

October 2021

# **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 Governance Lead Manager.

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 the Council's website.

## 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. In the event of an in-year vacancy in either role, an election will be held for a replacement to serve until the next Annual General Meeting of the Council.

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 6.10;
- (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 Deputy Cabinet Members**

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

A Deputy Cabinet Member 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.

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

The Leader will advise the Governance Lead Manager in writing of the names of designated Deputy Cabinet Members and of the Cabinet Member(s) they will assist. The Governance 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 (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 Strategic Investment 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, Executive 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 Health Scrutiny (Adults and Health Select Committee)

### Terms of Reference

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.

### **7.03 Select Committee Procedure Rules**

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

Any Member of the Council (except the Leader, Deputy Leader and members of the Cabinet and Deputy Cabinet Members) 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, or by any three 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, Families, Lifelong Learning and Culture 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**

Each select committee will be responsible for setting its select committee work programme. The work programmes will be reviewed at each select committee meeting and may include business for review on the Leader's/Cabinet's/Cabinet Member's or Council's behalf.

**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 relevant select 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 relevant select 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 select 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 select 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 Remits**

Name	Relevant Services
Adults and Health Select Committee	<ul style="list-style-type: none"><li>➤ Statutory Health Scrutiny</li><li>➤ Adult Social Care (including safeguarding)</li><li>➤ Health Integration and devolution</li><li>➤ Review and scrutiny of all health services commissioned or delivered within Surrey</li><li>➤ Public Health</li><li>➤ Review delivery of the Health and Wellbeing Strategy</li><li>➤ Health and Wellbeing Board</li><li>➤ Future local delivery model and strategic commissioning</li></ul>

Name	Relevant Services
Children, Families, Lifelong Learning & Culture Select Committee	<ul style="list-style-type: none"> <li>➤ Children's Services (including safeguarding)</li> <li>➤ Early Help</li> <li>➤ Corporate Parenting</li> <li>➤ Education</li> <li>➤ Special Educational Needs and/or Disabilities</li> <li>➤ Adult Learning</li> <li>➤ Apprenticeships</li> <li>➤ Libraries, Arts and Heritage</li> <li>➤ Voluntary Sector</li> </ul>
<b>Name</b>	<b>Relevant Services</b>
Communities, Environment and Highways Select Committee	<ul style="list-style-type: none"> <li>➤ Waste and recycling</li> <li>➤ Highways</li> <li>➤ Major infrastructure</li> <li>➤ Investment/Commercial Strategy (including Assets)</li> <li>➤ Economic Growth</li> <li>➤ Housing</li> <li>➤ Local Enterprise Partnerships</li> <li>➤ Countryside</li> <li>➤ Planning</li> <li>➤ Aviation and Sustainable Transport</li> <li>➤ Flood Prevention</li> <li>➤ Emergency Management</li> <li>➤ Community Engagement and Safety</li> <li>➤ Fire and Rescue</li> <li>➤ Trading Standards</li> <li>➤ Coroner</li> </ul>
<b>Name</b>	<b>Relevant Services</b>
Resources and Performance Select Committee	<ul style="list-style-type: none"> <li>➤ Finance</li> <li>➤ Orbis Partnership Functions including Orbis Public Law</li> <li>➤ HR&amp;OD</li> <li>➤ IT and Digital</li> <li>➤ Business Ops</li> <li>➤ Property</li> <li>➤ Procurement</li> <li>➤ Equalities and Diversity</li> <li>➤ Internal/External Communications</li> <li>➤ Legal and Democratic Services</li> <li>➤ Customer Services</li> </ul>

Each select committee will have responsibility for performance, finance and risk monitoring for service areas within their remit.

## **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 6.10 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 6.11 to 6.13.

## **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 6.14 to 6.16.

## **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 member conduct 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 6.17 to 6.19. 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, Chief Finance Officer and Data Protection Officer**

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

#### 11.06 **Functions of the Designated Scrutiny Officer**

- (a) Promote the role of the authority's overview and scrutiny committees.
- (b) Provide support to the authority's overview and scrutiny committees.
- (c) Provide support and guidance to:
  - i. Members of the authority
  - ii. Members of the Cabinet and
  - iii. Officers of the authority
 in relation to the functions of the authority's overview and scrutiny committees.

#### 11.07 **Conduct**

Officers will comply with the [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, Monitoring Officer and Section 151 Officer, which are 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 149 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, Monitoring Officer and S151 Officer**

- (a) The Council will approve the appointment of the Chief Executive/Head of Paid Service, Monitoring Officer and Section 151 Officer 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, Monitoring Officer and Section 151 Officer 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 Woodhatch Place and at the venue of the meeting if elsewhere 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. 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 Governance 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.

**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

<b>Part 3 – Responsibility for Functions and Scheme of Delegation</b>
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<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 select committees. The role and functions of these committees are detailed below in paragraph 6. Local committees discharge both Council and executive functions. The role and functions of local committees are detailed in paragraph 7 of this section.

## 4. **OVERALL LIMITATIONS**

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

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

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

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

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

4.3 The Scheme does not delegate any matter:

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

## 5. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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

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

Function	Decision Making Body
5. Arrangements for enabling questions to be put on police matters at Council meetings	The Council (through Standing Orders)
6. 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 Executive Director, Children, Families, Life-long Learning and Culture 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 Executive Director, Children, Families, Life-long Learning and Culture 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**

Six Members of the authority plus one independent member.

### 6.10 **Terms of Reference**

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

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

### ***Audit Activity***

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

### ***Accounts***

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

### ***Ethical Standards***

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



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

For the Committee's role in appointing senior officers, please also refer to the Officer Employment Procedure Rules in Article 11 and Part 5 of Standing Orders within this Constitution.

### **6.12 Membership**

Six 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 Officer Employment Procedure Rules and determine the conditions of employment 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 and contractual terms and conditions of employment of all staff;
- (b) discharge the function of dismissal and taking disciplinary action against Chief and Deputy Chief Officers as defined in the Local Government & Housing Act 1989 (including appointing an independent panel when required to do so);
- (c) determine the Council's Policy Statement in respect of Employing Authority and Administration Authority Discretions under regulations relating to the Local Government Pension Scheme (LGPS), Teacher's Pension Scheme (TPS) and Firefighter's Pension Scheme (FPS);
- (d) endorse the application of such pension related discretions in relation to Chief and Deputy Chief Officers;
- (e) monitor half yearly workforce performance indicators;
- (f) consider strategic workforce planning; and
- (g) consider and seek to resolve collective disputes between the Council and recognised Trade Unions where this has not been possible at earlier stages of procedures.

## **6.14 APPOINTMENTS SUB-COMMITTEE**

## **6.15 Membership**

Four 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 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 member conduct 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 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

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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

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 RUNNYMEDE JOINT COMMITTEE**

### **7.13 MEMBERSHIP**

Membership of the Runnymede Joint Committee shall be all county councillors with electoral divisions in Runnymede, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Runnymede), 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 the Council's Corporate Management Committee. If there is no Surrey County Council Cabinet Member with an electoral division in Runnymede the County Council shall appoint a specific Cabinet member to the Runnymede Joint Committee and the Borough Council would be entitled to appoint an additional borough councillor representative on the Joint Committee to ensure equity.

### **7.14 Executive Functions delegated by Surrey County Council**

In relation to the Borough of Runnymede the Joint Committee will take decisions delegated to it by the SCC Cabinet on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils and within 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 from Surrey County Council (SCC).
- (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 on-street 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 RBC, 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) Decisions on funding when a budget is allocated to the Joint Committee by Surrey County Council's Cabinet. (SCC)

### **7.15 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).

### **7.16 Decisions delegated by Surrey County Council and Runnymede Borough Council**

Apportion any resources for Early Help services in accordance with the approved local Early Help priorities that may be delegated to the Joint Committee by Surrey County Council and / or Runnymede Borough Council, in relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Runnymede Borough Council (SCC/RBC).

### **7.17 Service Monitoring and Issues of Local Concern - advisory functions**

The Joint Committee will play an important advisory role in shaping the development and delivery of services locally across both authorities. It will:

- (xvi) Act as a one stop shop for residents to engage with both authorities, debate cross cutting issues, raise issues of concern and seek to influence the respective Councils in the light of local need.
- (xvii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards.
- (xviii) Be consulted on any issues referred to it by either Council or produce responses as appropriate.



The Joint Committee may:

- (i) Consider the use of developer infrastructure funding in regard to proposed and planned strategic infrastructure schemes, identifying common objectives and supporting the pursuit of joint funding bids whether wholly or partly in Runnymede.
- (ii) Influence the development of a joint vision for the place shaping agenda including regeneration and town centre management.
- (iii) Influence the development of the Family Support Programme in Runnymede and monitor its performance. Provide political oversight and advice to the Early Help Advisory Board and advise on priorities for the Early Help offer locally.
- (iv) Consider the more effective use of existing public sector property assets in the borough and the potential opportunities that may exist for development where this could be in the mutual interest of both authorities where expediency allows.
- (v) Review and influence any new proposals for on and off street parking and enforcement locally including the use of budgets.
- (vi) Influence priorities for the provision of integrated Health and Social Care and Older People's Services locally.
- (vii) Influence action plans for the deprivation task groups established within the borough.
- (viii) Facilitate partnership work with schools, Multi Academy Trusts, governors and other partners to promote high educational standards and the fulfilment of potential for all children locally.

## **7D GUILDFORD JOINT COMMITTEE**

### **7.18 MEMBERSHIP**

Membership of the Guildford Joint Committee shall be all county councillors with electoral divisions in Guildford, one SCC Cabinet Member (who may also be a county councillor with an electoral division in Guildford), and an equivalent number of borough councillors who should be politically proportionate to the Borough Council. At least one borough councillor shall be a member of that Council's Executive. If there is no SCC Cabinet Member with an electoral division in Guildford the County Council shall appoint a specific Cabinet member to the Guildford Joint Committee at the Council AGM ("the relevant Cabinet Member"), and GBC would be entitled to appoint an additional borough councillor representative on the Joint Committee to ensure equity. No substitutes will be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Councils, at the start of each municipal year. All borough and county councillors (including the relevant Cabinet Member) on the Joint Committee will have equal voting rights on all issues being considered.

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

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

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

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

- (e) Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Highways Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the Committee will make that decision (SCC).
- (f) To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following the consent of GBC and any relevant Parish Council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court (SCC).
- (iv) Jointly agreeing a statement of priority for the delivery of infrastructure described in the GBC Infrastructure Delivery Plan and informed by the GBC Regulation 123 list, to meet the need and mitigate the effect of development in the GBC local authority area and to discuss and propose strategies for securing any additional funding necessary for that delivery. (GBC)
- (v) Approval of an overarching Air Quality Policy/Strategy and individual Air Quality Management/Action Plans relating to the borough of Guildford (GBC)
- (vi) Apportion any resources for Early Help services in accordance with the approved local Early Help priorities that may be delegated to the Joint Committee from SCC/GBC, in relation to services for young people with the aim of achieving an integrated approach from both authorities (SCC/GBC)
- (vii) Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/GBC).

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

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

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

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

within the terms of reference of other Committees) which shall be exercised concurrently.

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

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

The Joint Committee may:

- (i) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners, and oversee local initiatives agreed and funded by the Joint Committee. *(SCC/GBC)*
- (ii) Engage in issues of concern to local people and seek to influence the respective councils in the light of local needs. Monitoring the quality of services provided locally, and recommending action as appropriate. *(SCC/GBC)*
- (iii) Consider the most effective use of existing public sector property assets in the borough and the potential opportunities that may exist for development where this could be in the mutual interest of both authorities where expediency allows. *(SCC/GBC)*
- (iv) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes or developer funded highway improvements within Guildford. *(SCC/GBC)*
- (v) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Guildford. *(SCC)*
- (vi) Review and influence the parking strategy (via the Parking Business Plan) and any new proposals for on and off street parking and enforcement. *(SCC/GBC)*
- (vii) Receive reports from and provide political oversight and advice to the Safer Guildford Partnership on the Community Safety functions of the Borough. *(SCC/GBC)*
- (viii) Provide political oversight and influence emergency planning and event management and/or event safety oversight that relate to the borough of Guildford. *(SCC/GBC)*
- (ix) Oversee and provide feedback on priorities relating to gypsy and traveller site provision and site management within the borough of Guildford. *(SCC/GBC)*

- (x) Receive reports from and provide political oversight and advice to the Health and Wellbeing Board for Guildford on its functions. (SCC/GBC)
- (xi) Influence priorities for the provision of integrated Health and Social Care and Older People's Services locally. (SCC/GBC)
- (xii) Oversee and influence priorities for the Family Support Programme in Guildford (noting the shared nature of this service with other boroughs) and monitor its performance. (SCC/GBC)
- (xiii) Facilitate partnership work with schools, Multi-Academy Trusts, governors and other partners to promote high educational standards and the fulfilment of potential for all children locally. (SCC)
- (xiv) Be consulted on any issues referred to it by either council and produce responses as appropriate. (SCC/GBC)
- (xv) Monitor formal decisions taken by officers under delegated powers in respect of functions delegated to the Joint Committee and provide feedback to improve service standards. (SCC/GBC)

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

## **7E 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 eight other County Councillors

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

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

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

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

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

- (f) Subject to paragraph (d) above, take in-year decisions on resources and priorities, service delivery and operations to deliver the corporate plan and other approved policy plans and the revenue and capital budgets.
- (g) Lead the community planning process and provide a focus for partnership working with other public, private and voluntary and community sector agencies.
- (h) Consult the appropriate select committee at an early stage in the development of the budget and the plans and strategies within the policy framework.
- (i) Consult select committees and other committees on the plans and strategies listed in Article 4 of this Constitution, as appropriate, especially the Planning & Regulatory Committee in relation to the development and review of the Local Development Documents or any other plan and policy of the Council which relates to its functions.
- (j) Exercise other strategic planning functions including preparation of supplementary planning guidance and planning briefs, responding to consultations on planning applications, the designation of conservation areas, areas of archaeological interest and nature reserves, the making of compulsory purchase orders and Article 4 Directions, etc.
- (k) Make appointments to those outside bodies which carry out or relate to executive functions.
- (l) Provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services not otherwise delegated to officers.
- (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)**

Who is responsible (1)	Function (2)	Limitation (3)
<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 consultation with</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>(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) bids for funding from external bodies</p>	



Who is responsible (1)	Function (2)	Limitation (3)
<p>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) responses to consultation papers not otherwise delegated to officers</p> <p>(h) responses to petitions and committee reports</p> <p>(i) agreement of concordats or other similar agreements or statements of intent with other parties</p> <p>(j) compulsory purchase orders for land or property</p> <p>(k) approval of schools' licensed deficits</p> <p>(l) approval of loans to schools</p> <p>(m) consultation on proposals and publication and determination of statutory notices in respect of changes to school size and structure</p> <p>(n) authorisation of consultation on the admission arrangements for voluntary controlled and community schools</p>	<p>(k) To a maximum of £1m</p> <p>(l) To a maximum of £1m in consultation with the Leader</p>
	<p>(o) responses to any consultation by a maintained school's governing body under Section 5 of the Academies Act 2010</p>	

Who is responsible (1)	Function (2)	Limitation (3)
	<p>(p) 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>(q) 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>(r) 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> <p>(s) declaration of highways or highways land surplus to requirements where it is unnecessary for highway purposes</p>	

Who is responsible (1)	Function (2)	Limitation (3)
	<p>(t) endorsement of any new speed limit when the Local Committee is in disagreement with the police and local officers</p> <p>(u) endorsement of the annual programme for investment of the centrally managed road safety scheme budget</p> <p>(v) 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> <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>	

Who is responsible (1)	Function (2)	Limitation (3)
	<p>(a4) approval of revisions to the Council's partnership governance policy</p> <p>(a5) agreement of In Year Fair Access Protocol</p>	
	<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 School Transport Policies</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>	

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

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

#### **8.4 Membership**

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 COAST TO CAPITAL STRATEGIC JOINT COMMITTEE**

**8.13 Membership**

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

**8.14 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**

**8.15 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
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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.

### 8.16 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.

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

### **8.18 Membership**

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

### **8.19 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.

## **8.20 ORBIS JOINT COMMITTEE**

### **8.21 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

### **8.22 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

### **8.23 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

### **8.24 COMMITTEES IN COMMON SUB-COMMITTEE**

#### **8.25 Membership**

The Leader of the Council (Chairman), the Cabinet Member for Adults and Public Health, and the Cabinet Member for Children, Young People and Families.

#### **8.26 Terms of reference**

The Committee will take:

- (a) Strategic decisions relating to the Better Care Fund (BCF) programme including the signing off the BCF plan on behalf of the County Council and any associated section 75 legal agreement for pooling BCF funds.
- (b) Strategic decisions relating to all aspects of services for people with a learning disability (including residential, supported living, day centres, transforming care, behavioural and personal support and employment opportunities).
- (c) Strategic decisions relating to services supporting mental health (including inpatient mental health services, direct care services, supported housing, floating support and community connections).
- (d) Strategic decisions relating to children's community services and emotional health and well-being support provision.
- (e) Strategic decisions relating to policy and joint delivery of Continuing Health Care (CHC).

- (f) Strategic decisions relating to children’s public health services including health visiting, school nursing and Family Nurse Partnership.
- (g) Strategic decisions relating to substance misuse services including drugs and alcohol specialist treatment services.
- (h) Strategic decisions relating to sexual health services including specialist treatment services and public health agreements with GPs and pharmacists.
- (i) Strategic decisions relating to smoking cessation including specialist treatment services and public health agreements with GPs and pharmacists.
- (j) Strategic decisions relating to Health Checks including public health agreements with GPs.

### **8.27 Meetings of the Committee**

The Committees in Common sub-committee will meet four times per year with further meetings arranged if necessary in order to respond to urgent business. The quorum for the board will be three Cabinet Members.

## **8.28 STRATEGIC INVESTMENT BOARD**

### **8.29 Membership**

The Leader of the Council, the Deputy Leader and the Cabinet Member(s) with portfolio responsibility for Property, for Corporate Support, and for Finance.

### **8.30 Terms of reference**

The Board will:

- (a) approve the allotment of further shares in a Company (whether to third party shareholders or the Council)
- (b) periodically evaluate financial performance of a Company
- (c) approve the strategic direction of a Company
- (c) approve the sale of the Council’s investment in a company
- (d) agree capital or revenue investments of £1m and above proposed by a Company
- (e) consider any recommendation from Company Directors to cease trading
- (f) report to the Council annually on trading activity
- (g) consider and approve business case proposals concerning the use of the Council’s landholdings that contribute to the delivery of the Council’s investment strategy
- (h) approve all property investment acquisitions or disposals (unless law requires full council approval)
- (i) approve investment property asset management expenditure of £1m and above
- (j) approve the provision of finance to the Council’s wholly owned

- (k) property company, Halsey Garten Property Ltd  
approve the strategic management of the overall portfolio to ensure a balanced portfolio is maintained
- (l) approve non-property investments.

### **8.31 Meetings of the Board**

The 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.

**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, Executive 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 or the relevant Executive 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 Executive 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 Head of Legal Services).

#### **3.2 Human Resources**

The Chief Executive, Executive 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 an Executive Director to discipline and dismiss employees within any other Directorate or Service.

#### **3.3 Service Plans**

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

### **3.4 Emergencies or Disasters**

The Chief Executive, and the Executive 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, Executive 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 Manager 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, Executive 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 Formal responses to Government papers or other consultations**

The Chief Executive and Executive Directors are authorised to approve 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 in consultation with the relevant Cabinet Portfolio Holder.

### **3.9 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 Standing Order 52 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 declare land or property surplus to requirements;
- 7.8 agree grant criteria or approve new 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.

<b>TITLE OF POSTHOLDER</b>	<b>SUMMARY OF AREA OF RESPONSIBILITY</b>
<b>Chief Executive</b>	Head of paid service and responsible for the overall management of the workforce and the authority.
<b>Deputy Chief Executive</b>	Jointly responsible with the Chief Executive and the Executive Directors for the overall performance of the paid service. Responsible for the Leadership Office and Economy & Growth Team.  Deputise for the Chief Executive when needed and advise the Chief Executive, Leader and Members on the state of delivery of the Council's corporate plans and priorities.
Director of Communications and Engagement	Responsible for the communications strategy for the Council, and for the management of Communications.
Director HR & OD	Responsible for ensuring coherent HR, OD and organisational learning and development strategies for the Council and for managing Human Resources.
Director of Economy & Growth	Responsible for strengthening and driving forward the economy in Surrey, working with partners and local businesses
Head of Leadership Office	Responsible for the Leadership support team, coordinating key work across the leadership office and being the link for CLT and their support
<b>Executive Director of Commissioning and Strategy</b>	Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.  Overall responsibility for services within the Strategy and Commissioning Directorate including Strategic Commissioning, Insight, Analytics and Intelligence and Public Health.

Director of Public Health	Responsible for leading the Public Health service, including the Council's health improvement, health protection and health intelligence and effectiveness functions
Director Strategic Commissioning	Responsible for promoting an integrated approach to commissioning, in line with the council's strategic commissioning framework.
Director of Insights, Analytics & Intelligence	Responsible for 4 teams, working on a number of different topics/projects/issues which are centred around/ strive to deliver or advance the 2030 Community vision/ corporate objectives set out by CLT. Works with both internal colleagues and external partners at varying levels in order to collaborate on those projects
System Design Lead	Responsible for managing the Strategic Commissioning Team and the council's strategic commissioning pipeline, and for coordinating Organisation Design activity, which is seeking to develop the council's capabilities, infrastructure and culture in line with its strategic ambitions.
<b>Executive Director for Adult Social Care</b>	<p>Jointly responsible with the Chief Executive and other Executive 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 Executive Director for Adult Social Care also attends meetings of the Surrey Heartlands CCG/ICS Executive Team.</p>
Deputy Director for Adult Social Care Assistant Director Mental Health	<p>Responsible for 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>Deputises for the Executive Director for Adult Social Care.</p> <p>The Principal Social Worker for Adults and the Head of Adult Safeguarding report to the Deputy Director.</p> <p>Responsible for providing strategic leadership and delivery of social care mental health services to adults.</p>
Assistant Director, ASC	Responsible for ensuring the effective commissioning

Commissioning	and delivery of services which support the vision of the directorate, comply with statutory responsibilities and deliver positive outcomes for vulnerable people.
Area Director (East Surrey, Mid Surrey, NW Surrey & Surrey Heath, and Guildford & Waverley)	Responsible for delivering 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.
Area Director, Service Delivery	Responsible for providing strategic leadership and the delivery of internally provided, regulated services to adults across the county.
Assistant Director, Learning Disabilities, Autism & Transition	Responsible for providing strategic leadership and delivery of services to adults with learning disabilities and autism and to young people with learning disabilities or autism transitioning to adulthood.
Head of Resources and Caldicott Guardian	Responsible, as Caldicott Guardian, for information governance.  Responsible for providing strategic leadership for business support services and for the deputyship and financial assessments and benefits services.
<b>Executive Director for Resources</b>	Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.  Responsible for corporate resources and carries statutory responsibilities as a S151 Officer.
Director of Corporate Finance	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 Financial Insights	Responsible for the Finance Business Partners who work directly with services (ASC & PH, ETI, CPG, CFL and corporate support services) plus provision of financial data and insights and the Finance Academy. Lead on the Business Partnering approach across corporate support services. Jointly responsible for continued improvement in Finance. Lead on the financial relationship with Heartlands ICS and Frimley ICS. NED for Surrey Choices.
Director of Land and Property	Responsible for the provision of corporate and strategic asset management and managing Property Services.
Chief Information Officer	Responsible for ensuring a coherent and robust strategy for the Council's IMT systems and services and for

	managing IMT.
Chief Internal Auditor	Responsible for the delivery of internal audit and counter fraud services to Surrey County Council, East Sussex County Council and Brighton & Hove City Council as part of the Orbis Partnership.
Director – Law and Governance	The Council’s Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Chief Legal Adviser, responsible for the management of Legal and Democratic Services.
Head of Business Operations	Responsible for a fully operational Shared Service Centre, providing finance, HR, payroll, property, procurement and IMT services.
Director Procurement	The Director of Procurement is the Head of Profession for all procurement matters and is responsible for developing and implementing the Council's Procurement Strategy. As such, the Director leads, manages and oversees the delivery of all procurement activity undertaken across the County Council and our Orbis Partnership (with East Sussex County Council and Brighton and Hove City Council).
<b>Executive Director for Children, Families and Learning</b>	Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.  The Statutory Director of Children’s Services under section 18 of the Children Act 2004 with overall responsibility for Children, Families and Lifelong Learning services.
Director – Education, Life Long Learning and Culture	Responsible for developing educational services that ensure children are given the best start in life and are able to achieve their potential.
Director – Family Resilience and Safeguarding	Responsible for managing the Council’s safeguarding and social care services for children, working across the local partnership to ensure that high quality outcomes are achieved.
Director – Corporate Parenting	Responsible for the development of new services to deliver improved outcomes for Looked After Children to ensure help is provided when needed, and that children who cannot be safely looked after by their parents are able to move to high quality permanent homes more quickly when appropriate.
Director – Quality & Performance	Responsible for strategic and operational planning, developing stronger partnerships, increasing capacity for supporting specific service improvement strategies, implementing more robust performance management and quality assurance of operational services; and

	achieving strong engagement with service users and other key stakeholders.
<b>Executive Director for Communities and Transformation</b>	Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.  Responsible for developing, leading and delivering:  The overall communities strategy linked to the organisational priority to empower communities. Customer services strategy and the frontline customer services function. Cultural strategy and related services (libraries, arts, heritage, registrations). Community partnerships and engagement. Transformation strategy and overall transformation programme.
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 Culture, Libraries & Registration	Responsible for effectively developing, leading and delivering the Council's cultural and registration services for the benefit of all Surrey residents, i.e. children, young people and adults.
Head of Customer Strategy and Futures	Responsible for the operational delivery of the Council's Customer Services function, including Contact Centre, Web & Digital Services, Customer Relations & Blue Badge service
Head of Portfolios	Responsible for oversight and effective delivery across transformation portfolios / programmes. This includes governance, reporting & risk management
Head of Design	Responsible for effective design across transformation portfolios and programmes.
Head of Community Partnerships & Engagement	Responsible for the design and implementation of the local community engagement & involvement model, Your Fund Surrey, Member Community Allocations and the delivery of local decision making through Local and Joint Committees
<b>Chief Fire Officer and Head of the Community Protection Group</b>	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.
Head of Emergency Management	Responsible for the management and direction of Emergency Management function within the council.

Head of Trading Standards	Responsible for the management and direction of the Buckinghamshire and Surrey County Councils Joint Trading Standards Service.
Head of Coroners	Responsible for the management and direction of Coroners Service.
<b>Executive Director for Environment, Transport &amp; Infrastructure</b>	<p>Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.</p> <p>Overall responsibility for services for the Environment, Transport and Infrastructure Directorate including Waste, Highways &amp; Transport and Place Development Services.</p>
Director - Environment	Responsible for leading, developing and managing the Environment Functions including management of: Surrey waste disposal function; Greener Futures Ambition and climate change; the responsibilities of a lead flood authority and as sponsor of major flooding schemes including the River Thames Scheme; the County Councils natural environment and biodiversity responsibilities, our countryside estate and public rights of way.
Director - Highways & Transport	Responsible for leading and managing the Highways & Transport functions (both statutory and non-statutory) including; Highways Asset and Network Management strategy development and delivery of associated activities, Transport Policy development and delivery of associated strategic and local activities, including active travel and road safety, and provision of public & community buses and concessionary travel schemes.
Director – Infrastructure, Planning and Major Projects	Responsible for the Council’s Planning Service, design and delivery of infrastructure schemes and major projects and placemaking.



**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

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
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

<b>No</b>	<b>SERVICE AREA</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
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 Executive Directors

#### **LAW & GOVERNANCE**

<b>No</b>	<b>SERVICE AREA</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
LDS1	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
LDS2	Legal and Democratic Services	To be the custodian of the common seal of the Council and to determine the nature and type of documents to be sealed.	Director of Law & Governance

LDS3	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.	Director of Law & Governance
LDS4	Legal and Democratic Services	After consultation with the Chairman of the Communities, Environment and Highways Select Committee, to determine an application under Section 19 and Paragraphs 6 to 9 of Schedule 2 of the Commons Act 2006, if no significant objection has been received and the authority has no legal interest in the land.	Director of Law & Governance
LDS5	Legal and Democratic Services	To authorise the sealing or signing of any documents necessary to give effect to a statutory obligation on the Council.	Director of Law & Governance Senior Principal Lawyers
LDS6	Legal and Democratic Services	To authorise officers to appear in any legal proceedings on behalf of the Council before a magistrates' court in accordance with Section 223 of the Local Government Act 1972.	Director of Law & Governance Senior Principal Lawyers Principal Lawyers
LDS7	Legal and Democratic Services	To witness the affixing of the common seal of the Council on any documents or deeds 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.	Director of Law & Governance Senior Principal Lawyers Principal Lawyers
LDS8	Legal and Democratic Services	To act as authorised signatories for the Council and sign any document 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 (unless any enactment otherwise requires or authorises).	Director of Law & Governance Senior Principal Lawyers Principal Lawyers Senior Lawyers
LDS9	Legal and Democratic Services	To institute or defend or appear in any legal proceedings on behalf of the Council before any Court, Tribunal or Inquiry and to take any action in connection with such proceedings, including authority to settle proceedings.	Director of Law & Governance Senior Principal Lawyers Principal Lawyers Senior Lawyers

LDS10	Legal and Democratic Services	To sign any document necessary for any legal procedure or proceedings on behalf of the Council (unless any enactment otherwise requires or authorises).	Director of Law & Governance Senior Principal Lawyers Principal Lawyers Senior Lawyers
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### LAND AND ASSETS

LA1	Land and Assets	To authorise staff, consultants and contractors to enter land for Statutory Purposes.	Asset Strategy Partner(s) Services Delivery Manager Estates Manager Maintenance Delivery Manager Senior Project Manager(s) Workplace Delivery Manager Lead Asset Manager Deputy Chief Property Officer Asset Investment and Disposal Manager Schools & Capital Programmes Manager
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LA2	Land and Assets	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.	Lead Asset Manager Deputy Chief Property Officer  Asset Investment and Disposal Manager Schools & Capital Programmes Manager
LA3	Land and Assets	To authorise the payment of relevant Surveyor's fees, costs and expenses in connection with any approved scheme.	Asset Strategy Partner(s)  Asset Strategy Manager(s) Services Delivery Manager  Estates Manager  Maintenance Delivery Manager  Senior Project Manager(s)  Lead Asset Manager Deputy Chief Property Officer  Asset Investment and Disposal Manager  Schools & Capital Programmes Manager
LA4	Land and Assets	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.	Asset Strategy Partner(s)  Asset Strategy Manager(s)  Estates Manager

LA5	Land and Assets	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.	Estates Manager Services Manager Lead Asset Manager Deputy Chief Property Officer Asset Investment and Disposal Manager Schools & Capital Programmes Manager and Programme Manager
LA6	Land and Assets	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
LA7	Land and Assets	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
LA8	Land and Assets	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



LA9	Land and Assets	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)
LA10	Land and Assets	To request the Head of Legal and Democratic Services to take appropriate action in respect of: <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> or <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>	Estates Manager Asset Strategy Partner(s)  Lead Asset Manager Deputy Chief Property Officer Asset Investment and Disposal Manager Schools & Capital Programmes Manager Asset Strategy Manager(s)
LA11	Land and Assets	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.	Estate Manager Asset Strategy Partner(s) Asset Strategy Manager(s)

LA12	Land and Assets	To give written notice of the proposed development of land vested in the Council, in accordance with the provisions of the Town & County Planning General Regulations 1976.	Lead Asset Manager Deputy Chief Property Officer  Asset Investment and Disposal Manager Schools & Capital Programmes Manager
LA13	Land and Assets	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
LA14	Land and Assets	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

LA15	Land and Assets	To approve variations in the names of purchasers, vendors, lessees or tenants to give effect to previously approved property transactions.	<p>Estates Manager</p> <p>Services Manager</p> <p>Asset Strategy Partner(s)</p> <p>Asset Strategy Manager(s)</p> <p>Lead Asset Manager Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager Schools &amp; Capital Programmes Manager</p>
LA16	Land and Assets	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.	<p>Lead Asset Manager Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager Schools &amp; Capital Programmes Manager</p>
LA17	Land and Assets	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.	<p>Asset Strategy and Planning Manager</p> <p>Deputy Chief Property Officer</p> <p>Asset Investment and Disposal Manager Schools &amp; Capital Programmes Manager</p>

LA18	Land and Assets	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
LA19	Land and Assets	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
LA20	Land and Assets	To implement the County Council's Tolerance Policy in relation to unauthorised gypsy encampments on County Council land.	Estates Manager Service Delivery Manager
LA21	Land and Assets	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

LA22	Land and Assets	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)
LA23	Land and Assets	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
LA24	Land and Assets	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

LA25	Land and Assets	<p>To exercise the decision making of the Property Strategic Capital Group on the following matters:</p> <p>To give managerial control approval for any property capital scheme up to £1,000,000 in total value already approved by Cabinet in the MTFP, but still subject to final business case approval</p> <p>To approve budgets up to £250,000 for new property capital schemes not specifically approved by Cabinet but which fall within the approved capital programme budget (e.g. schemes within a programme budget)</p> <p>To agree variations in the agreed budgets for property capital schemes (no matter how originally approved) of up to 10% of total budget, to a maximum of £250,000</p>	<p>Lead Asset Strategy Manager</p> <p>Strategic Finance Business Partner - Improvement &amp; TPP/Resources</p>
LA26	Land and Assets	<p>To authorise the sale of land and/or buildings for a consideration of £500,000 to £1,000,000 in any one case, including setting a reserve figure for auction sales</p>	<p>Executive Director of Resources</p> <p>Director Strategic Land &amp; Assets</p>
LA27	Land and Assets	<p>To authorise the sale of land and/or buildings for a consideration of up to £500,000 in any one case, including setting a reserve figure for auction sales</p>	<p>Director Strategic Land &amp; Assets</p> <p>Lead Asset Strategy Manager</p> <p>Investment and Disposal Manager</p>

## FINANCE

FIN1	Finance	To sign creditor cheques/BACS transfers but with one such officers' signatures required for such payments of £100,000 or above, in addition to the approval of the designated service officer.	Executive Director of Resources Director of Financial Insights Director of Corporate Finance Strategic Finance Business Partners / Strategic Finance Business Manager (Corporate Reporting)
FIN2	Finance	Submit quotations for external contracts.	Strategic Finance Business Partners / Strategic Finance Business Manager (Corporate Reporting)
FIN3	Finance	Execute lending and borrowing in line with the Treasury policy.	Director of Financial Insights Director of Corporate Finance  Strategic Finance Business Partners / Strategic Finance Business Manager (Corporate Reporting)
FIN4	Finance	Execute emergency bank (BACS and CHAPS) transfers, in addition to the approval of the designated service officer.	Director of Financial Insights Director of Corporate Finance  Strategic Finance Business Partners / Strategic Finance Business Manager (Corporate Reporting)

FIN5	Finance	Execute cash transfers to pension fund managers.	Executive Director of Resources Director of Corporate Finance Strategic Finance Business Partner (Pensions) Strategic Finance Business Manager (Corporate Reporting)
FIN6	Finance	To exercise on behalf of the Executive Director of Resources such matter relating to the County Council's banking arrangements as s/he shall specify.	Director of Financial Insights Director of Corporate Finance Strategic Finance Business Manager (Corporate Reporting)
FIN7	Finance	To prepare, implement and review a scheme for the financing of schools maintained by the authority for the approval of the Schools' Forum.	Director of Financial Insights Strategic Finance Business Partner (Children's Families, Lifelong Learning & Culture)
FIN9	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.	Strategic Finance Business Partner (Children, Families, Lifelong Learning & Culture)
FIN10	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.	Executive Director of Resources Director of Financial Insights



			Strategic Finance Business Partner (Children's Families, Lifelong Learning & Culture)
FIN11	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 S151 Finance Officer to take any urgent action as required between Board meetings but such action only to be taken in consultation with and by agreement with the Chairman and/or Vice Chairman of the Pension Fund Board and any relevant Consultant and/or Independent Advisor.	Executive Director of Resource  Director of Corporate Finance  Strategic Finance Manager (Pensions)
FIN12	Finance	To approve individual business cases of up to £100,000 prior to invest to save projects proceeding. All projects approved under this delegation to be reported for information to Cabinet Members.	Executive Director of Resources
FIN13	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 Strategic Finance Manager (Pensions). This delegation is subject to any limitations imposed and confirmed in writing from time to time by the Executive Director of Resources.	Director of Corporate Finance  Strategic Finance Manager (Pensions)

FIN14	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.	Executive Director of Resources, Director of Corporate Finance Director - Law & Governance, Director of HR and OD and the Strategic Finance Manager (Pensions)
FIN15	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 Financial Insights Director of Corporate Finance Strategic Finance Business Partner (s)
FIN16	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 S151 Finance Officer.	Strategic Finance Manager (Pensions)
FIN17	Finance	To determine decisions conferring 'admitted body' status to the Pension Fund where such requests are submitted by external bodies.	Executive Director of Resources Director of Corporate Finance
FIN18	Finance	In consultation with representative officers from Legal Services and Property Services, to exercise the decision making of the Shareholder and Investment Panel on the following matters: <ul style="list-style-type: none"> <li>• appoint and remove council-nominated directors of companies or representatives of the council in any LLP,</li> </ul>	Executive Director of Resources Director of Corporate Finance Director – Strategic Land & Property Services LGL Contracts & Specialist Projects

		<ul style="list-style-type: none"> <li>• authorise resolutions and exercise any reserved powers in the articles of association or members' agreement of a company or LLP in which the council holds an interest, unless a decision of the Strategic Investment Board is required</li> <li>• approve, monitor and endorse amendments to the business plans and annual accounts of any company or LLP in which the council holds an interest</li> <li>• in consultation with the directors of a company or LLP in which the council holds an interest, determine the distribution of any surplus or the issue of any dividends from the company</li> <li>• review the risks associated with trading activities or investments and recommend actions to the Strategic Investment Board as appropriate</li> <li>• approve capital or revenue investments or asset management expenditure up to £1,000,000 for properties managed within the council's investment portfolio and by any company or LLP in which the council holds an interest</li> <li>• approve all asset management activities including rent reviews, new lettings or lease re-gears for properties managed within the council's investment portfolio</li> <li>• approve the provision of additional financing by way of loan, equity or a mixture of the two, up to a value of £1,000,000, to any company or LLP in which the council holds an interest.</li> </ul>	
FIN19	Finance	<p>In consultation with representative officers from Property Services, IT&amp;D or Environment, Transport and Infrastructure Services, dependent upon the project type, to exercise the decision making of the Capital Programme Panel on the following matters:</p> <ul style="list-style-type: none"> <li>• To give managerial control approval for any capital scheme over £1,000,000 in total value already</li> </ul>	<p>Executive Director of Resources</p> <p>Director of Corporate Finance</p>

		<p>approved by Cabinet in the MTFP, but still subject to final business case approval</p> <ul style="list-style-type: none"> <li>• To approve budgets between £250,000 and £1,000,000 for new capital schemes not specifically approved by Cabinet but which fall within the approved capital programme budget (e.g. schemes within a programme budget)</li> <li>• In consultation with the Leader and Lead Cabinet Member, to approve budgets of up to £1,000,000 for new schemes from the capital programme pipeline</li> <li>• To agree variations in the agreed budgets for capital schemes (no matter how originally approved) of up to 10% of total budget, to a maximum of between £250,000 and £500,000</li> </ul>	<p>Director of Financial Insights</p>
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**HR & OD**

No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
HR1	Human Resources & Organisational Development	To issue the Council's HR&OD policies and amend and issue HR&OD procedures relating to policy including those relating to employment.	Director of HR&OD or an Officer nominated by him / her
HR2	Human Resources & Organisational Development	To implement the decisions and recommendations of recognised national negotiating bodies on employee matters where relevant.	Director of HR&OD or an Officer nominated by him / her
HR3	Human Resources & Organisational Development	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 where related to loss of office.	<u>Settlement amount £50,000+</u> Director of HR&OD Relevant Executive Director And either Director of Corporate Finance Or Director of Financial Insights  <u>Settlement &lt;£50,000</u> Relevant service: People Business Partner Head of Service Strategic Finance Business Partner
HR4	Human Resources & Organisational Development	In relation to staff below the level of Deputy Chief Officer, to determine applications for the exercise of the Council's discretionary powers to award pensions benefits in accordance with the Pensions Discretions Policy.  Provided that in cases relating to deferred pension scheme members a decision will only be taken after consideration by the Retirement, Redundancy and Discretions Group.	Director of HR&OD or an Officer nominated by him / her

<b>No.</b>	<b>SERVICE AREA</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
HR5	Human Resources & Organisational Development	To determine pay progression for individual Officers who are not on senior pay in accordance with the Pay Policy Statement.	Director of HR&OD or an Officer nominated by him / her

### **ADULT SOCIAL CARE AND PUBLIC HEALTH**

<b>No.</b>	<b>SERVICE AREA</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
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	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: <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> </ul>	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
		<ul style="list-style-type: none"> <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>	
APH6	Adult Social Care	<p>Under s26 of the Care Act 2014, decision to:</p> <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	<p>Under s26 of the Care Act 2014, decision to:</p> <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	<p>Under s31 and 33 of the Care Act 2014, decision to make a direct payment to an adult or a nominated person</p>	Social Care Assistant
APH9	Adult Social Care	<p>Under s32-33 of the Care Act 2014, decision to make a direct payment to an authorised (suitable) person</p>	<p>Social Worker</p> <p>Occupational Therapist</p>



No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
			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 agreement.	Information Assistant
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> </ul>	<p>Senior Practice Development Manager</p> <p>Deputy Director for Adult Social Care</p>

No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		<ul style="list-style-type: none"> <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>	
APH16	Adult Social Care	Decision to make an application to the Court of Protection for a declaration under s15 of the Mental Capacity Act 2005	Senior Practice Development Manager 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>	Senior Practice Development Manager Head of Resources and Caldicott Guardian
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>	Senior Practice Development Manager Deputy Director for Adult Social Care

No.	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		<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 s29 of the Mental Health Act</p>	
APH21	Adult Social Care	<p>Decision to:</p> <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>	<p>Head of Quality Assurance and Strategic Safeguarding</p> <p>Team Manager</p>
APH22	Adult Social Care	<p>Decision to:</p> <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>	<p>Head of Quality Assurance and Strategic Safeguarding</p> <p>Senior Manager</p>
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	<p>Area Director</p> <p>Assistant Director for Service Delivery</p>
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)

<b>No.</b>	<b>SERVICE AREA</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
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 Care Act 2014	Strategic Director for Adult Social Care and Public Health

### **CHILDREN, FAMILIES AND LEARNING**

<b>No</b>	<b>SERVICE AREA</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL1	Education, Lifelong Learning and Culture	To ensure the delivery of Cultural Services in accordance with the duties imposed upon the authority by legislation	Assistant Director of Lifelong Learning and Culture
CFL2	Education, Lifelong Learning and Culture	To meet the requirements of the Public Libraries and Museums Act 1964, e.g. display of sensitive material, use of mobile libraries	Assistant Director of Lifelong Learning and Culture
CFL3	Education, Lifelong Learning and Culture	To supply information required to the Department of Culture, Media & Sport	Assistant Director of Lifelong Learning and Culture
CFL4	Education, Lifelong Learning and Culture	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	Assistant Director of Lifelong Learning and Culture
CFL5	Education, Lifelong Learning and Culture	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	Assistant Director of Lifelong Learning and Culture

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		County Council or under a community partnership agreement)	
CFL6	Education, Lifelong Learning and Culture	Within their area of responsibility to make grants to local groups within budget	Assistant Director of Lifelong Learning and Culture
CFL7	Education, Lifelong Learning and Culture	Performing Arts Library: To deliver the service under the terms of the Service Level Agreement	Assistant Director of Lifelong Learning and Culture
CFL8	Education, Lifelong Learning and Culture	To provide the service to the Surrey Museums Consultative Committee in accordance with its terms of reference.	Assistant Director of Lifelong Learning and Culture
CFL9	Education, Lifelong Learning and Culture	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.	Assistant Director of Lifelong Learning and Culture
CFL10	Education, Lifelong Learning and Culture	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).	Assistant Director of Lifelong Learning and Culture
CFL11	Education, Lifelong Learning and Culture	To permit the use of material in accordance with the Copyright Acts	Assistant Director of Lifelong Learning and Culture
CFL12	Education, Lifelong Learning and Culture	To enter into agreements with developers and others to ensure that archaeological work in connection with proposed or consented development is carried out.	Assistant Director of Lifelong Learning and Culture

<b>No</b>	<b>SERVICE AREA</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL13	Education, Lifelong Learning and Culture	To establish procedures relating to heritage assets to be owned or loaned to SCC.	Assistant Director of Lifelong Learning and Culture
CFL14	Education, Lifelong Learning and Culture	To promote Heritage based learning and manage learning events and activities.	Assistant Director of Lifelong Learning and Culture
CFL15	Education, Lifelong Learning and Culture	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.	Assistant Director of Lifelong Learning and Culture
CFL16	Education, Lifelong Learning and Culture	To enter into agreements with partners to enable and ensure that heritage activities are carried out.	Assistant Director of Lifelong Learning and Culture
CFL17	Education, Lifelong Learning and Culture	To manage a Heritage Environment Record for Surrey.	Assistant Director of Lifelong Learning and Culture
CFL18	Education, Lifelong Learning and Culture	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.	Assistant Director of Lifelong Learning and Culture
CFL19	Education, Lifelong Learning and Culture	To produce an annual Adult Learning Plan and submit this to the Learning & Skills Council (LSC).	Assistant Director of Lifelong Learning and Culture
CFL20	Education, Lifelong Learning and Culture	To report to the LSC information required, in particular regarding Individual Learner Records.	Assistant Director of Lifelong Learning and Culture
CFL21	Education, Lifelong Learning and Culture	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	Assistant Director of Lifelong Learning and Culture

**CHILDREN, FAMILIES AND LEARNING**

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL22	Education, Lifelong Learning and Culture	To ensure that service delivery in respect of schools and learning complies with the duties imposed on the Authority by legislation.	Assistant Director for Education
CFL23	Education, Lifelong Learning and Culture	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 Education
CFL24	Education, Lifelong Learning and Culture	To approve applications for free Home to School mainstream transport following initial refusal by the Service Manager for Admissions and Transport, where there are exceptional circumstances or where new evidence is produced.	Assistant Director for Education
CFL25	Education, Lifelong Learning and Culture	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	Director of Education, Lifelong Learning and Culture
CFL26	Education, Lifelong Learning and Culture	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.	Director of Education, Lifelong Learning and Culture

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL27	Education, Lifelong Learning and Culture	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.	Director of Education, Lifelong Learning and Culture
CFL28	Education, Lifelong Learning and Culture	To fix the admission numbers for community and voluntary controlled schools.	Assistant Director for Education
CFL29	Education, Lifelong Learning and Culture	To ensure that school premises conform to the standards prescribed.	Assistant Director for Education
CFL30	Education, Lifelong Learning and Culture	To review and report to the Secretary of State annually on the supply of places.	Assistant Director for Education
CFL31	Education, Lifelong Learning and Culture	To ensure compliance with class size of 30 legislation.	Assistant Director for Education
CFL32	Education, Lifelong Learning and Culture	To publish information as to schools' admission arrangements.	Assistant Director for Education
CFL33	Education, Lifelong Learning and Culture	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.	Assistant Director for Education



<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL34	Education, Lifelong Learning and Culture	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.	Assistant Director for Education
CFL35	Education, Lifelong Learning and Culture	To consult, at least once in every year, as to the proposed admission arrangements for schools.	Assistant Director for Education
CFL36	Education, Lifelong Learning and Culture	To make arrangements for the provision of such free transport as the Authority considers necessary to facilitate the attendance of pupils at schools.	Assistant Director for Education
CFL37	Education, Lifelong Learning and Culture	To require a maintained school to accept a pupil named in a school Attendance Order.	Assistant Director for Education
CFL38	Education, Lifelong Learning and Culture	To direct a maintained school to admit a child who would otherwise be without a place.	Assistant Director for Education
CFL39	Education, Lifelong Learning and Culture	To ensure that appropriate provision is made for pupils who have special educational needs.	Assistant Director for SEND Commissioning
CFL40	Education, Lifelong Learning and Culture	To ensure sufficient childcare places for working parents.	Assistant Director for Commissioning
CFL41	Education, Lifelong Learning and Culture	Duty to keep day care arrangements under review in conjunction with the local authority.	Assistant Director for Education

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL42	Education, Lifelong Learning and Culture	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.	Assistant Director for Vulnerable Learners
CFL43	Education, Lifelong Learning and Culture	To ensure that, subject to qualifications, children with special needs are educated in the most appropriate mainstream or specialist setting.	Assistant Director for Vulnerable Learners
CFL44	Education, Lifelong Learning and Culture	To discharge duties regarding the creation of early education places for 3 and 4 year olds under the relevant statutory plans.	Assistant Director for Commissioning
CFL45	Education, Lifelong Learning and Culture	To support and service the work of the Early Years and Childcare Partnership.	Assistant Director for Education
CFL46	Education, Lifelong Learning and Culture	To ensure that there is effective partnership working to support the provision of early education and childcare.	Assistant Director for Education
CFL47	Education, Lifelong Learning and Culture	To ensure that there is the development of an integrated approach to early education and childcare.	Assistant Director for Education
CFL48	Education, Lifelong Learning and Culture	To keep special education arrangements under review.	Assistant Director for SEND Commissioning

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL49	Education, Lifelong Learning and Culture	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	Assistant Director for Education
CFL50	Education, Lifelong Learning and Culture	To manage youth centres and neighbourhood based youth work  To suspend or permanently exclude young people from centres or work in exceptional circumstances	Assistant Director for Early Help and Hubs
CFL51	Education, Lifelong Learning and Culture	To assist if requested the local authority's investigations of young people who have suffered or may have suffered 'significant harm'	Assistant Director for Commissioning
CFL52	Education, Lifelong Learning and Culture	To deliver the service under the terms of Service Level Agreements with the voluntary sector and with Surrey Connexions.	Assistant Director for Commissioning
CFL53	Education, Lifelong Learning and Culture	To implement and manage the local Duke of Edinburgh Scheme	Assistant Director for Lifelong Learning and Culture
CFL54	Education, Lifelong Learning and Culture	To secure the admission of a pupil excluded from school to a place at another maintained school	Assistant Director for Education
CFL55	Education, Lifelong Learning and Culture	To secure provision of education 'otherwise than at school' where necessary to meet a pupil's need	Assistant Director for Vulnerable Learners

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL56	Education, Lifelong Learning and Culture	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.	Assistant Director for Vulnerable Learners
CFL57	Education, Lifelong Learning and Culture	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.	Assistant Director for Vulnerable Learners
CFL58	Education, Lifelong Learning and Culture	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.	Assistant Director for Vulnerable Learners
CFL59	Education, Lifelong Learning and Culture	Under Section 444A and 444B of the Education Act 1996 and Section 105 of the Education and Inspections Act 2006 to issue penalty notices.	Assistant Director for Vulnerable Learners
CFL60	Education, Lifelong Learning and Culture	Under s223 of the Local Government Act 1972, these officers are authorised to prosecute, defend or appear in legal proceedings on behalf of the authority in relation to sections 443, 444, 446 and 559 of the Education Act 1996, section 36 of the Children Act 1989, section 20 of the	Assistant Director for Vulnerable Learners

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		Anti Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006.	
CFL61	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
CFL62	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
CFL63	Commercial Services	Acquisitions and disposal of equipment.	Premises Manager
CFL64	Education, Lifelong Learning and Culture	The annual consideration of charges for maintained schools for the cost of conversion to academies.	Executive Director for Children, Families and Learning
CFL65	Education, Lifelong Learning and Culture	To offer advice, guidance and support to childcare providers on meeting national standards.	Assistant Director for Education
CFL66	Education, Lifelong Learning and Culture	To manage outdoor education centres.  To suspend or permanently exclude young people from centres in exceptional circumstances	Assistant Director for Lifelong Learning and Culture

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL67	Children's Services	Decisions on outcome of referrals and assessments	Team Manager
CFL68	Children's Services	Responsibility to commence Child and Family Assessment and make recommendations	Social Worker
CFL69	Children's Services	Authorisation to commence Public Law Outline	Assistant Director
CFL70	Children's Services	Agreeing to accommodate a child (S20)	Assistant Director
CFL71	Children's Services	Agreement to discharge a child who is accommodated under Section 20, 1989 Children Act	Assistant Director
CFL72	Children's Services	Decision to apply for an EPO (Emergency Protection Order)	Assistant Director
CFL73	Children's Services	Decision to instigate care proceedings in any court.  Decision to apply for any of the following under the Children Act 1989: Children Assessment Order, Child Safety Order, Section 8 Order.	Assistant Director (in exceptional circumstances, where delay would place the child at risk – delegated to service manager).
CFL74	Children's Services	Signing and quality assurance of applications to court	Service Manager
CFL75	Children's Services	Endorse applications to court	Assistant Director

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL76	Children's Services	Signing of Initial and Final Care Plans to Court	Assistant Director
CFL77	Children's Services	Decision to apply for discharge of care order	Assistant Director
CFL78	Children's Services	Agreement to place with Independent Fostering Arrangements	Assistant Director, Children's Resources
CFL79	Children's Services	Authority to change a child's placement: requiring 'same day' decision	Assistant Director
CFL[80	Children's Services	Authority to postpone a CLA Review beyond statutory time limits	Service Manager, IRO Service
CFL81]	Children's Services	Missing Children from Care: Surrey Residential units notify police, senior managers  All children in care	Registered Manager to inform Service Manager, Residential and Assistant Director, Children's Resources and Quadrant Assistant Director  Escalate as protocol
CFL82	Children's Services	Financial of up to £100 in the Assessment, Family Safeguarding, Looked After and Care Leaver's Teams and Targeted Youth Support	Team Manager
CFL83	Children's Services	Financial of up to £500 in the Assessment, Family Safeguarding, Looked After and Care Leaver's Teams and Targeted Youth Support	Service Manager
<b>Serious Incident/ Need to Know Notification</b>			

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL84	Children's Services	Notify the Assistant Director	Service Manager
CFL85	Children's Services	Notify parent in relation to a serious incident/ death of a child in conjunction with social worker	Assistant Director
CFL86	Children's Services	Notify Director/ Director of Quality Performance	Assistant Director
CFL87	Children's Services	Inform Lead Cabinet Member	Director
CFL88	Children's Services	Notify incidents to National Child Safeguarding Practice Review/ Ofsted	Director of Quality and Performance
CFL89	Children's Services	Notification of incidents to Ofsted in line with Children's Homes regulations	Registered Team Manager
<b>Children Looked After</b>			
CFL90	Children's Services	Agreement to at a distance placement	Executive Director
CFL91	Children's Services	Out of area placement	Director
CFL92	Children's Services	Consent to: Immunisation / vaccination (e.g. meningitis)	Team Manager if not able to be obtained from parent
CFL93	Children's Services	Consent to routine medical treatment	Team Manager if not able to be obtained from parent
CFL94	Children's Services	Consent to emergency treatment including anaesthetic and consent to surgery	Assistant Director if not able to be obtained from parent



<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL95	Children's Services	Consent to contraceptive treatment	Assistant Director if not able to be obtained from parent or child not deemed to be Fraser competent.
CFL96	Children's Services	Consent to marriage of CLA	Director if consent cannot be obtained from parent.
CFL97	Children's Services	Consent to termination of pregnancy and HIV testing of CLA	Assistant Director if not able to be obtained from parent.  In consultation with young person (Fraser competent).
CFL98	Children's Services	Decision for CLA to stay overnight with a friend (see delegated authority policy for carers).	Carer in discussion with Social Worker if necessary
CFL99	Children's Services	Signing a passport application of CLA	Assistant Director (applicant signatory), Social Worker (counter-signatory).  In consultation with young person (Fraser competent).
CFL100	Children's Services	Authorising a trip abroad for CLA	All with Parental Responsibility to be consulted - Service Manager for more than 28 days (seek Foreign Office Advice where appropriate)
CFL101	Children's Services	Authorising request for DBS checks on children's carers	Team Manager
CFL102	Children's Services	Decision to take further action regarding CRB check results	Assistant Director

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL103	Children's Services	Case allocation / closure	Service Manager/ Team Manager
CFL104	Children's Services	Placement with parents	Assistant Director
CFL105	Children's Services	Decision to apply for leave of the court for a child in care to live outside of England and Wales.	Assistant Director
CFL106	Children's Services	Decision to withhold the whereabouts of a child from a person, usually a parent for up to 7 days pending application to court.	Assistant Director
CFL107	Children's Services	Authority to place CLA with regulation 38 carers (family and friends)	Assistant Director
CFL108	Children's Services	Authority to place siblings separately short term	Service Manager
CFL109	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	Service Manager with legal advice
CFL110	Children's Services	Decision to apply for a Recovery Order for a child who is in care, the subject of an EPO, or in police protection	Assistant Director
CFL111	Children's Services	Decision to inform a third party of the identity and concerns about a person who is considered a risk to children	Service Manager with legal advice
CFL112	Children's Services	Consent to tattoos and piercings where the young person is Fraser competent and has	Service Manager

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		been appraised of the risks (note: young people over the age of 16 are able to get their ears pierced without parental consent)	
CFL113	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)	Director Corporate Parenting
<b>Secure Accommodation</b>			
CFL114	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.	Assistant Director
CFL115	Children's Services	Authority to endorse secure application	Director
CFL116	Children's Services	Authority to progress secure application for under 13 year old to Secretary of State	Director
CFL117	Children's Services	To agree children to be placed in secure for up to 72 hours pending a court decision	Assistant Director
<b>Child arrangement order/ special guardianship order</b>			
CFL118	Children's Services	Departmental agreements to fund an application to apply for Child Arrangement Order	Assistant Director

<b>No.</b>	<b>Service Area</b>	<b>FUNCTIONS DELEGATED</b>	<b>TITLE OF POSTHOLDER</b>
CFL119	Children's Services	Departmental agreement to fund an application for a Special Guardianship Order	Assistant Director
CFL120	Children's Services	Departmental approval for Reg 24 Friends and Family Care Placement	Assistant Director Children's Resources in consultation with Service Manager
CFL121	Children's Services	Authorisation of payments for Child Arrangement Order and Special Guardianship Order allowances in excess of the agreed scheme in exceptional circumstances	Assistant Director
<b>Foster Care &amp; Adoption</b>			
CFL122	Children's Services	Adoption Agency Decision Maker	Assistant Director, Children's Resources
CFL123	Children's Services	Fostering Agency Decision Maker	Assistant Director or Nominated Agency Decision Maker
CFL124	Children's Services	Approval or rejection of foster carers with any relevant conditions after recommendations from fostering panels	Delegated to Agency Decision Maker
CFL125	Children's Services	Decisions relating to foster care allowances and financial assistance for foster carers	Director Corporate Parenting with Cabinet approval
CFL126	Children's Services	Appointment of members of adoption panels and fostering panels	Assistant Director, Children's Resources
CFL127	Children's Services	Decision to make a prohibition notice or requirements in respect of private foster carers	Director Corporate Parenting in consultation with Assistant Director, Children's Resources

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CFL128	Children's Services	Approval of prospective adoptive parents and approval that children should be placed for adoption and approvals of placement of a child with an adoptive family following recommendations from adoption panel	Agency decision maker
CFL129	Children's Services	Decisions relating to adoption allowances and to pay legal costs for adopters in adoption cases	Assistant Director, Children's Resources
CFL130	Children's Services	Authorisation of applications under Adoption and Children Act 2002	Assistant Director
<b>Data Protection</b>			
CFL131	Children's Services	Authorisation of restricted access in relation to a Data Protection access to file request	Assistant Director
CFL132	Children's Services	Authorisation to waive public interest immunity in relation to the disclosure of information in a criminal prosecution	Assistant Director
<b>Child Employment</b>			
CFL133	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	Child Employment Team Manager

No.	Service Area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		1996 and in accordance with current local byelaws.	

#### COMMUNITY PARTNERSHIP TEAM

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
CPT1	Community Partnerships Team	To make decisions on approval of Members' Community Allocations in consultation with individual members or the relevant local committee Chairman where it is not possible to obtain the individual Member's views.	Head of Community Partnerships and Engagement Engagement Manager Funding Lead

#### 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	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander Assistant Group Commander (Business Safety) Watch Commander (Business Safety)	To sign and serve any Alterations Notice on behalf of Surrey County Council as the Fire and Rescue Authority

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR1B	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander Assistant Group Commander (Business Safety) Watch Commander (Business Safety)	To withdraw any Alterations Notice served on behalf of Surrey County Council as the Fire and Rescue Authority
FR1C	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander Assistant Group Commander (Business Safety)	To sign and serve any Enforcement Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR1D	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander Assistant Group Commander (Business Safety) Watch Commander (Business Safety)	To withdraw any Enforcement Notice served on behalf of Surrey County Council as the Fire and Rescue Authority

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR1E	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander Assistant Group Commander (Business Safety)	To sign and serve any Prohibition Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR1F	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander Assistant Group Commander (Business Safety)	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	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander (Business Safety)	To sign any Prohibition Notice on behalf of Surrey County Council as the Licensing Authority
FR2B	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer	To withdraw any Prohibition Notice served on behalf of Surrey County Council as the Licensing Authority



No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
		Area Commander Group Commander (Business Safety) Assistant Group Commander (Business Safety) Safety at Sports Grounds Advisor	
FR2C	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander (Business Safety) 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	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander (Business Safety) Assistant Group Commander (Business Safety) 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	

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR3A	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander Assistant Group Commander (Business Safety)	To sign any Improvement Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR3B	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander Assistant Group Commander (Business Safety)	To withdraw any Improvement Notice served on behalf of Surrey County Council as the Fire and Rescue Authority
FR3C	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander Group Commander	To sign any Prohibition Notice on behalf of Surrey County Council as the Fire and Rescue Authority
FR3D	Fire and Rescue	Deputy Chief Fire Officer Assistant Chief Fire Officer Area Commander	To withdraw any Prohibition Notice served on behalf of Surrey County Council as the Fire and Rescue Authority

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
		Group Commander Assistant Group Commander (Business Safety)	
FR4	Fire and Rescue	Head of Fire and Rescue and Chief Fire Officer	In respect of ranks below that of Deputy Chief Fire Officer, to determine arrangement for (1) any disciplinary meetings and appeals in relation to uniformed firefighters and (2) any appeals relating to the Firefighters' Pension Scheme which are not reserved to the People, Performance and Development Committee or Appeals and Representation Panel.
FR5	Fire and Rescue	Chief Fire Officer  Deputy 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.
FR6	Fire and Rescue	Scheme Manager (SFRS)  Chief Fire Officer	To take any decisions necessary (except those covered by FR7 and FR8 or reserved to a committee of the Council) pursuant to the operation of the Firefighters' Pension Scheme 1992 (FPS 1992), New Firefighters Pension Scheme 2006 (NFPS 2006) and Firefighters Pension Scheme 2015 (FPS 2015).

No	Service area	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
FR7	Fire and Rescue	Chief Fire Officer Chief Executive	In consultation with the Executive Director of Resources or their deputy, to approve the medical discharge of a Firefighter under the terms of the FPS 1992, NFPS 2006 and FPS 2015.
FR8	Fire and Rescue	Scheme Manager (SFRS) Chief Fire Officer	In consultation with the Executive Director of Resources or their deputy, to take decisions relating to the exercise of all discretions and matters under the FPS 1992, NFPS 2006 and FPS 2015, including those in the currently published policy of discretions.

## EMERGENCY MANAGEMENT

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI107	Emergency Management	<p>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:</p> <p>Civil Contingencies Act 2004, Regulations 2005,</p> <ul style="list-style-type: none"> <li>• Local Government Act 1972, Section 138</li> <li>• Notification of Installations. Handling Hazardous Substance (NIHHS) Regulations 1982</li> <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>	Head of Emergency Management

No	SERVICE AREA	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		<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.</p> <p>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>	

### 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	<p>Head of Trading Standards</p> <p>Assistant Head of Trading Standards</p> <p>Trading Standards Managers</p>	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, financial penalties, penalty charge notices, penalty notices for licensing and registration, prosecution and civil action

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
TS3	Head of Trading Standards Assistant Head of Trading Standards	To appoint inspectors, enforcement, sampling and other officers as the nominee of the Head of Paid Service
TS4	Head of Trading Standards Assistant Head of Trading Standards  Trading Standards Managers  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 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, the Crown Court 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 Trading Standards Managers	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

## ENVIRONMENT AND INFRASTRUCTURE

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI1	Highways and Transport  Environment	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 Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, Maintenance & Enforcement Bus Service Planning Team Manager Transport Projects Team Manager Street Scene Team Leader
EAI2	Highways and Transport	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 Transport	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 Highway Maintenance Engineer
EAI4	Highways and Transport  Environment	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)

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
			Network & Asset Management Group Manager Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, Maintenance & Enforcement Highways Duty Manager
EAI5	Highways and Transport	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 Transport	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 Transport  Environment	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 Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, Maintenance & Enforcement
EAI8	Highways and Transport  Environment	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 Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, Maintenance & Enforcement Senior Countryside Access Officer, Legal Definition Enforcement Officer Highway Duty Officer

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI9	Highways and Transport  Environment	To exercise all the functions and duties of the County Council under S. 132 of the Highways Act 1980 in relation to the removal of any picture, letter, sign or other mark painted inscribed or affixed upon the surface of a highway or upon any tree or structure, or works on or in a highway.	Head of Highways & Transport Head of Place Development 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 Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, Maintenance & Enforcement Enforcement Officer
EAI10	Highways and Transport	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 Transport	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 Transport  Environment	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 Environment Delivery Group Manager Countryside Access & Operations 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 Transport	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 Transport	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 Transport	To consider Compulsory Purchase Orders affecting the highway and other Orders made by the Secretary of State and, subject to prior consultation with the Director of Law & Governance, 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 Transport	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 Transport Environment	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) Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, Maintenance & Enforcement

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI18	Highways and Transport	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 Transport	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 Transport	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 Transport	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 Transport Environment	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	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 Environment Delivery Group Manager Countryside Access & Operations 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
		subject to informing the Chairman of the Local Committee (local Members also informed).	Streetworks Compliance Team Leader
EAI23	Highways and Transport Environment	<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 &amp; Operations 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><sup>1</sup> Each Borough Councillor on the Joint Committee will be aligned to a County Council Electoral Division for this purpose.</p>	
EAI24	Highways and Transport	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 Transport	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 Transport	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

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI27	Highways and Transport	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
EAI28	Highways and Transport	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 Transport	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 Transport	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 Transport	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 Transport	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)



No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI33	Highways and Transport	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 Asset Planning Team Manager Strategic Network Resilience Manager Transport Infrastructure Manager Infrastructure Schemes Team Manager Highway Duty Officer
EAI34	Highways and Transport  Environment	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 Environment Delivery Group Manager Countryside Access & Operations 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 Transport	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

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI36	Highways and Transport	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
EAI37	Highways and Transport	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 Transport  Environment	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 Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, Legal Definition
EAI39	Highways and Transport	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

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
EAI40	Highways and Transport	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
EAI41	Highways and Transport	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 Transport  Environment	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 Environment Delivery Group Manager Countryside Access & Operations Manager
EAI43	Highways and Transport	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 Transport	<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 Transport	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 Transport	To deliver the concessionary bus fare scheme for older and disabled people as part of the National Concessionary Travel Scheme (ENTCS), in accordance with and subject to relevant provisions of the Transport Act 1985, Transport Act 2000, Concessionary Bus Travel Act 2007 and all associated secondary legislation. This includes formally	Head of Place Development Strategic Transport Group Manager

No	Service area	FUNCTIONS DELEGATED	TITLE OF POSTHOLDER
		publishing the scheme and setting the bus operator reimbursement rate.	
EAI47	Highways and Transport	To exercise the County'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, Planning & Programming Team Leader Flood Risk Management Strategy & Partnerships Team Leader
EAI48	Highways and Transport	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 Transport	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	TITLE OF POSTHOLDER
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 Group Manager Planning Development Manager Planning Development Team Leader

		planning applications for minerals, waste development and County Council development 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 Group Manager Planning Development Manager Planning Development Team Leader
EAI52	Planning Environment	To authorise representation of the Council at Public Inquiries	Planning Group Manager Environment Delivery Group Manager Countryside Access & Operations Manager Strategic Network Resilience Manager
EAI53	Planning	To determine whether county development applications meet the criteria of 'minor'.*	Planning Group Manager Planning Development Manager Planning Development Team Leader
EAI54	Planning	To determine whether minerals and waste applications meet the criteria of 'minor' <sup>2</sup>	Planning Group Manager Planning Development Manager Planning Development Team Leader

<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 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 Group Manager Planning Development Manager Planning Development 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>	Planning Group Manager Planning Development Manager Planning Development Team Leader
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</p>	Planning Group Manager Planning Development Manager Planning Development Team Leader Heritage Conservation Team Manager

		Consent subject to conditions requiring further details to be approved by the County Planning Authority, to determine applications submitted 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 Group Manager Planning Development Manager Planning Development Team Leader Heritage Conservation Team Manager
EAI59	Planning	To respond to consultations by District and adjoining Planning Authorities on Local Plans and Neighbourhood Plans subject to prior consultation with the Cabinet Member for Environment and Transport.	Spatial Planning and Policy Manager
EAI60	Planning	To determine whether any powers in S 324 of the TCPA should be exercised.	Planning Group Manager Planning Development Manager
EAI61	Planning	To authorise any person to enter any land pursuant to Section 196B of the TCPA.	Planning Group Manager Planning Development Manager Planning Development Team Leader Planning Enforcement Team Leader
EAI62	Planning	To determine whether any powers in S196A of the TCPA should be exercised.	Planning Group Manager Planning Development Manager Planning Development Team Leader Planning Enforcement Team Leader
EAI63	Planning	To instruct the Director of Law & Governance 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	Planning Group Manager Planning Development Manager Planning Development Team Leader



		<p>(c) Applications for injunctions under the TCPA Section 187B</p> <p>(d) Prosecutions arising from failure to comply with (a) and (b) above</p> <p>(e) Service of a temporary stop notice under section 171E of the TCPA (as amended)</p>	
EAI64	Planning	<p>Following consultation with the Director of Law &amp; Governance 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.</p>	<p>Planning Group Manager</p> <p>Planning Development Manager</p> <p>Planning Development Team Leader</p>
EAI65	Planning	<p>To negotiate and monitor a scheme of remediation in relation to waste related development where the powers contained in EAI63 above have been exercised.</p>	<p>Planning Group Manager</p> <p>Planning Development Manager</p> <p>Planning Development Team Leader</p>
EAI66	Planning	<p>To instruct the Director of Law &amp; Governance to issue and serve: -</p> <p>(a) Breach of Condition Notices under the TCPA Section 187A</p> <p>(b) To instruct the Director of Law &amp; Governance to undertake prosecutions arising from failure to comply with (a), (c) and (d).</p> <p>To issue and serve:</p> <p>(c) Planning Contravention Notices under the TCPA Section 171C</p> <p>(d) Notices requiring information under the TCPA Section 330</p>	<p>Planning Group Manager</p> <p>Planning Development Manager</p> <p>Planning Development Team Leader</p> <p>Planning Enforcement Team Leader</p>

EAI67	Planning	<p>Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (or where relevant the appropriate predecessor regulations) to:</p> <p>(a) Adopt and issue screening opinions in response to requests made under Regulation 6.</p> <p>(b) Adopt and issue screening opinions under Regulation 8, where a submitted application is not accompanied by an Environmental Statement but falls within the scope of Schedule 2 of the Regulations.</p> <p>(c) Adopt screening opinions under Regulation 37(b) prior to the issue of an enforcement notice.</p> <p>(d) Adopt and issue scoping opinions in response to requests made under Regulation 15, and respond to consultations made under Regulation 15 by the district or borough councils, or by adjoining Planning Authorities.</p> <p>(c) Ascertain the adequacy of any Environmental Statement submitted to the County Council, and where necessary request further information from the applicant under Regulation 25 (or where relevant the appropriate predecessor regulations).</p>	<p>Planning Group Manager          Planning Development Manager          Planning Development Team Leader          Natural Environment &amp; Assessment Team Manager          Strategic Network Resilience Manager          Flood Risk Asset, Planning &amp; Programming Team Leader</p>
EAI68	Planning	<p>Under the Conservation of Habitats &amp; Species Regulations 2017 to make determinations and take actions in accordance with the requirements of:</p> <p>(a) Regulation 63 (assessment of implications for European Sites), Regulation 70 (grant of planning permission), and Regulation 105 (land use plans);</p>	<p>Planning Group Manager          Planning Development Manager          Planning Development Team Leader          Natural Environment &amp; Assessment Team Manager</p>

		(b) Regulation 65 (review of existing consents) and Regulation 71 (planning permission: duty to review); and (c) Regulation 75 (general development orders) and Regulation 77 (general development orders: approval of local planning authority).	
EAI69	Planning	To respond to consultations in respect of Mineral Consultation Areas.	Planning 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 Group Manager Planning Development Manager Planning Development Team Leader Heritage Conservation Team Manager Natural Environment & Assessment Team Manager
EAI71	Planning	To respond to consultations by adjoining Planning Authorities on minerals and waste disposal plans.	Planning Group Manager Minerals and Waste Policy Team Manager Heritage Conservation Team Manager Natural Environment & Assessment 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 Group Manager Planning Development Manager Planning Development Team Leader
EAI73	Planning	a) The making of a Direction under Article 5 of the Town & Country Planning (General Permitted Development) (England) Order 2015 SI 2015 No. 596 (or any re-enactment of that Article)  b) The cancellation or variation of a Direction issued by the Mineral Planning Authority by a subsequent Direction under Article 6 of the	Planning Group Manager Planning Development Manager Planning Development Team Leader

		Town & Country Planning (General Permitted Development ) (England) Order 2015 SI 2015 No. 596 (or any re-enactment of that Article)	
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 Director of Law & Governance to revoke Certificates pursuant to Section 193 of the TCPA.	Planning Group Manager Planning Development Manager Planning Development Team Leader
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 Group Manager Planning Development Manager Planning Development Team Leader Strategic Network Resilience 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 Group Manager Planning Development Manager Planning Development Team Leader Minerals and Waste Policy Team 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 Group Manager Planning Development Manager Planning Development Team Leader
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 Group Manager Planning Development Manager Planning Development 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 Date of Mineral Planning Permissions pursuant to the Environment Act 1995.	Planning Group Manager Planning Development Manager Planning Development Team Leader
EAI80	Planning	To instruct the Director of Law & Governance 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 Group Manager Planning Development 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 Group Manager Planning Development Manager Planning Development Team Leader
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	Planning Group Manager Planning Development Manager Planning Development Team Leader

		(Environmental Impact Assessment) Regulations 2011	
EAI83	Planning	To serve notices under Schedules 13 and 14 of the Environment Act 1995 for the Review of Mineral Planning Permissions.	Planning Group Manager Planning Development Manager Planning Development Team Leader
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 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 Group Manager Minerals and Waste Policy Team Manager
EAI86	Planning  Environment	To serve notices and take any other necessary action under the Highways Act 1980 and the New Roads and Street Works Act 1991.	Planning Group Manager Transport Development Planning Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West Environment Delivery Group Manager Countryside Access & Operations 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	Planning Group Manager Transport Development Planning Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West

		<p>development proposals and to enter into arrangements with developers whereby they make financial contributions towards County Council transportation initiatives and schemes;</p> <p>b) the adoption of new housing estate roads, and other areas of public utility as highways maintainable at the public expense when the work of making up has been satisfactorily completed.</p> <p>(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.</p>	
EAI88	Planning	To grant licences for the construction of buildings over highways in accordance with Section 177 of the Highways Act 1980.	<p>Planning Group Manager</p> <p>Transport Development Planning Manager</p> <p>Transport Development Planning Team Manager East</p> <p>Transport Development Planning Team Manager West</p>
EAI89	Planning Environment	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.	<p>Planning Group Manager</p> <p>Transport Development Planning Manager</p> <p>Transport Development Planning Team Manager East</p> <p>Transport Development Planning Team Manager West</p> <p>Environment Delivery Group Manager</p> <p>Countryside Access &amp; Operations Manager</p>
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.	<p>Planning Group Manager</p> <p>Transport Development Planning Manager</p> <p>Transport Development Planning Team Manager East</p> <p>Transport Development Planning Team Manager West</p>

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 Group Manager Transport Development Planning Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West
EAI92	Planning Environment	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 Group Manager Transport Development Planning Manager Transport Development Planning Team Manager East Transport Development Planning Team Manager West Environment Delivery Group Manager Countryside Access & Operations 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 Group Manager
EAI94	Planning	To determine applications for Ordinary Watercourse Consent under Section 23 of the Land Drainage Act 1991 (as amended)	Planning Group Manager Transport Development Planning Manager Transport Development Planning Team Manager West Transport Development Team Manager East Network & Asset Management Group Manager Strategic Network Resilience Manager Flood Risk Asset, Planning & Programming Team Leader Flood Risk Management Strategy & Partnerships Team Leader Sustainable Drainage & Consenting Team Leader
EAI95	Planning	In relation to EAI91, to instruct the Director of Law & Governance to issue and serve: a) Advisory letters b) Warning letters c) Notices to enforce/prohibit/ carry out works	Planning Group Manager Transport Development Planning Manager  Transport Development Planning Team Manager West Network & Asset Management Group Manager Strategic Network Resilience Manager



		d) To instruct the Director of Law & Governance to undertake prosecutions arising from failure to comply with a), b), and c) above	Flood Risk Asset Management & Programming Team Leader Flood Risk Asset Management Strategy & Partnerships Team Leader Sustainable Drainage & Consenting Team Leader
EAI96	Planning Environment	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.	Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, (Maintenance & Enforcement) Senior Countryside Access Officer, (Legal Definition)
EAI97	Planning Environment	To exercise the powers under Rights of Way Act 1990.	Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer (Maintenance & Enforcement)
EAI98	Planning Environment	To process all Public Rights of Way Orders under the Highways Act 1980, Cycle Tracks Act 1984, Wildlife & Countryside Act 1981 and Countryside and Rights of Way Act 2000 and make and confirm such orders where no objection has been maintained or compensation is payable. To proceed to written representations, hearing or Inquiry where objections are maintained after an Order is made.  Where no significant objection has been received or compensation payable (Policy 2/2006) and after consultation with the Chairman of the relevant local committee, local member and Director of Law & Governance, to process all Public Rights of Way Orders made under the Highways Act 1980, the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2000, which comply with national legislation and	Head of Highways & Transport Head of Place Development  Environment Delivery Group Manager Countryside Access & Operations Manager  Senior Countryside Access Officer (Legal Definition)

		county policy. To proceed to Inquiry where objections are maintained.	
EAI99	Planning Environment	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.	Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer, (Maintenance & Enforcement)
EAI100	Planning Environment	To give the views of the Highway Authority on proposals for the diversion, creation and extinguishment of rights of way.	Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer (Legal Definition)
EAI101	Planning Environment	To authorise the erection of stiles or gates on public paths	Environment Delivery Group Manager Countryside Access & Operations Manager Senior Countryside Access Officer (Maintenance & Enforcement)
EAI102	Planning	To agree the annual Local Aggregates Assessment (LAA) after taking the advice of the South East England Aggregates Working Party (SEEAWP) into account and in consultation with the Cabinet Member for Transport and Environment.	Planning Group Manager 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 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 Group Manager Transport Development Planning 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
EAI108	Waste Management	To carry out actions listed in annual European and Economic Development Action Plans as approved annually by the Cabinet.	Environment & Infrastructure Strategic Director Environment Director Environment Delivery Group Manager
EAI109	Waste Management	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 Director Environment Delivery Manager
EAI110	Waste Management	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 Director Environment Delivery Group Manager Waste Contract Manager

EAI111	Waste Management	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 Director Environment delivery Manager Waste Contract Manager
EAI112	Waste Management	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 Director Environment Delivery Group Manager Waste Contract Manager
EAI113	Waste Management	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 Director Environment Delivery Group Manager Waste Contract Manager
EAI114	Waste Management	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 Director Environment Delivery Group Manager Waste Contract Development Group Manager
EAI115	Highways & Transport	To make decisions on approval of the Members' Local Highway Fund in consultation with individual members or the relevant local committee Chairman where it is not possible to obtain the individual Member's views.	Head of Highways & Transport Local Highway Services Group Manager Area Highways Manager
EAI116	Planning	To respond on behalf of the County Council as a statutory consultee pursuant to Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure ) Regulations 2009, with representations in respect of applications for Development Consent Orders	Executive Director Highways, Transport, Environment Planning Group Manager

		to undertake Nationally Significant Infrastructure Projects under the Planning Act 2008.	
EAI117	Planning	To authorise representation of the Council and to participate in the Development Consent Order Examination process.	Executive Director Highways, Transport, Environment Planning Group Manager
EAI118	Planning	To enter into, and amend if necessary, any Legal Agreements with the promoters of Development Consent Orders in respect of County owned land, works within highway boundaries, public rights of way and any other relevant matters.	Executive Director Highways, Transport, Environment Planning Group Manager
EAI119	Planning	To respond on behalf of the County Council to consultations by the promoters of Development Consent Orders where Surrey is an adjoining authority.	Planning Group Manager Spatial Planning & Policy Manager
EAI120	Planning	Under the Infrastructure Planning (EIA) Regulations 2017 make representations to consultations on the proposed scope and content of Environmental Statements submitted in support of Development Consent Orders.	Planning Group Manager Planning Development Manager
EAI121	Planning	To enter into Planning Performance Agreements with the promoters of Development Consent Orders and applicants for planning permission.	Planning Group Manager Planning Development Manager
EAI122	Planning	To respond on behalf of the County Council as Lead Local Flood Authority as a statutory consultee pursuant to Article 18 Part 4 / Schedule 4 (ze) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, with	Executive Director Highways, Transport and Environment Head of Highways & Transport Strategic Network Resilience Manager Flood Risk Asset, Planning & Programming Team Leader Flood Risk Management Strategy & Partnerships Team Leader Flood Risk & Network Resilience Specialist

		representations on applications for Major Development with surface water drainage.	Senior Flood Risk & Network Resilience Officer
EAI123	Planning	To instruct the Director of Law and Governance to issue and serve: notices under s23 and s25 Land Drainage Act 2010.	Network & Asset Management Group Manager Strategic Network Resilience Manager Flood Risk Asset, Planning & Programming Team Leader Flood Risk Management Strategy & Partnerships Team Leader
EAI124	Highways & Transport	To enter into 'Town Centre Highway Management Agreements' with district/borough councils.	Head of Highways and Transport (in consultation with the Cabinet Member for Highways)
EAI125	Highways & Transport	To exercise the decision making of the Infrastructure Board on the following matters: <ul style="list-style-type: none"> <li>• To give managerial control approval for any infrastructure capital scheme up to £1,000,000 in total value already approved by Cabinet in the MTFP, but still subject to final business case approval</li> <li>• To approve budgets up to £250,000 for new infrastructure capital schemes not specifically approved by Cabinet but which fall within the approved capital programme budget (e.g. schemes within a programme budget)</li> <li>• To agree variations in the agreed budgets for infrastructure capital schemes (no matter how originally approved) of up to 10% of total budget, to a maximum of £250,000</li> </ul>	Head of Highways & Transport  Strategic Finance Business Partner - CTE

EA126	Environment	To authorise applications under the Reservoirs Act, Water Acts and Environmental Permitting Regulations in relation to the exercise of the functions of Navigation Authority in maintaining and managing the Basingstoke Canal.	<p>Environment &amp; Infrastructure Strategic Director</p> <p>Environment Director</p> <p>Environment Delivery Group Manager</p> <p>Strategic Manager Basingstoke Canal</p>
EA 127	Environment	To take action in relation to enforcing the bylaws made by the Council in respect of the Basingstoke Canal.	<p>Environment &amp; Infrastructure Strategic Director</p> <p>Environment Director</p> <p>Environment Delivery Group Manager</p> <p>Strategic Manager Basingstoke Canal</p> <p>BCA Canal Manager</p> <p>BCA Visitor Services Manager</p> <p>BCA Senior Ranger</p>

**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>
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.	<p>Executive Director of Resources</p> <p>Director of Corporate Finance</p> <p>Director of Financial Insights</p> <p>Strategic Finance Business Manager (Corporate Reporting)Orbis Claims Manager (Liability &amp; Litigation Claims)</p>
ORB40	Finance	To determine and put in place appropriate insurance arrangements for the Council.	<p>Director of Financial Insights</p> <p>Director of Corporate Finance</p> <p>Strategic Finance Business Manager (Corporate Reporting)</p> <p>Orbis Insurance Manager (F&amp;P)</p>
ORB52	ITD	To approve, update and issue policies prepared or amended in accordance with the Council's Information Governance Policy.	Executive Director of Resources (Senior Information Risk Officer)
ORB53	ITD	To approve and issue guidance on compliance and best practice related to information management and cybersecurity policies.	Chief Information Officer

ORB54	Procurement	To approve suppliers of goods, services and works to the Council.	Assistant Director Procurement Head of Procurement Strategic Procurement Manager
ORB55	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
ORB56	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
ORB57	Pensions	<p>To exercise discretion in relation to the Local Government Pension Scheme on the following matters in individual cases:</p> <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> <p>This delegation is subject to any limitations imposed and confirmed in writing from time to time by the Executive Director of Resources.</p>	Head of Pensions Administration
ORB60	IT&D	<p>To exercise the decision making of the IT Strategic Capital Group on the following matters:</p> <ul style="list-style-type: none"> <li>• To give managerial control approval for any IT capital scheme up to £1,000,000 in total value already approved by Cabinet in the MTFP, but still subject to final business case approval</li> </ul>	Head of Enterprise & Technology  Strategic Finance Business Partner - Improvement & TPP/Resources

		<ul style="list-style-type: none"><li>• To approve budgets up to £250,000 for new technology capital schemes not specifically approved by Cabinet but which fall within the approved capital programme budget (e.g. schemes within a programme budget)</li><li>• To agree variations in the agreed budgets for technology capital schemes (no matter how originally approved) of up to 10% of total budget, to a maximum of £250,000</li></ul>	
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<b>Section 3, Part 4: Proper Officer Functions</b>
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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.

<b>Any enactment, instrument or local statutory provision passed prior to the Local Government Act 1972</b>	
<b>Purpose</b>	<b>Proper Officer</b>
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council	Director of Law & Governance
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council	Executive Director for Resources

**LOCAL AUTHORITY SOCIAL SERVICES ACT 1970**

<b>Section</b>	<b>Purpose</b>	<b>Proper Officer</b>
6(A1)	Appointment as Director of Adult Social Services	Executive Director for Adult Social Care

**AGRICULTURE ACT 1970**

<b>Section</b>	<b>Purpose</b>	<b>Proper Officer</b>
67(3)	Appointment as Agricultural Analyst	Head of Trading Standards

**LOCAL GOVERNMENT ACT 1972**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
83	Witness and receive declarations of Members' acceptance of office	Director of Law & Governance, Senior Principal and Principal Solicitors/Lawyers

84	Receive written notice of Members' resignation from office.	Chief Executive
88(2)	Convene Council meeting for election to vacant office of Chairman.	Chief Executive
89(1)(B)	Receive notice of casual vacancy from two local government electors.	Chief Executive
100B(2)	Decide on the exclusion of reports and agendas from public inspection.	Governance Lead Manager
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press.	Governance Lead Manager
100C(2)	Produce a written summary of proceedings taken by a committee in private.	Governance Lead Manager
100D(1)(a)	Compile a list of background papers to a committee report.	Executive Director, Director, Assistant Director, Head of Service or other officer in whose name the report is written.

100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based.	Executive Director, Director, Assistant Director, Head of Service or other officer in whose name the report is written
100F(2)	Identify which documents contain exempt information not open to inspection by Members.	Governance Lead Manager
115(2)	Receive from officers any money and property committed to their charge in connection with their office.	Executive Director for Resources
146(1)	Sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the council.	Executive Director for Resources
151	Responsibility for the administration of the Council's financial affairs.	Executive Director for Resources
191(2)	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries.	Head of Highways & Transport
210(6)-(7)	Exercise residual functions relating to charities.	Director of Law & Governance
225(1)	Receive and retain documents deposited with the council.	Chief Executive
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original.	Director of Law & Governance (generally) and the Officers listed in Part 2 of the Scheme of Delegation within their area of responsibility

234(1)	Sign public notices, orders and other documents on behalf of the Council.	The Director of Law & Governance (generally) and the officers listed in Part 2 and Part 3 of the Scheme of Delegation within their area of responsibility
236(10)	Send copy bylaws to district councils.	Director of Law & Governance
238	Certification of copy of by laws.	Director of Law & Governance
Sch.12 Pt1 Para.4(2)(b)	Sign and send to all Members of the Council the summons to attend meetings of the Council.	Chief Executive
Sch.12 Pt1 Para 4(3)	Receive written notice from a Member of the address to which a summons to the meeting is to be sent.	Governance Lead Manager
Schedule 29, Para.4	Undertake duties that 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
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments.	Director of Law & Governance
Sch.29 Pt.II Para.41(3)-(5)	Appoint interim superintendent registrars or interim registrars of births and deaths pursuant to the Registration Service Act 1953. Exercise powers provided by the local scheme of organisation of the Registration Service pursuant to the 1953 Act. Prescription by the Registrar General of duties of proper officers under the Registration and Marriage Acts. In relation to the Registration of Births, Deaths and Marriages, to exercise the functions under the Marriage Act 1949.	Director, Education, Lifelong Learning and Culture

	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.	
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#### **LOCAL GOVERNMENT ACT 1974**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
30(5)	Give public notice of receipt of Local Government Ombudsman's report	Head of Customer Services

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Officer</b>
41	Certifying copy resolutions and minutes of proceedings	Governance Lead Manager

#### **HIGHWAYS ACT 1980**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage.	Head of Highways & Transport and Highways Area Managers
193(3)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Head of Highways & Transport and Highways Area Managers
205(3)-(5)	Undertake duties in relation to private street works.	Head of Highways & Transport and Highways Area Managers



210(2)	Certify amendments to estimated costs and provisional apportionment of costs of street works under the private street works code.	Head of Highways & Transport and Highways Area Managers
211(1), 212(4), 216(2)-(3)	Make a final apportionment of expenses of street works executed under the private street works code.	Head of Highways & Transport and Highways Area Managers
295(1)	Issue a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place.	Head of Highways & Transport and Highways Area Managers
321	Authenticate notices, consents, approvals, orders, demands,	Head of Highways & Transport and Highways Area Managers
Sch.9, Para.4	Sign plans showing proposed prescribed improvement or building lines.	Head of Highways & Transport and Highways Area Managers

### REPRESENTATION OF THE PEOPLE ACT 1983

Section	Purpose of Appointment	Proper Officer
35	Appointment as Returning Officer.	Chief Executive
67(7)(b)	Receive declarations and give public notice of election agents' appointments.	Chief Executive
81 and 89	Appropriate officer for the election of County Councillors.	Chief Executive
82(4)	Receive declarations and give public notice of election agents' or candidates' election expenses.	Chief Executive
131	Providing accommodation for holding election count.	Chief Executive

**WEIGHTS AND MEASURES ACT 1985**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
72(1)	Appointment as Chief Inspector of Weights And Measures	Head of Trading Standards

**LOCAL GOVERNMENT FINANCE ACT 1988**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
114, 115 and 115B	Responsibility for Chief Financial Officer Reports.	Executive Director for Resources
116(1)	Notify the external auditor of a meeting (and decisions made at such a meeting )to consider a report from the Chief Financial Officer (under section 114 and 115 above).	Executive Director of Resources

**LOCAL GOVERNMENT AND HOUSING ACT 1989**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
2(4)	Hold the council's list of politically restricted posts.	Director of HR & OD
3A	In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted.	Chief Executive
4	Designation as Head of Paid Service.	Chief Executive
5(1)	Designation as Monitoring Officer.	Director of Law & Governance
5(7)	Nominated as Deputy Monitoring Officers	Director of Strategic Commissioning. Governance Lead Manager
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Governance Lead Manager

**FOOD SAFETY ACT 1990**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
27(1)	Appointment of Public Analyst	Head of Trading Standards
49(3)	Sign any document authorised or required to be given, made or issued by the Food Authority.	Head of Trading Standards. Assistant Head of Trading Standards, Trading Standards Manager – Regulation, Trading Standards Manager – Protection, Trading Standards Manager – Business.

**THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990**

<b>Regulation</b>	<b>Purpose</b>	<b>Proper Officer</b>
	Notifications to and by the Proper Officer	Governance Lead Manager

**EDUCATION ACT 1996**

<b>Section</b>	<b>Purpose</b>	<b>Proper Officer</b>
532	Appointment as Chief Education Officer	Executive Director, Children, Families, Lifelong Learning and Culture

**CRIME AND DISORDER ACT 1998, SECTION 115  
CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF  
STRATEGY) REGULATIONS 2007/1830**

<b>Regulation</b>	<b>Purpose</b>	<b>Proper Officer</b>
4(3)	Primary Designated Officer for information sharing	Executive Director Community Protection, Transport and Environment

**LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22  
LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS  
AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012**

<b>Regulation</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
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.	Governance Lead Manager
10	Inform 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 make available for public inspection notices relating to this	Governance Lead Manager
12	Produce a written statement of Cabinet decisions made at meetings.	Governance Lead Manager
13	Produce a written statement of decisions made by individual Cabinet Members.	Governance Lead Manager
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public.	Governance Lead Manager
15 and 2	Make available for inspection a list of background papers.	Governance Lead Manager

16(5)	Determine whether certain documents contain exempt information.	Governance Lead Manager
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant.	Governance Lead Manager
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant.	Governance Lead Manager

**LOCAL GOVERNMENT ACT 2000, SECTION 34  
LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS)  
REGULATIONS 2000**

<b>Regulation</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	Member Services Manager

**REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000  
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF  
OFFICES, RANKS AND POSITIONS) ORDER 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.	Executive Director Community Protection, Transport and Environment

**REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2)**  
**THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010**  
**THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010**  
**THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010**

<b>Regulation</b>	<b>Purpose</b>	<b>Proper Officer</b>
	Designated Senior Responsible Officer	Executive Director Community Protection, Transport and Environment

**FREEDOM OF INFORMATION ACT 2000**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Law & Governance

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

<b>Regulation</b>	<b>Purpose</b>	<b>Proper Officer</b>
Sch. 1, Part II, Paras. 5 and 6	Notifications to the Cabinet concerning appointments and dismissals	Director of HR & OD

**CHILDREN ACT 2004**

<b>Section</b>	<b>Purpose</b>	<b>Proper Officer</b>
18	Appointment as Director in Children's Services	Executive Director Children, Families, Culture and Lifelong Learning

<b>Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (DfE Guidance, March 2010)</b>		
	<b>Purpose</b>	<b>Proper Officer</b>
-	Local Authority Designated Officer (LADO)	Director of Quality and Performance

<b>Department of Health – Health Service Circular: LAC (2002) 2</b>		
	<b>Purpose</b>	<b>Proper Officer</b>
-	Designated as Caldicott Guardian	Head of Resources and Caldicott Guardian (ASC) Assistant Director Quality Relationships (CSF)

**MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005 AS AMENDED**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
	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.	Assistant Director, Lifelong Learning and Culture.

**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 Law & Governance

33(1)	Receiving applications for dispensations	Director of Law & Governance
33(2)	Grant dispensations to Members pursuant to paragraph 8 of the Code of Conduct to speak only or to speak and vote where:  (i) so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business; or  (ii) without a dispensation, no member of the executive would be able to participate on a particular item of business	Director of Law & Governance
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Governance Lead Manager

### LOCAL GOVERNMENT ACT 2003

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

### THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Purpose	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to executive decisions	Governance Lead Manager

### NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012

Regulation	Purpose	Proper Officer
22(4)	Designated as Responsible Person for ensuring compliance with the regulations	Chief Executive



22(5)	Designated as Complaints Manager for managing the procedures for handling complaints	Director of Public Health
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**DATA PROTECTION ACT 2018**

<b>Section</b>	<b>Purpose of Appointment</b>	<b>Proper Officer</b>
69, 70 and 71	To be the Council's designated Data Protection Officer and discharge the functions associated with the Data Protection Act 2018.	Data Protection Officer

- (i) In the event of the Chief Executive not being available to deal with matters for which they have been designated the proper officer, another Executive Director may be authorised by them to act as proper officer in their absence.
- (ii) In the event of any other designated officer being unable to fulfill their duties as proper officer, their deputy be authorised to undertake such duties instead.
- (iii) Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.



# **CONSTITUTION OF THE COUNCIL**

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

### STANDING ORDERS

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# STANDING ORDERS

## INTRODUCTION

1. This edition of Standing Orders, as revised, was adopted by the County Council at its meeting held on 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.

**“Deputy Cabinet Member”** shall be taken to mean a Deputy Cabinet Member 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 7 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 Woodhatch Place, Reigate, Surrey 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:
  - (i) adjourn or suspend the sitting of the Council for as long as he/she considers appropriate, or
  - (ii) order his/her removal from the Council chamber

## **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

Governance 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 Deputy Cabinet Member 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 Governance 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 Governance 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 Deputy Cabinet Member 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 Deputy Cabinet Member 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 Governance 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 Governance 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 Governance 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.

## **SUSPENSION OF STANDING ORDERS**

27.4 It is open to the County Council to suspend Standing Orders applying to meetings of the Council in whole or in part wherever that will assist it in carrying out its business in new and different forms. Suspension will only be for the duration of the meeting.

27.5 Any Standing Order may be suspended at any meeting upon:

- a) a recommendation by the Cabinet or a committee/board, or the Chief Executive; or
- b) a motion, notice of which has been given in writing by a Member
- c) to the Chief Executive by 12 noon on the working day before the
- d) meeting of the Council; or
- e) a motion seconded at the meeting and supported by ten Members who indicate their support by standing; or
- f) a direction by the Chairman as appropriate,

Subject to being agreed by a vote at the meeting.

### **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
Corporate Overview Select Committee	10	2	-	12
Environment Select Committee	10	2	-	12
Adults and Lifelong Learning Select Committee	10	2	-	12
Children and Education Select Committee	10	2	4	16
Health Integration and Commissioning Select Committee	10	2	3	15
Highways and Growth Select Committee	10	2	-	12

Audit and Governance Committee	6	4	1	11
Planning & Regulatory Committee	11	4	-	15
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
Runnymede Joint Committee	6	-	6	12
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
Buckinghamshire 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 Audit and Governance Committee, 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, and Buckinghamshire 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 Deputy Cabinet Members 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, and Buckinghamshire 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; 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 Governance 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 and the Local 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, and one Surrey Opposition Forum, one Residents' Association & Independent 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 46.1 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 £1m 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 Standing Order 65 (general exception) and Standing Order 66 (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 44 (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 53 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 Governance 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 or order his or her removal from the meeting room.

### **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 two 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**

*For the role of People, Performance and Development Committee in appointing senior officers, please refer to the Committee's Terms of Reference in the Scheme of Delegation and the Officer Employment Procedure Rules in Article 11 of this Constitution.*

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 148 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 dismisser that neither he/she nor any other member of the Cabinet has any objection to the dismissal;
  - (ii) the proper officer has notified the dismisser that no objection was received by him within that period from the Leader; or
  - (iii) the dismisser is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
- 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 in a secure place at County Hall.
157. All documents which require to be sealed by the Council shall be witnessed by the Head of Legal 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 Head of Legal (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 2019



SURREY

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# COMMITMENT TO GOOD GOVERNANCE

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 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.

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.

# 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 Organisation Strategy and Governance Strategy.

We will focus on our purpose to optimise the achievement of intended outcomes for Surrey and its local communities.

We will meet this by:

- Making the best use of our resources available to ensure best value is achieved; and
- Promoting decision making that is rigorous and transparent.

Members and officers will behave with integrity and demonstrate a strong commitment to ethical values.

We will meet this by:

- Demonstrating and communicating our values; and
- Understanding, monitoring and maintaining our ethical standards.

We will ensure openness and effectively engage with our stakeholders.

We will meet this by:

- Demonstrating, documenting and communicating our commitment to openness; and
- Engaging with residents, partners, businesses and other stakeholders in the development of services.

We will develop the capacity and capability of members and officers to continue to be effective.

We will meet this by:

- Clarifying roles and responsibilities; and
- Ensuring members and officers have the appropriate skills, knowledge, resources and support to perform well in their roles.

We will manage risks and performance through robust internal control and strong public financial management.

We will meet this by:

- Ensuring integrated and effective risk management arrangements are in place; and
- Monitoring service delivery.

We will implement good practice in transparency and reporting to deliver effective accountability.

We will meet this by:

- Reporting to stakeholders in an understandable way; and
- Having good quality information that is easy to access.

## 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 our Organisation 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 Executive Directors, aside from statutory functions that fall within the personal responsibility of the Section 151 Officer or the Monitoring Officer.

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. The method of annual review is agreed by the Governance Group, who ensures that the Council has a robust method of scrutiny and appraisal of Governance. The group advises Corporate Leadership Team (CLT), 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 Governance Group terms of reference are shown at Annex D.

The annual review of governance may consist of:

### **CUSTODIAN ASSURANCE**

Custodian Assurance Statements completed by Governance Custodians provide an overview of key changes to governance documents and any communications and training activities that have taken place. Recommendations are made, as appropriate, to the Governance Group on any specific areas to be reviewed by Internal Audit as part of the governance compliance work.

### **GOVERNANCE COMPLIANCE**

A number of methods are used by Internal Audit to test governance compliance on identified areas as appropriate:

- Relevant audit reviews already undertaken or in progress;
- Compliance testing on specific governance policies; and
- Assurance mapping.

Key findings from Internal Audit testing is presented to the Governance Group and any significant areas will be included in the AGS.

## **REPORT ON INTERNAL CONTROL**

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 Group and any significant areas will be included in the AGS.

## **ASSESSMENT OF THE CORE GOVERNANCE PRINCIPLES**

An annual assessment of the core governance principles is carried out and consists of:

- reviewing existing procedures,
- assessing existing governance arrangements against best practice,
- interviews with key officers; and
- reviewing any assurance mapping undertaken by Internal Audit.

A summary report is then presented to the Governance Group and any significant findings will be included in the AGS.

## **ADDITIONAL GOVERNANCE INFORMATION**

The Governance Group reviews 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.

## **AGS**

The draft AGS is developed by the Governance Group and reviewed by the Corporate Leadership Team before the AGS is presented to the Audit and Governance Committee and the Cabinet for approval. The AGS is then signed by the Chief Executive and the Leader of the Council and incorporated into the Statement of Accounts.

The Governance Group 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>• Approves the AGS for publication with the Statement of Accounts</li> <li>• Monitors any governance improvements required</li> </ul>
Audit & Governance Committee	<ul style="list-style-type: none"> <li>• Reviews the draft AGS and advise the Cabinet as appropriate</li> <li>• Monitors the effectiveness of governance arrangements</li> <li>• Monitors compliance with the Code of Corporate Governance</li> <li>• Approves relevant governance policies</li> </ul>
Corporate Leadership Team	<ul style="list-style-type: none"> <li>• Commissions remedial action to address issues as appropriate</li> <li>• Reviews related reports en route to the Cabinet e.g. AGS</li> </ul>
Governance Group	<ul style="list-style-type: none"> <li>• Refer to the Terms of Reference – <b>Annex D</b></li> </ul>
Executive Directors and Assistant Directors	<ul style="list-style-type: none"> <li>• Appoint Governance Custodians</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>• Coordinates the corporate governance review</li> <li>• Carries out the annual assessment of core principles</li> <li>• Annually reviews the Code of Corporate Governance</li> </ul>
Internal Audit Team	<ul style="list-style-type: none"> <li>• Conducts governance compliance testing as necessary</li> <li>• Provides 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, Governance Manager, Finance

# 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)	A submission from each Governance Custodian providing assurance that each policy is up to date and detailing any key updates that have been undertaken.
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 Group	Reviews governance information and develops the AGS. It advises Corporate Leadership Team, 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 Law and Governance)	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 (Executive Director of Resources)	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.
Corporate Leadership Team	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>													
Organisation Strategy, including Community Vision for Surrey in 2030 Equality, Inclusion, Fairness and Respect	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 Procurement and Contract Standing Orders Scheme of Delegation Standing Orders	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Behaviours Framework</td> <td>Disciplinary</td> </tr> <tr> <td>Capability</td> <td>Grievance Resolution</td> </tr> <tr> <td>Change Management</td> <td>Member/Officer Protocol</td> </tr> <tr> <td>Codes of Conduct (officers and Members)</td> <td>Safer Employment</td> </tr> <tr> <td colspan="2">Ending Harassment, Bullying, Discrimination and Victimisation</td> </tr> <tr> <td colspan="2">Arrangements for dealing with complaints about Members</td> </tr> </table>		Behaviours Framework	Disciplinary	Capability	Grievance Resolution	Change Management	Member/Officer Protocol	Codes of Conduct (officers and Members)	Safer Employment	Ending Harassment, Bullying, Discrimination and Victimisation		Arrangements for dealing with complaints about Members	
Behaviours Framework	Disciplinary													
Capability	Grievance Resolution													
Change Management	Member/Officer Protocol													
Codes of Conduct (officers and Members)	Safer Employment													
Ending Harassment, Bullying, Discrimination and Victimisation														
Arrangements for dealing with complaints about Members														
<b>PARTNERSHIPS</b> <b>Having clear relationships</b>	<b>STEWARDSHIP</b> <b>Ensuring effective risk and performance management systems</b>													
Various arrangements exist for partnerships, including: <ul style="list-style-type: none"> <li>• Memorandums of Understanding</li> <li>• Joint Working Arrangements</li> </ul> Surrey Compact Surrey Heartlands devolution	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Data Governance</td> <td>Resilience policy</td> </tr> <tr> <td>Financial Regulations</td> <td>Risk Management Strategy</td> </tr> <tr> <td>Health and Safety policy</td> <td>Counter Fraud Strategy</td> </tr> <tr> <td>IT Security policy</td> <td>Whistleblowing policy</td> </tr> <tr> <td>Premises Security policy</td> <td></td> </tr> <tr> <td colspan="2">Regulation of Investigatory Powers Act (RIPA)</td> </tr> </table>		Data Governance	Resilience policy	Financial Regulations	Risk Management Strategy	Health and Safety policy	Counter Fraud Strategy	IT Security policy	Whistleblowing policy	Premises Security policy		Regulation of Investigatory Powers Act (RIPA)	
Data Governance	Resilience policy													
Financial Regulations	Risk Management Strategy													
Health and Safety policy	Counter Fraud Strategy													
IT Security policy	Whistleblowing policy													
Premises Security policy														
Regulation of Investigatory Powers Act (RIPA)														



# GOVERNANCE DOCUMENT CUSTODIANS

## Annex B

Document	Custodian
Arrangements for dealing with complaints about Members	Director of Law and Governance
Cabinet Forward Plan	Senior Manager Governance
Capability	Head of HR and OD
Change Management	Head of HR and OD
Code of Conduct for Members	Director of Law and Governance
Code of Conduct for Staff	Head of HR and OD
Counter Fraud Strategy	Audit Manager – Counter Fraud
Customer Promise	Customer Services Group Manager
Data Governance policy	Corporate Information Governance Manager
Disciplinary	Head of HR and OD
Equality, Inclusion, Fairness and Respect strategy	Head of HR and OD
Ending harassment, bullying, discrimination and victimisation	Manager – Wellbeing and Inclusion
Financial Regulations	Director of Corporate Finance
Grievance Resolution	Head of HR and OD
Health and Safety policy	Executive Director of CTE
IT Security policy	Chief Information Officer
Member / Officer Protocol	Director of Law and Governance
Organisation Strategy	Director of Intelligence, Analytics and Insight
People Strategy	Director of HR and OD
Performance Conversations Framework	Director of HR and OD
Premises Security policy	Deputy Chief Property Officer
Procurement and Contract Standing Orders	Director of Procurement
Regulation of Investigatory Powers Act (RIPA)	Head of Trading Standards
Resilience Policy	Head of Emergency Management
Risk Management Strategy	Service Improvement and Risk Manager
Safer Employment	Head of HR and OD
Scheme of Delegation	Director of Law and Governance
Standing Orders	Cabinet Business 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>
Customer Promise	Cabinet Forward Plan
Equality, inclusion, fairness and respect strategy	
Financial Regulations	
Organisation Strategy	<b>County Council</b>
Procurement and Contract Standing Orders	Arrangements for dealing with complaints about Members
Regulation of Investigatory Powers Act (RIPA)	Code of Conduct – Members
	Member / Officer protocol
	Scheme of Delegation
	Standing Orders

<b>People, Performance and Development Committee</b>	<b>Audit and Governance Committee</b>
Capability	Risk management strategy
Change Management	Counter Fraud Strategy
Code of Conduct – Staff	
Disciplinary	
Ending harassment, bullying, discrimination and victimisation	
Grievance Resolution	
HR&OD	
People Strategy	
Performance Conversations Framework	
Safer Employment	
Whistle blowing policy	

### Officer approval

Data governance policy	Information Governance Risk Board
Health and Safety policy	Central Joint Safety Committee
IT Security policy	Chief Information Officer
Premises Security policy	Chief Property Officer
Resilience policy	Head of Emergency Management



## Scope

The Governance Group (the group) ensures that the Council has a robust method of scrutiny and appraisal of Governance. The group advises Corporate Leadership Team (CLT), 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 group reviews reports from Internal Audit, Risk & Governance, External Audit and other relevant documents.

## The Role of the Governance Group

The Governance Group 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 CLT and A&GC.

## Membership

The following officers form the Governance Group:

Chair	-	Monitoring Officer
Standing members	-	Senior representatives from Finance, HR & OD, Internal Audit and Strategy & Performance
	-	Governance Manager
Advisors	-	Governance custodians
	-	Representatives from Internal Audit

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## **FINANCIAL REGULATIONS**

**FEBRUARY 2020**

<b>Financial Regulation (FR)</b>	<b>Description</b>
	Introduction
<b>FR1</b>	Scope of Financial Regulations
<b>FR2</b>	Roles and Responsibilities
<b>FR3</b>	Information Affecting the Council's Finances
<b>FR4</b>	Preparation of Financial Plans
<b>FR5</b>	Authority to incur Revenue Expenditure
<b>FR6</b>	Financial Monitoring
<b>FR7</b>	Virement
<b>FR8</b>	Fees and Charges
<b>FR9</b>	Carry Forward of Unspent Budgets
<b>FR10</b>	Reserves
<b>FR11</b>	Authority to incur Capital Expenditure
<b>FR12</b>	Monitoring the Capital Programme
<b>FR13</b>	Financial Accounts
<b>FR14</b>	Duty to carry out Audit
<b>FR15</b>	Financial Irregularities
<b>FR16</b>	Ordering Procedures
<b>FR17</b>	Consultants and Contractors
<b>FR18</b>	Contracting Arrangements
<b>FR19</b>	Payment of Salaries and Wages
<b>FR20</b>	Income Collection and Banking Arrangements
<b>FR21</b>	Adult Social Care Assessed Fees & Charges Debt Management and Bad Debt Write Off
<b>FR22</b>	Debt Management And Bad Debt Write Offs Not Relating To Adult Social Care Assessed Fees & Charges
<b>FR23</b>	Assets
<b>FR24</b>	Stocks and Stores
<b>FR25</b>	Estates
<b>FR26</b>	Risk Management and Insurance
<b>FR27</b>	Treasury Management and Pension Fund

## Introduction

Financial Regulations provide a framework within which all staff can carry out their responsibilities in an open and consistent manner. They outline the financial responsibilities of all officers and members of the Council, and have been designed to promote and maintain the high standards expected of the public sector in dealing with financial and other resources financed from taxation by:

- placing clear accountability with officers appointed to manage resources; and
- establishing key principles and processes which they should follow, supported by detailed operating arrangements approved by the Section 151 Officer.

Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Finance Officer (**Section 151 Officer**) to have responsibility for those arrangements. The Executive Director of Resources is the Section 151 Officer for Surrey County Council.

Whilst responsibility for the administration of the Council's financial affairs lies with the Section 151 Officer, all individuals engaged in Council activities are responsible for ensuring that their actions comply with Financial Regulations.

**Cabinet Members** and **Executive Directors** hold a dual role to ensure that strategic policies and priorities are delivered within resources and meet all fiduciary responsibilities, recommendations to Council are deliverable and that they support Budget Managers to spend within the Budget Envelopes.

The **Accountable Budget Officer (ABO)** (Executive Directors, Service and Assistant Directors, Heads of Service and other officers deemed to be Senior Officers) has overall accountability for a group of budgets. The ABO is ultimately accountable for ensuring effective planning and management of their budgets to deliver their service priorities within the agreed budget envelope. The ABO signs an annual Budget Accountability Statement.

A **Budget Manager** has day to day responsibility for the management of the budget of one or a group of services or projects under the oversight of an ABO. Their key responsibility is to make best use of financial resources through good planning and management, taking corrective action where required.

All officers with responsibility for undertaking financial duties are required to comply with these regulations. The Section 151 Officer is, in turn, accountable to Council. The Financial Regulations and supporting documents are reviewed annually, and will be developed further in line with the cultural changes and transformation plans the Council is currently working towards.

Locally managed schools have their own financial governance and regulations, which are set out in the Surrey Scheme of Financing Schools and the Schools' Finance Manual.

The Financial Regulations should be read in conjunction with the Council's:

- Strategy against Fraud and Corruption;
- Business Continuity Guide;
- Anti-Money Laundering Policy;
- Systems Control Policy;
- Whistle blowing Policy; and
- Procurement Standing Orders.



## **FINANCIAL REGULATION 1 - SCOPE OF FINANCIAL REGULATIONS**

**FR1.1** The Financial Regulations are binding on all Council members and officers, including contractors, agency staff, and anyone acting on behalf of the Council, including elected members.

**FR1.2** Financial Regulations are part of the Council's Constitution. The relevant parts of the Constitution are Article 12 (Finance, Contracts and Legal matters), Part 3 (Responsibility of Function and Scheme of Delegation), and Part 4 (Standing Orders – Budget & Policy Framework). Financial Regulations may only be amended by Full Council.

## **FINANCIAL REGULATION 2 - ROLES AND RESPONSIBILITIES**

### **Council**

**FR2.1** Council members, acting as the Full Council, are responsible for approving the Council's overall policy framework and the budget within which the Council operates, setting the Prudential Indicators for treasury management; limits on virements between budgets, and the Capital, Investment and Treasury Management Strategies.

### **Cabinet**

**FR2.2** The Cabinet is responsible for proposing the policy framework and budget to the Full Council and for the discharge of executive functions in accordance with it. Decisions can be delegated to individual cabinet members or officers in line with the Scheme of Delegation.

### **Section 151 Officer (Executive Director of Finance)**

**FR2.3** The Section 151 Officer's role and responsibilities are set out in statute and are governed by (but not restricted to):

- 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; and
- Accounts and Audit Regulations 2015.

**FR2.4** All financial procedures and records shall be subject to his / her approval. Under The Accounts and Audit Regulations, the Section 151 Officer is responsible for the financial management of the Council, sound systems of internal control, risk management, and at least once in a year, a review of the effectiveness of the system of internal control.

**FR2.5** The Section 151 Officer is responsible for the day to day management of the Council's financial affairs. He / she shall provide information and assistance to all officers to help them carry out their responsibilities for effecting the sound financial management of their services.

**FR2.6** The Section 151 Officer shall report to members on the overall budget performance and recommend corrective action as and when required. He / she shall ensure, as far as practicable, Financial Regulations and supporting policies protect the Council against any unlawful financial transactions or actions.

**FR2.7** The Section 151 Officer must be given access to any necessary information to comply with his / her statutory duties.

**FR2.8** The Section 151 Officer will ensure that procedures are documented and made available to users for those financial systems identified as business critical.

**FR2.9** The Section 151 Officer shall, after consultation with the Chief Executive, report any non-compliance with these Regulations which he / she considers substantial. The report shall be made initially to the Leader and, following that, to the relevant Committee depending on the circumstances.

**FR2.10** The Section 151 Officer can nominate a Deputy Section 151 Officer or Officers that have the same role and responsibilities in the absence of the Section 151 Officer.

**Senior Officers (Chief Executive, Executive Directors, Service and Associate Directors, Head of Service, other designated officers)**

**FR2.11** Senior Officers have individual and collective responsibility to ensure that the fundamental principles as established by the Cadbury Report on “the financial aspects of corporate governance”, namely openness, integrity and accountability, are established through compliance with Financial Regulations.

**FR2.12** Senior Officers may delegate day to day management to a Budget Manager in his / her directorate or service, provided that a list of officers so authorised shall be supplied to the Section 151 Officer. Although day to day management of a budget may be delegated, responsibility and accountability remains firmly with Senior Officers. Effective management of resources is a fundamental requirement of managers and failure to manage budgets will be investigated under the disciplinary procedure. Persistent or significant failure could constitute gross misconduct.

**FR2.13** Senior Officers shall propose annual revenue and capital budgets for each service within the budget guidelines agreed by the Cabinet.

**Budget Managers**

**FR2.14** Budget Managers should make all relevant staff aware of these regulations (and associated documents) and highlight the relevance and compliance of the regulations to team members.

**FR2.15** Budget Managers are accountable for their budget areas and to make arrangements for managing income and expenditure and ensure value for money in service delivery. Budget Managers are responsible for taking action to recover and to report on any

budgetary variances, and for reporting to Senior Officers if there is a possibility that budgets may be overspent. Effective management of resources is a fundamental requirement of Budget Managers and failure to manage the budget properly will be investigated under the Council's disciplinary procedure.

**FR2.16** Budget managers are responsible for the budget narrative that informs the monthly reports to Departmental Leadership Teams (DLT), Corporate Leadership Team (CLT) and to members. Finance officers are available to support this process.

**FR2.17** Senior Officers and Budget Managers are responsible for ensuring that all staff, contractors, agency workers in their directorates, anyone acting on behalf of the Council and elected members are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that there is adequate availability of and access to the current version of Financial Regulations.

### **FINANCIAL REGULATION 3 - INFORMATION AFFECTING THE COUNCIL'S FINANCES**

**FR3.1** Where a matter arises in any Directorate which could materially affect the Council's finances, other than a matter already approved, Senior Officers shall consult the Section 151 Officer before any provisional expenditure is incurred or any commitment given.

**FR3.2** All Cabinet reports shall contain a section dealing with the financial implications of the matter(s) covered by the report and shall be submitted to the Section 151 Officer, who shall satisfy himself / herself that the financial information is comprehensive and accurate before the report is finalised and published.

### **FINANCIAL REGULATION 4 - PREPARATION OF FINANCIAL PLANS**

**FR4.1** The Section 151 Officer, in consultation with the Chief Executive, shall advise Cabinet each year on the timescales and procedures to be adopted for the formulation of all Financial Plans including the Medium Term Financial Strategy, Annual Revenue Budget, Capital Strategy, Investment Strategy, Capital Programme and Treasury Management Strategy. Cabinet shall agree a timetable which will include stages for consultation with Resources and Performance and appropriate Select Committees and other appropriate stakeholders. Members will be actively involved in scrutiny of budget proposals ahead of submission to Cabinet and Council, and subsequently in the monitoring of progress.

**FR4.2** Senior Officers shall adhere to the agreed timescales and procedures in providing the information required to enable the preparation of Service Development and Financial Plans.

**FR4.3** In accordance with the agreed timescales, the Section 151 Officer shall submit a report to Cabinet, taking account of the views of appropriate committees, with the information required to enable Cabinet to recommend a Capital Strategy and Programme, Revenue Budget and Council Tax for the following financial year to Council. The report will comment on the robustness of the budget proposals submitted for approval in compliance with the requirements of Section 25 of the Local Government Act 2003.

**FR4.4** The responsibilities of Senior Officers are set out in the Budget Accountability Statement (BAS). Any additional expenditure not already included in the existing Revenue Budget must be found from corresponding savings in other areas. Under no circumstances can additional expenditure be incurred without the express approval of the Section 151 Officer.

**FR4.5** Senior Officers, in consultation with the Section 151 Officer, shall make appropriate arrangements for the effective identification, progression and management of external funding and partnership opportunities applicable to their service area. All possible partners shall be identified and considered for inclusion in a scheme, as appropriate.

**FR4.6** All bids for external grants shall be made in consultation with the Section 151 Officer before any grant application is submitted. Proper allowance must be made for work which will have to be undertaken by all other services / directorates to implement the scheme, and all costs which have to be met by the Council. Some applications may require member approval, as set out in the Constitution, particularly where the Council is entering into contractual arrangements or providing funding for the project.

**FR4.7** All proposals for externally funded schemes shall be made in consultation with the Section 151 Officer before a bid is submitted.

**FR4.8** All officers engaged in the progression of such schemes shall adhere to these Financial Regulations, the Council's Procurement Rules and any other directions or instructions given by the Council. Where the Council has been defined by the funder as the Accountable Body for a scheme, Financial Regulations applies equally to the staff of any partnering organisations in respect of the scheme.

**FR4.9** Where a third party works in partnership with the Council in delivering an externally funded project, officers must ensure that a third-party agreement is in place which reflects the terms and conditions of the funding agreement between the Council and the external funder. The responsible officer shall ensure that the third-party complies with the third-party agreement in order to safeguard the Council's position regarding compliance with its agreement with the funder. For all significant arrangements, the advice of the Monitoring Officer should be taken on the form and content of any agreement.

**FR4.10** Further guidance on preparation of financial plans timescales and procedures, submission and monitoring of capital schemes, roles and responsibilities, and funding proposals and process can be sought from the appropriate Strategic Finance Business Partner.

## **FINANCIAL REGULATION 5 - AUTHORITY TO INCUR REVENUE EXPENDITURE**

**FR5.1** Budget Managers are authorised to incur expenditure up to the amounts included in their approved budget.

**FR5.2** The Section 151 Officer shall update budgets to reflect approved variations agreed by Cabinet. In addition, he / she shall approve amendments and update the Revenue Budget in accordance with Financial Regulation 6.

**FR5.3** Overspending against the approved budget is not permitted. However, a situation may arise which requires expenditure to be incurred as a matter of such urgency that there must be no delay. If there is no, or insufficient, budget provision available, the Budget Manager should, in consultation with the relevant Senior Officer and Section 151 Officer obtain the necessary goods, and / or works, and / or services. The additional expenditure shall be met by virement in accordance with Financial Regulation 7.

**FR5.4** The Section 151 Officer or deputies approve any non-redundancy related settlement claims over £50,000; otherwise the relevant Strategic Finance Business Partner. Initially, if the People and Finance Business Partners have a case over £50,000, they should forward it to at least either of the Section 151 Officer or deputies. The approval of redundancy claims over £50,000 including pension strain is subject to the decision of the Section 151 Officer or deputies, HR Director and relevant Head of Service otherwise relevant Strategic Finance Business Partner, relevant people Business partner and Head of Service area.

## **FINANCIAL REGULATION 6 - FINANCIAL MONITORING**

**FR6.1** Senior Officers shall comply with the outlined roles and responsibilities and the Budget Accountability Statement (BAS). Individual budgets may be delegated to Budget Managers / Budget Holders within the directorate, however, Senior Officers maintain overall responsibility and are accountable for managing the budgets in compliance with the Budget Accountability Statement.

**FR6.2** Senior Officers are responsible for delivering services within the allocated budget. It is not acceptable to overspend, and mis-management of the budget may lead to disciplinary action.

**FR6.3** Senior Officers and Budget Managers are responsible for delivering the savings identified within their assigned budgets.

**FR6.4** Budget Managers shall provide accurate forecast returns in accordance with the budget monitoring timetable. Any overspends against a single budget line must be met by a saving elsewhere within the budget. If an overall unavoidable overspend is likely to occur, the Budget Manager must notify the appropriate Senior Officer and Strategic Finance Business Partner, and provide a detailed explanation of why the overspend is truly unavoidable. Any underspends should also be reported early, as these may be required to offset unavoidable pressures elsewhere.

**FR6.5** The monthly forecast returns should provide:

- coherent and detailed explanations which support the reported figures activity levels for budget variances;
- highlight potential budget problems
- progress on management actions; and
- outline the impact on future budgets.

**FR6.6** On behalf of Senior Officers, Strategic Finance Business Partners will present monthly monitoring reports to DLTs. The Section 151 Officer will present consolidated monthly monitoring report to CLT.

**FR6.7** Using a risk based methodology, regular financial monitoring reports shall also be prepared and submitted, in the agreed format, as follows:

- Monthly monitoring information to Cabinet; and
- Quarterly monitoring information to the appropriate Select Committees.

## **FINANCIAL REGULATION 7 - VIREMENT OF REVENUE BUDGETS**

**FR7.1** Budget approval gives Budget Managers the right to incur expenditure on behalf of the Council. Budget Managers may vire between their budget headings within the constraints outlined in the Financial Regulations, in consultation with the appropriate Strategic Finance Business Partners. Virements should not be used to adjust for under / overspends on various headings but only where a definite decision has been taken to change approved spending plans.

**FR7.2** Revenue virement resulting from a change in policy or priorities (either within the same portfolio or between portfolios) will be subject to the following approval:

Amount	Minimum approval required
Up to and including £1m	Executive Director (following consultation with deputy S151 Officer(s))
In excess of £1m, but no more than £2m	Executive Director (following consultation with s151 Finance Officer and relevant Cabinet member(s))
More than £2m	Cabinet (following consultation with relevant Cabinet member, Executive Director and S151 Officer (if not already involved))

**FR7.3** Exceptions to the virement rules are as follows:

- Member approval is not required where a budget will continue to be used for the approved purpose but is being moved, for example, to reflect a change in budget holder responsibilities. Such transfers will however require the approval of the either the Director of Financial Insights or Director of Corporate Finance and the relevant Strategic Finance Business Partners(s).
- Member approval is not required for budget movements arising in order to comply with the CIPFA Service Expenditure Reporting Code of Practice guidance on accounting for overheads, or budget movements arising in order to comply with proper accounting practice. Approval is required from the relevant Strategic Finance Business Partner and/or the Director of Corporate Finance or Director of Financial Insights.

## **FR8 – FEES AND CHARGES**

**FR8.1** The Section 151 Officer shall issue guidance to all Directorates on the levels of increase in fees and charges for services to ensure that as far as possible a common approach to charges and revisions of charges is adopted across the Council.

**FR8.2** Senior Officers and Budget Managers must review and update fees and charges annually with a view to ensuring that chargeable discretionary services are not subsidised without a specific supporting policy decision. The individual fees and charges will be approved annually before the start of the new financial year.

**FR8.3** In determining charges for discretionary services, the cost of providing the service should be calculated and fees charged to the service user in order to recover all direct and indirect costs incurred by the Council in the delivery of the service and in compliance with relevant legislation. The cost of chargeable officer time should be used as calculated by corporate finance. The importance of services to the users, comparable charges made by neighbouring authorities and income targets should all be taken into consideration. Senior Officers should liaise with the appropriate finance officer in relation to the proposals. Finance officers must wherever possible prevent an unintended subsidy of discretionary services through the under-recovery of indirect and/or ancillary costs incurred in the delivery of discretionary services.

**FR8.4** As part of the annual review of fees and charges, Senior Officers shall also examine the possibility of introducing charges for services where no charges are currently made. This will be undertaken in consultation with Legal Services. When there is a change of policy that could require public consultation, this should be reported to Cabinet. Any substantive change in policy in the application of fees and charges, or in the level of subsidy, will require Cabinet approval. Cabinet must agree proposals to start charging for or trading in goods or services not previously subject to charging or trading with third parties.

**FR8.5** Some fees and charges may not be fixed, but based on full or part cost recovery, subject to a supporting policy decision regarding subsidy (FR8.2).

**FR8.6** Where charges are assessed according to ability to pay, Senior Officers may make arrangements for the charges to be reduced in accordance with an assessment methodology approved by Cabinet.

## **FINANCIAL REGULATION 9 - CARRY FORWARD OF UNSPENT BUDGETS**

**FR9.1** The carry forward of unspent provisions in the Revenue Budget from one financial year to the next is not permitted except with explicit approval of the Section 151 Officer, in consultation with the Leader of the Council and the Cabinet Member for Finance.

**FR9.2** The Section 151 Officer shall, as soon as is practicable, supply a detailed list of the items and amounts approved to Senior Officers and Budget Managers. The Section 151 Officer will report specific items to members within the overall outturn report.

**FR9.3** Year end balances will be transferred to and from reserves by the Section 151 Officer, in line with the Council’s Reserves Policy, and with the approval of Cabinet.

#### **FINANCIAL REGULATION 10 – RESERVES**

**FR10.1** Reserves will be set by the Council each year as part of the budget setting process. The Section 151 Officer will advise the Cabinet and Council on the prudent level of reserves and balances, taking into account prevailing and anticipated levels of risk and uncertainty.

**FR10.2** The creation of any reserve will be the subject approval of Cabinet, upon the advice of the Section 151 Officer. For each reserve established, the purpose, and usage will be clearly articulated.

**FR10.3** Increases in existing reserves come about through two routes:

- Through the budget setting process, the setting of which requires Full Council approval; and
- By transfer of an underspend into reserves in accordance with the table below:

Amount	Minimum approval required
Up to and including £1m	Executive Director (following consultation with deputy S151 Officer(s))
In excess of £1m, but no more than £2m	Executive Director (following consultation with s151 Finance Officer and relevant Cabinet member(s))
More than £2m	Cabinet (following consultation with relevant Cabinet member, Executive Director and S151 Officer (if not already involved))

**FR10.4** The Section 151 Officer shall be authorised to draw upon reserves for the agreed purposes of that reserve, subject to provision remaining available

#### **FINANCIAL REGULATION 11 - AUTHORITY TO INCUR CAPITAL EXPENDITURE**

**FR11.1** The Council’s approach to capital investment is set out in the Capital Strategy and the Investment Strategy. New schemes and projects will usually only be added to the Capital Programme as part of the annual budget setting process, however, changes, capital virements and additions may be made during the year, subject to one of two decision-making structures:

- Capital expenditure relating to equity investments or investment property will be subject to assessment by the officer-led Shareholder and Investment Panel, the Asset Strategy Board and ultimately approved by members at Strategic Investment Board.



- All other capital expenditure will be subject to assessment by the appropriate Strategic Capital Group; for Information Technology, Infrastructure and Property, the Capital Programme Panel and formal member approval, where required by the Scheme of Delegation.

**FR11.2** Capital expenditure other than on equity investments and investment property is subject to a governance route based on value and an assessment of impact and risk. New capital schemes and projects and changes to existing schemes and projects are assessed and scrutinised in up to three stages prior to being included in the Capital Programme:

- Strategic Capital Groups, comprising the Head of Service or their nominated officer and Strategic Finance Business Partner or their nominated officer, for:
  - Information Technology,
  - Infrastructure; and
  - Property.
- Strategic Capital Groups can make decisions on new approvals of up to £250,000 where the scheme or project is within the approved Capital Programme Budget and does not require additional officer or member approval, based on an assessment of impact and risk. Variations to existing budgets can be approved up to 10% of total budget, up to a maximum of £250,000.
- The Capital Programme Panel, comprising of the Section 151 Officer or their nominated officer, the chairs of the Strategic Capital Groups and other nominated officers. The Capital Programme Panel can make decisions on new approvals of up to £1,000,000 where the scheme or project does not require member approval based on an assessment of impact and risk. Variations to existing budgets can be approved up to 10% of total project budget, up to a maximum of £500,000.
- Approval by Cabinet is required for all other additions and changes.

**FR11.3** All proposed schemes must be based on a robust business case and subject to appropriate internal or external due diligence. In particular the business cases must ensure:

- Capital Programme proposals are consistent with the Council's Organisation Strategy, Capital Strategy and Investment Strategy, Asset and Place Strategy and Directorate Strategies and have a strategic mandate to proceed;
- Each capital scheme or project is assessed for both financial and service risk;
- The proposed timetable for the scheme or project is realistic; and
- All associated revenue implications are fully quantified and covered in the current and future years.

**FR11.4** Only those schemes and projects that meet the strategic priorities and have been assessed via the stages outlined above, subject to member approval where required, will be approved as part of the Capital Budget. Projects in an earlier stage of development may be included in the Capital Pipeline but will require business case approval, assessed via the stages outlined above, before they can commence.

**FR11.5** Contracts for capital works will be awarded in accordance with the rules set out in Procurement Standing Orders.

## **FINANCIAL REGULATION 12 - MONITORING OF THE CAPITAL PROGRAMME**

**FR12.1** Once a capital scheme or project has been approved in the Council's Capital Programme Budget, each Budget Manager shall be responsible for monitoring expenditure, and for providing information in accordance with arrangements set out in the Budget Holder Handbook – Capital to enable regular reports to be submitted to DLTs, CLT, Select Committees and to Cabinet.

**FR12.2** If necessary, and following consultation with the Section 151 Officer or their nominated officer, virements may be made between capital schemes to reflect the value of each accepted tender. Virements should be approved by the appropriate Strategic Capital Group, Capital Programme Panel or Cabinet based on the thresholds and non-financial factors set out in FR11.2.

**FR12.3** Block items within the Capital Programme comprising a number of schemes (e.g. Maintenance and Minor Works Programmes) shall be regarded as a single project subject to the total scheme costs not being exceeded, and satisfying the requirements of any external funder.

## **FINANCIAL REGULATION 13 – FINANCIAL ACCOUNTS**

**FR13.1** The Section 151 Officer shall ensure that all financial transactions of the Council are accurately reflected in the Council's accounting records.

**FR13.2** All financial systems, accounting policies and accounting records shall be in a form agreed by the Section 151 Officer. All proposed changes to accounting policies must be approved by the Section 151 Officer and discussed with the Council's external auditors before implementation.

**FR13.3** The Section 151 Officer will make appropriate arrangements for and advise officers and members on all taxation issues that affect the Council.

**FR13.4** The Section 151 Officer will sign off the annual Statement of Accounts, once he / she is satisfied that the statement represents a true and fair view of the financial position of the Council. The Statement of Accounts will be submitted for approval to the Audit and Governance Committee.

**FR13.5** Senior Officers must sign a Manager's Assurance Statement each year in a form prescribed by the Section 151 Officer.

**FR13.6** Arrangements for the retention or destruction of financial records shall be in accordance with the Council's Record Retention Policy. In any event, no document relating to the financial transactions of the Council or its employees shall be destroyed before the completion of the External Audit for the year concerned.

**FR13.7** Senior Officers shall be responsible for ensuring that there are adequate arrangements, in respect of financial information held in electronic form, to safeguard continuity in the event of an emergency and shall comply with the requirements set out in the Council's Information Technology Strategy.

#### **FINANCIAL REGULATION 14 - DUTY TO CARRY OUT AUDIT**

**FR14.1** The Section 151 Officer shall ensure that the Council maintains an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices, as laid down in The Accounts and Audit Regulations. This also extends to external audit, where appropriate, subject to external partners and external funding requirements. To facilitate independence and objectivity in reporting, the reporting lines of the Internal Audit function should be unfettered by line management structures so that direct access to any officer, member or external regulating authority (e.g. external audit) will be available.

**FR14.2** In order to discharge his / her responsibilities under FR14.1 above, the Section 151 Officer, Internal Audit and any other authorised staff shall have the right to:

- a) Enter any Council premises or land at any reasonable time, without prior notice;
- b) Have access to at all times to all records and documents (including email and correspondence) relevant to the business of the Council as maintained by the Council or third parties on its behalf including (but not limited to) external contractors and consultants;
- c) Require and receive any information and explanations considered necessary to the audit; and
- d) Require any employee or agent of the Council to account for assets under his / her control.

**FR14.3** The Chief Internal Auditor shall report on a regular basis to the Audit and Governance Committee with a summary of internal audit activity, and shall bring to the attention of the Chief Executive and the Audit and Governance Committee any significant matters which may have come to his / her attention in the course of delivering the internal audit function.

#### **FINANCIAL REGULATION 15 - FINANCIAL IRREGULARITIES**

**FR15.1** All officers are required to inform their manager on becoming aware of any irregularity, or suspected irregularity, affecting income, expenditure, cash, stores or any of the resources of the Council. Senior Officers shall inform the Chief Internal Auditor as soon as practicable. If it is not appropriate to inform local management because of a potential connection to the alleged irregularity, then officers should contact the Chief Internal Auditor

directly. This requirement also applies to elected members and to agents working on behalf of the Council where the concern is around Council related matters.

**FR15.2** The Chief Internal Auditor shall consider during the course of any investigation or at its conclusion, as he / she deems appropriate, whether the matter may require investigation by the Police and / or notification to the External Auditor. Where appropriate he / she shall seek the advice of the Monitoring Officer and inform the Chief Executive.

**FR15.3** At the conclusion of any investigation or earlier if appropriate, the Chief Internal Auditor shall, in consultation with the Monitoring Officer, agree with the Senior Officer concerned the steps that should be taken to mitigate any loss and prevent a recurrence of it. The Chief Internal Auditor shall report, if he / she considers it necessary, initially to the Chief Executive and, following that, to the Audit and Governance Committee, depending on the circumstances.

**FR15.4** All investigations of this type undertaken by Internal Audit will be under the direction of the Chief Internal Auditor, in consultation with the Section 151 Officer and the Director of Human Resources and Organisational Development ("The Director of HR and OD"). Such investigations will be undertaken in line with the Council's Counter Fraud Strategy and Framework, which forms part of the Constitution. The Director of HR and OD will ensure that "whistle blowing" procedures are defined, documented, widely communicated and reviewed at appropriate intervals, in consultation with the Section 151 Officer, the Monitoring Officer and the Chief Internal Auditor.

**FR15.5** The Chief Internal Auditor or his / her delegated authority within Internal Audit 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, which is contained in the Counter Fraud Strategy and Framework, states that the Council will not accept cash payments in excess of £5,000.

## **FINANCIAL REGULATION 16 - ORDERING PROCEDURES**

**FR16.1** Senior Officers shall be responsible for ensuring that all orders issued from their departments for goods, works and services are in accordance with Procurement Standing Orders.

## **FINANCIAL REGULATION 17 - CONSULTANTS AND CONTRACTORS**

**FR17.1** Procurement Standing Orders set out the thresholds for appointing consultants and contractors. 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.

**FR17.2** All consultant or contractor engagements with an aggregate value of £100,000 or over, must be subject to competitive tender and review by the Sourcing Governance Board before approval by the Leader and Chief Executive. The Leader and Chief Executive will not approve such engagements retrospectively.

**FR17.3** Consultants, contractors and agency workers engaged to supervise contracts on behalf of the Council shall be required to comply with these Financial Regulations as if they were direct employees of the Council. Such a requirement shall be included in every agreement for their services. Any reference in these Financial Regulations to a Budget Manager shall apply to a consultant, contractor or agency worker. Where a report is required, it shall be made by the consultant, contractor or agency worker to the appropriate Senior Officer, who shall report to members as required.

## **FINANCIAL REGULATION 18 – CONTRACTING ARRANGEMENTS**

**FR18.1** All procurement and purchasing undertaken must adhere to the specified processes as agreed by the Corporate Leadership Team and follow the requirements of the Procurement Standing Orders and the Sourcing Governance Board. The Section 151 Officer may authorise the use of Purchasing Cards for Council staff for the purposes of defraying petty cash and other minor or urgent expenses. The Budget Holder Handbook sets out the requirements for the use of and Purchasing Cards.

**FR18.2** All material assumptions and risks inherent in evaluations of proposed contracts must be fully disclosed to those officers and members making decisions on the award of the contract, before the contract award is made.

**FR18.3** Long term strategic contracts must include provision to secure continuous improvement, improved efficiency and value for money. Financial relationships must be made under the relevant corporate guidance within the Financial Management Toolkit. 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.

**FR18.4** All partnership arrangements and pooled budgets must be agreed under written terms appropriate to the extent of the financial risk to the Council and may only be entered into following appropriate consultation with and approval from the Section 151 Officer and the Monitoring Officer. Where the Council's contribution to, or financial risk from such arrangements, exceeds £100,000, Cabinet's approval is required. Appropriate approval must be obtained before entering into any proposed partnership.

## **FINANCIAL REGULATION 19 - PAYMENT OF SALARIES AND WAGES**

**FR19.1** The payment of all salaries, wages, pensions, compensation and other emoluments to employees, former employees or beneficiaries of the Council shall be made in accordance with arrangements approved by the Chief Executive and the Pay, Personnel and Development Committee (PPDC).

**FR19.2** The Director of HR and OD shall arrange for all relevant payments in respect of sums deducted from employees' remuneration and any employers' contributions to be made to the appropriate agency.

**FR19.3** Senior Officers shall notify the Director of HR and OD, or his / her agent, of all matters affecting payment as soon as possible. Notification will be in the form prescribed by the Section 151 Officer and Monitoring Officer.

**FR19.4** Time records or other pay documents (including those relating to flexible working hours) shall be in a form prescribed or approved by the Director of HR and OD.

**FR19.5** The Director of HR and OD shall ensure that there are proper arrangements to maintain all necessary human resources records concerning pay, superannuation, statutory sick pay, national insurance and income tax.

**FR19.6** The Director of HR and OD shall have regard to any recommendations made by the Section 151 Officer in all matters of a financial nature.

## **FINANCIAL REGULATION 20 - INCOME COLLECTION AND BANKING ARRANGEMENTS**

**FR20.1** Senior Officers and Budget Managers shall seek the prompt collection of all monies due to the Council in accordance with arrangements approved by the Section 151 Officer and as specified in the Income Manual.

**FR20.2** Senior Officers and Budget Managers are responsible for dealing with the receipt of money and other remittances and holding them in secure conditions before they are banked or otherwise dealt with.

**FR20.3** The Section 151 Officer is responsible for the Council's overall banking arrangements. All arrangements for opening bank accounts and for the banking and withdrawal of money shall be approved by the Section 151 Officer. The Section 151 Officer shall determine the arrangements for the reconciliation of all Council bank accounts.

## **FINANCIAL REGULATION 21 – ADULT SOCIAL CARE ASSESSED FEES & CHARGES DEBT MANAGEMENT AND BAD DEBT WRITE OFF**

**FR21.1** The Section 151 Officer has the authority to approve write offs of unpaid Adult Social Care assessed fees & charges up to the value of £100,000 per individual debt where the relevant Budget Manager and financial assessment staff in Adult Social Care, Legal Services and Corporate Finance agree there is no realistic chance of recovering the debt or it is considered uneconomical to attempt debt recovery. The Section 151 Officer has the overriding authority to approve or reject write offs if there is not agreement between Adult Social Care, Legal services and Corporate Finance about a particular debt.

**FR21.2** The Section 151 Officer may delegate in writing approval of individual write offs of unpaid Adult Social Care assessed fees & charges to another member of the Corporate Finance service.

**FR21.3** The Section 151 Officer or the delegated Corporate Finance officer may delegate in writing approval of write offs of unpaid Adult Social Care assessed fees & charges up to £5,000 to designated officers in Adult Social Care. Where this delegation is made, the

designated Adult Social Care officers will have the authority to approve write offs without the need to seek advice and formal approval from Corporate Finance.

**FR21.4** Any individual debts relating to unpaid Adult Social Care assessed fees & charges of more than £100,000 must be approved by Cabinet, subject to the recommendation of the Section 151 Officer.

**FR21.5** Write off of irrecoverable debt will be charged to the relevant budget in Adult Social Care. The year-end financial outturn report will provide a summary of all irrecoverable debt written off during the year relating to Adult Social Care assessed fees & charges.

**FR21.6** Credit balances, which are over three years old and which cannot be substantiated or justified, will be released to the relevant fund after closure of accounts of each year, subject to formal approval by the Section 151 officer.

**FR21.7** The Council will maintain a provision for bad debt relating to unpaid Adult Social Care assessed fees & charges. The Section 151 Officer will determine the criteria to calculate how much to provide for outstanding debts in relation to their age and type in consultation with Adult Social Care and Legal Services. The social care bad debt provision will be recalculated based on the latest debt levels and types on at least a quarterly basis. Adult Social Care will bear the impact of any increase or decrease required to the social care bad debt provision. Adult Social Care will review each year how much it is proposed is budgeted for potential bad debt to limit in-year impacts of write offs, changes to the bad debt provision or other costs associated with bad debts such as legal fees paid for debts that prove to be irrecoverable. Any budget provision proposed by Adult Social Care will be approved as part of the annual budget setting process.

## **FINANCIAL REGULATION 22 – DEBT MANAGEMENT AND BAD DEBT WRITE OFFS NOT RELATING TO ADULT SOCIAL CARE ASSESSED FEES & CHARGES**

**FR22.1** The Section 151 Officer has the authority to approve write offs of unpaid debts up to the value of £100,000 per individual debt where the relevant Budget Manager, Legal Services and Corporate Finance agree there is no realistic chance of recovering the debt or it is considered uneconomical to attempt debt recovery. The Section 151 Officer has the overriding authority to approve or reject write offs if there is not agreement between the Budget Manager, Legal Services and Corporate Finance about a particular debt.

**FR22.2** The Section 151 Officer may delegate in writing approval of individual write offs of unpaid debts to another member of the Corporate Finance service.

**FR22.3** Any individual debts of more than £100,000 must be approved by Cabinet, subject to the recommendation of the Section 151 Officer

**FR22.4** Write off of irrecoverable debt will be charged to the relevant budget code where the debt was first raised unless otherwise agreed by the Section 151 Officer or their delegated representatives. The year-end financial outturn report will provide a summary of all irrecoverable debt written off during the year.

**FR22.5** Credit balances, which are over three years old and which cannot be substantiated or justified, will be released to the relevant fund after closure of accounts of each year, subject to formal approval by the Section 151 officer.

**FR22.6** The Council will maintain two provisions for bad debts (in addition to the one relating to unpaid Adult Social Care assessed fees & charges) as follows:

- A specific provision for all debt outstanding with Clinical Commissioning Groups.
- A general provision for all other debt.

The Section 151 Officer will determine the criteria to calculate how much to provide for outstanding debts in relation to their age and type in consultation with the relevant Budget Managers and Legal Services. The bad debt provisions will be recalculated based on the latest debt levels and types on at least a quarterly basis. Relevant services will bear the impact of any increase or decrease required to the bad debt provision relating to Clinical Commissioning Groups. The impact of increases or decreases required to the general bad debt provision will be charged to Central Income and Expenditure. Each year consideration will be given as to whether any budget provision should be made to account for the potential impact of bad debt on the Council's revenue budget in the coming year. This will be approved as part of the annual budget setting process. Any savings realised against this budget provision will be transferred to reserves.

## **FINANCIAL REGULATION 23 – ASSETS**

### **Land and Property**

**FR23.1** All acquisitions of land and buildings up to the value £1m require approval from the relevant Cabinet Member in conjunction with the Leader. This value relates to freehold and leasehold interest.

**FR23.2** All acquisitions of land or buildings valued at £1m or more requires Cabinet approval.

**FR23.3** All disposals of land or buildings up to the value of £1m require approval from the relevant Cabinet Member in conjunction with the Leader. This value relates to freehold and leasehold interest and includes setting a reserve figure for auction sales.

**FR23.4** All disposals of land or buildings valued at £1m or more requires Cabinet approval. All disposals should be recorded within an approved register.

**FR23.5** All acquisitions and disposals must be referred to the Land and Property Assets Team. The application of best value considerations may result in disposal of assets at less than market value due to wider economic, environmental and social value factors. The approach to valuation should be agreed in advance, in consultation with the Section 151 Officer.



## **Assets other than Land and Property**

**FR23.6** Assets declared surplus to the Council's requirements should be disposed of at the most appropriate time, and only when it is in the best interest of the Council, and best value is obtained. For assets of significant value, disposal should be by competitive tender or public auction.

**FR23.7** Any proceeds from the disposal of assets should be receipted and recorded, even if the disposal value is nil.

**FR23.8** No items can be disposed of to a member of staff without the explicit approval of the Section 151 Officer.

**FR23.9** All acquisitions and disposals valued over £10,000 must be subject to a professional valuation. The approach to valuation should be agreed in advance, in consultation with the Section 151 Officer.

**FR23.10** Senior Officers are responsible for and shall make arrangements for the safe custody and care of all assets in his / her department, including exercising proper control over the use of those assets. Such assets shall include plant, machinery, vehicles, furniture, equipment, other non-consumable property, stocks and stores and IT equipment.

**FR23.11** Senior Officers are responsible for keeping inventory records and the marking of Council property. The Council's property shall not be removed other than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes.

**FR23.12** Senior Officers are authorised to adjust their inventory records, relating to items outlined in FR22.10 where any surplus or deficiency arises up to £2,500 in respect of any one item, provided appropriate investigations have been carried out to establish the reasons and prevent a recurrence. Records of such adjustments are subject to Internal Audit inspection.

**FR23.13** The Section 151 Officer shall authorise Officers to adjust their inventory records where any surplus or deficiency arises between £2,500 and £5,000 in respect of any one item provided the appropriate Officer has investigated and reported the reasons for the discrepancy.

**FR23.14** Adjustments to inventory records in respect of any one item where the amount exceeds £5,000 shall be referred to Cabinet.

**FR23.15** Budget Managers, after consultation with the Section 151 Officer, are authorised to delete any item from their inventory records where the item has become obsolete and is no longer adequate for the purpose intended, or the item is broken or worn.

## **FINANCIAL REGULATION 24 - STOCKS AND STORES**

**FR24.1** Lead Officers and Budget Managers are responsible for the receipt, issue and checking of the stocks and stores in their departments and for maintaining appropriate stock levels.

**FR24.2** The extent to which items shall be included in records, and the form of record-keeping, shall be determined by the appropriate Senior Officer in consultation with the Section 151 Officer.

**FR24.3** Senior Officers, in consultation with the Section 151 Officer, are authorised to adjust stock balances up to £10,000 in respect of any one item provided appropriate investigations have been carried out to establish the reasons and prevent a recurrence. All other write offs require Cabinet approval.

**FR24.4** The year-end financial outturn report to Cabinet will set out all stock write offs granted in the year.

## **FINANCIAL REGULATION 25 – ESTATES**

**FR25.1** The Director of Land and Property Assets shall update the Council's Asset Management Plan as necessary and maintain a terrier recording details of all land and properties held by the Council.

**FR25.2** The Monitoring Officer shall have custody under secure arrangements of all the title deeds in the possession of the Council.

**FR25.3** The Director of Land and Property Assets shall be responsible for land and property under his / her control, and for obtaining the best economic return possible consistent with Council policy and legal requirements. He / she shall ensure that all rents etc. are regularly reviewed.

## **FINANCIAL REGULATION 26 - RISK MANAGEMENT AND INSURANCE**

**FR26.1** The Risk Management Strategy outline the arrangements in place to ensure the Council identifies and deals with the key risks it faces. The Section 151 Officer is responsible for ensuring that a risk management process is maintained across the Council and may specify risk management activity to be undertaken by other officers. The Risk Management Framework complements the 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.

**FR26.2** 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.

**FR26.3** The Section 151 Officer is responsible for advising Cabinet on insurance arrangements. The Section 151 Officer shall be responsible for the day to day administration of the Council's insurances, through the Orbis Centre of Expertise, and negotiating all policies and claims in consultation with the relevant Senior Officers and Budget Managers.

**FR26.4** Senior Officers, in consultation with the Section 151 Officer, shall be responsible for the effective management of all insurable risks.

**FR26.5** Senior Officers shall consult the Monitoring Officer and the Section 151 Officer concerning the terms of any indemnity which the Council may be requested to give.

**FR26.6** All Officers shall give prompt notification to the Section 151 Officer of all new risks, properties or vehicles which require to be insured in accordance with arrangements determined by him / her.

**FR26.7** Any person who makes use of his / her own vehicle for Council business shall comply with the appropriate County Council policies with regards to car users and any instructions relating to this policy issued by the Director of HR & OD.

**FR26.8** Senior Officers shall make arrangements for maintaining proper security at all times for all assets under his / her control and safe and proper arrangements for the custody of keys to safes and similar receptacles.

**FR26.9** Senior Officers shall immediately notify the Section 151 Officer of any loss, liability, damage or other similar event likely to lead to a claim. Where appropriate, the Section 151 Officer shall inform the Monitoring Officer and the Police. Such notification shall be confirmed promptly in writing.

## **FINANCIAL REGULATION 27 - TREASURY MANAGEMENT AND THE PENSION FUND**

**FR27.1** All money held by the Council (except the Pension Fund) shall be aggregated for the purposes of treasury management and shall be under the control of the Section 151 Officer, subject to the constraints of delegated powers given to schools. He / she shall seek expert advice on these matters when considered appropriate.

**FR27.2** The Section 151 Officer is responsible for the Council's treasury management activities in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and the Prudential Code. He / she shall propose an annual Treasury Management Strategy Statement to the Audit and Governance Committee.

**FR27.3** The Section 151 Officer, through the Orbis Centre of Expertise, will ensure that the provisions of the strategic and operational requirements in FR27.2 are implemented, legislative requirements are complied with and regular monitoring of all Treasury Management activity is undertaken.

**FR27.4** Effective scrutiny of the Treasury Management Strategy will be undertaken by the Resources and Performance Select Committee, as part of the overall scrutiny of the budget.

The Section 151 Officer will submit a mid-year review and an annual outturn report on treasury management to the Audit and Governance Committee.

**FR27.5** The Section 151 Officer has delegated authority to take urgent action as required between Pension Fund Committee meetings, but such action can only be taken in consultation with and by agreement with the Chairman or Vice Chairman of the Pension Fund Committee and following consultation with any relevant Consultant or Independent Advisor.

**FR27.6** The Section 151 Officer will ensure that monitoring reports on the Pension Fund's investment performance and activities, and any other business, are considered by the Pension Fund Committee at least quarterly.

**FR27.7** The Section 151 Officer will ensure that a report on the triennial actuarial valuation of the Pension Fund is taken to the Pension Fund Committee.

**FR27.8** The Section 151 Officer will ensure that a report on the annual accounts and associated external audit of the pension fund is taken to the Pension Fund Committee.

**FR27.9** The Council, as corporate trustee for a limited number of Trust Funds through its members and officers, will ensure that the Council administers them in accordance with its legal responsibilities as trustee, distinct and separate from its functions as a local authority. The council when undertaking the aforementioned duties will also comply with the CIPFA Code of Practice in Treasury Management and any relevant Charity Commission guidance, to ensure provisions are appropriately implemented.

## Financial Framework for Members' Community Allocation

### A. Purpose

Members' Community Allocation grant funding will help support the council's Organisation Strategy focus areas, and the implementation of the wider Community Vision for Surrey in 2030 in making the county a uniquely special place where everyone has a great start to life, people live healthy and fulfilling lives, are enabled to achieve their full potential and contribute to their community, and no one is left behind.

MCA will support the Strategy's approach in working with partners and residents to strengthen and improve communities to become more resilient to future challenges; helping to tackle inequality of life expectancy and improve quality of life for everyone to ensure no one is left behind; and assisting in improving how we engage with residents, and work in more agile ways, at the heart of our communities.

### B. Essential Funding criteria

Projects receiving MCA funding will be expected to demonstrate how they contribute to, and help make a difference in, one or more of the county council's eight planned areas of focus, as detailed below:

- **Tackling inequality** – Work with Surrey's residents to identify and address causes of inequality, especially in life expectancy;
- **Supporting independence** – Help residents help themselves and each other within their communities;
- **More joined up health and social care** – Help integrate health and council services so they're more effective, efficient and seamless for residents;
- **Creating a greener future** – Tackle the causes of climate change to help Surrey become a carbon neutral county as soon as possible;
- **Embracing Surrey's diversity** – Recognise the benefits of a diverse workforce and population to ensure Surrey is a place full of opportunity for everyone;
- **Partnership** – Work with residents, businesses, partners and communities to collectively meet challenges and grasp opportunities;
- **Supporting the local economy** – Invest in the infrastructure Surrey needs to build a strong and resilient economy;
- **Digital revolution** – Make the most of new technology to innovate and improve local services, and how we work together, to help Surrey and residents thrive.

### C. Exclusions

There are legal and other organisational considerations that limit how MCA funding will be used. Funding political organisations and/or political activities; teaching national curriculum subjects and/or learning-related activities contained in the annual School and Early Years Finance Regulations; supporting contentious planning matters or disputes; activities causing reputational damage; and conflicts of interest for SCC, including campaigns against the council or its statutory partners.

# **Procurement and Contract Standing Orders**

Rules to be followed when buying on behalf of the Council

March 2021 Issue 10

**Version History**

Issue 2 April 2007

Issue 3 April 2009

Issue 4 December 2010

Issue 5 October 2013

Issue 6 September 2015

Issue 7 December 2017

Issue 8 May 2019

Issue 9 January 2020

Issue 10 March 2021

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## 1. Introduction

The Procurement and Contract Standing Orders ('the Orders') set out how the Council authorises and manages spending and contracts with other organisations. This ensures that prior to any significant expenditure there is proper consideration firstly, of whether there is a need to buy at all and service the need internally or, if external expenditure is required, that it is made in a fair, open and transparent way.

Anyone who buys on behalf of the Council, including staff, contractors and consultants, is responsible for following these Orders, all relevant policies (see appendix 1) and the guidance provided by Procurement. Senior Officers (Heads of Service and above) are accountable for all procurement in their respective area of responsibility. Functions delegated to particular officers under these Orders may be carried out by other officers specifically authorised by them for that purpose.

**Note:** In these Orders, 'You' means anyone who needs to buy from an external supplier. 'Regulatory Threshold' means any relevant threshold applicable to procurement by English law or regulation.

### 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 the Constitution.

The Director of Procurement is the custodian of these Orders and is responsible for keeping them under review. If the law is changed in a way that affects these Orders, then the Director of Procurement will issue a bulletin and the change must be observed until these Orders are revised. Where there is a difference between current legislation governing procurement and these Orders, the legislation prevails.

### 1.2. Key Principles

These Orders are based on the following key principles:

- a. To ensure that the Council meets its statutory duty to deliver **best value for money** and creates healthy competition and markets for the Goods, Services and Works purchased
- b. To be **transparent** to our residents about how the Council spend their money
- c. To ensure that public money is spent **legally and fairly**
- d. 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. Any breaches will be reported to the Audit and Governance Committee and you may be subject to disciplinary action in line with the Council's Disciplinary Policy.



Every contract made by the Council or on its behalf must comply with applicable laws, these Orders and the Council's Financial Regulations.

#### 1.4. Scope

Apart from the exceptions listed below, these Orders cover all spend with external suppliers regardless of how they are funded or which systems are used to place orders with suppliers. This also includes services sourced from other local authorities or public bodies under the relevant legislation.

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	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 where already directed following statutory assessment	Children and Families Act 2014 and ESFA guidance 2019-20 para 86

#### 1.5. Roles and Responsibilities

The Director of Procurement is responsible for the complete process from procurement through to ordering and paying suppliers (known as 'Procure-to-Pay') across all Services

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and local systems. Any developments in the design of the process require the approval of the Director of Procurement.

The Procurement Service is responsible for:

- a. Working closely with Commissioners and Directors to agree and deliver an Annual Procurement Forward Plan to be authorised by Cabinet
- b. Providing expert market knowledge to find the right suppliers for the Council
- c. Maintaining the contract management framework for how contracts are managed
- d. Taking a commercial lead on all major contracts and relationships with suppliers alongside the Contract Manager
- e. Ensuring transparency over spend, contracts and contract opportunities
- f. Embedding social value and sustainability across the supply chain
- g. Ensuring efficient and effective purchasing practices are in place for all staff
- h. Providing commercial support as required, alongside Legal Services, where a decision has been made to decommission or in-source a service
- i. Ensuring suppliers are aware of, and follow, the Council's Supplier Code of Conduct when bidding and carrying out contracts

Anyone who buys is responsible for:

- j. Complying with these Orders and all relevant policies (see appendix 1)
- k. Purchasing from existing contracts where they are appropriate and in place
- l. Ensuring there is adequate budget available for any purchase
- m. Raising a properly completed purchase order and ensuring it is approved *before* the requirements are delivered to the Council, regardless of which system is used
- n. Ensuring specifications meet the defined need and requirements and properly take into account equality and diversity as well as social value implications
- o. Ensuring that HR is consulted and the appropriate approval obtained for requirements of temporary workers or consultants outside any agreed corporate contract
- p. Following the guidance and procedures set out in the Council Contract Management Framework, according to the value, risk and complexity of the contract

Contracts are to be managed within Services, either by a dedicated contract manager or by a nominated officer who has these responsibilities as part of a broader role.

## 1.6. Annual Procurement Forward Plan

To enable the Council to maintain an accurate oversight of procurement activity across the full range of Council Services, the Director of Procurement is responsible for the development of an Annual Procurement Forward Plan (APFP). This to identify the following:

- a. For each directorate, all contracts over Regulatory Thresholds which are due for extension, renewal or replacement in the coming financial year, and the notice required for this
- b. The aggregate contract value across the life of the contract
- c. The procurement activity required
- d. The expected start date for procurement
- e. The expected start date of any new contract or extension
- f. Whether there is an option to extend the existing contract or not
- g. Whether the spend is capital, revenue or a combination

The APFP must be developed and agreed during the business planning cycle with the Directors of the relevant services, Finance and the Strategic Commissioning Unit. It is then submitted to Cabinet for approval. Once approved, the procurement activities listed in the APFP may proceed without the requirement for further approval provided the outcome is within +/-5% of the budget agreed with Finance when each procurement begins.

Where the outcome is not within these budget parameters, this must be reported as required in table 2.7a for approval in the case of overspend above 5%, or for information in the case of a saving greater than 5% being delivered. In the case of overspend the contract award must be put on hold pending approval.

If need arises during the year for procurement activity on contracts over the Regulatory Thresholds which have not been pre-approved through the APFP, then Approval to Procure must be sought by the Head of Service concerned before any procurement activity may begin. For capital projects, approval can be given by the capital programme panel then as below. For revenue projects, approval can be given as below:

Value under £1m	Head of Procurement (SCC), Executive Director in consultation with Portfolio Holder, and S151 Officer
Value over £1m	Head of Procurement (SCC), S151 Officer and Cabinet

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## 2. Finding and contracting with Suppliers

### 2.1. Purchase Orders

Once you have found the right supplier as required by these Orders, you must not make verbal commitments but must raise a Purchase Order (via SAP or equivalent service-specific system). This must be approved in accordance with the Council's Financial Regulations before it is sent to the supplier, and before any goods or services have been received. Details of financial approval levels are available on the Intranet.

### 2.2. Using Purchase Cards

The Council makes use of general Purchase Cards, which are effectively like credit cards and are used to make small purchases in a wide range of situations.

You must use purchase cards only as set out in the 'Purchase Card Rules and Guidance', unless otherwise agreed in writing by Procurement, or in life-critical circumstances (see also section 4.2).

### 2.3. Temporary Staff, Consultants and Professional Services

Procurement works closely with HR to manage the Council's temporary workforce needs. This applies to any appointment that is outside the Council's direct employment arrangements. No temporary worker, agency, consultant or consultancy company may be procured or engaged outside of the existing framework without prior approval from HR.

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 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.

Refer to the HR Short Term Resourcing Needs policy for further guidance.

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Temporary and 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.

#### **2.4.Contract Value Calculation**

Contract value means the estimated total aggregate value payable in pounds sterling exclusive of Value Added Tax (VAT) over the entire contract period, including any extensions of the contract. Where the contract period is not fixed, the estimated value of the contract must be calculated by multiplying the monthly spend value by 48.

Contracts must not be artificially underestimated or disaggregated into two or more separate contracts with the intention of avoiding the application of these Orders or legislation.

In the case of Framework Agreements or Dynamic Purchasing Systems, the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts envisaged to be awarded for the total term of the Framework Agreement or the Dynamic Purchasing System.

#### **2.5.Grants**

The making of grants is not subject to these Orders. You must follow the rules and guidance for grant-making available on S-Net (see appendix 1) and take into account the legal requirements concerning State Aid.

#### **2.6.Bribery, Corruption, Canvassing and Collusion**

##### **Bribery and Corruption**

You must comply with the Code of Conduct and the Council's anti-fraud strategy. You must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for you, the officer, to prove that anything received was not received corruptly. Gifts and Hospitality must be recorded in the online register.

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

All Invitations to Tender must include a requirement for tenderers to complete fully and sign a form of tender including certificates relating to canvassing and non-collusion. Every contract must 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 has practised collusion in tendering for the contract or any other contract with the Council.

**2.7. Procurement and Contracting - Overview and summary table**

Any Procurement, including extensions and variations to Contracts set out in the Annual Procurement Forward Plan and approved by Cabinet, is deemed as authorised irrespective of the Contract value, and must be advertised, awarded and signed/sealed in line with table 2.7.a columns F-J.

Any procurement not authorised as above must be authorised in accordance with table 2.7.a column E below.

Procurement must maintain a proper audit trail of all approvals and decisions, and track the delivery of savings and benefits in line with the agreed Value Strategy agreed between Finance and Procurement.

**2.7.a Summary table**

A	B	C	D	E	F	G	H	I	J
Aggregate value including extensions	Purchase Card permitted?	Procurement Method?	How should you approach the market?	Who is authorised to carry out procurement?	Must the contract be formally advertised?	What type of contract is required?	Who must approve the contract award?	Who signs the contract on the Council's behalf?	Contract Award Notice needed?
<b>£0 to £24,999</b>	Yes if within rules & guidance and card limits	One written quote	Email / Call Supplier. Use a local supplier if they offer value for money	Service Officer	No	Standard Terms (see Council's website)	Budget Holder	Not Required – (Approval of Purchase Order)	No
<b>£25,000 to £189,330</b>	Only in formal emergency cases (see section 5.2)	Minimum of two quotes, but seek at least three. If using a framework, follow the rules for its use.	Contact Sourcing Solutions, who will lead sourcing activity	Sourcing Solutions, Procurement Service	Yes, must be published via Contracts Finder	Standard Contract in line with agreed level of risk and complexity	Head of Service or delegated manager	Head of Service or delegated manager	Yes – on Contracts Finder
<b>£189,330 to £999,999</b>	No	Goods and Services – Tender Works – Competitive quotations	Issue Tender via Procurement	If on APFP then Procurement, otherwise you must seek approval to procure (see section 1.6)	Yes, as required by Public Contracts Regulations	Contract in line with agreed level of risk and complexity	If within +/-5% of budget: Approved prior to tender. If not within budget: S151 Officer	Under 500k, Head of Procurement and Head of Service Over £500k: executed by authorised signatory in legal services or by seal as determined by Legal Services	Yes – as required by Public Contracts regulations

<p><b>£1m and over</b></p>	<p>No</p>	<p>Works - up to £4,733,252 - Competitive quotations Works and Concession Contracts over £4,7,33,252: Full Tender or other compliant route Goods and Services: Full Tender or other compliant route Health, educational, cultural and social care related services above £663,540: Light Touch Regime Tender</p>	<p>Issue Tender via Procurement</p>	<p>If on APFP then Procurement, otherwise you must seek approval to procure (see section 1.6)</p>	<p>Yes, as required by Public Contracts Regulations</p>	<p>Contract in line with agreed level of risk and complexity</p>	<p>If within +/-5% of budget: Approved prior to tender.  If not within budget: S151 Officer and under £5m, Portfolio holder, Over £5m, Cabinet.</p>	<p>Sealed as a deed via Legal Services</p>	<p>Yes – as required by Public Contracts regulations</p>
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### **3. Procurement methods**

#### **3.1.Tenders over Regulatory Thresholds**

Procurement is responsible for selecting the most appropriate route to market.

#### **3.2.Use of Selection Questionnaires (SQs)**

Procurement will apply minimum standards of experience, reputation and economic standing to suppliers to test their suitability to bid for a Council contract.

Procurement must use the Council's standard Selection Questionnaire and adhere to statutory guidance for all procurements of contracts above the relevant Regulatory Threshold.

Procurement must not use a two-stage process for contracts with a value less than Regulatory Threshold for goods and services, regardless of whether the contract is for goods, services or works (including Light Touch services).

All the methods and criteria used for assessing the suitability of suppliers must be transparent, objective and non-discriminatory.

#### **3.3.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.

Procurement must obtain approval from Legal Services before commencing a procurement in reliance on this Order.

#### **3.4.Evaluation**

Tenders over Regulatory Thresholds are evaluated 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. The default split between the two will be 50/50, though this may be varied by procurement officers in consultation with clients and a Strategic Procurement Manager.

For all tenders over Regulatory Thresholds, a full record of all key decisions and process in relation to the procurement procedure must be kept in the Procurement Report, including such details as required by Regulation 84 of the PCRs.

#### **3.5.Collaboration with other public bodies**

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, for example via a Memorandum of Understanding rather than a contract. Where this is proposed, you must seek advice from Procurement in the first instance.

#### **3.6.Approved or 'Select' Lists**

The Council does not operate general 'approved' or 'select' lists of suppliers, instead a formal arrangement must be in place via either a framework agreement, a dynamic purchasing system or other mechanism compliant with regulations.

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### **3.7. Framework agreements and Dynamic Purchasing Systems (DPS)**

All requirements to use existing frameworks or DPS, or to set up new ones, must be referred to Procurement, who will make appropriate arrangements in consultation with Orbis Public Law as required.

Where the Council accesses an existing Framework Agreement or DPS, the Framework Agreement or DPS terms and conditions of contract must be used, amended as appropriate as permitted by the Framework Agreement or DPS.

Before entering into these, due diligence checks must be carried out to demonstrate that the Council can lawfully access them and that they are fit for purpose and provide value for money.

### **3.8. Concession Contracts**

Concession Contracts are contracts under which the council outsources works or services to a contractor or provider, who then has the right to commercially exploit those works or services in order to recoup its investment and make a return. The key feature is that the contractor/provider bears the operating risk of the arrangement and so has no guarantee of recouping its investment or operating costs. Concession Contracts must meet certain requirements and advice must be sought from Procurement.

### **3.9. Sustainability and Social Value**

The Public Services (Social Value) Act 2012 places an obligation on the Council to consider the economic, social and environmental well-being of our area when we award contracts over Regulatory Thresholds.

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;
- 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 carry out an assessment of relevant Social Value and record the results in the Procurement Report. Contract Managers should report social value delivery checks in line with the Contract Management Framework.

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All suppliers to the Council are required to comply with all relevant environmental legislation and regulation, and any such superseding legislation. The Council may also introduce from time to time particular local and national policies which support environmental and sustainable procurement and Officers should include these in relevant procurement documentation and procedures.

### **3.10. Voluntary Ex-Ante Transparency Notice (VEAT)**

Should a VEAT Notice be assessed by the Head of Procurement (SCC) and Orbis Public Law as being required to manage potential risk to the Council, this will be approved by the Director of Procurement and Monitoring Officer, and a log of all published VEAT notices maintained by Procurement.

## **4. Waivers and Emergencies**

### **4.1. Waivers**

In the event that the application of these orders prevents or inhibits the delivery or continuity of service, a waiver may be sought. A waiver is required for any proposed procurement or contractual action which is not compliant with these Orders. A waiver cannot be given if it would contravene the Public Contracts Regulations 2015 or any other applicable legislation.

You must obtain approval for a waiver in writing specifically identifying the reason for which the waiver is sought, including justification and risk. All applications for waivers of these Orders must be submitted to the Director of Procurement who will seek additional agreement from Legal Services, if appropriate. A waiver cannot be granted retrospectively; this is viewed as non-compliance with these Orders and is reported to Council Corporate Overview Select Committee.

Procurement must maintain a log of all waivers and store documentation for waivers on the Contract Management System.

### **4.2. 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 equipment failure, such as a 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.

## **5. Liability and Security**

### **5.1. Insurance Liability**

To protect the Council, insurance is required where we use goods, works or services provided by a supplier (including consultancy).

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The minimal levels of cover for Public Liability Insurance, Employers' Liability Insurance and Professional Indemnity Insurance are set out below:

- a. Public Liability - £10m
- b. Employers' Liability - £5m-£10m depending on the contract used
- c. Professional Indemnity - £1m-5m (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 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.

## **5.2.Financial Security**

Procurement and 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. a Parent Company, Ultimate Company or Holding Company guarantee where their financial standing proves acceptable;
- b. a Director's Guarantee or Personal Guarantee where finances prove acceptable;
- c. a Performance Bond, retained funds or cash deposit;
- d. 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 for performance and the level of security needed, financial checks to be applied on tenders, plus how financial suitability will be assessed and any checks that will be required during the life of the contract.

Additional documentation, where required, should be stored on the electronic tendering system.

## **5.3.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:

- a. All received Tenders & SQs must be retained for a minimum of eighteen months following the issue of the Contract Award Notice;
- b. All signed contracts under £499,999 (including all tender documentation) must be retained for a minimum of six years following contract expiry;
- c. All sealed contracts signed over £500,000 (including all tender documentation) must be retained for a minimum of twelve years following contract expiry.

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Procurement must maintain an online record confirming the location of the contract/tender and scheduled date of destruction.

## **6. 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.

### **6.1. Contract Segmentation and Management**

Heads of Service are responsible for the performance of contracts in their area in line with the contract segmentation model, and all Contract Management activities are to be delivered either by a dedicated contract manager or by someone with that responsibility as part of a wider role.

Procurement will assess the level of risk, value and complexity of managing a contract (known as 'segmentation') using a consistent model approach with six levels (1 being the higher value, higher risk, most complex and 6 the lowest). Procurement will provide support, training and guidance in line with the segmentation model.

All identified Level 1 and 2 contracts must have a written business continuity plan, to be held on the contract management system.

### **6.2. Contract Award Notices**

A full Contract Award Notice must be published no later than 30 days after the award of a contract for all contracts over the Regulatory Threshold values, excluding call-offs from framework agreements. For all contracts called-off from a DPS, the Notice must be published within 30 days of the call-off or be grouped together and published on a quarterly basis within 30 days of the end of each quarter.

For contracts above 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 Regulatory Thresholds a simplified Contract Award Notice must be published on the Contracts Finder website for all contracts awarded over a value of £25,000 (including all call-off contracts from Framework Agreements) as soon as is reasonably practicable after the conclusion of the contract.

### **6.3. Contracts Register**

All contracts over £5,000, including any variations or amendments, must be registered and maintained in the Electronic Contract Management System (eCMS) managed by Procurement. The council is required by law to publish transparency data about our contracts on a quarterly basis. Data regarding contracts may additionally be maintained in other systems for local use.

All original signed contracts must have a completed summary contract certificate and be stored in a secure fireproof location.

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All contracts over Regulatory Thresholds must have a designated Contract Manager throughout the life of the contract as defined in the Council contract management framework segmentation model.

## **6.4.Contract Modifications and Extensions**

### **Permitted Extensions**

Contracts that have been originally advertised with extension options can be extended subject to acceptance in accordance with Table 2.7.a. and under Regulation 72 of the Public Contracts Regulations 2015. Extensions or renewals and certain amendments of an existing Contracts can be made without triggering a requirement for a new Procurement exercise.

### **Modifications**

For contracts over the Regulatory Threshold, you must obtain the agreement of the Director of Procurement and Legal Services before any material modifications are made, to confirm that they are lawful and whether publication of a "Notice of modification of a contract during its term" is required.

All amendments must then be recorded in writing, signed appropriately and retained with the original contract on the Contract Management System.

**In addition** to the regulatory provisions, contracts may only be extended or varied if *all* of the following conditions have been met:

- a. the initial contract was based on a competitive tender or quotation process compliant with these Orders
- b. the value of the extension or variation added to the value of the original contract does not exceed the original authorisation threshold in Table 2.7.a
- c. the extension or variation has an approved Budget allocation

If any of the conditions above cannot be met, then a new procurement exercise must be initiated.

Where a variation or extension moves the total value of the Contract into a higher threshold, then acceptance must be sought in accordance with Table 2.7.a.

Procurement guidance is available on the Intranet setting out the circumstances under which contract modifications or extensions are permitted by Regulation 72 in the Public Contract Regulations 2015, or superseding legislation or regulation.

## **6.5.Contract Novation**

Where a contractor sells, merges or transfers their business to another organisation, the existing contract(s) the Council has with that contractor should be novated if this is acceptable to the Council. When this situation arises, Legal Services will review the existing contract and the requested novation to determine acceptability. Legal Services will also ask Finance to review the previous appraisal carried out when the contract was let and apply this to the proposed new organisation to ensure the contract will be financially robust. If a novation is agreed, then the revised contract will be passed to Procurement Sourcing Solutions who will update the contract register and ensure that the master data is updated on the relevant purchase to pay system.

## 7. Paying our suppliers

### 7.1. Invoice Payments

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

Suppliers must issue all invoices via the route provided by Business Operations. No invoice may be received or processed directly by a Service unless it is agreed as a payment exception by the Director of 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. It is the responsibility of the recipient of the Goods or Services to ensure all purchases are receipted to the appropriate value and in a timely fashion.

### 7.2. Payment Terms

The standard payment terms are 30 days from the invoice date, with payments made via BACS (electronic bank transfer). If a Supplier has identified themselves as an SME ("small or medium enterprise"), they can be paid on preferential payment terms of 10 working days.

You must obtain the agreement of Director of Procurement and a Finance Manager or authorised delegate for any other 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 Director of Procurement and the relevant Finance Manager.

## 8. Disposing of surplus goods

Disposal of surplus materials, goods or assets (including recycling of materials that have a scrap value), must have adequate defined processes and controls to ensure that the council receives proper reimbursement, where appropriate and cost effective.

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.

Where recycling of materials can be progressed to sale or scrap, the council may enter into a profit share arrangement with Contractor. Examples are construction, servicing and repair type contracts, where scrap metals or building materials can be re-sold. The contractor will need robust processes to define how they deal with disposal and council authorisation to sell scrap value materials or goods.

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) are considered and complied with when disposing of goods.



## **Appendix 1 – policies relevant to these Orders**

All Officers must follow the Council's policies, in particular those relevant to these Orders, which are listed below.

[Financial Regulations](#)

[Scheme of Delegation](#) (see part 3 of the Constitution)

[Code of Conduct](#)

[Conflict of Interest](#)

[Ethical Procurement Statement](#)

[Counter-fraud Strategy](#) (see part 6 of the Constitution)

[Scrutinising Contracts Protocol](#) (see part 6 of the Constitution)

[Strategic Grants Process](#)

Procurement in the UK is regulated by:

[The Public Contracts Regulations 2015](#)

[The Concession Contracts Regulations 2016](#)

[The Public Services \(Social Value\) Act 2012](#)

# Risk Management Strategy

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# 1 Introduction

A risk is defined as an uncertain event which, should it occur, will influence the achievement of objectives. This Risk Management Strategy outlines the approach used by Surrey County Council in managing risk. A framework is detailed showing the process for undertaking risk identification, assessment, treatment, monitoring and reporting.

By operating a robust risk management process the following benefits can be derived:

- ▶ **Strengthen accountability** – through clear and robust risk governance including risk roles and responsibilities, risk ownership, risk monitoring, escalation of risks and oversight of the risk management process
- ▶ **Make best use of resources** – through relevant and proportionate treatment of risks, taking account of the level of risk
- ▶ **Build stakeholder trust** – by demonstrating that significant risks are consistently identified, assessed, managed, and monitored at the appropriate level across Surrey County Council
- ▶ **Avoid surprises** – providing a consistent approach to identify, understand, and assess risks
- ▶ **Give confidence** – that appropriate actions are being taken to manage risks in a timely manner
- ▶ **Make informed decisions** – with reliable information on risks

The aim of Surrey County Council is to continuously improve its approach to risk management, prompted by new ideas and best practice. In particular, this strategy has drawn on guidance from:

- The Orange Book, Management of Risk: Principles and Concepts (*HM Government, 2020*)
- Fundamentals of Risk Management (*The Institute of Risk Management 2018*)
- Management of Risk: *Guide for Practitioners* (*OGC, 2010*)

This Risk Management Strategy will be reviewed annually by the Risk Manager and brought to the Audit and Governance Committee for review and approval.

## 2 Roles & Responsibilities

A number of key roles have been defined in supporting this risk management process:

**Risk Owner:** To manage any risks assigned and to provide up-to-date, accurate information about the risk

- *Work to develop suitable controls, actions and target completion dates*
- *Review risk including progress against plan, effectiveness of actions taken and any other factors that have impacted the risk*
- *Provide up-to date-risk information including any significant changes to risk levels and progress against treatment plans, to support timely and accurate risk reporting*

**Directorate Lead / Service Lead:** To coordinate the risk management process across their respective Directorate / Service

- *Manage the implementation of the risk management process across the Directorate or Service*
- *Monitor risk with Risk Owners and ensure the Directorate/Service risk register is updated*
- *Escalate or downgrade risks as appropriate*

**Corporate Leadership Team:** To support the effective implementation of risk management in the organisation

- *Promote a risk management culture*
- *Review the organisations top risks and ensure suitable mitigations are in place*

**Audit & Governance Committee:** To ensure that there are adequate risk management processes and activities taking place to protect the viability of the organisation

- *Approve the Risk Management Strategy*
- *Review the top risks for the organisation*
- *Consider recommendations for improvements to the overall management of risk*

**Risk Manager:** To ensure risk management is consistently applied across the Council

- *Manage the implementation of the Risk Management Strategy (and update as needed)*
- *Provide support and guidance on risk management to the organisation*
- *Maintain the Corporate Risk Register and ensure Directorate/Service risk registers are maintained*

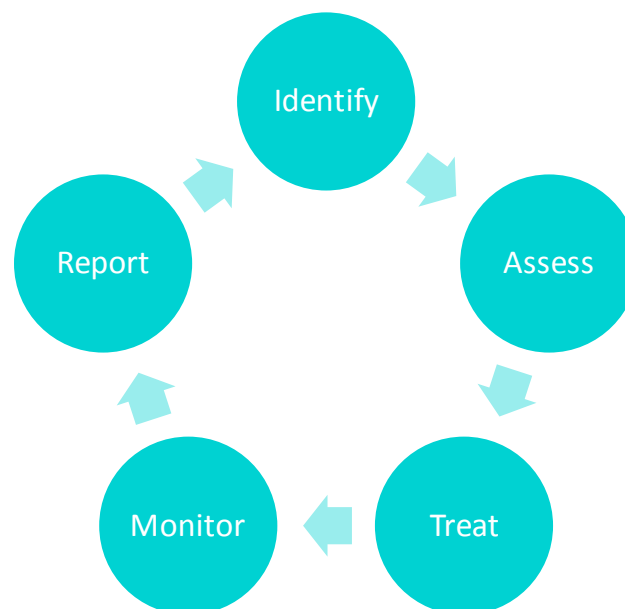
## 3 Risk Management Approach

### (i) The Risk Process

In order to manage risk, Surrey County Council needs to first know what risks it faces and then how best to deal with them. To achieve this, a risk process is used (as shown in Fig 1.) The process highlights each of the risk stages, namely: identify, assess, treat, monitor and report.

More information on the activities undertaken at each stage of the risk process are detailed in the forthcoming chapters of this document.

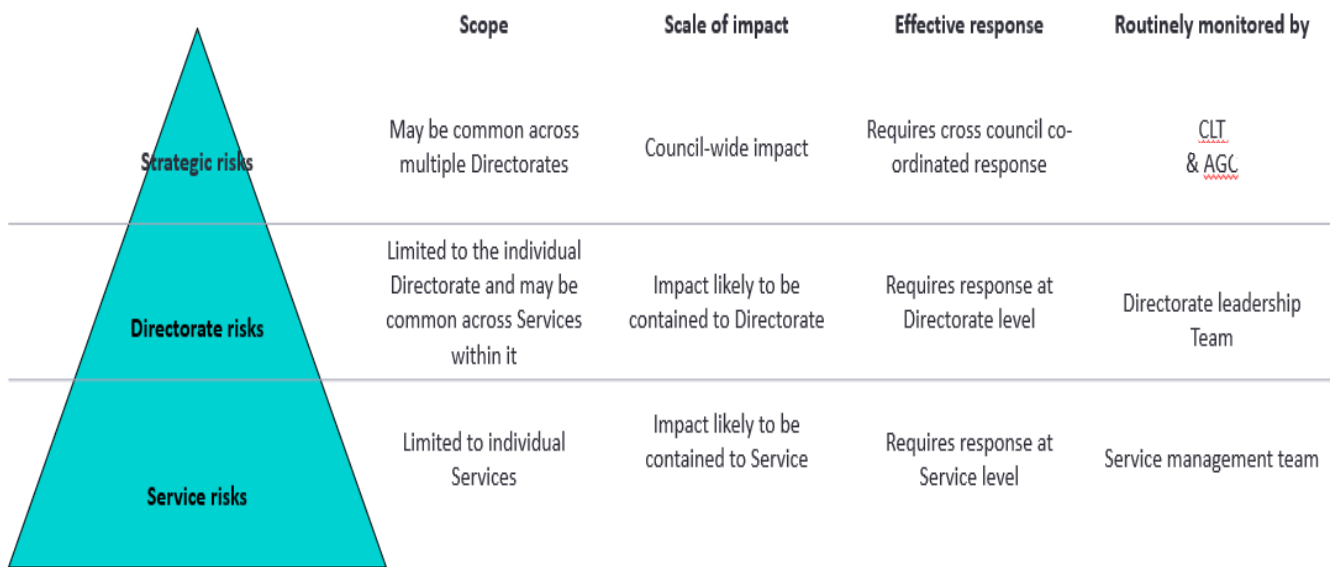
**Fig 1 - The Risk Management Process**



### (ii) Risk Hierarchy

The primary method for prioritising risks in Surrey County Council is classifying the risk as either a **Strategic (Corporate)**, **Directorate** or **Service** level risk. Hence, this hierarchy informs the level in the organisation at which the risk is routinely managed and monitored.

Typically, the level of a risk will depend on the scope, scale of potential impact and nature of the response required to manage the risk. Examples of the types of attributes commonly associated with the 3 hierarchy levels are shown in Fig 2. Regardless of level assigned, any risk may be escalated for review or intervention if required (by the Risk Owner or via the Risk Manager).

**Fig 2 – The Risk Hierarchy**

Once the hierarchy is decided it is then possible to assign the risk to the correct risk register.

### (iii) **Risk Registers**

Risk registers run alongside the risk management process and are used as the key tool to capture risk information in a structured and consistent way. The following risk registers are used within Surrey County Council:

Type of Risk	Risk Register Used	Owner of Risk Register
Strategic	Corporate Risk Register	Risk Manager
Directorate	Specific Risk Register for that Directorate	Head of Directorate
Service	Specific Risk Register for that Service	Head of Service

The format of the risk register used in Surrey County Council is shown in Annex A along with an explanation of the information required to populate. The focus of the risk register is to detail what the cause(s) and effect(s) of the risk are, the likelihood and impact, and the controls and mitigations. To help understand what risk information needs to be captured at each stage of the risk process a summary is shown at the end of each of the following Chapters - see '*Risk Register updated*'.

The frequency of reviewing and updating risk registers will depend on a number of factors such as the threat to the organisations objectives and the volatility of the risk i.e. the rate of change. It is recommended that risks are reviewed at least monthly (depending on the nature of the risk) **but as a minimum all risk should be reviewed at least quarterly.**

## 4 Risk Identification

Risk identification is the first step of the risk process journey. Risks can be identified in a number of ways - from a person spotting a risk while doing their job to a team during a workshop.

At this stage the intention is to describe the risk with a focus on:

The **risk event** – a summary explaining what may or may not occur

The **cause(s)** – those factors that will lead to the risk event occurring

The **effect(s) / consequence(s)** – the likely impact on activities and outcomes if the risk event does occur

By methodically working through the risk event and identifying the cause(s) and effect(s) it encourages a better understanding of the risk and a more structured definition of the risk. It is not always easy to describe risks, however the key point is that everyone understands what is meant by the risk and the description is sufficient to ensure an effective understanding of the risk moving forwards.

Some examples of causes of risk are:

- Failure to.....
- Loss of.....
- Insufficient.....
- Non-compliance with....
- Reduction in.....
- Conflict between.....
- Inability to.....
- Reliance on.....
- Disruption to.....
- Inadequate.....
- Increase in.....
- Delay in.....

The effects or consequences of risks can be numerous, and some examples are:

- Service disruption
- Impaired performance
- Management distraction
- Breach of contract
- Fines and penalties
- Loss of assets
- Financial cost
- Damaged reputation
- Health and Safety failings

### ***Risk Register Updated:***

*At the end of this step the risk register should be populated with the:*

- *Risk Title (the risk event)*
- *Cause*
- *Effect*
- *An initial Risk Owner – the person best placed to manage the risk*
- *Unique ID (provided by the Risk Manager)*



# 5 Risk Assessment

Risk assessment categorises risks according to **likelihood** of occurrence and **impact** on the organisation using a scoring-based system.

The **likelihood** is an estimate of the probability that the risk will occur. It takes into account any existing controls currently in place to help mitigate the risk from occurring. For example, applying the latest software patches to IT equipment is a control measure to reduce the chances of having computer viruses.

Shown below the likelihood is the current best assessment of the risk on a scale of 1-5.

**Fig 3 - Likelihood criteria for risks**

Level	Likelihood	Odds
1	Rare	<10%
2	Unlikely	10% to 29%
3	Possible	30% to 69%
4	Likely	70% to 90%
5	Very Likely	>90%

*NOTE : It is important to understand that the goal is not to have the most accurate scoring but ensure that there is a prioritisation of risks. This allows for the allocation of resources focused on managing the most significant risks.*

The **impact** is the negative effect that the risk could have on the organisation. Any existing controls to help manage the impact of the risk should be taken into account when undertaking the scoring assessment. For example, a business continuity plan would not change the likelihood of a risk occurring but is designed to reduce the impact.

The scoring is on a scale of 1-5 and is the best assessment based on the known risk information. To aid scoring for the Risk Owner, an impact criteria matrix is used, as shown in Fig 4. The criteria are only a guide for the Risk Owner to get a better 'feel' for the risks relative impact and thereby providing a consistent level of evaluation and ranking of risk across the organisation. It is not intended to be an exhaustive list as there are a multitude of impact areas such as governance, environment etc.

**Fig 4 - Impact criteria for risks**

IMPACT					
Level	Impact	Financial (revenue)	Residents	Reputational	Performance
1	Minimal	<£100k	Minimal impact on a small proportion of the population	Has no negative impact on reputation and no media interest	Minimal impact on achievement of one or more SCC priority objectives
2	Minor	£100K to £1m	Minor impact on a small proportion of the population	Minor damages in a limited area. May have localised, low level negative impact on reputation and generates low level of complaints	Minor impact on achievement of one or more SCC priority objectives
3	Moderate	£1m-£2.5m	Moderate impact on a large (or particularly vulnerable group) proportion of the population	Moderate damages but widespread. Significant localised low level negative impact on the organisations reputation which generates limited complaints.	Moderate impact on achievement of one or more SCC priority objectives
4	Major	>£2.5m to £10m	Major impact on a large (or particularly vulnerable group) proportion of population	Major damage to the reputation of the organisation. Generates significant number of complaints and likely loss of public confidence. Unwanted local or possibly national media attention.	Major impact on achievement of one or more SCC priority objectives
5	Severe	>£10m	Serious long term impact on a large (or particularly vulnerable group) proportion of population	Serious damage to the reputation of the organisation. Large number of complaints. National media coverage. Possible government intervention.	Serious long term impact on achievement of one or more SCC priority objectives

Once the risk likelihood score and impact score have been determined, they combine to provide an overall risk score (by multiplying the impact by the likelihood). This allows for a relative ranking of risks and a better focus on prioritising the most significant risks (with resources allocated accordingly).

***Risk Register Updated:***

*At the end of this step the risk register should be populated with the:*

- *Existing management controls to reduce the likelihood or impact of the risk*
- *Likelihood score*
- *Impact score*
- *Overall Risk Score (likelihood x impact)*

## 6 Risk Treatment

Risk treatment involves looking at the options to help mitigate the risk and taking the most appropriate actions. Very often the first idea (or option) is the most expensive and it is important to consider alternatives. The intention is to consider the cost-benefits of each option and then select the most appropriate to either reduce the likelihood of occurrence or the impact.

There are essentially 4 main treatment options, shown below in Fig 4:

**Fig 5 - Risk Management treatment options**

Activity / Option		Mitigation
Terminate	Stop what is being done.	The specific actions to be taken to control the risk
Treat	Reduce the likelihood or impact of the risk occurring.	
Transfer	Pass to another service best placed to deal with mitigations but ownership of the risk still lies with the original service. <i>One example would be insurance.</i>	The reasons for the transfer and the name of the service provider that the risk is being transferred to.
Tolerate	Do nothing because the cost outweighs the benefits and/or an element of the risk is outside our control.	The specific reasons / rationale for tolerating the risk.

NOTE: When considering the options, more than one mitigation may be appropriate.

### ***Risk Register Updated:***

*At the end of this step the risk register should be populated with the:*

- *Planned Enhancements to Controls (Actions) – treatment option(s) to further mitigate the risk*
- *Target Date(s) - The date when the action(s) should be completed by*

# 7 Risk Monitoring and Reporting

Effective risk monitoring and reporting is essential for informed decision-making and ensuring that the right actions are taken to drive improvement.

Risks must be regularly monitored to track progress, review the effectiveness of existing controls and consider any other factors that may impact the (level of) risk. The frequency of risk reviews will depend on the type of risks being assessed and the area that the risk sits within. For many parts of the organisation, the review of the risk register will be a standing item on the agenda. Nevertheless, all risks in a risk register must be reviewed every quarterly (at the very least) by the Risk Owner.

In addition to risk monitoring by the Risk Owner, a number of other stakeholders are likely to need to be kept informed on the risk status and contribute as required. Below shows some of the monitoring that takes place in the Council based on the risk hierarchy to support good risk management and good governance.

Risk Level / Hierarchy	Risk Monitoring
Strategic	<ul style="list-style-type: none"> <li>• Corporate Risk Register reviewed by Corporate Leadership Team (monthly standing agenda item). New risks added if appropriate or removed or downgraded to departmental level.</li> <li>• AGC consider the Corporate Risk Register (standing agenda item) to provide oversight</li> <li>• Deep dives undertaken on risks to provide wider perspective and understanding</li> </ul>
Directorate	<ul style="list-style-type: none"> <li>• Risks reviewed and updated by Head of Directorate and their direct reports.</li> <li>• Risks escalated (via Head of Directorate or via Risk Manager), removed or downgraded</li> </ul>
Service	<ul style="list-style-type: none"> <li>• Risks reviewed and updated by Head of Service and their direct reports</li> <li>• Risks escalated (via Head of Service or via Risk Manager) or removed</li> </ul>

Reports provide stakeholders a view on the current state of specific risks. Essentially there are 2 types of reporting:

- **Pre-defined reports** which are in the same format and provided to regular committees or other meetings. These will typically be undertaken by the overall responsible for that specific risk register.
- **Ad-hoc risk reports** on the status of risk. Typically, these will be spanning different parts of the organisation and are normally undertaken by the Risk Manager.

Below are some of the interested parts of Surrey County Council that require risk reports. While it is not a comprehensive list it does reflect that there are a large number of stakeholders that require risk information.

**Fig 6 – Overview of some of the stakeholders that require risk information**



It is **IMPORTANT** that anyone providing a risk report understands that there may be content which could be confidential. For example, the mitigations may cover commercially sensitive information or could be used to by-pass intended safeguards. Therefore, there must be a clear understanding of why the report is needed, what content requirement / risk information is needed, and who will have access to the report.

Typically a risk report as a minimum should show:

- The Title of the Risk
- The Owner of the Risk

Additional information may be made available such as:

- The cause(s) of the risk and the effect(s) on the organisation if it were to occur
- The current likelihood and impact if the risk
- The current control(s) in place to stop the risk from occurring
- The planned mitigation(s) to further reduce the likelihood or impact of the risk
- The due date(s) for completion of the mitigation

***Risk Register Updated:***

*At the end of this step the risk register should be reviewed and any changes / updates made*

# Risk register

# Annex A

A risk register with a worked example

Risk ID	Risk Title	Causes	Effect	Risk Owner	Likelihood (1-5)	Impact (1-5)	Overall Score	Key Existing Management Controls	Planned Enhancements to Controls (Actions)	Target Date
		<i>The reason(s) giving rise to the risk</i>	<i>What would happen if the risk occurred?</i>	<i>Name of person owning/managing the risk</i>	<i>see risk matrix to help scoring</i>	<i>see risk matrix to help scoring</i>	<i>Calculation (Likelihood x risk from occurring impact)</i>	<i>Controls that are already in place to stop the Likelihood x risk from occurring</i>	<i>Actions planned to further mitigate the risk</i>	<i>Month &amp; Year</i>
	<i>Unique ref. A short summary explain the risk no. to be provided by Risk Manager</i>									
	Example : There is a risk of a deliberate and / or targeted cyber attack compromising IT systems and critical IT infrastructure	<ul style="list-style-type: none"> <li>- A deliberate attack by a cyber criminal or insider attack by a disgruntled employee or ex-employee.</li> <li>- State linked cyber crime attacks – a local government organisation can be viewed as less secure and a link into national government systems.</li> <li>- Lack of understanding amongst workforce of the potential cyber threats.</li> <li>- Failure of staff to adhere to the council's cyber security policies, procedures and guidance (behaviour and technical).</li> <li>- Legacy infrastructure and systems, that become increasingly vulnerable to exploitation as threats become more sophisticated and targeted.</li> </ul>	<ul style="list-style-type: none"> <li>- An immediate disruption to services if systems are unavailable.</li> <li>- Loss of access to individual resident's records, creating a risk of harm to their health and wellbeing.</li> <li>- Loss of access to operational data e.g. payroll data, payment data for suppliers, case files etc.</li> <li>- Financial cost of the immediate response e.g. rebuilding systems and restoring data.</li> <li>- Financial cost of longer term recovery e.g. potentially buying new infrastructure and strengthening resilience to cyber attacks.</li> <li>- Damage to reputation / loss of trust amongst the residents of Surrey, and partner organisations.</li> </ul>	A.Smith	1	4	4	<ul style="list-style-type: none"> <li>4 - Protective systems: Firewalls, anti-virus, internet scanning in place</li> <li>- Inhouse security monitoring and penetration testing</li> <li>- Systems have latest patches applied</li> <li>- Cyber liability insurance in place</li> <li>- User access controls limits access to data</li> <li>- Business Continuity Plan in place to enable support of key services</li> </ul>	<ul style="list-style-type: none"> <li>- revised IT incident management policy being Oct. 2021 developed</li> <li>- internal audit planned and will undertake remedial work if identified</li> </ul>	Jan. 2022

<b>Area</b>	<b>Guidance</b>
Risk ID	All risks must have a unique risk reference
Risk Title	A short summary explaining the risk
Cause	The reason(s) giving rise to the risk
Effect	What would happen if the risk occurred?
Risk Owner	The person best placed to own and manage the risk
Likelihood	The probability rating of the risk occurring
Impact	The rating of the risk effect to the organisation
Overall Score	Rating calculated by Likelihood x Impact
Key Existing Management Controls	Measures currently in place to reduce the likelihood or impact of the risk occurring
Planned Enhancements to Controls (Actions)	Further actions planned to help mitigate the risk to an acceptable level
Target Due	The deadline by which the mitigating actions should be completed

Surrey County Council  
**Corporate Resilience Policy**  
2014



**Document Control**

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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

<b>Part 6 – Codes and Protocols</b>
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<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 COUNCILLOR CODE OF CONDUCT AND RELATED PROVISIONS**

### **Introduction**

The Surrey County Council Councillor Code of Conduct is based on the model Councillor Code of Conduct developed by the Local Government Association (LGA) in association with key partners and after extensive consultation within the sector. The LGA will undertake an annual review of this code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

All Councils are required to have a Councillor Code of Conduct and the role of a Councillor in Surrey County Council is a vital part of the Council's system of democracy. It is important that Councillors can be held accountable and adopt the behaviours and responsibilities associated with their role. The conduct of an individual Councillor affects the reputation of all Councillors and the role of Councillor should be one that people aspire to.

Councillors represent local residents; work to develop better services; and deliver local change. The public have high expectations of Councillors and entrust them to represent their local area; taking decisions fairly, openly, and transparently. Councillors have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, Councillors should be able to undertake their role as a Councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

The code has been designed to protect Councillor's democratic role; encourage good conduct; and safeguard the public's trust in the Council.

### **Definitions**

For the purposes of the Councillor Code of Conduct, a "Councillor" means a member or co-opted member of the Council. A "co-opted member" is defined in the Localism Act 2011, Section 27(4), as "a person who is not a member of the authority but who:

- (a) is a member of any committee or sub-committee of the authority, or;
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and
- (c) who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

### **Purpose of the Councillor Code of Conduct**

The purpose of this code is to assist Councillors, in modelling the behaviour that is expected of them; provide a personal check and balance; and to set out the type of conduct that could

lead to action being taken against a Councillor. It is also to protect Councillors, the public, fellow Councillors, officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and specific obligations in relation to standards of conduct. The use of support, training and mediation prior to action being taken using the code is encouraged. The fundamental aim of the code is to create and maintain public confidence in the role of councillor and local government.

### **General principles of Councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Councillor Code of Conduct**

This code applies to all Councillors as soon as they sign their declaration of acceptance of the office of Councillor or attend their first meeting as a co-opted member and continues to apply to them until they cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication

- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Councillors are also expected to uphold high standards of conduct and show leadership at all times.

The Monitoring Officer has statutory responsibility for the implementation of the Councillor Code of Conduct, and Councillors are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Councillor Code of Conduct.

## **Standards of Councillor conduct**

This section sets out a Councillor's obligations, which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### General Conduct

#### *1. Respect*

As a Councillor:

- 1.1 I treat other Councillors and members of the public with respect.
- 1.2 I treat Council employees, employees and representatives of partner organisations and those volunteering for the Council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Councillors should not, however, subject individuals, groups of people or organisations to personal attack.

In their contact with the public, Councillors should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, Councillors have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening Councillors are entitled to stop any conversation or interaction in person or online and report them to the Council, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and Council employees, where concerns should be raised in line with the Council's Councillor-Officer Protocol.

## *2. Bullying, harassment and discrimination*

As a Councillor:

- 2.1 I do not bully any person.
- 2.2 I do not harass any person.
- 2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## *3. Impartiality of officers of the Council*

As a Councillor:

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.

Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## *4. Confidentiality and access to information*

As a Councillor:

- 4.1 I do not disclose information:
- a. given to me in confidence by anyone
  - b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
    - i. I have received the consent of a person authorised to give it;
    - ii. I am required by law to do so;
    - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
    - iv. the disclosure is:
      - 1. reasonable and in the public interest; and
      - 2. made in good faith and in compliance with the reasonable requirements of the Council; and
      - 3. I have consulted the Monitoring Officer prior to its release.
- 4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.
- 4.3 I do not prevent anyone from getting information that they are entitled to by law.

The Council works openly and transparently, and its proceedings and printed materials are open to the public, except in certain legally defined circumstances. Councillors should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## 5. *Disrepute*

As a Councillor:

- 5.1 I do not bring my role or the Council into disrepute.

Councillors are trusted to make decisions on behalf of their community and their actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Councillors should be aware that their actions might have an adverse impact on them, other Councillors and/or the Council and may lower the public's confidence in their or the Council's ability to discharge their/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute. Councillors can hold the Council and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this code.



## 6. *Use of position*

As a Councillor:

- 6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

A Councillor's position as a member of the Council provides them with certain opportunities, responsibilities and privileges, and they make choices all the time that will impact others. However, they should not take advantage of these opportunities to further their own or others' private interests or to disadvantage anyone unfairly.

## 7. *Use of local authority resources and facilities*

As a Councillor:

- 7.1 I do not misuse Council resources.
- 7.2 I will, when using the resources of the Council or authorising their use by others:
- a. act in accordance with the local authority's requirements; and
  - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local Council or of the office to which I have been elected or appointed.

Councillors may be provided with resources and facilities by the Council to assist them in carrying out their duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones and computers
- transport
- access and use of Council buildings and rooms.

These are given to Councillors to help them carry out their role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

## 8. *Complying with the Code of Conduct*

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by the Council.
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for a Councillor to demonstrate high standards, for them to have their actions open to scrutiny and for them not to undermine public trust in the Council or its governance. If a Councillor does not understand or is concerned about the Council's processes in handling a complaint, they should raise this with the Monitoring Officer.

### *Protecting your reputation and the reputation of the Council*

## 9. Interests

As a Councillor:

- 9.1 I register and declare my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

Councillors need to register their interests so that the public, Council employees and fellow Councillors know which of their interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects a Councillor by allowing them to demonstrate openness and a willingness to be held accountable.

A Councillor is personally responsible for deciding whether or not they should declare an interest in a meeting, but it can be helpful for them to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by a Councillor or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of the Council is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, a Councillor should always seek advice from the Monitoring Officer.

## 10. Gifts and hospitality

As a Councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the local Council for any permission, licence or other significant advantage.
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered, but have refused to accept.

In order to protect their position and the reputation of the Council, a Councillor should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered to them because they are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case a Councillor could accept it, but must ensure it is publicly registered.

However, a Councillor does not need to register gifts and hospitality which are not related to their role as a Councillor, such as Christmas gifts from their friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with their duties as a Councillor. In case of any uncertainty, the Monitoring Officer should be contacted for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

#### *Selflessness*

Holders of public office should act solely in terms of the public interest.

#### *Integrity*

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### *Objectivity*

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### *Accountability*

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### *Openness*

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### *Honesty*

Holders of public office should be truthful.

#### *Leadership*

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix B Registering interests**

Within 28 days of becoming a Member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in

exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### **Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which *directly relates* to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosure of Non-Registerable Interests**

7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which *affects* –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative, close associate; or
  - c. a body included in those you need to disclose under Other Registrable Interests as set out in Table 2you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter *affects* your financial interest or well-being:
  - d. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - e. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider

### public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to a Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her 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.
<b>Contracts</b>	Any contract made between a Councillor or his/her spouse or civil partner or the person with whom a Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —



	<p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the Council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give a Councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the Councillor's knowledge)—</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>

<p><b>Securities</b></p>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 Councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
	<p>* 'director' includes a member of the committee of management of an industrial and provident society.</p> <p>* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.</p>

## Table 2: Other Registerable Interests

You have a registrable personal interest in

a. any body within Surrey of which you are in a position of general control or management and to which you are nominated or appointed by Surrey County Council.
b. any body within Surrey of which you are in a position of general control or management which exercises functions of a public nature and / or is directed to charitable purposes
c. Any body whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you hold a membership.

<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 Member 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 Member 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 Member Code of Conduct is set out in the Constitution, which is available for inspection on the Council's website and upon request from Democratic Services.
- 2.2 The Member Code of Conduct 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  
Woodhatch Place  
11 Cockshot Hill  
Reigate  
Surrey

RH2 8EF

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 Will the complaint be investigated?**

- 4.1 The Monitoring Officer will review every complaint received.
- 4.2 The complaint must be:
  - against one or more named Members of the authority;
  - in relation to a named Member who was in office within the authority at the time of the alleged conduct and the Member Code of Conduct was in force at the time; and
  - in relation to an alleged breach of the Member\_Code of Conduct.
- 4.3 If the complaint does not fall within 4.2 above, the matter will not be considered and the complainant will be informed that there will be no further action.
- 4.4 Where the complaint passes the above test, and in order to establish a preliminary view of the circumstances of the complaint and whether there may be a course of action which could be taken to resolve the issues promptly without the need for formal action, the Monitoring Officer may consult or meet with any other relevant persons, which may include the Leader of the Council or Group Leaders, the Chief

Executive or any other officers, the complainant and the Member against whom the complaint has been made.

- 4.5 The Monitoring Officer will then consult with the Independent Person and decide whether the complaint merits formal investigation. The Independent Person should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial. This decision will normally be taken within 14 days of receipt of the complaint. The complainant and the Member against whom the complaint is made will be informed of the Monitoring Officer's decision and the reasons for that decision.
- 4.6 In assessing whether a complaint should be investigated the following factors will be taken into consideration:
- Public interest – the decision whether to investigate will be a proportionate response to the issues raised and expected outcomes will take into account the wider public interest and the costs of undertaking an investigation. Complaints will only be investigated where the allegations are reasonably considered to be serious matters.
  - Alternative course of action – a complaint will only be investigated where there is no other action which could be taken which would achieve an appropriate outcome in the circumstances of the case.
  - Member's democratic role – where a complaint relates to a matter more appropriately judged by the electorate at the local elections, the Monitoring Officer will not normally refer these matters for investigation.
  - Previous action - if the complaint has already been subject to a previous investigation or some other action relating to the code of conduct or other related process, the matter will ordinarily not be referred for further action.
  - Vexatious/repeated complaints – the Monitoring Officer will not refer for investigation a complaint that is the same or substantially the same as one previously made by the complainant.
  - Timing of the alleged conduct – if there are significant delays between the incident complained of and the complaint the matter will not ordinarily be considered further unless there are very good reasons for the delay.

- Ulterior motive – no further action is likely to be taken if the complaint is considered to be motivated by malice, political motivation or retaliation.
- 4.7 In appropriate cases the Monitoring Officer in consultation with the Independent Person may consider resolution of the complaint without the need for a formal investigation. This may involve:
- The Member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the authority.
  - Referring the matter to group leaders or officers.
  - The Member being required to attend training.
  - The Member being required to meet with the Monitoring Officer and/or other relevant officers.
  - Such other action as is considered appropriate by the Monitoring Officer and Independent Person.
- 4.8 Matters which might appropriately be dealt with as described in 4.7 above may include:
- Misunderstanding of procedures or protocols.
  - Misleading, unclear or misunderstood advice from officers.
  - Lack of experience or training.
  - A general deterioration of relationships, including those between Members and officers, as evidenced by a pattern of allegations of minor disrespect.
  - Allegations and retaliatory allegations from the same individuals.
- 4.9 If this action does not resolve the complaint, the Monitoring Officer, in consultation with the Independent Person, will reconsider whether the complaint merits formal investigation. An investigation will only be conducted where the Monitoring Officer and Independent Person agree that this is the appropriate course of action. The Monitoring Officer reserves the right, in exceptional circumstances, to refer a complaint to the Member Conduct Panel to determine if an investigation is the appropriate course of action.
- 4.10 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and other regulatory agencies.

- 4.11 If the Monitoring Officer or the Independent Person in considering any complaint, at any time, become aware that they have an actual or potential conflict of interest, they will record and declare this to the complainant and councillor concerned. They will withdraw from consideration of the complaint and ensure the complaint is considered independently by an alternative Deputy Monitoring Officer, or an alternative Monitoring Office appointed from another Local Authority as appropriate, and an alternative Independent Person.

## **5 How is the investigation conducted?**

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 The investigation and the Investigating Officer's report will be kept confidential at this stage.

## **6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Member 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.

## **7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Member Code of Conduct?**

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Member 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.

- 7.1 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.
- 7.2 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 Member Code of Conduct.
- 7.3 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 Member Code of Conduct.
- 7.4 After hearing from all the parties the Member Conduct Panel may conclude either:
  - that the Member did not fail to comply with the Member Code of Conduct; or
  - that the Member did fail to comply with the Member 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.

## **8 What action can the Member Conduct Panel take where a Member has failed to comply with the Member 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 –

- 8.1 Decide that no action is needed.
- 8.2 Issue a statement of censure.
- 8.3 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.
- 8.4 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.

## **9 How are the Panel's findings communicated to a Member?**

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.

## **10 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.

## **11 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.

## **12 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.

## **13 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 Member Code of Conduct. However, a Member may require that a further Member Conduct Panel meeting reviews any sanction imposed at a hearing.

## **14 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.

# Officers code of conduct

Part 6 (03)



**SURREY**

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# 1 Introduction

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.

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.

Throughout this policy there are references to a number of Council employment policies. All of these can be found on the s-net. If you need any further assistance or clarification, please contact [myhelpdeskh@surreycc.gov.uk](mailto:myhelpdeskh@surreycc.gov.uk) or 020 8541 9000 (option1).

## 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. 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 s-net.

### **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 is published on the council's public 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.

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.

## 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 guidance, available on the s-net.

### 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 the Conflict of Interest policy, on the s-net.

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 the Whistleblowing policy on the s-net.

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.

### 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 and 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 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 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 on the s-net.

## **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.

# Members and Officers of Surrey County Council – A Protocol for Working Collaboratively

1. Surrey County Council is committed to enabling Members and Officers to work effectively together to enable the delivery of positive outcomes for the benefit of residents.
2. This Protocol provides guidance and principles that support effective working relations between Members and Officers. It supplements, and does not seek to repeat, other existing policies and protocols set out in the [Constitution](#); specifically the codes of conduct for [Officers](#) and [Members](#).

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## The Role of Members and Officers

3. **Members and Officers** are both servants of the public; their roles are complementary to each other but their responsibilities are distinct:
4. **Members** are elected by residents to represent an electoral division and serve a term of office; they are responsible and accountable for making strategic decisions and ensuring that they are implemented by Officers.
5. **Officers** are responsible to the Chief Executive via their managers and Executive Directors; their role is to provide information, guidance, support and advice to all Members so that they are equipped to make effective decisions. Officers are responsible for implementing and delivering the outcomes of policy and decisions.

## Core principles

6. **Members and Officers together will:**
  - Be professional, respectful and reliable, working with trust and respect
  - Respond in a timely way to one another

- Understand and advise on the needs of local communities
- Trust and value each other's expertise, knowledge and skills
- Not criticise each other in the public domain
- Work together.

7. **Members can expect Officers to:**

- Be honest, impartial and politically neutral
- Keep them well-informed and give Members time to work with the information provided
- Implement policy and ensure operational delivery
- Recognise the pressures that Members face whilst representing their residents and the political environment in which they operate.

8. **Officers can expect Members to:**

- Fully consider professional advice as part of decision making
- Avoid becoming involved in routine management and staff issues (including recruitment below Deputy Chief Officer level)
- Carry out their role as the public face of the organisation and represent residents' best interests
- Show consideration by avoiding requests that include unreasonable deadlines or excessive demands.

## The relationship – Piecing it together

The relationship is most effective when it operates in partnership. Both parties bring skills, knowledge and experience but for the relationship to work there needs to be awareness of expectations and boundaries.

We start from the precept that people are capable, mature and have good intent.

### Officer support to Members - Keeping the local Member informed

9. Surrey County Council's 81 elected Members provide the bedrock of representative democracy and it is important that they are supported to carry out their community leadership role. Members are often the first point of contact for residents and to be effective it is critical that they are updated about matters affecting their division.

10. Officers are expected to be equipped to keep local Members informed:

- In relation to significant or sensitive operational matters
- When there is planned or unexpected service disruption taking place
- During the formative stages of policy development
- Whenever a public consultation is planned
- Prior to an issue raised in the media or public domain.

11. Where an issue is to be discussed at a public meeting that affects a particular division or area, all local county councillors will be invited and offered the opportunity to speak.

12. Officers can assist Members further by:

- Being alert to the local political context of decisions or issues
- Understanding their problems, looking for solutions and avoid focusing on obstacles
- Initiating contact proactively. Introductory emails to Members from newly appointed Officers, where a relationship will need to exist, is welcomed.

The media test:

*“Is it reasonably foreseeable that this topic could be reported in the local media?”*

If the answer is “yes”, then communication with Members is required.

### **Officer support to Cabinet**

13. SCC operates a strong leader model of executive governance. The Cabinet will take decisions in accordance with the Constitution and Officers will implement those decisions.

14. Whilst the distinction between Member/Officer roles and responsibilities is consistent across the organisation, the relationship between the Cabinet and Corporate Leadership Team (CLT) is unique. These groups have a leadership duty to model the desired working relationships and boundaries; where members provide strategic direction and CLT are responsible for the operational delivery.

15. A close working relationship between Senior Officers and Cabinet Members is inevitable (and desirable) but it should never become, or appear to become, so close as to bring into question the Officer’s ability to work impartially with other Members and political groups.

### **Officer support to Scrutiny**

16. Overview and Scrutiny plays an important role in overseeing policy implementation, service performance and scrutinising Cabinet business and the decisions that it takes. When Officers provide information for scrutiny committees, they are expected to do so, in line with Access to Information requirements.

17. Committees can request Officers attend scrutiny meetings. The intent is for the Officer to provide relevant information on policies and service performance, through constructive Member questions. Questions will not be related to the capability or competence of Officers as this is not a scrutiny function.

## **Officer support to Political Groups**

18. Political groups are part of the informal governance landscape and they are permitted to request that an Officer attends a group meeting for the purpose of providing a briefing on a matter of policy, that is (or may be) the subject of a formal meeting.

- There is no entitlement to an additional meeting, or pre-briefing, ahead of other Members being provided with information.

19. To ensure transparency and political neutrality, the role of an Officer attending a group meeting is to:

- Provide the same factual information and professional advice to all political groups on request
- Withdraw from the meeting prior to groups discussing their course of action, or if they feel their impartiality or integrity are being put at risk
- Respect the confidentiality of any group discussion and not relay it to any other Members/groups or third party. Officers are able to discuss the meeting with senior Officers on a need to know basis.

20. To ensure that information is appropriate for the audience and protects confidentiality, groups need to provide advance notice of any third parties also attending the meeting who are not bound by council policy.

21. Whilst Members are entitled to use council premises and resources to carry out their duties, Officers are not in a position to extend the use of the resources to activities that are wholly personal, electioneering or solely for party political purposes. Where an agreed arrangement exists, resources may be made available at a charge.

## **Member support to Officers**

22. Members are able to contribute to fostering positive relationships by recognising the boundaries and restrictions placed upon Officers. For example, Officers are unable to:

- Contribute to business solely relating to a political party (including attending local political group meetings)<sup>1</sup>
- Take part in electioneering
- Assist with personal correspondence or matters
- Provide administrative support to Members in their capacity as a Councillor of another local authority.

23. Members have an important role in contributing to the development of policies and strategies (including scrutinising decisions). However, this is distinctly different from developing operational plans and the management of service delivery, which is

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<sup>1</sup> This excludes Political Assistants.

the domain of Officers. Members can foster positive relationships by remaining mindful of this role boundary.

24. When seeking to deal with constituent matters, on some occasions it may not be possible to satisfy a Member's request due to operational time, capacity and resource pressures. Having a conversation about mutually appropriate timescales is reasonable.

25. Members can assist Officers further by:

- Avoiding support requests based on personal preferences that create additional pressure, process or cost
- Not disclosing to the public the direct contact details of an Officer without their consent
- Introducing themselves early into their term to appropriate Officers and also investing in the relationship.

## **Familiarity and personal relationships**

26. Social interaction between Officers and Members is only beneficial in a public setting and work related context where professionalism is still maintained; this extends to social media.

27. Where a close/intimate personal relationship (relative/partner) exists or develops between an Officer and Member, the Monitoring Officer is to be informed at the earliest opportunity. Under these circumstances the Officer in question should not perform or supply support that has a financial association or where there is a conflict of interests.

## **Access and the provision of Information**

28. The statutory rights of Members' access to information held by the Council are outlined in [Article 15](#) of the Constitution.

29. Members need to have adequate and relevant advice and information available to them in order to carry out their duties 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 enables 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 requested.

30. If Members are not receiving, or are having difficulty in obtaining, information where they are able to demonstrate a "need to know", they should contact the Monitoring Officer or appropriate Executive Director.



31. If an Officer feels it to be necessary, they may contact their Executive Director, or the Monitoring Officer, before providing confidential information to a Member.

32. When providing written or verbal reports and briefings, it is important that Officers present information and advice in a way which is clear and evidence based. Allowing Members the opportunity for constructive challenge and debate supports effective decision making.

## Communication and Correspondence

Open, honest and constructive communication is the foundation of our collaborative culture that directly influences organisational outcomes. Communication becomes easier as you build the relationship.

We start from the precept that we will be open and inviting, we will be clear about what we mean and we will say clearly what we need from others and why.

33. Regular contact between Officers and Members regarding council business is encouraged.

34. One to one communication between Members and Officers is confidential; whether oral or written. General Data Protection Regulations (GDPR) already apply but further guidance includes that:

- Officers will seek agreement from parties before forwarding emails to other Members
- Blind copies (Bcc) to any recipient are not permitted
- Responses to individual Member enquiries should not be forwarded to cabinet portfolio holders.

35. Members appreciate it when Officers:

- Provide information in an accessible and readable format
- Send information in good time so that Members can read it and be prepared
- Acknowledge Members' communications quickly and provide a response timeframe.

36. Officers appreciate it when Members:

- Allow sufficient time to respond to Member enquiries
- Wherever possible, request a mutually convenient time to discuss an issue. Officers are working to existing priorities and are often unable to accommodate immediate requests for support
- Acknowledge that Officers are working within restrictions with regards to data protection and confidentiality.

## **Confidentiality**

37. Information given to a Member can only be used for the purpose for which it was requested, that is in connection with the proper performance of the Member's duties as a Surrey County Councillor.

38. Similarly, information requested by a Member (or a political assistant on behalf of a Member of a political group) is provided by Officers in confidence. It is not for distribution to 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.

40. Confidential information provided to Members should not be divulged to anyone. If a Member identifies the need to disclose the information, prior advice is required (e.g. from the Monitoring Officer).

41. When information is distributed, best practice is to avoid forwarding an email chain as this may contain additional personal data that is not for disclosure.

## **Release of information to the media**

42. Media activity, including press releases and social media activity relating to council policy, will be prepared by the Communications team in support of decisions by the Council, the Cabinet, Cabinet Members or any committees/boards, and generally on approved policies and initiatives. These are ultimately the responsibility of the Director of Communications & Engagement in conjunction with the relevant Executive Director(s). They should be cleared with the appropriate Cabinet Member or chairman before being issued and they may include a statement from the Cabinet Member or chairman. Care should be taken to ensure that media activity supports the actions and decision of the council, not of a political party.

43. There is specific legislative guidance relating to media activity in the run up to an election. This is known as the Pre-Election Period (PERP, or popularly Purdah). Great care has to be taken to ensure that council actions and statements cannot be seen to support a particular political party.

## **How to resolve issues**

44. Members and Officers are considered as professionals and the expectation is for individual differences to be resolved through private discussions at the earliest and most suitable opportunity.

45. There may be occasions when Members or Officers feel that the other's behaviour, or actions, have not been in the spirit of this Protocol. The Member or Officer is advised to raise the issue with the respective line manager, Director,

Executive Director or Chief Executive, as appropriate. If an informal resolution remains unsuccessful then the issue may be referred to the Monitoring Officer for formal progression.

46. Issues regarding professional standards and conduct are covered within the relevant Codes of Conduct.

## **MEMBER ROLE PROFILES**

### **The Surrey County Councillor**

#### **Purpose:**

- To represent the needs and interests of the division for which the Councillor was elected.
- To act as Community Leaders, working as a facilitator with residents and partners to achieve community aims.
- 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 and partnership 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 residents, representing their interests whilst supporting them to be self-reliant where possible.
2. To help ensure that the needs of residents are understood by the Council, and that the needs of local communities are taken into account when making decisions.
3. To offer vision and direction to local groups, acting as facilitator that empowers the community to work together to address problems and achieve common goals.
4. To participate fully in Council, Local/Joint Committees and any other board or committees which the Councillor is appointed to.
5. To represent the Council on outside bodies to which they are appointed.
6. 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.
7. To fulfil the responsibilities as 'corporate parent' of Looked After Children, accepting responsibility for children in the Council's care.
8. To take responsibility for their own personal development, attending training and development opportunities where appropriate.
9. 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 Executive 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 Executive 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.

## **Deputy Cabinet Member**

**(This role profile identifies responsibilities for Deputy Cabinet Members that are in addition to those of a county councillor)**

### **Purpose:**

- To support the Cabinet Members within their designated portfolio area (People, Place, Organisation)
- To take a lead on agreed projects on behalf of the Cabinet that contribute towards the overall objectives of the portfolio area they are assigned
- Enhance the capacity and capability of the political leadership of the council

### **Key Duties and Responsibilities:**

- a) Provide support and assistance to a specific Cabinet portfolio area (People, Place or Organisation)
- b) Act as a deputy for assigned Cabinet Members on an ad hoc basis – attending meetings and completing tasks as requested
- c) Provide additional capacity and leadership to support the overall portfolio, leading on designated policy areas and projects with cross-cutting impact
- d) Take responsibility for the direction of key projects or policy areas, as requested by the appropriate Cabinet Member, and report on progress
- e) Develop a broad understanding and knowledge of the relevant portfolio area
- f) Contribute to informal Cabinet discussions, providing input and challenge that assists with effective policy development and decision making

### **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
- The flexibility and capacity to take on work on behalf on the Cabinet – it is estimated that this role will be the equivalent of approximately two days a week

## **Select Committee Chairman**

**(This role profile identifies responsibilities for Select Committee 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 Select Committee.
- To chair meetings of the Select Committee in line with the Council's Constitution.

### **Key Duties and Responsibilities**

1. To chair meetings of the Select Committee in compliance with the Council's Constitution and in line with its terms of reference.
2. To lead the Select Committee in developing an effective forward work programme.
3. To engage with relevant service users and stakeholder groups, ensuring that the Select Committee reviews issues of public interest within its terms of reference.
4. To engage all Members in the work of the Select 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 Executive Directors in the area that the Committee scrutinises.
7. To co-ordinate the Committee's work with the Chairmen of other Select 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.

## **Select Committee Task Group Lead (Vice-Chairman)**

**(This role profile identifies responsibilities for Select Committee Task Group Leads that are in addition to those of a county councillor)**

### **Purpose:**

- To lead Select Committee task group work and act as a spokesperson
- To ensure task groups complete their task and report their findings
- To encourage broad participation from Select Committee Members
- To lead robust evidence gathering work using appropriate methods to produce recommendations

### **Key Duties and Responsibilities:**

- a) To support the Chairmen and Committee in the identification and prioritisation of relevant scrutiny topics
- b) To uphold principles of good scrutiny: critical friend challenge, independence, service improvement and amplifying local voice
- c) To lead the development of task group scoping, project plans and key lines of enquiry
- d) To ensure task groups employ a robust methodology for gathering evidence
- e) To act as spokesperson for the task group in reporting to the Select Committee and Cabinet where appropriate
- f) To take responsibility for the delivery of the task group's work including a final report and SMART recommendations
- g) To promote the role and impact of scrutiny at the council and beyond

### **Key Personal Attributes, Skills and knowledge:**

- A clear understanding of the role of scrutiny and what 'good scrutiny' looks like
- Effective leadership skills
- The ability to chair meetings and facilitate open discussion
- The ability to analyse and grasp complex issues
- Political knowledge and awareness
- A clear understanding of the operation of the Council and its partner organisations
- The ability to work effectively with Council officers, the public, the media and outside organisations
- The flexibility and capacity to drive and lead task group work – this is estimated to be the equivalent of at least one day per week

## **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  
Woodhatch Place  
11 Cockshot Hill  
Reigate  
Surrey  
RH2 8EF

## 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?	<input type="checkbox"/> Yes	<input type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input type="checkbox"/> 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

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## **MEMBERS' ALLOWANCES SCHEME**

The Surrey County Council, in exercise of the powers conferred by The Local Authorities (Members' Allowances) (England) Regulations 2003, 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 7 July 2020 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 £12,748.62 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.
  - (3) No councillor shall receive more than one Special Responsibility Allowance. Where a councillor performs more than one special responsibility specified in Schedule 1, they will be entitled to the Special Responsibility Allowance which is the highest in value.

### **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 amount which may be claimed is the actual costs incurred by a councillor in order to participate in approved duties as specified in the Guide to Members' Allowances.
12. Councillors may also claim any additional costs incurred where they can demonstrate that the cost was wholly and necessarily incurred in order to participate in approved duties as specified in the Guide to Members' Allowances.

## **PENSIONS**

13. From 1 April 2014 councillors in England were unable to join the LGPS. Those councillors in England who were in the scheme on the 31 March 2014 were able to remain in the scheme until the end of that council term in 2017.

## **RENUNCIATION**

14. A councillor may by notice in writing given to the Member Services Manager forego any part of his/her entitlement to an allowance under this Scheme.

## **PART-YEAR ENTITLEMENTS**

15.
  - (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 will be entitled to payment at the revised rate from the date on which the change was approved (unless otherwise stated).
  - (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**

16. 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.
17. 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**

18. 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 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.
19. The foregoing Scheme was made pursuant to the authority given by the County Council at its meeting held on 7 July 2020.

**SURREY COUNTY COUNCIL  
SCHEME OF MEMBERS' ALLOWANCES**

**SCHEDULE 1**

A Special Responsibility Allowance will be paid to those Members of the Council/Independent Representatives who hold the following offices:

<b>Type of Allowance</b>	<b>Allowance (£)</b>
Basic Allowance	12,748.62
Leader	44,126.74
Deputy Leader	28,598.80
Chairman of the Council	18,478.45
Vice-Chairman of the Council	6,676.41
Cabinet Member	23,090.51
Deputy Cabinet Member	10,241.19
Select Committee Chairman	10,271.40
Select Committee Task Group Leads (interim)	1,540.71
Planning and Regulatory Committee Chairman	12,315.61
Audit and Governance Chairman	10,271.40
Surrey Pension Fund Committee Chairman	10,271.40
Local and Joint Committee Chairmen	8,217.12
Vice-Chairmen of Committees	0.00
Opposition Leader	12,315.61 (total amount, divided between two posts)
Political Group Allowance (to be used for office holders of political groups)	0.00

Members of Adoption and Fostering Panels	102.71 per session attended plus travel expenses
Lead Member for Scrutiny of the Police & Crime Commissioner	0.00
Co-optees Allowance	0.00
Childcare Allowance	Actual costs incurred
Care of Dependants Allowance	Actual costs incurred

If a Member qualifies for a Special Responsibility Allowance for more than one post, only the allowance which is highest in value may be claimed.

The Basic Allowance and Special Responsibility Allowances shall be adjusted annually on 1 April commensurate with the Consumer Price Index at the previous September. This provision applies for a maximum of period of four years from 7 July 2020, at which point the Independent Remuneration Panel shall reconsider the matter.

## **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 Support Services 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 on the Council's website.



- (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) **Electric Cars**

45p per mile

This allowance is only claimable in relation to the use of fully electric cars.

(d) **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.

(e) **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.

(f) **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.

(g) **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 Support Services Manager, who will make the necessary arrangements. Bookings for travel abroad will normally be made using the cheapest appropriate available fare.

(h) **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.



# 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 and Executive Directors is set out below.

<b>Post</b>	<b>Functions and areas of responsibility</b>
<b>Chief Executive (and Head of Paid Service)</b> <b>Name:</b> Joanna Killian	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).
<b>Executive Director for Children, Families and Learning and Culture</b> <b>Name:</b> Rachael Wardell	Jointly responsible with the Chief Executive and the Executive Directors for the overall performance of the paid service.  The Statutory Director of Children's Services under section 18 of the Children Act 2004 with overall responsibility for these services.
<b>Executive Director for Adult Social Care</b> <b>Name:</b> Simon White	Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service  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
<b>Deputy Chief Executive</b> <b>Name:</b> Michael Coughlin	Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.

<p><b>Executive Director for Environment, Transport and Infrastructure</b>  <b>Name:</b> Katie Stewart</p>	<p>Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.</p> <p>Overall responsibility for the Council's highways and infrastructure.</p>
<p><b>Executive Director of Resources</b>  <b>Name:</b> Leigh Whitehouse</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, corporate governance and risk management services to the Council.</p>
<p><b>Executive Director for Strategy and Commissioning</b>  <b>Name:</b> Rachel Crossley</p>	<p>Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.</p> <p>Overall responsibility for providing strategic leadership within Surrey County Council in respect of Strategy and Commissioning</p>
<p><b>Executive Director for Customer and Communities</b>  <b>Name:</b> Marie Snelling</p>	<p>Jointly responsible with the Chief Executive and other Executive Directors for the overall performance of the paid service.</p> <p>Overall responsibility for providing strategic leadership within Surrey County Council in respect of Customers and Communities</p>





**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.

# Runnymede Joint Committee

## Constitution

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

Runnymede Joint Committee is a Joint Committee of Surrey County Council and Runnymede 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 Runnymede by strengthening local democracy and improving partnership working within the Borough of Runnymede.

In addition to carrying out the functions previously performed by the Local Committee (Runnymede), the remit of the Joint Committee has been expanded in order to support the two councils in working together effectively.

Whilst the Joint Committee is responsible for making decisions relating to the delegated functions, the day-to-day operational arrangements relating to any particular function continues to be managed by the local authority having responsibility for that function.

By working together, the Joint Committee provides the opportunity to identify local solutions and seek to jointly deliver local government service improvements for the residents, businesses and visitors to Runnymede. Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together.

The Joint Committee provides a single place for residents to engage with both authorities and a forum to debate cross cutting issues. Meetings of the Runnymede 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 apply to the Joint Committee. These need to also be read in the light of the individual Constitutions of each of the two Councils which continue to apply as appropriate to decisions delegated by each relevant authority.

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

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

The scope and overall purpose of the Runnymede 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 Runnymede Joint Committee is:

1. To identify and agree opportunities for the closer alignment of County and Borough services in Runnymede and provide a forum to debate cross cutting issues.
2. To make decisions on local services and budgets delegated to it by either Surrey County Council or Runnymede 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 champion joint working and 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 provide opportunities for local engagement.
8. To ensure that local authority services within the Borough of Runnymede are carried out in accordance with both Surrey County Council's and Runnymede Borough Council's core values, policies, strategies and within approved budgets.

## **(B) Delegated Powers**

The services identified below are delegated by Surrey County Council (SCC) or Runnymede Borough Council (RBC) as indicated, for decision making or consideration by the Runnymede Joint Committee, in accordance with the relevant legislation.

In discharging the delegated powers, the Runnymede 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 delegated to the Runnymede Joint Committee. Additional functions and matters for determination may be delegated to the Committee in the future if agreed by both local authorities, which will then form part of an amended Constitution, which shall need Member approval before both Councils so that their respective Constitutions are duly updated to reflect such changes. The SCC Partnership 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**

In relation to the Borough of Runnymede the Joint Committee will take decisions delegated to it by the SCC Cabinet on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils and within 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 from Surrey County Council (SCC).
- (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 on-street 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 RBC, 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) Decisions on funding when a budget is allocated to the Joint Committee by Surrey County Council's Cabinet. (SCC)

### **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).

### **Decisions delegated by Surrey County Council and Runnymede Borough Council**

Apportion any resources for Early Help services in accordance with the approved local Early Help priorities that may be delegated to the Joint Committee by Surrey County Council and / or Runnymede Borough Council, in relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Runnymede Borough Council (SCC/RBC).

### **Service Monitoring and Issues of Local Concern - advisory functions**

The Joint Committee will play an important advisory role in shaping the development and delivery of services locally across both authorities. It will:

- (i) Act as a one stop shop for residents to engage with both authorities, debate cross cutting issues, raise issues of concern and seek to influence the respective Councils in the light of local need.
- (ii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards.
- (iii) Be consulted on any issues referred to it by either Council or produce responses as appropriate.

The Joint Committee may:

- (i) Consider the use of developer infrastructure funding in regard to proposed and planned strategic infrastructure schemes, identifying common objectives and supporting the pursuit of joint funding bids whether wholly or partly in Runnymede.

- (ii) Influence the development of a joint vision for the place shaping agenda including regeneration and town centre management.
- (iii) Influence the development of the Family Support Programme in Runnymede and monitor its performance. Provide political oversight and advice to the Early Help Advisory Board and advise on priorities for the Early Help offer locally.
- (iv) Consider the more effective use of existing public sector property assets in the borough and the potential opportunities that may exist for development where this could be in the mutual interest of both authorities where expediency allows.
- (v) Review and influence any new proposals for on and off street parking and enforcement locally including the use of budgets.
- (vi) Influence priorities for the provision of integrated Health and Social Care and Older People's Services locally.
- (vii) Influence action plans for the deprivation task groups established within the borough.
- (viii) Facilitate partnership work with schools, Multi Academy Trusts, governors and other partners to promote high educational standards and the fulfilment of potential for all children locally.

## **(C) Funding**

- (i) With regards to budget setting and planning, Surrey County Council and Runnymede 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 meetings will normally be held in Runnymede Borough Council venues, unless alternative arrangements are jointly agreed with 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**

The operation of the Joint Committee will be reviewed by both authorities after the first 12 months. At this point or at any future point either Council may give 6 months' notice in writing of their intention to withdraw from the Committee and return to operating as a SCC Local Committee under the SCC Constitution.

## **Section 3 - Standing Orders**

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

- 1.1. Membership of the Runnymede Joint Committee shall be all county councillors with electoral divisions in Runnymede, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Runnymede), 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 the Council's Corporate Management Committee. If there is no Surrey County Council Cabinet Member with an electoral division in Runnymede the County Council shall appoint a specific Cabinet member to the Runnymede Joint Committee and the Borough Council would be entitled to appoint an additional borough councillor representative on the Joint Committee to ensure equity.
- 1.2. No substitutes shall 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.
- 1.3. 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 Runnymede 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 Corporate Management Committee Member or resigns from the Runnymede Joint Committee.
- 1.4. Surrey County Council or Runnymede Borough Council may, through their respective Councils, co-opt representatives from the voluntary sector, public authorities or businesses in Runnymede 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.
- 1.5. Any Surrey County Councillor or Runnymede Borough Councillor 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. From 2018/2019 Municipal Year, the offices of Chairman and Vice-Chairman shall alternate between the two Councils every year, with the County Council providing the Chairman in 2018/19. If the appointed Chairman is representing Surrey County Council, the Vice-Chairman must be a Runnymede Borough Council representative and vice-versa with the appointments made in accordance with each authority's usual procedures.
- 2.2. The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Runnymede 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 for the remainder of that term in accordance with each authority's usual procedures



2.3. In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Committee shall elect a chairman for that meeting.

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

3.1. The County Council's Community Partnerships Team shall act as the Committee Manager for the Runnymede 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 Runnymede 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 Runnymede 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 Runnymede Joint Committee as set out in Section 2(B) of this Constitution.

5.2. The Runnymede 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 Runnymede Borough Council in the case of borough functions.

5.3. When discharging the delegated powers the Runnymede 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 Runnymede Borough Council as appropriate, including legal, financial and policy advice.

5.4. If the Joint Committee is to make a key decision delegated to it by either Surrey County Council Executive or Runnymede Borough Council, then the Joint Committee must follow the constitution of the authority delegating the decision, including publishing it in the monthly forward plan in the case of Surrey County Council.

## **6. OVERVIEW AND SCRUTINY**

- 6.1. Executive decisions made by the Runnymede Joint Committee which are delegated from Surrey County Council are subject to scrutiny in accordance with Surrey County Council's constitution.
- 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 Runnymede Borough Council depending on which authority delegated the decision in question.

### Call In of Joint Committee Decisions

- 6.3. The SCC Cabinet or RBC Overview and Scrutiny Select Committee may, dependent on which Council delegated the function or resources, require referral, for review and final determination any decision (other than Surrey County Council Non Executive Functions), 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.
  - 6.3.1 Notice of referral may be given by the Leader or Deputy Leader of the relevant authority, or two or more members of the SCC Cabinet or RBC Overview and Scrutiny Select Committee as appropriate.
  - 6.3.2 All members of the Joint Committee will be notified that a decision taken by the Committee has been required for referral by SCC Cabinet or RBC Overview and Scrutiny Select Committee.
  - 6.3.3 The decision will be considered by the SCC Cabinet or RBC Overview and Scrutiny Select Committee 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.
  - 6.3.4 The Joint Committee Chairman or Vice-Chairman may attend the SCC Cabinet or RBC Overview and Scrutiny Select Committee meeting, as appropriate, for the consideration of the matter and speak on the item.
  - 6.3.5 The SCC Cabinet or RBC Corporate Management Committee (further to the recommendation from the RBC Overview and Scrutiny Select Committee) may accept, reject or amend the decision taken by the Joint Committee. A report on the decision taken by the Cabinet or Corporate Management Committee will be made to the next appropriate meeting of the Joint Committee, and to all the Members of either Surrey or Runnymede Borough Council, as appropriate, for information.

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

## **7. NOTICE OF MEETING**

- 7.1. The date, time and place of the fixed meetings of Runnymede Joint Committee will be accessed through both the Surrey County Council and Runnymede Borough Council websites. The notice, agenda, reports and other documents prepared for the Runnymede Joint Committee will be posted on the Surrey County Council website (with links from the Runnymede 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 Runnymede 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 Runnymede 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. Runnymede 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 Runnymede Joint Committee shall be published by the SCC Committee Manager five clear working days in advance of a meeting, and copies will be made available via the County Council and Runnymede Borough Council websites.
- 9.3. Members of the Runnymede 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 Runnymede 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 Runnymede 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 as detailed in Section 24 of this document.

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 Runnymede Joint Committee or otherwise for so long as those papers remain confidential.

## **12. QUORUM**

12.1. The Chairman will adjourn the meeting if there is not a quorum present.

12.2. The quorum will be four voting members, two from Surrey County Council and two from Runnymede Borough Council.

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

13.1. Any Member of either Council may, with the Chairman's consent, ask one or more questions on matters within the Constitution of the committee.

13.2. Notice of questions must be given in writing to the SCC 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 without discussion.

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 RUNNYMEDE JOINT COMMITTEE**

### **14.1. PETITIONS**

- 14.1.1. Any member of the public who lives, works or studies in the Runnymede Borough area may present a petition, containing 30 or more signatures or at the Chairman's discretion, relating to a matter within the Constitution 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 planning policy and licensing and/or regulatory matters; 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, RBC Corporate Management Committee or relevant committee of either SCC or RBC at the discretion of the Chairman.
- 14.1.3 Notice must be given in writing to the SCC Community Partnerships Team 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 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 Runnymede Borough area may ask one question or make a statement relating to a matter within the Committee's Constitution. 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 which it relates to.

- 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 email to the SCC 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 made available for members of the Joint Committee and any member of the public in attendance.
- 14.2.5 Questions and statements will be taken in the order in which they are received by the SCC 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 an item in which public participation has occurred, the Chairman shall clarify the point at which public participation 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**

- 14.3.1 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.
- 14.3.2 Members of the public and their representatives may address the Runnymede Joint Committee on any applications relating to public Rights of Way being considered by the committee.
- 14.3.3 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.
- 14.3.4 Only those people who have previously made written representations in response to a Rights of Way application will be entitled to speak.

- 14.3.5 Speakers must declare any financial or personal interest they may have in the application.
- 14.3.6 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.
- 14.3.7 The time allowed for public speaking will be limited to 15 minutes overall for objectors and 15 minutes overall for supporters per item, and to 3 minutes per speaker.
- 14.3.8 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.
- 14.3.9 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.
- 14.3.10 Speeches will precede the Committee's formal discussion on each application requiring the committee's attention.
- 14.3.11 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 of the Joint Committee may speak on any business on the published agenda of the committee. Matters not relevant to the business on the agenda will be not permitted.
- 15.2 A Member may only speak once on a motion and amendment except:
- 15.2.1 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;
- 15.2.2 The mover of a motion may speak during the debate on any amendment to the motion;
- 15.2.3 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;

15.2.4 The Chairman may speak before the mover of the motion or amendment replies to the debate.

15.2.5 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 Leave out words

21.1.2 Add words, or

21.1.3 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 defeated, 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. 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.

24.3. 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.

24.4. The person presiding at the meeting, having already voted, may in the event of a tie exercise a casting vote by way of a second vote.

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

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

27.2. not participate in any discussion or vote relating to the matter;

27.2.1 Withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;

27.2.2 Not exercise functions in relation to that matter; and

27.2.3 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 dispensation from either Monitoring Officer for their Authority or the County Council's Audit and Governance Committee for County Councillors or the Borough Council's Standards and Audit Committee.

## **28. ATTENDANCE OF MEMBERS**

28.1. Members will sign a register of attendance.

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

29.1. The Runnymede 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 Runnymede 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 Runnymede 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.

# **Guildford Joint Committee**

## **Constitution**

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

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

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

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

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

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

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

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

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

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

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

The general remit of the Guildford Joint Committee is:

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

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

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

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

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

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

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

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

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

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



- (f) To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following the consent of GBC and any relevant Parish Council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court (SCC).
- (iv) Jointly agreeing a statement of priority for the delivery of infrastructure described in the GBC Infrastructure Delivery Plan and informed by the GBC Regulation 123 list, to meet the need and mitigate the effect of development in the GBC local authority area and to discuss and propose strategies for securing any additional funding necessary for that delivery. (GBC)
- (v) Approval of an overarching Air Quality Policy/Strategy and individual Air Quality Management/Action Plans relating to the borough of Guildford (GBC)
- (vi) Apportion any resources for Early Help services in accordance with the approved local Early Help priorities that may be delegated to the Joint Committee from SCC/GBC, in relation to services for young people with the aim of achieving an integrated approach from both authorities (SCC/GBC)
- (vii) Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/GBC).

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

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

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

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

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

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

The Joint Committee may:

- (i) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners, and oversee local initiatives agreed and funded by the Joint Committee. (SCC/GBC)

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

- (xv) Monitor formal decisions taken by officers under delegated powers in respect of functions delegated to the Joint Committee and provide feedback to improve service standards. (SCC/GBC)

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

## **(C) Funding**

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

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

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

## **Section 3 - Standing Orders**

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

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

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

- 2.1. For the 2018-19 Municipal Year only, the Chairman (who will be a County Councillor) and Vice-Chairman (who shall be a member of the Borough Council's Executive) shall be appointed by SCC or GBC (as appropriate) with the appointments made by each authority's usual procedure.

- 2.2. From the 2019-20 Municipal Year, the offices of Chairman and Vice-Chairman shall then alternate between the two councils every year, with the Borough Council providing the Chairman and the County Council providing the Vice-Chairman in 2019-20. If the appointed Chairman is representing SCC, the Vice-Chairman must be a GBC representative and vice-versa with the appointments made by through the relevant authority's usual procedures.
- 2.3. The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Guildford Joint Committee, continue in office until a successor is appointed. If a Chairman or Vice-Chairman does not complete a full term of office, a further member from the same council shall be appointed through the relevant authority's usual procedures for the remainder of that term.
- 2.4. In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Joint Committee shall elect a chairman for that meeting.

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

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

### **4. FORMAL MEETINGS**

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

### **5. DELEGATED POWERS**

- 5.1. The delegated powers mean those powers to be discharged by the Guildford Joint Committee as set out in Section 2(B) of this Constitution.

- 5.2. The Guildford Joint Committee shall discharge the delegated powers, within the respective budgetary and policy frameworks set by SCC in the case of county functions and by GBC in the case of borough functions.
- 5.3. When discharging the delegated powers the Guildford Joint Committee shall take decisions only after taking into account advice given in writing or orally from relevant officers of SCC or of GBC as appropriate, including legal, financial and policy advice.
- 5.4. If the Joint Committee is to make a Key Executive decision delegated to it by either SCC or GBC, then the Joint Committee must follow the constitution of the authority delegating the decision, including publishing it in the monthly forward plan of that authority.

## **6. OVERVIEW AND SCRUTINY**

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

### Call-In of Joint Committee Decisions

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

- 6.3.5. The Joint Committee Chairman or Vice-Chairman may attend the SCC Cabinet /GBC Executive meeting, as appropriate, for the consideration of the matter and speak on the item.
- 6.3.6. The SCC Cabinet /GBC Executive may accept, reject or amend the decision taken by the Joint Committee. A report on the decision taken by the Cabinet will be made to the next appropriate meeting of the Joint Committee, and to all the Members of either SCC or GBC, as appropriate, for information.

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

## **7. NOTICE OF MEETING**

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

## **8. SPECIAL MEETINGS**

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

## **9. AGENDAS**

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

## **10. DECISIONS AND MINUTES**

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

## **11. CONFIDENTIALITY OF PAPERS**

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

## **12. QUORUM**

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

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

- 13.1. Any Member of either Council may, with the Chairman's consent, ask one or more questions on matters within the terms of reference of the Joint Committee.
- 13.2. Notice of questions must be given in writing to the Community Partnerships Team by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 13.3. Questions may be asked without notice if the Chairman decides that the matter is urgent.
- 13.4. Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.



- 13.5. Every question will be put and answered.
- 13.6. Copies of all questions will be circulated to Members of the Joint Committee before the start of the meeting.
- 13.7. Questions may be answered orally or in writing.
- 13.8. If the Chairman is unable to answer any question at the meeting he/she may send a written answer to the Member asking the question.
- 13.9. At the discretion of the Chairman at the meeting, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original or the given response.
- 13.10. A record of all questions, supplementary questions and relevant answers will be included in the minutes of the meeting.

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

### **14.1. Petitions**

- 14.1.1. Any member of the public who lives, works or studies in the Guildford Borough area may present a petition, containing 30 or more signatures or at the Chairman's discretion, relating to a matter within the terms of reference of the Joint Committee. The presentation of a petition on the following business will not be allowed:
  - (a) matters which are "confidential" or "exempt" under Part VA of the Local Government Act 1972;
  - (b) planning applications; and
  - (c) matters in relation to a public rights of way under consideration by the Joint Committee.
- 14.1.2. A spokesperson for the petitioners may address the Joint Committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the Joint Committee or to the SCC Cabinet, Cabinet Member, GBC Executive or relevant committee of either SCC or GBC at the discretion of the Chairman.
- 14.1.3. Notice must be given in writing to the Community Partnerships Team at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through SCC's or GBC's e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.
- 14.1.4. No more than three petitions may be presented at any one meeting of the Joint Committee unless agreed otherwise by the Chairman.

- 14.1.5. The Community Partnerships Team may amalgamate within the first received petition other petitions of like effect on the same subject.
- 14.1.6. The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion.

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

- 14.2.1. At the start of any ordinary meeting of the Joint Committee, any member of the public who lives, works or studies in the Guildford borough area may ask one question or make a statement relating to a matter within the Committee's terms of reference. The Chairman may alternatively permit the question to be asked or the statement to be made at the start of an item on the agenda if it relates to that item.
- 14.2.2. Questions or statements will not be allowed on matters which are "confidential" or "exempt" under Part VA of the Local Government Act 1972; or on planning applications or on rights of way matters under consideration.
- 14.2.3. Notice of questions or statements must be given in writing to the Community Partnerships Team with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions or statement should be received by 12 noon on the previous working day.
- 14.2.4. The Community Partnerships Team may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be made available for members of the Joint Committee and any member of the public in attendance.
- 14.2.5. Questions and statements will be taken in the order in which they are received by the Community Partnerships Team. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.
- 14.2.6. Following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.
- 14.2.7. The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may disallow questions or statements which are repetitious.
- 14.2.8. When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which such public participation has

concluded and the Joint Committee's formal discussion and decision making of the item is taking place.

### **14.3. Public Speaking in relation to Rights of Way**

Rights of Way application decisions are quasi-judicial decisions. They are therefore subject to specific rules. The reason for the rules about public speaking reflect the right of all individuals to a fair hearing.

- 14.3.1. Members of the public and their representatives may address the Guildford Joint Committee on any applications relating to public Rights of Way being considered by the Joint Committee.
- 14.3.2. Speakers must first register their wish to speak by telephone or in writing to the Community Partnerships Team by 12 noon one working day before a meeting stating on which item(s) they wish to speak.
- 14.3.3. Only those people who have previously made written representations in response to a Rights of Way application will be entitled to speak.
- 14.3.4. Speakers must declare any financial or personal interest they may have in the application.
- 14.3.5. Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.
- 14.3.6. The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.
- 14.3.7. Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.
- 14.3.8. No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.
- 14.3.9. Speeches will precede the Joint Committee's formal discussion on each application requiring the Joint Committee's attention.
- 14.3.10. The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the Joint Committee.

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

15.1. A Member of the Joint Committee may speak on any business on the published agenda of the committee. Matters not relevant to the business on the agenda will not be permitted.

15.2 A Member may only speak once on a motion and amendment except:

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

## **16. RELEVANCE**

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

## **17. POINTS OF ORDER**

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

## **18. LENGTH OF SPEECHES**

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

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

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

- (b) The mover of a motion either speaking to an amendment or replying to the debate (3 minutes)
- (c) The mover of an amendment replying to the debate on the amendment. (3 minutes)
- (d) The seconder of a motion or an amendment (3 minutes)
- (e) A Member speaking on a report or in a debate (3 minutes)

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

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

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

- 20.1. Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing to the Community Partnerships Team and read aloud before it is put to the meeting.
- 20.2. A Member may not move or second more than one amendment on any motion.
- 20.3. Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Joint Committee.
- 20.4. With the consent of the Joint Committee, a Member may:
  - (a) alter a motion of which he/she has given notice; or
  - (b) with the consent of his/her seconder, alter a motion which he/she has moved.

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

## **21. AMENDMENTS**

- 21.1. Every amendment must be relevant to the motion under discussion and will either:
  - (a) move the reference back
  - (b) leave out words
  - (c) add words, or
  - (d) leave out words and add others.

- 21.2. An amendment which forms the negative of the motion will not be allowed.
- 21.3. Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the Chairman decides otherwise.
- 21.4. If an amendment is lost, other amendments may be moved on the motion.
- 21.5. If an amendment is carried, the motion as amended will become the substantive motion on which further amendments may be moved.

## **22. PROCEDURAL MOTION**

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

- 22.1. Any Member may, at the close of the speech of another Member, move “That the question be now put”.
- 22.2. If he/she considers that there has been adequate debate, the Chairman may put the motion “That the question be now put” without debate. If the motion is carried:
  - (a) the Chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and
  - (b) the mover of the motion or amendment may reply.
- 22.3. The motion or amendment will then be put.

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

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

## **24. VOTING**

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

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

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

## **26. INTERESTS OF MEMBERS**

- 26.1. At any meeting where a Member becomes aware that a matter under consideration relates to:
  - (a) one of their interests that they must disclose in accordance with their respective Council's Codes not already entered on the relevant Council's register and/or
  - (b) the donor of any gift and/or hospitality they have accepted and not yet entered on the relevant Council's register

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

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

- 27.1. A Member with a disclosable pecuniary interest in any matter must:
  - (a) not participate in any discussion or vote relating to the matter;

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

## **28. ATTENDANCE OF MEMBERS**

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

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

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

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

- 30.1. The Guildford Joint Committee may appoint:
  - (a) Sub-Committees with power to act to discharge any of its functions as agreed by the Joint Committee.
  - (b) Task Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Guildford Joint Committee.

## **31. CONDUCT AT MEETINGS**

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