

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Tuesday, 10 May 2016

To: The Members of the Surrey Heath Borough Council

Dear Councillor,

You are hereby summoned to attend the Annual Meeting of Surrey Heath Borough Council to be held in the Council Chamber, Surrey Heath House on Wednesday, 18 May 2016 at 7.00 pm. The business which it is proposed to transact at the meeting is set out below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

1. Mayor

To elect the Mayor for the ensuing year.

2. Deputy Mayor

To elect the Deputy Mayor for the ensuing year.

3. Minutes (Pages 5 - 10)

To approve as a correct record, the minutes of the meeting of the Council held on 13 April 2016.

4. Apologies for Absence

To report apologies for absence.

5. Mayor's Announcements

6. Executive Arrangements

The Leader has responsibility for the discharge of all executive functions, for the appointment of councillors to the Executive and for the determination of the individual portfolios to be allocated to the Portfolio Holders.

The Leader can chose to delegate any/all of the executive functions to the Executive as a whole; a committee of the Executive; an individual member of the Executive; an officer; an area committee; joint arrangements; local Member in relation to their ward, or another local authority.

The Leader to advise the Council in relation to

- (a) the arrangements for the exercise of executive functions for the ensuing year;
- (b) the appointment of councillors to the Executive;
- (c) the individual portfolios to be allocated to the Portfolio Holders.

7. Establishment of Committees and Review of Political Proportionality
(Pages 11 - 14)

To appoint the committees of the Council for the ensuing year and to review the political proportionality of the committees. (Report of the Executive Head of Corporate attached).

8. Appointment of Members to Committees

In accordance with the allocation of seats as determined at item 7 above, and having regard to the nominations of the political groups (to be laid on the table), to appoint members to the following committees for the 2016/17 municipal year:

- (a) Planning Applications Committee
- (b) Licensing Committee
- (d) External Partnerships Select Committee
- (e) Performance and Finance Scrutiny Committee
- (f) Audit and Standards Committee
- (g) Appointments Committee

9. Appointment of Chairmen and Vice Chairmen

To appoint the Chairmen and Vice-Chairmen of the Committees established in Item 8 above. Nominations to these positions will be laid on the table.

10. Joint Committee

To appoint a member to the Police and Crime Panel for the 2016/17 municipal year on the nomination of the Leader of the Conservative Group.

11. To Appoint Working Groups and Other Bodies of the Council and the Membership thereof

For the 2016/17 municipal year, to appoint the following working groups of Council, to appoint the membership thereof having regard to the nominations of the political groups, as laid on the table:

<u>Working Group/Committee</u>	<u>Seats</u>
The Governance Working Group	5
Joint Staff Consultative Group	8
The Waste Contract Consultative Committee	5

12. Responsibility for Functions (Pages 15 - 24)

To consider the report of the Executive Head of Corporate in relation to the Scheme for Delegation of Functions (attached).

13. Governance Working Group (Pages 25 - 28)

To consider the report of the Governance Working Group and the recommendations contained therein.

14. Appointment of Pool of Independent Persons (Pages 29 - 30)

To consider the report of the Monitoring Officer in relation to the appointment of Independent Persons in accordance with the Localism Act 2011.

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**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held at
Surrey Heath House, Camberley on
13 April 2016**

+ Cllr Joanne Potter (Mayor)
+ Cllr John Winterton (Deputy Mayor)

+ Cllr Dan Adams	- Cllr Oliver Lewis
+ Cllr David Allen	+ Cllr Jonathan Lytle
+ Cllr Rodney Bates	+ Cllr Katia Malcaus Cooper
+ Cllr Richard Brooks	+ Cllr Bruce Mansell
+ Cllr Nick Chambers	+ Cllr David Mansfield
+ Cllr Bill Chapman	+ Cllr Alan McClafferty
+ Cllr Mrs Vivienne Chapman	+ Cllr Charlotte Morley
+ Cllr Ian Cullen	+ Cllr Max Nelson
+ Cllr Paul Deach	+ Cllr Adrian Page
+ Cllr Colin Dougan	+ Cllr Robin Perry
+ Cllr Craig Fennell	+ Cllr Chris Pitt
- Cllr Surinder Gandhum	- Cllr Nic Price
+ Cllr Moira Gibson	+ Cllr Wynne Price
+ Cllr Edward Hawkins	+ Cllr Darryl Ratiram
+ Cllr Josephine Hawkins	- Cllr Ian Sams
+ Cllr Ruth Hutchinson	- Cllr Conrad Sturt
+ Cllr Paul Ilnicki	+ Cllr Pat Tedder
+ Cllr Rebecca Jennings-Evans	+ Cllr Victoria Wheeler
+ Cllr David Lewis	+ Cllr Valerie White

+ Present

- Apologies for absence presented

53/C Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Surinder Gandhum, Oliver Lewis, Nic Price, Ian Sams and Conrad Sturt.

54/C Minutes

It was moved by the Mayor, seconded by the Deputy Mayor, and

RESOLVED that the minutes of the meeting of the Council held on 24 February 2016 be approved as a correct record.

55/C Mayor's Announcements

The Mayor announced that she had continued to be very busy. She had attended events at the Surrey Borders Lions Club and the Heritage Gallery and the Epsom and Ewell Charity Ball. She reminded Members that tickets were available for the event at the English Rugby Ground on 15 April. The Mayor's Charity Ball would be held on 14 May 2016 and the Mayor encouraged all Members to attend what was expected to be a spectacular event.

56/C Leader's Announcements

The Leader reported that she had attended a meeting in West Sussex to discuss the 3 Counties devolution proposals. She was concerned that the County Councils were not taking on board the concerns of the district councils and that the district councils were expected to sign up without knowing the full implications. Discussions were now about a "real" combined authority for the 3 county area although there would be no guarantees in relation to funding. It was also emerging that, in order for a combined authority to be granted extra powers, it would have to have a directly elected Mayor.

Also under discussion by the Surrey Leaders was "double" devolution, with powers relating to highways, flood relief, public realm and enforcement, including trading standards, being devolved from the County Council to groups of districts councils.

The Surrey Leaders had also discussed whether to lobby the Government in relation to its proposal to reduce, from 5% to 2½%, the percentage of retained NNDR rates. The Leader was of the opinion that such lobbying would be ineffective. The Surrey Leaders had also expressed concern in relation to the Government's proposed apprenticeship levy which could result in a substantial cost to local authorities.

57/C Declarations of Interest

In relation to the resolution at Minute 58/C(a) - Pay Award 2016/17, the following interests were declared and the Members were not present for its consideration

- (a) Councillor Rodney Bates, for the record, as an employee of a neighbouring local authority; and
- (b) Councillor Richard Brooks, a Disclosable Pecuniary Interest, as his wife was employed by the Council.

58/C Executive, Committees and Other Bodies

- (a) Executive – 1 March and 22 March 2016

It was moved by Councillor Moira Gibson, seconded by Councillor Richard Brooks, and

Resolved that the minutes of the meetings of the Executive held on 1 March and 22 March 2016 be received and the recommendation therein be adopted as set out below:

Minute 83/E – Pay Award 2016/17

Resolved a pay award of 1% be made for 2016/17, to be met from the existing salaries budgets.

- (b) Planning Applications Committee – 7 March and 7 April 2016

It was moved by Councillor Edward Hawkins, seconded by Councillor David Mansfield, and

Resolved that the minutes of the meetings of the Planning Applications Committee held on 7 March and 7 April 2016 be received.

- (c) Performance and Finance Scrutiny Committee – 27 January and 23 March 2016

It was moved by Councillor David Allen, seconded by Councillor Wynne Price, and

Resolved that the minutes of the meetings of the Performance and Finance Scrutiny Committee held on 27 January and 23 March 2016 be received.

(Note: In accordance with Council Procedural Rule 17.5, Councillors Craig Fennell and Chris Pitt recorded their abstentions from voting in relation to the minutes of the meeting held on 27 January 2016.)

- (d) Licensing Committee – 16 March 2016

It was moved by Councillor Bill Chapman, seconded by Councillor Paul Ilnicki and

Resolved that the minutes of the meeting of the Licensing Committee held on 16 March 2016 be received.

- (e) Joint Staff Consultative Group – 17 March 2016

It was moved by Councillor Josephine Hawkins, seconded by Councillor Robin Perry and

Resolved that the minutes of the meeting of the Joint Staff Consultative Group held on 17 March 2016 be received.

- (f) External Partnerships Select Committee – 29 March 2016

It was moved by Councillor Paul Deach, seconded by Councillor and Dan Adams

Resolved that the minutes of the meetings of the External Partnerships Select Committee held on 29 March 2016 be received.

- (g) Audit and Standards Committee – 31 March 2016

It was moved by Councillor Valerie White, seconded by Councillor Paul Ilnicki and

Resolved that the minutes of the meetings of the Audit and Standards Committee held on 31 March 2016 be received.

59/C Governance Working Group

The Governance Working Group had met on 5 February 2016 and 18 March 2016 and had considered a number of issues and made recommendations relating to the Planning Code of Practice – Committee Member Site Visits Procedure, Financial Regulations, IT Code of Practice for Members and the Licensing Sub Committees.

As a result of the decision to move meetings of the Planning Committee from a Monday to a Thursday from the start of the 2016/17 Municipal Year, the Working Group had reviewed the procedure for committee member site visits. It was agreed to recommend that the procedure be revised so that requests for a site visit must be received by 4pm at least four clear working days before a Committee meeting and that the Council's Constitution be updated accordingly.

In accordance with the requirement of the Council's Constitution to review Financial Regulations every five years, the Working Group reviewed the Regulations. The Regulations had been amended to reflect legislative changes and the changes brought about by the implementation of Civica, the Council's new finance and purchasing system, but also to make them more accessible and user friendly.

The Working Group had also reviewed the IT Code of Practice for Members which had been updated to reflect the changes that had been made to the IT equipment provided to Members. It was noted, in relation to the removal of a Councillor's IT equipment as a result of the breach of the Code, that the Working Group had recommended that it would be for the Audit and Standards Committee to authorise this sanction.

The Working Group had also discussed ongoing concerns about Licensing Sub-committees. The Licensing Act 2003 restricted the size of the Licensing Committee to between 10 and 15 councillors and that the membership of any Sub-committees established by the Licensing Committee had to be drawn from the main Committee. The Working Group had noted that substitutes of the Licensing Committee were able to sit on Sub-committees and had agreed that increasing participation levels would be explored in more detail at its next meeting. Sub-committee hearings had, where possible in the past, been chaired by either the Chairman or Vice Chairman of the Licensing Committee and the Working Group had agreed that, in order to spread the responsibility, a small pool of Licensing Committee members would be nominated to act as Licensing Sub-committee Chairmen.

Resolved that

- (i) paragraph 7, Appendix B of the Planning Code of Practice for Councillors and Officers at Part 5 of the Constitution be amended as follows;**

'requests must be made in writing, explaining the reason for the request, to the Development Manager with a copy forwarded to the Executive Head of Regulatory and the Democratic and Electoral Services Officer by 4 pm on the ~~Monday preceding~~ four clear working days before the Planning Applications Committee meeting.';

- (ii) the revised Financial Regulations, attached as Annex A be adopted; and
- (iii) the revised IT Code of Practice for Members, attached as Annex B be adopted.

60/C Portfolio Holder's Question Time

Councillor Josephine Hawkins answered a question relation to her role as Children's Champion.

61/C Exclusion of Press and Public

In accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the ground that it involved the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act as set out below:

<u>Minute</u>	<u>Paragraphs</u>
62/C	3
63/C	3

62/C Council, Executive and Committees - Exempt

The Council received the exempt minutes of the meetings of the Performance and Finance Scrutiny Committee held on 27 January and 23 March 2016.

63/C Review of Exempt Items

The Council reviewed the minutes which had been considered at the meeting following the exclusion of members of the press and public, as they involved the likely disclosure of exempt information.

Resolved that Minutes 34/PF and 48/PF to remain exempt for the present time.

Mayor

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Establishment of Committees and Review of Political Proportionality

Purpose

To appoint the Council's committees for the municipal year 2016/17 and to agree their size and their proportionality.

Background

1. The Council is asked to appoint the committees it requires for the next municipal year, agree their size, to review formally the proportional political allocation of places on committees and to adopt a scheme of proportionality for the municipal year 2016/17.
2. Set out at Annex A are the committees which it is proposed to established for the 2016/17 municipal year and their proposed size. It also sets out the political proportionality overall.

Political Proportionality

3. The Local Government and Housing Act 1989 requires local authorities to review annually committee membership and political representation. By law, seats on committees must be allocated in proportion to the political composition of the Council. Only with no councillor voting against such a decision, can an authority decide that it wishes to adopt an arrangement other than a proportional one.
4. Currently 2 groups exist: the Conservative Group and the Others Group. The number of seats of each group on the Council and the resulting percentages are as follows:

<u>Conservative</u>	<u>Others Group</u>
36	4
90%	10%

5. In determining the allocation of seats on committees, the proportion that each political group forms of the total membership of the Council is applied to the total number of elected councillor seats on each committee. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. So that this process of rounding does not result in disproportionate advantage to one political group, the aggregate membership of all the committees must also be in line with the proportions on the Council.

Options

6. The Council must establish a Licensing Committee and at least one scrutiny committee (overview and scrutiny). It is for the Council to decide what other

committees it wishes to establish for the discharge of its functions and good governance.

7. The Council has no option but to achieve political proportionality. Where it is not possible to achieve absolute proportionality for each committee, the scheme agreed must achieve overall proportionality across all the committees of the Council.

Proposal

8. It is proposed that the committees listed in Annex A be appointed with the composition shown. The Annex incorporates a scheme of proportionality for 2016/17. This scheme achieves the required balance between the two political groups on the Council.

Resources Implications

9. There are no resource implications arising from this report.

Recommendation

10. The Council is advised to RESOLVE that
 - (i) the committees as set out at Annex A be appointed with the committee sizes shown; and
 - (ii) the scheme of proportionality as set out at Annex A be adopted for 2016/17.

Background Papers: None

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Executive Head of Service Richard Payne 01276 707150
Executive Head of Corporate

SCHEME OF PROPORTIONALITY

Committee			
	Conservative Group	Others Group	TOTAL
Planning Applications	14	2	16
Licensing	13	2	15
External Partnerships Select	14	1	15
Performance and Finance Scrutiny	14	1	15
Audit and Standards	6	1	7
Appointments	4	1	5
Total seats	65	8	73
% of Committee seats	89.04%	10.96%	100.00%
% of Council membership	90.00%	10.00%	100.00%

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Responsibility for Functions

Purpose

To agree the Scheme of Delegation of Functions.

Background

1. The Constitution, at Part 4 Section A, requires the Council at its annual meeting to agree the Scheme of Delegation of Functions.
2. The Scheme, as currently included in the Constitution at Part 3 Section A, is set out at Annex A to this report.

Proposal

3. It is proposed that the Scheme of Delegation of Functions be agreed as set out at Annex A.

Recommendation

4. The Council is advised to RESOLVE that the Scheme of Delegation of Functions as set out at Annex A be agreed.

Background Papers: None

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PART 3 - RESPONSIBILITIES FOR FUNCTIONS

SECTION A

SCHEME FOR DELEGATION OF FUNCTIONS

1. INTRODUCTION

- 1.1 The Scheme for Delegation of Functions set out in this Part explains where responsibility for the various functions of the Council is located. It details what body is responsible for which functions in the Council. Elsewhere in this Part the Scheme of Officer Delegations details the extent to which, if at all, any functions have been delegated to officers or other bodies.
- 1.2 The functions which the authority is responsible for are either executive or non-executive. Non-executive functions are those specifically required by statute or designated by the Council to be non-executive functions. These will be exercised by either the full Council, committees appointed by the Council or officers. Executive functions are all those functions which are not non-executive functions and will be exercised by the Leader. The Leader may delegate any/all of the executive functions.
- 1.3 The Scheme for Delegation of Functions shall not extend to powers, duties or functions with respect to the levying of the Council Tax or issuing a rate or precept for a rate, or to the borrowing of money. Neither shall it extend to any powers, duties or functions for which the Council must retain responsibility.

2. TYPES OF FUNCTION

- 2.1 Functions fall into the following categories:

a) Non-Executive Council Functions.

These are functions which, under the law, may not be the responsibility of the Leader. In some cases, such as adopting the Council's budget or the policy framework, only the full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an officer.

Council functions shall therefore comprise:

- i) those functions which are reserved as Council functions by the Local Government Act 2000 and by subsequent legislation;
- ii) those functions which are reserved as Council functions by Regulation 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and

subsequent regulations made under the Local Government Act 2000;

- iii) those functions set out in Regulation 3 and Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations shown at Table 1 below as non-executive functions;
- iv) the adoption or approval of those plans and strategies which form the Policy Framework, being those plans and strategies set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 together with such plans and strategies as the Council shall identify from time to time for this purpose.

Article 4 (The Council) sets out the functions which the Council has decided shall only be carried out by the Full Council.

The Council has determined that certain Council functions shall be carried out by the committees as set out elsewhere in this Part of the Constitution in accordance with their terms of reference, which are set out further in Part 3 of the Constitution.

- b) 'Local Choice' Functions.

'Local Choice' functions are functions which may, by law, be exercised by the Leader or by the Council or a committee or officer of the Council, according to the decision of the Council. Table 2 below sets out the bodies authorised by the Council to undertake these 'local choice' functions identified in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- c) Shared functions

Table 3 below sets out the bodies authorised by the Council to undertake those functions identified in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as functions which shall not be the sole responsibility of the Leader. The amendment or adoption of the plans and strategies identified in this Schedule shall be the responsibility of the bodies shown except where the amendment, modification, variation or revocations giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or where it has been so authorised by the Council when approving or adopting the plan or strategy, when the responsibility shall be that of the Leader.

- d) Executive Functions.

All functions not otherwise identified in the legislation are executive functions. The Leader may delegate decision-making of his functions to

- (i) the Executive as a whole;
- (ii) a committee of the Executive;
- (iii) an individual member of the Executive;
- (iv) an officer;
- (v) an area committee;
- (vi) joint arrangements;
- (vii) local Member in relation to their ward, or another local authority.

e) Proper Officer Functions.

The purpose of the Proper Officer provisions is to designate people to carry out certain statutory functions. These functions are set out in Part 3 of the Constitution.

f) Delegations to Officers.

The Council and the Leader may authorise designated officers to undertake on their behalf certain of their functions, including some of those listed in the Tables below. Details of these delegations are set out in the Scheme of Officer Delegations set out in Part 3 of the Constitution. A number of powers delegated to officers are also contained in Financial Regulations, as set out in Part 4 of the Constitution.

2.2 This Scheme includes the power for the Council and the Leader to delegate functions to officers or other local authorities.

2.3 Where any Acts or Regulations referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are amended or repealed the Schedule will be deemed to have been changed to incorporate the appropriate new or amended Act or new or amended Regulation.

2.4 Article 4 (the Council), Article 6 (the Scrutiny Committees), Article 7 (the Leader, Deputy Leader and the Executive) and Article 8 (The Regulatory and Other Committees), as set out in Part 2 of the Constitution, identify the powers of the Council, its committees and the Leader. The terms of reference of these decision-makers are set out in Part 3 of the Constitution.

Table 1**Responsibility for non-executive functions**

(i.e. the functions identified in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which may not be undertaken by the Leader)

Function	Decision making body
Functions relating to town and country planning, development control and building control insofar as they are the responsibility of the Council as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Planning Applications Committee (except where as provided for in Article 4.2(n).)
Except as otherwise provided in the Licensing Act 2003 and Gambling Act 2005, all functions of the licensing authority prescribed by those Acts. Functions relating to licensing and registration insofar as they are the responsibility of the Council, other than the licensing of films for public exhibition, as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Licensing Committee
Functions relating to health and safety at work insofar as they are specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Licensing Committee
Functions relating to elections, name and status of areas and individuals and pensions and powers relating to byelaws and local and personal Bills insofar as they are the responsibility of the Council as specified in Sections D, E, F, G and H of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Council
Functions relating to public rights of way and other miscellaneous functions insofar as they are the responsibility of the Council as specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Council (functions 23, 36 - 41, 43 - 45, 48) Licensing Committee (functions 22, 30, 31, 42) Planning Applications Committee (functions 32, 46, 47)

Table 2**Responsibility for local choice functions**

(i.e. the functions identified in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which the Council can choose how to allocate)

Function	Decision making body
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	The Leader
The determination of an appeal against any decision made by or on behalf of the authority (other than staffing or licensing matters).	The Leader
Any function relating to contaminated land. <i>Part IIA of the Environmental Protection Act 1990</i>	Licensing Committee
The discharge of any function relating to the control of pollution or the management of air quality. <i>Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environmental Protection Act 1990, Clean Air Act 1993</i>	Licensing Committee
The service of an abatement notice in respect of a statutory nuisance. <i>Section 80(1) of the Environmental Protection Act 1990.</i>	Licensing Committee
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. <i>Section 8 of the Noise and Statutory Nuisance Act 1993</i>	Licensing Committee
The inspection of the authority's area to detect any statutory nuisance <i>Section 79 of the Environmental Protection Act 1990</i>	Licensing Committee
The investigation of any complaint as to the existence of a statutory nuisance <i>Section 79 of the Environmental Nuisance Act 1990</i>	Licensing Committee
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning Applications Committee
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Leader
The making of agreements for the execution of highway works.	Council

Function	Decision making body
<i>Section 278 of the Highways Act 1980</i>	
<p>The appointment of any individual :</p> <p>(a) to any office other than an office in which he is employed by the authority</p> <p>(b) to any body other than (i) the authority or (ii) a joint committee of two or more authorities</p> <p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment</p>	Council
<p>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	The Leader

Table 3

Functions not to be the sole responsibility of the Leader

The functions identified in the table may be considered by the Leader and will be so considered where there are budgetary implications.

Plan or Strategy	Responsibilities
Sustainable Community Strategy <i>Section 4 of the Local Government Act 2000</i>	The Leader recommending to Council
Crime and Disorder Reduction Strategy (locally known as the Surrey Heath Community Safety Strategy) <i>Sections 5 and 6 of the Crime and Disorder Act 2000</i>	The Leader recommending to Council
Plans and alterations which together comprise the Development Plan <i>Section 54 of the Town and Country Planning Act 1990</i>	The Leader recommending to Council

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Governance Working Group

Portfolio	Leader
Ward(s) Affected:	n/a

Purpose

To consider the report from the Governance Working Group in relation to

- (a) the Licensing Committee; and
- (b) the Electoral Review of Council Size.

Introduction

1. The Working Group met on 22 April 2016. The notes of these meetings are available on the Intranet.
2. The Working Group has considered a number of issues and made recommendations which are addressed below.

The Licensing Committee

3. At a previous meeting, the Working Group had discussed ongoing concerns about Licensing Sub-committees and the fact that only a small number of members are participating in them.
4. Members were reminded that Section 6(1) of the Licensing Act 2003 restricted the size of the Licensing Committee to between 10 and 15 councillors and that the membership of any Sub-committees established by the Licensing Committee had to be drawn from the main Committee.
5. Furthermore, Sub-committee hearings had to be held within a very short timescale. Consequently Sub Committee hearings, which could take several hours, were usually held during business hours; a factor that limits Sub Committee members to those who are available during the day.
6. Members were advised a recent court case had found that:
 - (a) If licensing authorities were able to substitute non-members as and when they wished it would remove the requirement to establish a licensing committee of at least 10 but not more than 15 members of the authority;
 - (b) The nature of the work required of licensing committee members meant that they must be trained for the role;
 - (c) Section 6(1) of the Act stated that the licensing committee must have not more than 15 members and, if there are already 15 members, to add another would exceed the statutory maximum and could not be done; and
 - (d) Standing orders could not override the legislative provisions.

7. Consequently it was clear that substitute members were not allowed. The Council's Procedure rules did provide that there should be no substitutions for licensing when dealing with Licensing Act 2003 matters and the licensing sub-committees of the Licensing Committee; a factor which would need to be considered when appointing members to sit on the Licensing Committee.
8. It was noted that Sub-Committee hearings were scheduled to start at either 10am or 2pm and usually lasted between two and four hours. Starting a hearing later than this could incur unnecessary expense for an applicant particularly when an applicant had engaged professional legal advice. Where it was considered that a hearing might last significantly longer than this, members were made aware of this fact in advance.
9. It was considered that these restrictions placed unnecessary constraints on who could be appointed to Licensing Committees and the Leader agreed to make representations to the Department of Culture, Media and Sport.

Electoral Review

10. The Working Group was reminded that the Local Government Boundary Commission for England was conducting an intervention review of the Borough because the electorate data from 2013 shows that Surrey Heath met the criteria with 4 out of 16 wards having a variance outside 10%.
11. The Review will decide
 - (a) the total number of councillors (council size)
 - (b) the pattern of wards for the entire borough
 - (c) the number of wards
 - (d) the names of wards
 - (e) the boundaries of wards
12. The first stage of the review will be to decide the Council size. The council size decision will be taken by the Commission on 19 July 2016 with information supplied to it from the Council and/or political parties if there is not a consensus.
13. The Commission would take into account a number of factors such as:
 - (a) the demands of time on elected members and whether the Council could operate more effectively with a different number;
 - (b) the current political management and governance;
 - (c) the representative role of members; and
 - (d) the effective representation of constituents.
14. Following the "minded to" decision on council size the Commission will conduct a public consultation, between 26 July and 28 September, when the Commission will invite suggested warding patterns from the Council, parish councils, local organisations and interested members of the public.

15. The Working Group noted that both the Conservative Group and the Others Group had considered proposals for future council size taking into account the above factors. It was reported that the Others Group had proposed a council size of 39 and the Conservative Group, a council size of 34.
16. The Working Group, by a majority, agreed that a council size of 34 members should be recommended to the Council.

Recommendation

17. The Council is advised to RESOLVE that the Chief Executive, after consultation with the Leader of the Council, be authorised to submit, to the Local Government Boundary Commission for England, the Council's proposal on a reduction of council size from 40 members to 34 members, based on the following factors:
 - (i) the Strong Leader and Executive arrangements introduced since the last review;
 - (ii) the extensive Scheme of Delegation of Functions to Officers extended since the last review;
 - (iii) the technological advancements in communications and the changing way in which residents accessed information and services;
 - (iv) reduction in the committee structure and frequencies of meetings including the way in which the Council fulfils its scrutiny responsibilities; and
 - (v) the financial position of the Council, and the Country as a whole.

Annexes	None
Background Papers:	None
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Head of Service	Richard Payne – Executive Head of Transformation

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Appointment of Pool of Independent Persons

Portfolio:	Non Executive Function
Ward(s) Affected:	All

Purpose: To appoint a pool of Independent Persons until May 2019 as required by the Localism Act 2011.

1. Background

1.1. Previously the Council has appointed a single Independent Person in accordance with the Localism Act 2011. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 provided for further arrangements relating to disciplinary processes requiring two Independent Persons.

2. Current Position

2.1. The current appointment has expired, and advertising for a replacement has not been successful. However a pool of Independent Persons has been appointed by a consortium of councils, namely Mole Valley, Guildford, Waverley, Spelthorne and Reigate and Banstead. There are currently five people who form part of the pool across the authorities.

3. Options

3.1. Surrey Heath Borough Council may appoint the same persons in the pool to be the Independent Persons. The consortium authorities have been operating a protocol to deal with the practical issues of dealing with complaints, including any conflicts of interest, common processes and arrangements for dealing with complaints. Training has also been provided to the pool members.

3.2. Surrey Heath Borough Council is able to join this consortium. It may make its own appointment at a later stage and that person could join the pool.

3.3. The details of the proposed consortium will be reported to the next Audit and Standards Committee.

4. Proposal

4.1. It is therefore proposed to appoint the following persons to carry out the role of Independent Persons:

- Roger Pett
- Tony Allenby
- Vivienne Cameron
- Paul Sherar

- David Seymour
- Bernard Quoroll

5. Resource Implications

5.1. None

6. Recommendation

6.1. It is recommended that Full Council appoints the following persons to be Independent Persons in accordance with the Localism Act 2011 until May 2019:

- Roger Pett
- Tony Allenby
- Vivienne Cameron
- Paul Sherar
- David Seymour
- Bernard Quoroll

Background Papers: None
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