair Oaks Aerodrome Consultative Committee  
 Farnborough Aerodrome Consultative Committee  
 Frimley Park Hospital NHS Foundation Trust – Council of Governors  
 Gatwick Airport Community Trust  
 Gatwick Greenspace Partnership  
 Godalming Together  
 Guildford & Waverley Grants Panel  
 Guildford Royal Grammar School  
 Guildford Station Member Working Group  
 High Weald Area of Outstanding Natural Beauty  
 Holmwood Common Local Committee  
 Horley Town Centre Management Group  
 IeSE Board  
 John Beane's Charity  
 Joint Waste Collection Services Committee  
 Kingston University Board of Governors  
 Leatherhead Town Centre Forum  
 LGA Fire Commission  
 LGA General Assembly  
 LGA Rural Commission  
 LGA Urban Commission  
 Lifetrain

Lingfield Guest House  
London (Gatwick) Airport Consultative Committee  
London (Heathrow) Airport Consultative Committee  
Lower Mole Countryside Management Project  
Margaret Pope's Educational Charity  
Painshill Park Trust  
Preston Regeneration Implementation Board  
Redhill Aerodrome Consultative Committee  
Redhill Regeneration Forum  
Regional Flood Defence Committee  
Reigate Priory Museum Society (Executive Committee)  
River Thames Alliance  
Royal Holloway College, London  
Royal Surrey County Hospital NHS Foundation Trust  
Sandy Hills Bungalow Trust  
Save Surrey Board  
Secure Accommodation Review Panel  
SOLD Forum (Surrey Outside Learning and Development Forum)  
South East Reserve Forces & Cadets Association  
Standing Advisory Council for Religious Education  
Strategic Aviation Special Interest Group  
Surrey Climate Change Partnership  
Surrey Community Action  
Surrey Countryside Access Forum  
Surrey Countryside Partnership (Surrey Wildlife Trust)  
Surrey Heathland Project  
Surrey Historic Buildings Trust  
Surrey Museums Consultative Group  
Surrey Playing Fields Association  
Surrey Rural Partnership  
Surrey Waste Partnership  
Surrey Youth Focus  
Thames Landscape Strategy  
Thames Regional Flood and Coastal Committee  
Thames Young Mariners Advisory Committee  
The Maltings, Farnham  
Virginia Water Community Association  
Voluntary Association for the Surrey Disabled  
Young Epilepsy (Board of Trustees for Overall Organisation)  
Young Epilepsy (EGB)  
Young Epilepsy (FE Governing Body)  
Yvonne Arnaud Theatre Management Board



# **CONSTITUTION OF THE COUNCIL**

<p><b>Part 8 – Management Structure</b></p>
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## PART 8

### MANAGEMENT STRUCTURE

The Council's management structure is led by the Chief Executive who has statutory responsibilities as head of paid service.

A summary of functions and areas of responsibility of the Chief Executive, Deputy Chief Executive and Strategic Directors and Directors is set out below together with contact numbers.

<b>Post</b>	<b>Functions and areas of responsibility</b>
<p><b>Chief Executive (and Head of Paid Service)</b> <b>Name:</b> David McNulty</p>	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of advice to all parties in the decision making process. Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
<p><b>Deputy Chief Executive and Strategic Director for Children, Schools and Families</b> <b>Name:</b> Julie Fisher</p>	<p>Jointly responsible with the Chief Executive and the Strategic Directors for the overall performance of the paid service.</p> <p>Overall responsibility for services to support change and efficiency, including Finance, Human Resources and Organisational Development, Property Services, Information Management and Technology, Procurement and Business Operations.</p> <p>Overall responsibility for Communications, Policy and Performance,</p> <p>Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service.</p> <p>The Statutory Director of Children's Services under section 18 of the Children Act 2004 with overall responsibility for these services.</p>
<p><b>Strategic Director for Adult Social Care and Public Health</b> <b>Name:</b> Helen Atkinson</p>	<p>Jointly responsible with the Chief Executive and other strategic directors for the overall performance of the employed service</p> <p>The statutory Director of Adult Social</p>

	<p>Services under “Guidance on the Statutory Chief Officer Post of the Director of Adult Social Services” (2006), with overall responsibility for services to older people, people with learning, physical and sensory disabilities, people with mental health problems and substance abuse</p> <p>The statutory Director of Public Health as defined under “Directors of Public Health in Local Government – roles, responsibilities and context” (2012), and as defined under the National Health Service Act 2006 and the Health and Social Care Act 2012. Responsible for writing the annual Public Health report.</p>
<p><b>Strategic Director for Customers and Communities</b>  <b>Name:</b> Yvonne Rees</p>	<p>Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service.</p> <p>Overall responsibility for Services for Customers and Communities, Customer Services and Trading Standards.</p>
<p><b>Strategic Director for Environment and Infrastructure</b>  <b>Name:</b> Trevor Pugh</p>	<p>Jointly responsible with the Chief Executive and other Strategic Directors for the overall performance of the paid service.</p> <p>Overall responsibility for services for the Environment and Infrastructure Directorate including Fire and Rescue.</p>
<p><b>Director for Legal, Democratic and Cultural Services</b>  <b>Name:</b> Ann Charlton</p>	<p>Legal, Democratic and Cultural Services  Responsibility for a system of record keeping for all the Council's decisions. Together with the Chief Executive, responsible for the provision of advice to all parties in the decision making process, and representing the Council on partnership and external bodies (as required by statute or the Council).</p>
<p><b>Director of Finance</b>  <b>Name:</b> Sheila Little</p>	<p>The Council's S151 officer, responsible for managing the Council's Finance Service, for determining the Council's administration and financial management framework, and for providing lending, borrowing, investment, insurance,</p>

	corporate governance, internal control and risk management services to the Council.
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**Woking Joint Committee  
Constitution**

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

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

The Joint Committee will carry out Surrey County Council functions previously performed by the Local Committee (Woking) (which ceased to exist on 01/06/2014) plus some additional County Council functions, and functions delegated to it by Woking Borough Council. These functions are set out within Section 2 of this document.

By working together, the Joint Committee will provide the opportunity to identify local solutions and seek to jointly deliver local government service improvements for the residents, businesses and visitors to Woking. Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together.

Meetings of the Woking Joint Committee are held in public, and local people are able to participate during parts of the meeting as set out in Section 3 of this document.

This Constitution includes the standing orders that will apply to the Joint Committee. These need also to be read in the light of the individual Constitutions of each of the two Councils which will continue to apply as appropriate to decisions delegated by each relevant authority.

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.

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

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

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

The general remit of the Woking Joint Committee is:-

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

## **(B) Delegated Powers**

The services identified below are delegated by Surrey County Council or Woking Borough Council as indicated, for decision making or consideration by the Woking Joint Committee, in accordance with the relevant legislation.

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

Set out below is a list of the functions that are currently delegated to the Woking Joint Committee. Additional functions and matters for determination may be delegated to the Committee in the future by Surrey County Council or Woking Borough Council, which will form part of this Constitution. The Community Partnership and Committee Officer will maintain a record of all additional delegated functions and will ensure that any such additions are reported to the Joint Committee at the next meeting after the delegation takes place.

### **Executive Functions** (delegated by Surrey County Council and Woking Borough Council)

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

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

- (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) (SCC)
- (ii) Community safety funding that is delegated to the Joint Committee. The Joint Committee will act as the Community Safety Partnership (Note: Domestic Homicide Reviews will be chaired by such person as the Chairman of the Joint Committee shall nominate) (SCC/WBC).
- (iii) Decisions in relation to highways and infrastructure:
  - a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements, and highway maintenance, within the committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives (SCC).
  - b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls (SCC).
  - c. To agree local speed limits on county council roads within their area, and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police Road Safety and Traffic Management Team and with regard to the County Council Speed Limit Policy (SCC).

- d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Joint Committee (SCC).
  - e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the committee will make that decision (SCC).
  - f. Oversee and determine priorities for the Woking Town Centre Management Agreement (WBC).
  - g. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following consent of any relevant borough/district/parish council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court (SCC).
- (iv) Consider how Community Infrastructure Levy (CIL) receipts will be expended in Woking, taking into account the approved Infrastructure Capacity Study and Delivery Plan (IDP) for Woking. (WBC)
- (v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Woking Borough Council (SCC/WBC):
- a) To agree joint priorities for commissioning by the County Council and the Borough Council in Woking for provision of:
    - i) youth work and
    - ii) other preventative work with young people who are at risk of becoming not in education, training or employment (NEET).
  - b) To apportion delegated funding for young people, specifically the distribution between Local Prevention and Individual Prevention categories of funding, in accordance with the allocated budget and small grants (youth) as allocated by the Borough Council.
  - c) Approve the award of Local Prevention for the provision of local prevention services for Woking Borough in accordance with the allocated budget. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award funding agreement(s) (due to the presence of conflicts of interest which result in the body being inquorate).
  - d) Approve the award of youth service related commission(s) as delegated to the Joint Committee by Woking Borough Council.
  - e) Oversee and determine priorities for the Full Participation Programme and make appropriate linkages into the work of Services for Young People and Woking Borough Council
  - f) To approve Youth Task Group advice on the allocation of Community Youth Work and SOLD Local Offer resources to meet local priorities for young people in the local area.

- (vi) Oversee and influence priorities for the Family Support Programme in Woking and monitor its performance. (SCC/WBC)
- (vii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners. (SCC/WBC).
- (viii) *Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/WBC).*

**Non-Executive Functions** (delegated by Surrey County Council)

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

**Non-Executive Functions** (delegated by Woking Borough Council)

- (i) Oversee and determine priorities for the Borough based community strategy and related local plans within Woking.
- (ii) Oversee and determine priorities for the implementation of the Infrastructure Capacity Study and Delivery Plan (IDP).

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

**Service Monitoring, Scrutiny & Issues of Local Concern- advisory functions**

The Joint Committee may:

- (i) In relation to the exercise of County Council Executive functions relating to Members allocations, receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader. (SCC)
- (ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions. (SCC)
- (iii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SCC/WBC)
- (iv) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. (SCC/WBC)
- (v) Monitor the quality of services provided locally, and recommend action as appropriate. (SCC)
- (vi) Support Surrey Schools, strengthening links with Headteachers and Governing Bodies to promote the outcomes of increased investment for safer, better schools focussed on raising the standards of education for all children.

- (vii) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes, or developer funded highway improvements within Woking. (SCC)
- (viii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Woking. (SCC)
- (ix) Oversee local initiatives agreed and funded by the Joint Committee. (SCC/WBC)
- (x) Oversee on-street parking enforcement including financials in its area subject to terms of reference, agreed by the committee, which best suit its particular local circumstances. (SCC)
- (xi) Oversee and scrutinise the impact of the Local Prevention, Community Youth Work and SOLD Local Offer in accordance with prevention priorities for young people in the local area. (SCC)
- (xii) Be advised of the Joint Youth Estates Strategy for Woking Borough. (SCC/WBC)
- (xiii) To provide political oversight and advice on the Community Safety functions of the Borough. (SCC/WBC)
- (xiv) To act as the local Health and Wellbeing Board for Woking and oversee and set priorities for general health and wellbeing matters within the framework of Surrey's Joint Health and Wellbeing Strategy. (SCC/WBC)
- (xv) Be consulted on any issues referred to it by either Council and produce responses as appropriate. (SCC/WBC)

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

### **(C) Funding**

- (i) With regards to budget setting and planning, the County Council and Woking Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.
- (ii) Provision of venue:  
The meeting's venue and associated costs will normally be provided by Woking Borough Council, unless alternative arrangements are agreed by Surrey County Council.
- (iii) Committee management:  
Committee management and associated costs (as set out in paragraph 3.1) for the Joint Committee will be provided by Surrey County Council.
- (iv) Any resulting Joint Committee members' costs and expenses 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 Woking Joint Committee shall be all county councillors with electoral divisions in Woking, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Woking), and an equivalent number of borough councillors who should be politically proportionate to the borough council. At least one borough councillor shall be a member of that council's Executive. No substitutes will be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Council, at the start of each municipal year. All borough and county councillors on the Joint Committee will have equal voting rights on all issues being considered.
- 1.2. A person shall cease to be a member if he/she ceases to be a member of the County Council, a member representing an electoral division in Woking or the relevant Cabinet Member, or in the case of a member of the Borough Council, ceases to be a member of that Council, or the relevant Executive Member or resigns from the Woking Joint Committee.
- 1.3. Surrey County Council or Woking Borough Council may, through their respective Councils, co-opt representatives from the voluntary sector, public authorities or businesses in Woking onto the Joint Committee. These representatives will be able to take part in discussions on agenda items, but will not be able to vote on any item for decision.
- 1.4. The Leader of either Surrey County Council or Woking Borough Council, or appropriate Surrey County Council Cabinet Member or Woking Borough Council Executive Member with portfolio responsibilities for a matter on the agenda of the joint committee meeting may attend the meeting of the committee and, with the chairman's consent, speak on the matter or provide written representation.

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

- 2.1. For the 2016/17 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 elected at the first business meeting of the County Council or the Borough Council (as appropriate) of that municipal year.
- 2.2. The Chairman and Vice-Chairman shall be elected at the first business meeting of the Joint Committee in the 2017/18 Municipal Year for a period of two years and every two years thereafter.
- 2.3. If the appointed Chairman is representing Surrey County Council, the Vice-Chairman must be a Woking Borough Council representative and vice-versa.
- 2.4. The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Woking Joint Committee, continue in office until a successor is appointed. If a Chairman or Vice-Chairman does not complete a two year term, an alternative from the same Council shall be appointed for the remainder of that term.



- 2.5. In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Committee shall elect a chairman for that meeting.

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

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

### **4. FORMAL MEETINGS**

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

### **5. DELEGATED POWERS**

- 5.1. The delegated powers mean those powers to be discharged by the Woking Joint Committee as set out in Section 2(B) of this Constitution.
- 5.2. The Woking Joint Committee shall discharge the delegated powers, within the budgetary and policy framework set by Surrey County Council in the case of County functions or by Woking Borough Council in the case of borough functions.
- 5.3. When discharging the delegated powers the Woking Joint Committee shall take decisions only after taking into account advice given in writing or orally from relevant Officers of Surrey County Council or of Woking Borough Council as appropriate, including legal, financial and policy advice.
- 5.4. If the Joint Committee is to make a Key Executive decision delegated to it by either Surrey County Council or Woking Borough Council, then the Joint Committee must follow the constitution of the authority delegating the decision, including publishing it in the monthly forward plan of that authority.

## 6. OVERVIEW AND SCRUTINY

- 6.1. Executive decisions made by the Woking Joint Committee are subject to scrutiny by Surrey County Council's or Woking Borough Council's relevant Overview and Scrutiny Committee (depending on which authority delegated the particular function), including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').
- 6.2. The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of Surrey County Council or Woking Borough Council depending on which authority delegated the executive decision in question.
- 6.3. Referral of Joint Committee Executive decisions by either Surrey County Council Cabinet or Woking Borough Council Executive (dependant on who delegated the function)
  - 6.3.1. The SCC Cabinet/WBC Executive may require referral, for review and final determination, any executive decision taken by the Joint Committee which has significant policy or budgetary implications or is outside of the authority delegated to the Joint Committee, subject to notice of requirement for referral being given within 5 working days of publication of the decision.
  - 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/WBC Executive as appropriate.
  - 6.3.3. All members of the Joint Committee will be notified that an executive decision taken by the Committee has been required for referral by SCC Cabinet/WBC Executive.
  - 6.3.4. The decision will be considered by the SCC Cabinet/WBC Executive at its next appropriate meeting in discussion with the Joint Committee Chairman and Vice-Chairman and no action will be taken to implement it in the meantime.
  - 6.3.5. The Joint Committee Chairman or Vice-Chairman may attend the SCC Cabinet/WBC Executive meeting, as appropriate, for the consideration of the matter and speak on the item.
  - 6.3.6. The SCC Cabinet/WBC Executive may accept, reject or amend the decision taken by the Joint Committee. A report on the decision taken by the Cabinet/ Executive will be made to the next appropriate meeting of the Joint Committee, and to all the Members of either Surrey or Woking Council, as appropriate, for information.

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

## **7. NOTICE OF MEETING**

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

## **8. SPECIAL MEETINGS**

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

## **9. AGENDAS**

- 9.1. Woking Joint Committee will comply with the Access to Information rules in Part VA of the Local Government Act 1972.
- 9.2. Agendas for meetings of the Woking Joint Committee shall be dispatched by the Committee Manager seven clear working days in advance of a meeting, and copies will be made available for public inspection at the designated County and Borough Council offices, libraries and via the County Council and Woking Borough Council websites.
- 9.3. Members of the Woking Joint Committee may suggest items for inclusion in the agenda within its remit. These will be added to the forward programme in consultation with the Chairman and Vice-Chairman of the Woking Joint Committee.

## **10. DECISIONS AND MINUTES**

- 10.1. The decisions from the meeting shall be published on the County Council's website, with links from the Woking Borough website, within three clear working days of the Committee.
- 10.2. The minutes of a meeting shall be published on the County Council's website, with relevant links, as soon as is reasonably practicable.
- 10.3. At the meeting, the Chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the chairman" and there may only be discussion if there is disagreement about their accuracy which will be resolved by a vote in the normal way.

- 10.4. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of signing of minutes.

## **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 Woking Joint Committee or otherwise for so long as those papers remain confidential.

### **Failure to observe**

- 11.2. Any or all of the rights conferred on a Member of one of the Councils under its Constitution may be withdrawn by that Council if it is satisfied that he/she has not observed the requirements of Standing Order 11.1 in relation to any of its papers.

## **12. QUORUM**

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

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

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

- 13.9. At the discretion of the Chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.
- 13.10. A record of all questions and answers will be included in the minutes of the meeting.

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

### **14.1. PETITIONS**

- 14.1.1. Any member of the public who lives, works or studies in the Woking Borough area may present a petition, containing 30 or more signatures or at the Chairman's discretion, relating to a matter within the terms of reference of the Committee. The presentation of a petition on the following business will not be allowed:
- 14.1.1.1. matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985;
  - 14.1.1.2. planning applications; and
  - 14.1.1.3. 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 committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the committee or to the SCC Cabinet, Cabinet Member, WBC Executive or relevant committee of either SCC or WBC at the discretion of the Chairman.
- 14.1.3. 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 Surrey County Council's or Woking Borough Council's e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.
- 14.1.4. No more than three petitions may be presented at any one meeting of the 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 Committee, any member of the public who lives, works or studies in the Woking borough area may ask one question or make a statement relating to a matter within the Committee's terms of reference. The Chairman may alternatively permit the question to be asked or the statement to be made at the start of an item on the agenda if it relates to that item.

- 14.2.2. Questions or statements will not be allowed on matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985 or on planning applications or on rights of way matters under consideration.
- 14.2.3. Notice of questions or statements must be given in writing or by e-mail to the Community Partnerships Team with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 14.2.4. 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 tabled and made available in the meeting room 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 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 Woking Joint Committee on any applications relating to public Rights of Way being considered by the 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 committee's formal discussion on each application requiring the 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 committee.

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

- 15.1. A Member may only speak once on a motion and amendment except:
  - 15.1.1. 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;
  - 15.1.2. the mover of a motion may speak during the debate on any amendment to the motion;
  - 15.1.3. a Member who has already spoken may speak on a point of order or may, at the chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood;

15.1.4. the Chairman may speak before the mover of the motion or amendment replies to the debate.

15.1.5. 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 Committee.
- 20.4. With the consent of the Committee a Member may:
  - 20.4.1. alter a motion of which he/she has given notice; or
  - 20.4.2. 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:
  - 21.1.1. move the reference back
  - 21.1.2. leave out words
  - 21.1.3. add words, or
  - 21.1.4. 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 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 or against the motion or amendment will be recorded and entered in the minutes.

24.2. Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against the motion to be recorded in the minutes.

24.3. On a formal motion put from the Chairman (e.g. "That the report be received"), the question may be decided by the voice of the Members, unless any Member demands a show of hands.

24.4. If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.

24.5. The person presiding at the meeting, having already voted, may in the event of a tie exercise a second or casting vote.

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

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

## **26. INTERESTS OF MEMBERS**

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

26.1.1. 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

26.1.2. the donor of any gift and/or hospitality they have accepted and not yet entered on the relevant Council's register

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

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

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

27.1.1. not participate in any discussion or vote relating to the matter;

27.1.2. withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;

27.1.3. not exercise functions in relation to that matter; and

27.1.4. not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them) unless he/she has obtained a dispensation from the County Council's Audit and Governance Committee for County Councillors or the Borough Council's Monitoring Officer for Borough Councillors.

## **28. ATTENDANCE OF MEMBERS**

- 28.1. Members will sign a register of attendance.

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

- 29.1. The Woking Joint Committee may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of Exempt or

Confidential information as defined by the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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

- 30.1. The Woking Joint Committee may appoint:
- 30.1.1. Sub-Committees with power to act to discharge any of its functions as agreed by the Joint Committee.
  - 30.1.2. Task Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Woking 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 of the meeting whose ruling is final.

### **32. STANDING ORDERS OF SURREY COUNTY COUNCIL TO APPLY**

- 32.1. Save to the extent that a matter is dealt with in these governance arrangements, the Woking Joint Committee shall be subject to the County Council's Rules of Procedure contained in its Constitution (in so far as they are relevant, and with the necessary changes being made).
- 32.2. If there is any conflict between these governance arrangements and those Rules of Procedure, these governance arrangements shall have precedence.

For noting regarding the Chairman/Vice-Chairman of Woking Joint Committee:

The following wording has been included as a Convention in the Woking Borough Council Constitution, and was agreed by Woking Council on 14 April 2016.

'When the Chairman/Vice-Chairman of the Woking Joint Committee is a Borough Councillor, he/she should be the Leader of the Council or his/her nominee who shall be a member of the Executive.'

# **Spelthorne Joint Committee**

## **Constitution**

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

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

The Joint Committee will carry out Surrey County Council functions previously performed by the Local Committee (Spelthorne) (which ceased to exist on 01/06/2016) plus some additional County Council functions, and functions delegated to it by Spelthorne Borough Council. There is also a range of advisory functions relating to both Councils. These functions are set out within Section 2 of this document.

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 Spelthorne. Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together.

Meetings of the Spelthorne Joint Committee are held in public, and local people are able to participate during parts of the meeting as set out in Section 3 of this document.

This Constitution document includes the standing orders that will apply to the Joint Committee. These need also to be read in the light of the individual Constitutions of each of the two Councils which will continue to apply as appropriate to decisions delegated by each relevant authority.

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.

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

The scope and overall purpose of the Spelthorne 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 Spelthorne Joint Committee is:-

1. To identify and agree opportunities for the closer alignment of County and Borough services in Spelthorne.
2. To make decisions on local services and budgets delegated to it by either Surrey County Council or Spelthorne Borough Council.
3. To make comments on policy, strategy, services, priority community work, or other matters specifically referred to it by the County Council or the Borough Council.
4. To provide political 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 Spelthorne Borough are carried out in accordance with both Surrey County Council's and Spelthorne Borough Council's core values, policies, strategies and within approved budgets.

## **(B) Delegated Powers**

The services identified below are delegated by Surrey County Council or Spelthorne Borough Council as indicated, for decision making or consideration by the Spelthorne Joint Committee, in accordance with the relevant legislation.

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

Set out below is a list of the functions that are currently delegated to the Spelthorne Joint Committee. Additional functions and matters for determination may be delegated to the Committee in the future by Surrey County Council (SCC) or Spelthorne Borough Council (SBC), which will form part of this Constitution. The Community Partnership and Committee Officer will maintain a record of all additional delegated functions and will ensure that any such additions are reported to the Joint Committee at the next meeting after the delegation takes place.

### **Executive Functions** (delegated by Surrey County Council and Spelthorne Borough Council)

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

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

- (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) (SCC)
- (ii) Community safety funding that is delegated to the Joint Committee (SCC/SBC).
- (iii) Decisions in relation to highways and infrastructure:
  - a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements and highway maintenance within the Committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives (SCC).
  - b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls (SCC).
  - c. To agree local speed limits on County Council roads within 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 Highways Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the Committee will make that decision (SCC).
  - f. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following the consent of SBC 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
- (iv) Determine priorities and agree how Community Infrastructure Levy (CIL) receipts will be expended (SBC).
- (v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Spelthorne Borough Council (SCC/SBC):
- a) To agree joint priorities for commissioning by the County Council and the Borough Council in Spelthorne for provision of preventative work with young people who are at risk of becoming not in education, training or employment (NEET).
  - b) To apportion delegated funding for young people, specifically the distribution between Local Prevention and Individual Prevention categories of funding, in accordance with the allocated budget and any youth grants as allocated by the Borough Council.
  - c) Approve the awards for the provision of Local Prevention services for Spelthorne Borough in accordance with the allocated budget and to qualified providers. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award grant(s) (due to the presence of conflicts of interest which result in the body being inquorate).
  - d) To approve youth task group advice on the allocation of Community Youth Work and Surrey Outdoor Learning & Development (S.O.L.D) Local Offer resources to meet local priorities for young people in the local area.
- (vii) Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/SBC).

### **Non-Executive Functions** (delegated by Surrey County Council)

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

### **Non-Executive Functions** (delegated by Spelthorne Borough Council)

- (i) Oversee and determine priorities for the Borough based community strategy and related plans within Spelthorne.

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

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

The Joint Committee may:

- (i) In relation to the exercise of County Council Executive functions relating to members' allocations, receive a report on all projects approved under the delegated authority of the Community Partnership Manager or Team Leader. (SCC)
- (ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions. (SCC)
- (iii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners (SCC/SBC)
- (iv) To champion the better use of public sector assets in the Borough to promote the One Public estate approach amongst Surrey County Council , Spelthorne Borough Council and other public sector partners ( SCC/SBC)
- (v) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SCC/SBC)
- (vi) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. (SCC/SBC)
- (vii) Monitor the quality of services provided locally, and recommend action as appropriate. (SCC/SBC)
- (viii) To oversee and agree joint priorities to inform the improvement of educational attainment in Spelthorne with the aim of working closely between Surrey County Council, Spelthorne Borough Council and Spelthorne Schools Federation (SCC/SBC)
- (ix) Oversee and influence priorities for the Family Support Programme in Spelthorne (noting the shared nature of this service with other boroughs) and monitor its performance. (SCC/SBC)
- (x) To oversee and agree joint priorities to inform commissioning and delivery of Independent Living, Older People's Services and Day Centres in Spelthorne, with

the aim of achieving an integrated approach from Surrey Council and Spelthorne Borough Council (SCC/SBC)

- (xi) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes or developer funded highway improvements within Spelthorne. (SCC)
- (xii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Spelthorne. (SCC)
- (xiii) Oversee local initiatives agreed and funded by the Joint Committee. (SCC/SBC)
- (xiv) Oversee parking provision and enforcement in its area including budget monitoring subject to any particular terms of reference, agreed by the committee, (SCC/SBC)
- (xv) Oversee and monitor the impact of the Local Prevention Commissions and the Community Youth Work Service in accordance with prevention priorities for young people not in education, employment or training (NEET) in the local area.
- (xvi) To receive reports from and provide political oversight and advice to the Spelthorne Safer Stronger Community Partnership on the Community Safety functions of the Borough. (SCC/SBC)
- (xvii) To receive reports from and provide political oversight and advice to the Spelthorne Together Health and Wellbeing Group within the framework of Surrey's Joint Health and Wellbeing Strategy. (SCC/SBC)
- (xviii) Be consulted on any issues referred to it by either Council and produce responses as appropriate. (SCC/SBC)

*(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 regards to budget setting and planning, the County Council and Spelthorne Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.
- (ii) Provision of venue:  
The meeting's venue and associated costs will normally be provided by Spelthorne Borough Council, unless alternative arrangements are agreed by Surrey County Council.
- (iii) Committee management:  
Committee management and associated costs for the Joint Committee will be provided by Surrey County Council.
- (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 Spelthorne Joint Committee shall be all county councillors with electoral divisions in Spelthorne, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Spelthorne), 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 Cabinet. If there is no Surrey County Council Cabinet Member with an electoral division in Spelthorne for the Leader of the County Council to appoint a specific Cabinet member to the Spelthorne Joint Committee at the Council AGM. No substitutes will be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Council, at the start of each municipal year. All borough and county councillors on the Joint Committee will have equal voting rights on all issues being considered.
- 1.2. A person shall cease to be a member if he/she ceases to be a member of the County Council, a member representing an electoral division in Spelthorne or the relevant Cabinet Member, or in the case of a member of the Borough Council, ceases to be a member of that Council, or the relevant Cabinet Member or resigns from the Spelthorne Joint Committee.
- 1.3. Surrey County Council or Spelthorne Borough Council may, through their respective Councils, co-opt representatives from the voluntary sector, public authorities or businesses in Spelthorne onto the Joint Committee. These representatives will be able to take part in discussions on agenda items, but will not be able to vote on any item for decision.
- 1.4. The Leader of either Surrey County Council or Spelthorne Borough Council, or appropriate Surrey County Council Cabinet Member or Spelthorne Borough Council Cabinet Member with portfolio responsibilities for a matter on the agenda of the Joint Committee meeting may attend the meeting of the committee and, with the Chairman's consent, speak on the matter or provide written representation.

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

- 2.1. For the 2016/17 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 the County Council or the Borough Council (as appropriate) with the appointments made by the relevant Council Leader.
- 2.2. From 2017/18 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 in 2017/18. If the appointed Chairman is representing Surrey County Council, the Vice-Chairman must be a Spelthorne Borough Council representative and vice-versa with the appointments made by the relevant Council Leader.

2.3. The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Spelthorne 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 by the relevant Leader 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 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 Spelthorne 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 Spelthorne Joint Committee each year as determined by the Chairman and Vice-Chairman and as set out in the calendar of meetings published on the council's website.

4.2. The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Spelthorne 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.

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 Spelthorne Joint Committee as set out in Section 2(B) of this Constitution.

5.2. The Spelthorne Joint Committee shall discharge the delegated powers, within the budgetary and policy framework set by Surrey County Council in the case of county functions or by Spelthorne Borough Council in the case of borough functions.

5.3. When discharging the delegated powers the Spelthorne Joint Committee shall take decisions only after taking into account advice given in writing or orally from relevant Officers of Surrey County Council or of Spelthorne Borough Council as appropriate, including legal, financial and policy advice.

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

## **6. OVERVIEW AND SCRUTINY**

6.1. Executive decisions made by the Spelthorne Joint Committee are subject to scrutiny by Surrey County Council's or Spelthorne Borough Council's relevant Overview and Scrutiny Committee (depending on which authority delegated the particular function), including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').

6.2. The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of Surrey County Council or Spelthorne Borough Council depending on which authority delegated the executive decision in question.

6.3. Referral of Joint Committee Executive decisions by either Surrey County Council Cabinet or Spelthorne Borough Council Executive (dependant on who delegated the function)

6.3.1. The SCC /SBC Cabinet may require referral, for review and final determination, any executive decision taken by the Joint Committee which has significant policy or budgetary implications or is outside of the authority delegated to the Joint Committee, subject to notice of requirement for referral being given within 5 working days of publication of the decision.

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 /SBC Cabinet as appropriate.

6.3.3. All members of the Joint Committee will be notified that an executive decision taken by the Committee has been required for referral by SCC /SBC Cabinet.

6.3.4. The decision will be considered by the SCC /SBC Cabinet 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 /SBC Cabinet meeting, as appropriate, for the consideration of the matter and speak on the item.

6.3.6. The SCC /SBC Cabinet 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 Surrey or Spelthorne Council, as appropriate, for information.

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

## **7. NOTICE OF MEETING**

- 7.1. The date, time and place of the fixed meetings of the Spelthorne Joint Committee will be accessed through both the Surrey County Council and Spelthorne Borough Council websites. The notice, agenda, reports and other documents prepared for the Spelthorne Joint Committee will be posted on the Surrey County Council website (with links from the Spelthorne Borough Council 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 Spelthorne 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 Spelthorne 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. Spelthorne Joint Committee will comply with the Access to Information rules in Part VA of the Local Government Act 1972.
- 9.2. Agendas for meetings of the Spelthorne Joint Committee shall be dispatched by the Committee Manager five clear working days in advance of a meeting, and copies will be made available for public inspection at the designated County and Borough Council offices, libraries and via the County Council and Spelthorne Borough Council websites.
- 9.3. Members of the Spelthorne 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 Spelthorne Joint Committee.

## **10. DECISIONS AND MINUTES**

- 10.1. The decisions from the meeting shall be published on the County Council's website, with links from the Spelthorne Borough website, within three clear working days of the Committee.
- 10.2. The minutes of a meeting shall be published on the County Council's website, with relevant links, as soon as is reasonably practicable.
- 10.3. At the meeting, the Chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the chairman" and there may only be



discussion if there is disagreement about their accuracy which will be resolved by a vote in the normal way.

10.4. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of signing of minutes.

## **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 Spelthorne Joint Committee or otherwise for so long as those papers remain confidential.

### **Failure to observe**

11.2. Any or all of the rights conferred on a Member of one of the councils under its Constitution may be withdrawn by that Council if it is satisfied that he/she has not observed the requirements of Standing Order 11.1 in relation to any of its papers.

## **12. QUORUM**

12.1. The Chairman will adjourn the meeting if there is not a quorum present.

12.2. The quorum will be one quarter of the total number of voting members of the Committee. A quorum may not be fewer than three voting members.

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

13.1. Any Member of either Council may, with the Chairman's consent, ask one or more questions on matters within the terms of reference of the committee.

13.2. Notice of questions must be given in writing to the Community Partnerships Team by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.

13.3. Questions may be asked without notice if the Chairman decides that the matter is urgent.

13.4. Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.

13.5. Every question will be put and answered.

13.6. Copies of all questions will be circulated to Members before the start of the meeting.

13.7. Questions may be answered orally or in writing.

13.8. If the Chairman is unable to answer any question at the meeting he/she may send a written answer to the Member asking the question.

13.9. At the discretion of the Chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.

13.10. A record of all questions and answers will be included in the minutes of the meeting.

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

### **14.1. PETITIONS**

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

14.1.1.1. matters which are "confidential" or "exempt" under Part VA of the Local Government Act 1972;

14.1.1.2. planning applications; and

14.1.1.3. 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 committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the committee or to the SCC Cabinet, Cabinet Member, SBC Cabinet or relevant committee of either SCC or SBC 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 Surrey County Council's or Spelthorne Borough Council'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 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 Committee, any member of the public who lives, works or studies in the Spelthorne 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 the Local Government Access to Information Act 1985 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 or by e-mail to the Community Partnerships Team with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 14.2.4. 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 tabled and made available in the meeting room 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 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 Spelthorne Joint Committee on any applications relating to public Rights of Way being considered by the 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 Committee's formal discussion on each application requiring the 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 Committee.

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

- 15.1. A Member may only speak once on a motion and amendment except:

- 15.1.1. 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;
- 15.1.2. the mover of a motion may speak during the debate on any amendment to the motion;
- 15.1.3. a Member who has already spoken may speak on a point of order or may, at the Chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood;
- 15.1.4. the Chairman may speak before the mover of the motion or amendment replies to the debate.
- 15.1.5. 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 Committee.

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

20.4.1.1. alter a motion of which he/she has given notice; or

20.4.2. 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:

21.1.1. move the reference back

21.1.2. leave out words

21.1.3. add words, or

21.1.4. 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 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 or against the motion or amendment will be recorded and entered in the minutes.

24.2. Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against the motion to be recorded in the minutes.

24.3. On a formal motion put from the Chairman (e.g. “That the report be received”), the question may be decided by the voice of the Members, unless any Member demands a show of hands.

24.4. If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.

24.5. The person presiding at the meeting, having already voted, may in the event of a tie exercise a second or casting vote.

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

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

## **26. INTERESTS OF MEMBERS**

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

26.1.1. 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

26.1.2. the donor of any gift and/or hospitality they have accepted and not yet entered on the relevant Council's register the Member must disclose the interest to the meeting and, within 28 days, notify this to either the County Council's Monitoring Officer in the case of County Councillors or the Borough Council's Monitoring Officer in the case of Borough Councillors for inclusion in the register.

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

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

27.1.1. not participate in any discussion or vote relating to the matter;

27.1.2. withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;

27.1.3. not exercise functions in relation to that matter; and

27.1.4. not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them) unless he/she has obtained a dispensation from the County Council's Audit and Governance Committee for County Councillors or the Borough Council's Members' Code of Conduct Committee.

## **28. ATTENDANCE OF MEMBERS**

28.1. Members will sign a register of attendance.

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

29.1. The Spelthorne Joint Committee may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of Exempt or Confidential information as defined by the Local Government Act 1972



and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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

30.1. The Spelthorne Joint Committee may appoint:

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

30.1.2. Task Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Spelthorne 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 of the meeting whose ruling is final.