

# 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 6 below.

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

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

### SECTION 2

#### SCHEME OF DELEGATION

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

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

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

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

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

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

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

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

## 4. **OVERALL LIMITATIONS**

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

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

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

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

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

4.3 The Scheme does not delegate any matter:

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

## 5. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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

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

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

## 6. RESPONSIBILITY FOR COUNCIL FUNCTIONS - COMMITTEES

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

## 6.1 **PLANNING AND REGULATORY COMMITTEE**

### 6.2 **Membership**

12 Members of the authority

### 6.3 **Terms of Reference**

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

These include the following functions:

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

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

Entering into agreements for the execution of highway works.

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

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

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

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

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

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

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

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

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

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

(g) **Functions relating to elections**

(h) **Development Plans**

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

**6.4 APPEALS AND REPRESENTATIONS PANEL**

**6.5 Membership**

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

**6.6 Terms of Reference**

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

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

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

## 6.7 **AUDIT AND GOVERNANCE COMMITTEE**

### 6.8 **Membership**

6 Members of the authority.

### 6.9 **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.
- (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 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.
- (c) To consider periodic reports of the Chief Internal Auditor and internal audit activity.

- (d) 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.

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

### **6.11 Membership**

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

### **6.12 Terms of Reference**

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

The Committee will also:

- (a) determine policy on pay, terms and conditions of employment of all staff.
- (b) discharge the function of dismissal and taking disciplinary action against Chief Officers as defined in the Local Government &



Housing Act 1989 (including appointing a designated independent person when required to do so).

- (c) determine arrangements for joint consultation between the Council and representatives of recognised trade unions;
- (d) determine procedures for the resolution of disputes between the Council and recognised trade unions; and
- (e) consider and seek to resolve such disputes where this has not been possible at earlier stages of these procedures.
- (f) determine any requests for early retirement under the Fire Fighters' Pension Scheme.
- (g) in relation to the Chief Executive to determine any compensation payable on the termination of his or her contract of employment by reason of redundancy, early retirement or in the interests of efficient exercise of the Council's functions and applications for early payment of pension benefits.
- (h) monitor individual performance management.
- (i) consider the recruitment, appointment and remuneration of senior managers.
- (j) monitor sickness absence management.
- (k) consider strategic workforce planning.
- (l) promote organisational development, skills and learning.
- (m) promote equalities and diversity.
- (n) promote continuous professional development and training.
- (o) to determine pay progression for individual staff on senior pay in accordance with the Pay Policy Statement.

### **6.13 APPOINTMENTS SUB-COMMITTEE**

#### **6.14 Membership**

4 Members of the People, Performance and Development Committee.

#### **6.15 Terms of Reference**

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

## **6.16 MEMBER CONDUCT PANEL**

### **6.17 Membership**

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

### **6.18 Terms of Reference**

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

## **6.19 SURREY PENSION FUND BOARD**

### **6.20 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.

### **6.21 Terms of Reference**

- a) To undertake statutory functions on behalf of the Local Government Pension Scheme and ensure compliance with legislation and best practice.
- b) To determine policy for the investment, funding and administration of the pension fund.
- c) To consider issues arising and make decisions to secure efficient and effective performance and service delivery.
- d) To appoint and monitor all relevant external service providers:
  - fund managers;
  - custodian;
  - corporate advisors;

- independent advisors;
  - actuaries;
  - governance advisors;
  - all other professional services associated with the pension fund.
- e) To monitor performance across all aspects of the service.
- f) To ensure that arrangements are in place for consultation with stakeholders as necessary.
- g) To consider and approve the annual statement of pension fund accounts.
- h) To consider and approve the Surrey Pension Fund actuarial valuation and employer contributions.

## **7 LOCAL COMMITTEES<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

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:

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

- (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.)
- (ii) Community safety funding that is delegated to the Local Committee.
- (iii) Decisions in relation to highways & infrastructure:
  - a. The allocation of the highway capital budget and highway revenue budget which are devolved to the Local Committee for minor highway improvements, and highway maintenance, within the committee's area including the scope to use a proportion of either budget to facilitate local initiatives.
  - b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls.
  - c. To agree local speed limits on county council roads, within their area and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police road safety and traffic management team and with regard to the County Council Speed Limit Policy.
  - d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Local Committee.
  - e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Local Committee, the committee will make that decision.
- (iv) In relation to youth services:
  - a. The approval of prevention priorities for Young People not in education, employment or training (NEET), 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 Framework Grants and Individual Prevention Grants categories of funding, in accordance with the allocated budget.

- c) Approve the award of the Local Prevention Framework for the provision of local prevention services for the relevant borough or district in accordance with the allocated budget and to pre-qualified providers.

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

### 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 Framework in accordance with prevention priorities for Young People not in education, employment or training (NEET), in the local area.

#### **7.4 Non-Executive Functions**

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

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

### **7A SCHEME OF DELEGATION – WOKING JOINT COMMITTEE**

#### **7.5 Membership**

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

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

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

- a) In relation to the Borough of Woking the Joint Committee will take decisions delegated to it by the SCC Leader and/or Cabinet and/or the WBC Leader and/or Executive on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils within a framework of agreed performance and resources:
  - (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by

Surrey County Council or under a community partnership agreement.) (SCC)

- (ii) Community safety funding that is delegated to the Joint Committee (SCC/WBC).
- (iii) Decisions in relation to highways and infrastructure:
  - a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements, and highway maintenance, within the committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives (SCC).
  - b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls (SCC).
  - c. To agree local speed limits on county council roads within their area, and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police Road Safety and Traffic Management Team and with regard to the County Council Speed Limit Policy (SCC).
  - d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Joint Committee (SCC).
  - e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the committee will make that decision (SCC).
  - f. Oversee and determine priorities for the Woking Town Centre Management Agreement. (WBC)
- (iv) Consider how Community Infrastructure Levy (CIL) receipts will be expended in Woking, taking into account the approved Infrastructure Capacity Study and Delivery Plan (IDP) for Woking. (WBC)
- (v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Woking Borough Council (SCC/WBC):

- a) To agree joint priorities for commissioning by the County Council and the Borough Council in Woking for provision of:
  - i) youth work and
  - ii) other preventative work with young people who are at risk of becoming not in education, training or employment (NEET).
- b) To apportion delegated funding for young people, specifically the distribution between Local Prevention Framework Grants and Individual Prevention Grants categories of funding, in accordance with the allocated budget and small grants (youth) as allocated by the Borough Council.
- c) Approve the award of the Local Prevention Framework for the provision of local prevention services for Woking Borough in accordance with the allocated budget and to qualified providers. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award grant(s) (due to the presence of conflicts of interest which result in the body being inquorate).
- d) Approve the award of youth service related commission(s) as delegated to the Joint Committee by Woking Borough Council.
- e) Oversee and determine priorities for the Full Participation Programme and make appropriate linkages into the work of Services for Young People and Woking Borough Council
- (vi) Oversee and influence priorities for the Family Support Programme in Woking and monitor its performance. (SCC/WBC)
- (vii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners. (SCC/WBC).



## 7.7 Non-Executive Functions

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

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

The Joint Committee may:

- (i) In relation to the exercise of County Council Executive functions relating to Members allocations, receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader. (SCC)
- (ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions. (SCC)
- (iii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SCC/WBC)
- (iv) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. (SCC/WBC)
- (v) Monitor the quality of services provided locally, and recommend action as appropriate. (SCC)
- (vi) Support Surrey Schools, strengthening links with Headteachers and Governing Bodies to promote the outcomes of increased investment for safer, better schools focussed on raising the standards of education for all children.
- (vii) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes, or developer funded highway improvements within Woking. (SCC)
- (viii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Woking. (SCC)
- (ix) Oversee local initiatives agreed and funded by the Joint Committee. (SCC/WBC)
- (x) Oversee on-street parking enforcement including financials in its area subject to terms of reference, agreed by the committee, which best suit its particular local circumstances. (SCC)
- (xi) Oversee and scrutinise the impact of the Local Prevention Framework in accordance with prevention priorities for young people not in education, employment or training (NEET), in the local area. (SCC)

- (xii) Be advised of the Joint Youth Estates Strategy for Woking Borough. (SCC/WBC)
  - (xiii) Provide political oversight and advice on the Community Safety functions of the Borough. (SCC/WBC)
  - (xiv) Act as the local Health and Wellbeing Board for Woking and oversee and set priorities for general health and wellbeing matters within the framework of Surrey's Joint Health and Wellbeing Strategy. (SCC/WBC)
  - (xv) Be consulted on any issues referred to it by either Council and produce responses as appropriate. (SCC/WBC)
- (Note: A joint committee may not make any decision which will have an adverse effect on a part of the county for which it does not have functions).*

## **7B DELEGATIONS TO LOCAL MEMBERS**

Members of the authority have the following delegated powers:

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

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

### **THE CABINET**

#### **8.1 Membership**

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

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

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

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

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

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

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

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

**Table 2 – Scheme of Delegation**

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

<b>Who is responsible (1)</b>	<b>Function (2)</b>	<b>Limitation (3)</b>
<p>Individual member of the Cabinet in relation to the functions set out in column (2), subject to the limitations in column (3).</p> <p>The Cabinet Member making the decision will be the Member allocated the appropriate responsibilities by the Leader, except that (1) where that Member is unable to act (whether through a conflict of interest, illness or absence) another Member of the Cabinet may exercise the function on their behalf.</p> <p>Any decisions relating to the statutory portfolio for Children's Services under the Children Act 2004 must be taken by or in 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>(f) decisions required under Procurement Standing Orders (awarding contracts, grants)</p>	<p>(a) In consultation with the Leader</p> <p>(b) Between £10,000 and £100,000 not otherwise delegated to the Head of Finance, in consultation with the Leader</p> <p>(c) Significant performance risk must be reported to the Cabinet as agreed in consultation with the Deputy Leader</p> <p>(d) In consultation with the Leader</p> <p>(e) In consultation with the Leader</p> <p>(f) To a maximum of £1m, in consultation with the Leader</p>

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

Who is responsible (1)	Function (2)	Limitation (3)
	<p>(q) responses to any consultation by a maintained school's governing body under Section 5 of the Academies Act 2010</p> <p>(r) determination of whether a school converting to an academy has a surplus and, if so, the amount of the surplus, under Section 7 of the Academies Act 2010</p> <p>(s) To approve the award of contracts for the provision of local preventative services for a borough or district area to providers included in the Council's framework agreement for these services and in accordance with the allocated budget.</p> <p>(t) approval of the Fostering and Adoption Services annual Statements of Purpose</p> <p>(u) adoption of roads, forecourts and other made-up areas as highway maintainable at the public expense</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>

Who is responsible (1)	Function (2)	Limitation (3)
	<p>(v) 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>(w) declaration of highways or highways land surplus to requirements where it is unnecessary for highway purposes</p> <p>(x) endorsement of any new speed limit when the Local Committee is in disagreement with the police and local officers</p> <p>(y) endorsement of the annual programme for investment of the centrally managed road safety scheme budget</p> <p>(z) approval of the introduction of: a log-in fee for library visitors; a charge for reading groups requesting a set of books</p> <p>(a1) to agree changes which amount to more than 15% in the hours of opening for Surrey Performing Arts Library</p>	



Who is responsible (1)	Function (2)	Limitation (3)
	<p>(a2) agree the Surrey Fire and Rescue Service Statement of Assurance for publication</p> <p>(a3) 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>(a4) appointment of lawyers within Legal &amp; Democratic Services to act as Nominee to apply on the Council's behalf as a creditor to administer the Estate of deceased debtors</p> <p>(a5) approval of revisions to the Council's partnership governance policy</p> <p>(a6) agreement of In Year Fair Access Protocol</p> <p>(a7) expenditure against the agreed Surrey Growth Strategy budgets</p>	
<b>Leader</b>	<p>(a) the final decision to open or close a school</p> <p>(b) the establishment of and recruitment to posts evaluated with a pay band in excess of £100k and consultants on contracts over £100k per annum</p>	

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

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

#### **8.4 Membership**

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

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

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

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

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

#### **8.7 Membership**

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

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

The Joint Committee will:

- (a) oversee joint working arrangements of the Parties.
- (b) promote good joint working practice amongst the Parties.
- (c) appoint such Task Groups or Sub Committees as it considers necessary.
- (d) identify the range of services for inclusion in a Joint Venture Company (JVC).
- (e) approve the draft the Articles and Memorandum of Association of the JVC.
- (f) approve the draft revised Terms of Reference for the Joint Committee to provide for governance and oversight of the JVC.
- (g) manage the Project Budget.

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

### **8.10 Membership**

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

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

### **8.11 Terms of reference**

The Board will:

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

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