

## SURREY HEATH BOROUGH COUNCIL

Surrey Heath House  
Knoll Road  
Camberley  
Surrey  
GU15 3HD

Tuesday, 9 May 2023

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, 17 May 2023 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

Damian Roberts

Chief Executive

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**1. Mayor**

To elect the Mayor for the ensuing year.

**2. Deputy Mayor**

To elect the Deputy Mayor for the ensuing year.

**3. Report of the Returning Officer (Pages 5 - 8)**

To receive the report of the Returning Officer formally notifying the return of Borough Councillors.

**4. Apologies for Absence**

To report apologies for absence.

**5. Minutes (Pages 9 - 14)**

To approve as a correct record, the minutes of the meeting of the Council held on 5 April 2023.

**6. Declarations of Interest**

Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting.

**7. Mayor's Announcements**

The Mayor to make their announcements.

**8. Leader of the Council**

To elect the Leader for a four year term of office.

**9. 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 choose 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;
- d) the appointment of the Deputy Leader.

**10. Establishment of Committees and Review of Political Proportionality**

To appoint the committees of the Council for the ensuing year, to determine

the number of Members on each committee and to review the political proportionality of the committees. (Report of the Head of Legal & Democratic Services to follow.)

**11. Appointment of Members to Committees**

In accordance with the allocation of seats, as determined at Item 10 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 2023/24 municipal year:

- a) Planning Applications Committee
- b) Licensing Committee
- c) External Partnerships Select Committee
- d) Performance & Finance Scrutiny Committee
- e) Audit & Standards Committee
- f) Employment Committee

**12. Appointment of the Chairmen and Vice Chairmen of the Committees of the Council**

To appoint Chairmen and Vice-Chairmen to the Committees established at Item 10 above. Nominations to these positions will be laid on the table.

**13. Joint Committee**

To appoint a Member to the Police and Crime Panel for the 2023/24 municipal Year.

**14. Appointment of Working Groups and Other bodies of the Council and the Membership for 2023/24**

For the 2023/24 municipal year, to appoint the following working groups of the Council, to appoint the membership thereof having regard to the nominations of the political groups, as laid on the table:

<b>Working Group/ Consultative Group</b>	<b>Seats</b>
Governance Working Group	5
Joint Staff Consultative Group	8

**15. Responsibility for Functions (Pages 15 - 24)**

To consider the report of the Head of Legal & Democratic Services (attached).

**16. Appointment of Independent Persons (Pages 25 - 28)**

To consider the report of the Head of Legal & Democratic Services (attached).

**Election of Councillors for the  
Borough of Surrey Heath**

**4 May 2023**

**Report of the Returning Officer**

I, Damian Roberts, the Returning Officer, hereby report the results of the election of councillors for the Borough of Surrey Heath held on 4 May 2023 as follows:

**Bagshot Ward**

DU CANN, Frank Whiteway	677	
GOGGIN, Samantha Elizabeth	202	
GORDON, Mark	1061	Elected
VIRANI, Zahira	599	
WHITCROFT, Catherine Mary	676	
WHITE, Valerie Florence Ann	978	Elected
WILLGOSS, Andrew John	364	
WILSON, Richard Michael	681	Elected

**Bisley & West End Ward**

ALLEWAY, Graham Victor George	598	
HANNEY, Alexander Thomas Patrick	625	
HENDERSON, James Anthony	702	
KANG, Sarbjit Dhaliwal	902	Elected
KEELING, Adrian Robert	408	
NOBLE, Elisabeth Jane	1312	Elected
PAGE, Adrian Robert	753	
PERRETT, Ying Lisa Shayne	863	Elected

**Frimley Ward**

ASHBERY, Alan Robert	783	Elected
CROKE, Sarah Jane	511	
O'MAHONEY, David	722	Elected
RATIRAM, Darryl Kishand	397	

**Heatherside Ward**

ASHBERY, Louise Elizabeth	1559	Elected
DICKENS, Simon Gerald	819	
HENRY, David William	811	
RAIKES, Robert Timothy	1512	Elected
SKIPPER, John James	1613	Elected
WOOD, Julia Margaret	829	

**Lightwater Ward**

APPLEFORD, Peter Alfred	170	
HARRIS, James Stuart	840	
HOAD, Julie Caron	1184	Elected
JENNINGS-EVANS, Rebecca Philippa Jane	943	
JOHNSON, Thomas Henry	144	
MACDONALD, Shaun Peter	1128	Elected
MALCAUS COOPER, Katia	966	
THOMPSON, Kevin John	1080	Elected

### **Mytchett & Deepcut Ward**

ALEXANDER, Lawrence	747	
BETTON, Clifford Ian	950	Elected
NATOLIE, David Richard	661	
RISE, Morgan Alun Giles	961	Elected
TAVANAYAN FARD, Attieh	752	
WHITCROFT, David	995	Elected

### **Old Dean Ward**

GARRETT, Shaun Francis	563	Elected
GIBBS, Brian Henry Martin	382	
GIBBS, Heather Lorraine	393	
MEARS, Lewis Edward	504	Elected

### **Parkside Ward**

BENNETT, Steed Redford George	642	
GRAINGER, Louise	653	
KANG, Nirmal	833	Elected
LEE, Rob	837	Elected

### **St Michaels Ward**

BUXTON, Christopher Frederick	503	
MWENKETISHI, Gregory Tarte	417	
QUIN, Jonathan Andrew	684	Elected
ROWLANDS, Murray Chesterton	661	Elected

### **St Pauls Ward**

BROWNE, Simon Richard Mackintosh	673	
COPE, Jonathan Thomas Ewart	714	Elected
HODGES-LONG, Matthew	654	
RADEVA, Manuela Raykova	81	
RIDGWAY, George Ryan	83	
THORNE, Joshua Stuart	692	Elected

### **Town Ward**

DRURY-PILLING, Nathan Rhys	457	
GLAUERT, Mary Jane	706	Elected
MACINTYRE, Leanne Jane	690	Elected
SINGH, Mohinder	414	

**Watchetts Ward**

ADAM-HOLBOJ, Caroline Anne	533	
DIAS, Jose Beneticto	511	
FINAN-COOKE, Kelly Marie	823	Elected
FINAN-COOKE, Lisa Cheryl	831	Elected

**Windlesham & Chobham Ward**

BAKAR, Abu	394	
CARS, Justin James	535	
HOOK, Alison Elaine	292	
IBRAHIM, Sara	490	
KHAN, Faaris	352	
MASSARANO, Jack	513	
MCGRATH, Emma-Jane	611	Elected
MOQBEL, Amy	534	
RELTON, Clare Helen Carol	145	
TEDDER, Violet May Elizabeth	790	Elected
WHEELER, Victoria Elizabeth	864	Elected

Returning Officer

Surrey Heath House  
Knoll Road  
Camberley  
Surrey  
GU15 3HD

Note: the election for the Frimley Green ward was countermanded due to the death of a candidate and will now be held on Thursday, 15 June 2023.

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**MINUTES OF A MEETING OF SURREY  
HEATH BOROUGH COUNCIL held at  
Surrey Heath House, Camberley on  
5 April 2023**

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+ Cllr Helen Whitcroft (Mayor)  
+ Cllr Pat Tedder (Deputy Mayor)

- Cllr Dan Adams	+ Cllr Rebecca Jennings-Evans
+ Cllr Graham Alleway	+ Cllr David Lewis
+ Cllr Peter Barnett	+ Cllr Emma-Jane McGrath
+ Cllr Rodney Bates	Cllr Charlotte Morley
+ Cllr Cliff Betton	+ Cllr Alan McClafferty
+ Cllr Stuart Black	+ Cllr Sashi Mylvaganam
+ Cllr Richard Brooks	+ Cllr Liz Noble
+ Cllr Vivienne Chapman	+ Cllr Adrian Page
+ Cllr Sarah Jane Croke	+ Cllr Robin Perry
Cllr Paul Deach	+ Cllr Darryl Ratiram
+ Cllr Colin Dougan	+ Cllr Morgan Rise
+ Cllr Tim FitzGerald	+ Cllr John Skipper
+ Cllr Sharon Galliford	+ Cllr Graham Tapper
+ Cllr Shaun Garrett	+ Cllr Victoria Wheeler
+ Cllr Mark Gordon	+ Cllr Valerie White
+ Cllr Edward Hawkins	+ Cllr Kristian Wrenn
+ Cllr Josephine Hawkins	

+ Present

- Apologies for absence presented

**49/C Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor Dan Adams. It was noted that Councillor Graham Alleway had joined the meeting virtually but would not be entitled to vote.

**50/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 22 February 2023 be approved as a correct record.**

**51/C Mayor's Announcements**

The Mayor mentioned a number of events she had attended since the last Council meeting, which had included a visit to Frimley Church of England Primary School for World Book Day, Chobham Rugby Club's women's charity lunch and the Collingwood College performance of the musical Six.

As it was the final meeting of the Council term; the Mayor paid tribute to a number of longstanding Councillors who had served four terms or more, and were not re-standing at the upcoming elections. She also thanked Councillor Alan McClafferty, who had served as Leader of the Council with dedication and commitment during times of difficult decision making and responsibilities. She also gave her personal thanks for his assistance following her election as Mayor and reassurance provided during her mayoral year.

Councillor Vivienne Chapman was thanked for her 38 years as a Councillor serving St Paul's Ward, during which time she had been Leader of the Conservative Group and had been Chairman of the Policy and Resources Committee during 1994 and 1998.

The Mayor also noted the accomplished service of Councillor Rodney Bates, who had been the leader of the Labour, Others and Community Groups; and Councillor Richard Brooks, who had served in the positions of the Leader of the Council, Deputy Leader of the Council, and the Council's representative on Collectively Camberley. Councillor Colin Dougan was recognised for his service as Deputy Leader of the Council, his time on the Executive and as the Council's Military Champion. The Mayor also paid tribute to Councillor Edward Hawkins, who had Chaired Planning Applications Committee for the past 11 years, and Councillor Josephine Hawkins who had various portfolios on the Council's Executive and had been a champion for equality and safeguarding issues.

The mayor also gave thanks to all other members for their commitment and work throughout the term.

## **52/C Leader's Announcements**

The Leader of the Council referred to the achievements of the Council over the previous 4 years, some of the key challenges that the Council had responded to such as the pandemic, and the positive contribution made by Members from across the chamber to the Council's growing success. He also extended his thanks to the Chief Executive, officers and Members for their hard work and support over this period.

## **53/C Executive, Committees and Other Bodies**

### **(a) Executive – 14 March 2023**

It was moved by Councillor Alan McClafferty, seconded by Councillor Shaun Garrett and

**RESOLVED that the minutes of the meeting of the Executive held on 14 March 2023 be received.**

### **100/E Local Authority Housing Fund**

**RESOLVED that up to £80,000 (including contingency) be drawn down, earmarked from the Council's Affordable Housing reserve to**

**subsidise the purchase price of a property under the ‘bridging element’ of the Local Authority Housing Fund scheme.**

- (b) Planning Applications Committee – 9 February and 2 March 2023

It was moved by Councillor Edward Hawkins, seconded by Councillor Victoria Wheeler, and

**RESOLVED that the minutes of the meetings of the Planning Applications Committee held on 9 February 2023 be received.**

It was moved by Councillor Edward Hawkins, seconded by Councillor Helen Whitcroft, and

**RESOLVED that the minutes of the meetings of the Planning Applications Committee held on 2 March 2023 be received.**

- (c) Performance and Finance Scrutiny Committee – 15 March 2023

It was moved by Councillor Valerie White, seconded by Councillor Liz Noble, and

**RESOLVED that the minutes of the meetings of the Performance and Finance Scrutiny Committee held on 28 February 2023 be received.**

- (d) External Partnerships Select Committee – 28 February 2023

It was moved by Councillor Vivienne Chapman, seconded by Councillor Morgan Rise and

**RESOLVED that the minutes of the meetings of the External Partnerships Select Committee held on 28 February 2023 be received.**

- (e) Employment Committee – 16 February and 30 March 2023

It was moved by Councillor Stuart Black, seconded by Councillor Cliff Betton and

**RESOLVED that the minutes of the meetings of the Employment Committee held on 16 February and 30 March 2023 be received.**

- (f) Licensing Committee – 15 February 2023

It was moved by Councillor Pat Tedder , seconded by Councillor Valerie White and

**RESOLVED that the minutes of the meeting of the Licensing Committee held on 15 February 2023 be received.**

(g) Joint Staff Consultative Group – 2 March 2023

It was moved by Councillor Sharon Galliford, seconded by Councillor Stuart Black and

**RESOLVED that the minutes of the meeting of the Joint Staff Consultative Group held on 2 March 2023 be received.**

**54/C Fairtrade Status**

Following the passing of a motion by Full Council in April 2022 on the adoption of Fairtrade status, the Council considered a report detailing further context on the implementation of the resolution.

The report detailed that, following a discussion at joint meeting between the Strategic Director for Finance and Customer Service and the proposer of the original motion, the option to continue in the broad spirit of the motion but in a way which did not incur significant additional cost to the Council was being recommended to Full Council. The other considered options included to continue to seek Fairtrade Status in accordance with the motion at a one-off cost of £21,500 and an additional ongoing annual cost of up to £15,000; or to reject the original motion.

It was moved by Councillor Shaun Garrett, seconded by Councillor Rodney Bates and

**RESOLVED that the broad spirit of the motion passed in April 2022 be continued but in a way which did not incur significant additional cost to the Council.**

**55/C Questions from Members of the Public**

No questions were received by Members of the Public under Council Procedure Rule 10.

**56/C Questions from Councillors**

Councillor Victoria Wheeler requested a cross-organisation meeting between the Council's Drainage Officer, Surrey County Council, the Environment Agency and any other responsible parties in order to facilitate joined-up working on flood alleviation matters in Chobham. Councillor Liz Noble requested that this meeting be extended to include flood alleviation matters in Bisley. The Leader of the Council indicated that he would refer the matter to the next Leader of the Council to progress.

Following a question from Councillor Sashi Mylvaganam, the Leader of the Council confirmed that he had not received a reply to his letter to the Secretary of State for Levelling-up Housing and Communities in relation to minute 45/C. It was also advised that BDO had written to the Leader of the Council and the Chairman of the Audit and Standards Committee reiterating their circumstances in regards to the

status of the audit. The Leader stated that he was chasing an urgent meeting with the auditor to progress matters.

Councillor Graham Tapper asked a question in respect of the various required permissions and processes required for the installation of new public litter bins on non-Council owned land. Councillor Alan McClafferty committed to responding within 7 days with a written answer.

Councillor Morgan Rise enquired as to the placing of the Council in regards to the recently published Department for Environment Food and Rural Affairs (DEFRA) statistics on recycling rates in relation to other authorities. The Leader of the Council undertook to reply in writing within 7 days.

Mayor

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**Surrey Heath Borough Council**  
**Council**  
**17 May 2023**

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**Responsibility for Functions**

**Head of Service** Gavin Ramtohal – Head of Legal & Democratic Services  
**Report Author:** Rachel Whillis – Democratic Services Manager  
**Wards Affected:** n/a

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**Summary and purpose**

To agree the Scheme of Delegation of Functions.

**Recommendation**

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

**1. Background**

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

**2. Proposal**

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

**Annexes**

Annex A – Scheme of Delegation of Functions.

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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)

<b>Function</b>	<b>Decision making body</b>
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)

<b>Function</b>	<b>Decision making body</b>
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

<b>Function</b>	<b>Decision making body</b>
<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
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	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.

<b>Plan or Strategy</b>	<b>Responsibilities</b>
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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**Surrey Heath Borough Council**  
**Audit & Standards Committee**  
**17 May 2023**

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**Appointment of Independent Persons**

<b>Strategic Director/Head of Service</b>	Gavin Ramtohal – Monitoring Officer
<b>Report Author:</b>	Gavin Ramtohal – Monitoring Officer
<b>Wards Affected:</b>	Not applicable

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**Summary and purpose**

To appoint a pool of Independent Persons from May 2023 for a period of 4 years, as required by the Localism Act 2011.

**Recommendation**

The Council is advised to RESOLVE that, in accordance with Section 28 of the Localism Act 2011, the following persons be appointed as Independent Persons from May 2023 for a 4 year period:

- Andrea Armstrong
- Vivienne Cameron
- Jane Clark
- Bill Donnelly
- John Smith

**1. Background and Supporting Information**

- 1.1. Previously the Council has appointed a pool of Independent Persons in accordance with Section 28 of the Localism Act 2011 until May 2023. It is now necessary to appoint a pool for a further term of four years as from May 2023.
- 1.2. The current appointments expire in May and advertising for replacements has been carried out by the participating authorities in accordance with the Localism Act. The consortium of councils consists of Epsom & Ewell, Guildford, Mole Valley, Spelthorne, Reigate & Banstead and Waverley councils, as well as Surrey Heath Borough Council. There are currently four people who form part of the pool across the authorities.
- 1.3. Following advertising and interviews three existing IPs have expressed a wish to continue and two new applicants were interviewed by a group of Monitoring officers. It is proposed that all five be appointed by Surrey Heath Borough Council. 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 will be provided to the pool members.

- 1.4. The Audit & Standards Committee considered the appointment of Independent Persons at its meeting on 17 April 2023 and is recommending the candidates named above for appointment.

## **2. Reasons for Recommendation**

- 2.1 The proposed appointments will enable the Council to meet the requirements of Section 28 of the Localism Act.

## **3. Proposal and Alternative Options**

- 3.1 It is proposed that the Council appoints the individuals following interviews conducted by Monitoring Officers from the consortium councils. The Council must appoint at least one Independent Person, but could choose not to appoint specific candidates recommended for appointment for by the Monitoring Officer Panel.

## **4. Contribution to the Council's Five Year Strategy**

- 4.1 No matters arising.

## **5. Resource Implications**

- 5.1 There are no specific resource implications arising from this report. However, each appointed independent person will be entitled to claim out of pocket expenses.

## **6. Section 151 Officer Comments:**

- 6.1 No matters arising.

## **7. Legal and Governance Issues**

- 7.1 Section 28 of the Localism Act 2011 (the Act) requires every council to have in place a process under which allegations that a member or co-opted member of that council has failed to comply with the relevant council's code of conduct can be investigated and decisions made on such allegations. The same process will also apply to any member or co-opted member of a town or parish council within an individual district/ borough council's area.
- 7.2 The Act requires a council to appoint at least one Independent Person whose views must be sought by the council before it takes a decision on an allegation that it has decided shall be investigated and whose views can be sought by the council at any other stage, or by a councillor against whom an allegation has been made.

7.3 The councils listed in paragraph 1.2 of this report have agreed to work in partnership to appoint at least three independent persons, with any such person being available to act as an independent person for any of those councils.

**8. Monitoring Officer Comments:**

8.1 As set out in this report.

**9. Other Considerations and Impacts**

**Environment and Climate Change**

9.1 No matters arising.

**Equalities and Human Rights**

9.2 No matters arising.

**Risk Management**

9.3 No matters arising.

**Community Engagement**

9.4 No matters arising.

**Annexes**

None

**Background Papers**

None

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