

# 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.

## 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:<br><br>Outside bodies which carry out or relate to executive functions.<br><br>Outside bodies other than those which carry out or relate to executive functions                | The Cabinet<br><br>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**

The following non-executive functions relating to public rights of way (PRoW) set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended:

- (i) Traffic Regulation Orders or PRoW on SCC-owned land;
- (ii) Traffic Regulation Orders or PRoW on land relating to a planning application;
- (iii) Approval of any highways decision delegated to officers where there is disagreement between the officer and the divisional Member/s.

(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;

- (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.

## **7A WOKING JOINT COMMITTEE**

### **7A.1 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.

### **7A.2 Executive Functions of Woking Joint Committee** (delegated by 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 WBC Leader and/or Executive on the following local services and budgets, to be taken in accordance with the financial framework and policies of WBC within a framework of agreed performance and resources:
  - (i) 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) (WBC).
  - (ii) Decisions in relation to highways and infrastructure:
    - a. Oversee and determine priorities for the Woking Town Centre Management Agreement. (WBC)
  - (iii) 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)
  - (iv) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Woking Borough Council (WBC):
    - a) 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.

- b) To approve the award of youth service related commission(s) as delegated to the Joint Committee by Woking Borough Council.
- c) 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.
- (v) Oversee and influence priorities for the Family Support Programme in Woking and monitor its performance. (WBC)
- (vi) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners. (WBC)
- (vii) Decisions on any funding when a budget is allocated to the Joint Committee by WBC. (WBC)

### 7A.3 Service Monitoring, Scrutiny and Issues of Local Concern

The Joint Committee may:

- (i) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (WBC)
- (ii) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. (WBC)
- (iii) Oversee local initiatives agreed and funded by the Joint Committee. (WBC)
- (iv) Be advised of the Joint Youth Estates Strategy for Woking Borough. (WBC)
- (v) Provide political oversight and advice on the Community Safety functions of the Borough. (WBC)
- (vi) 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. (WBC)
- (vii) Be consulted on any issues referred to it by WBC and produce responses as appropriate. (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**

### **7B.1 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.

### **7B.2 Executive Functions** (delegated by 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 SBC Leader and/or Cabinet on the following local services and budgets, to be taken in accordance with the financial framework and policies of SBC within a framework of agreed performance and resources:
  - (i) Community safety funding that is delegated to the Joint Committee (SBC).
  - (ii) Determine priorities and agree how Community Infrastructure Levy (CIL) receipts will be expended (SBC).
  - (iii) In relation to services for young people, 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 (SBC).
  - (iv) Decisions on any funding when a budget is allocated to the Joint Committee by SBC (SBC).

### **7B.3 Service Monitoring and Community Leadership- advisory functions**

The Joint Committee may:

- (i) Determine priorities for collaborative work undertaken within the committee's area. (SBC)
- (ii) To champion the better use of public sector assets in the Borough to promote the One Public estate approach amongst Spelthorne Borough Council and other public sector partners (SBC)
- (iii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SBC)
- (iv) Engage in issues of concern to local people and seek to influence SBC in the light of local needs. (SBC)
- (v) Monitor the quality of services provided locally, and recommend action as appropriate. (SBC)
- (vi) 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. (SBC)
- (vii) 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 (SBC)
- (viii) Oversee local initiatives agreed and funded by the Joint Committee. (SBC)
- (ix) Oversee off-street parking provision and enforcement in its area including budget monitoring subject to any particular terms of reference, agreed by the committee. (SBC)
- (x) 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. (SBC)
- (xi) 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. (SBC)
- (xii) Be consulted on any issues referred to it by SBC and produce responses as appropriate. (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**

### **7C.1 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.

### **7C.2 Decisions delegated by 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 Runnymede Borough Council, in relation to services for young people. (RBC)

### **7C.3 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 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**

### **7D.1 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.

### **7D.2 Executive Functions (delegated by GBC)**

In relation to the Borough of Guildford the Joint Committee will take decisions delegated to it by 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 GBC within a framework of agreed performance and resources:

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

- (i) Community safety funding that is delegated to the Joint Committee. *(GBC)*
- (ii) 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)*
- (iii) Approval of an overarching Air Quality Policy/Strategy and individual Air Quality Management/Action Plans relating to the borough of Guildford *(GBC)*
- (iv) 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 GBC, in relation to services for young people. *(GBC)*
- (v) Decisions on any funding when a budget is allocated to the Joint Committee by GBC *(GBC)*.

### **7D.3 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.

### **7D.4 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. *(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. *(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. *(GBC)*
- (iv) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes or developer funded highway improvements within Guildford. *(GBC)*
- (v) Review and influence the parking strategy (via the Parking Business Plan) and any new proposals for off street parking and enforcement. *(GBC)*
- (vi) Receive reports from and provide political oversight and advice to the Safer Guildford Partnership on the Community Safety functions of the Borough. *(GBC)*
- (vii) Provide political oversight and influence emergency planning and event management and/or event safety oversight that relate to the borough of Guildford. *(GBC)*
- (viii) Oversee and provide feedback on priorities relating to gypsy and traveller site provision and site management within the borough of Guildford. *(GBC)*
- (ix) Receive reports from and provide political oversight and advice to the Health and Wellbeing Board for Guildford on its functions. *(GBC)*
- (x) Influence priorities for the provision of integrated Health and Social Care and Older People's Services locally. *(GBC)*
- (xi) 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. *(GBC)*
- (xii) Be consulted on any issues referred to it by GBC and produce responses as appropriate. *(GBC)*
- (xiii) 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. *(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).*

## 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)**

| <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>(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.</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> <p>(t) Approval of any highways decision delegated to officers where there is disagreement between the officer and the local member.</p> |   |



| Who is responsible (1) | Function (2)  | Limitation (3)   |
|------------------------|---|--|
|                        | <p>(u) endorsement of the annual programme for investment of the centrally managed road safety scheme budget</p> <p>endorsement of the annual programme of centrally funded Integrated Transport Schemes (ITS) and approval of any assessment criteria</p> <p>(v) to agree changes which amount to more than 15% in the hours of opening for Surrey Performing Arts Library</p> |  |
|                        | <p>(u) to agree 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)</p>  | <p>In consultation with the relevant local divisional Member/s</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>  |  |

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

| Who is responsible (1) | Function (2)   | Limitation (3)  |
|------------------------|--|---|
| Leader                 | (a) the final decision to open or close a school   |   |
|                        | (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) in consultation with the relevant portfolio holders |
|                        | (d) approval of virements above £250,000 between portfolios or services  |   |

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

### **8.21 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.

### **8.22 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.

### **8.23 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.

## **8.24 STRATEGIC INVESTMENT BOARD**

### **8.25 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.

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

### **8.27 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.

