

## SURREY HEATH BOROUGH COUNCIL

Surrey Heath House  
Knoll Road  
Camberley  
Surrey  
GU15 3HD

Tuesday, 17 October 2023

To: The Members of the Surrey Heath Borough Council

Dear Councillor,

You are hereby summoned to attend a meeting of Surrey Heath Borough Council to be held in the Council Chamber, Surrey Heath House on Wednesday, 25 October 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 and live streamed on  
<https://www.youtube.com/user/SurreyHeathBC>

Yours sincerely

Damian Roberts

Chief Executive

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**1. Apologies for Absence**

To report apologies for absence.

**2. Minutes**

To approve as a correct record, the minutes of the meeting of the Council held on 26 July 2023.

**3. Questions from Members of the Public**

To answer questions, if any, received under Council Procedure Rule 10 (Paragraph 3 of the Public Speaking Procedure Rules).

**4. Mayor's Announcements**

**5. Leader's Announcements**

**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. **Executive, Committees and Other Bodies**

To receive the open minutes of the following bodies (minutes reproduced in the Minute Book), to answer questions (if any) in accordance with Council Procedure Rule 11.5 and to consider the recommendations as set out below:

- (a) Executive – 19 September and 17 October 2023

At its meeting on 17 October 2023 the Executive will be asked to consider the following recommendation:

### **36/E Local Community Improvement Fund Bids**

**The Executive will be advised to RECOMMEND to Full Council that £20,800 be added to the Council's Capital Programme for the installation of an outdoor gym and 2 picnic tables at Frimley Green Recreation Ground.**

- (b) Planning Applications Committee – 27 July, 24 August and 21 September 2023
- (c) Performance and Finance Scrutiny Committee – 13 September 2023
- (d) External Partnerships Select Committee – 5 September 2023
- (e) Audit and Standards Committee – 3 October 2023
- (f) Employment Committee – 12 October 2023
- (g) Joint Staff Consultative Group – 14 September 2023

## 8. **Motions**

- a) Councillor Richard Wilson to move that

“this Council

- (i) recognises that the borough ward boundaries review of 2016/17 split Windlesham village over two new wards, causing frustration and distress to its residents;
- (ii) understands that this division of an established settlement area has led to residents feeling disenfranchised and, despite the best

endeavours of all councillors representing this area, as though the village does not have a single voice;

- (iii) accepts that the creation of the 2016/17 ward boundaries, covering Bagshot, Chobham and Windlesham, had a negative impact on democratic representation across these areas because the pattern of wards no longer reflects community ties and identities and has not led to effective and convenient local government;
- (iv) recognises that Windlesham village and Bagshot village, individually, have a strong sense of community cohesion and belonging, which has been damaged in Windlesham by the unnecessary division caused by the 2016/17 borough ward boundary changes and would be strengthened if the changes were reversed;
- (v) understands that all residents of Windlesham, north and south, use the same amenities and resources;
- (vi) notes that many residents of Windlesham feel they were not consulted effectively during the 2016/17 boundaries review, unlike residents of other villages; and
- (vii) calls on the Chief Executive to write, on behalf of the Council and the residents of Windlesham and the wider Borough, to the Local Government Boundary Commission for England to request an urgent review of borough ward boundaries, with the objective of reversing the changes in the previous review affecting Bagshot, Windlesham and Chobham villages and re-creating a separate borough ward for Windlesham.”

b) Councillor Jonathan Quin to move that

“this Council

- (i) notes that Camberley experienced a persistent and intolerable odour issue over the summer due to the local sewage works operated by Thames Water, and in response to the community’s complaints, notes that Thames Water expressed, in a number of meetings, a desire to make a financial contribution to a local community project in order to acknowledge the impact on residents over a five month period from May to September;
- (ii) notes that Thames Water has since backtracked on its offer to make a financial contribution to a project, leaving the community frustrated and angry;
- (iii) calls on Thames Water in the strongest possible terms to honour its previous commitment to make a financial contribution to a

community project, and commits to publishing a statement to this effect on the council website and on social media;

(iv) requests that the Leader of the Council writes to Thames Water and the Secretary of State for Environment, Food and Rural Affairs to express dissatisfaction regarding management of the situation triggered by the importing of sludge onto the Camberley site; and

(v) invites Thames Water to appear at an External Partnerships meeting of this Council.”

c) Councillor David O’Mahoney to move that

“this council

(i) notes that:

a) Frimley Park Hospital is administered by the Frimley Health NHS Foundation Trust which provides hospital and health services for over 900,000 people across an area covering parts of Surrey, Hampshire, Berkshire, and South Buckinghamshire.

b) Frimley Park is one of the largest employers within Surrey Heath.

c) Frimley Park was originally opened in 1974 and over the years has expanded its services, as well as becoming host of one of the Ministry of Defence’s Hospital Units.

d) Government funding has been identified to deliver a new state-of-the-art hospital.

e) Frimley Health NHS Foundation Trust does not cover the entirety of Surrey Heath, and residents in the east of the borough may be covered by Ashford and St Peter’s NHS Foundation Trust.

(ii) believes that:

a) Frimley Park is an excellent hospital, and a new hospital will be a major benefit to the healthcare needs of the borough’s residents;

b) the new hospital should be located within Surrey Heath;

c) residents should not be required to travel long distances to receive medical care, and if the replacement hospital is located outside the borough it could add significant time to residents receiving care, attending appointments and visiting loved ones;

- d) losing the hospital from the borough would result in the loss of a major employer of Surrey Heath residents;

(iii) resolves to:

- a) proactively encourage the replacement hospital to be located within Surrey Heath and to consider potential sites for relocation, which could be included within in a wider regeneration scheme;
- b) call on the Frimley Health NHS Foundation Trust to actively seek sites within Surrey Heath;
- c) ensure that any site for the new hospital will deliver the necessary infrastructure, including direct and sustainable public transport options to connect the new hospital with key transport hubs; and
- d) request the Leader of the Council write to the MP for Surrey Heath, the Secretary of State for Health and Social Care and the Frimley Health NHS Foundation Trust Board to request their support for the replacement hospital to be located within the borough of Surrey Heath.”

**9. Governance Working Group (Pages 7 - 50)**

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

**10. Review of Committees and Political Proportionality (Pages 51 - 54)**

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

**11. Waiver of Six Month Councillor Attendance Rule (Pages 55 - 58)**

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

**12. Questions from Councillors**

- (a) To deal with questions, if any, received under Council Procedure Rule 11.
- (b) The Leader to answer questions from Members in relation to the Executive functions under Council Procedure Rule 11A.

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**Surrey Heath Borough Council**  
**Council**  
**25 October 2023**

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**Governance Working Group**

**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 consider the recommendations of the Governance Working Group concerning:

- a) Changes to committees and their procedure rules;
- b) Introducing Public Question Time at Committee meetings;
- c) Revisions to the Petitions Scheme; and
- d) An updated Protocol for the Appointment and Role of Honorary Freemen and Honorary Aldermen.

**Recommendation**

The Council is advised to RESOLVE that

- (i) Article 9 of the Constitution be updated, as set out at Annex A to this report;
- (ii) The Terms of Reference of the Executive, Committees and Other Bodies at Part 3, Section E of the Constitution be updated as set out at Annex B to this report;
- (iii) The Executive Procedure Rules at Part 4, Section B of the Constitution be updated as set out at Annex C to this report;
- (iv) The Committees, Sub Committees and Other Bodies Procedure Rules at Part 4, Section D of the Constitution be updated as set out at Annex D to this report
- (v) The Substitution Procedure Rules at Part 4, Section K of the Constitution be updated as set out at Annex E to this report;
- (vi) The Public Speaking Procedure Rules at Part 4, Section E of the Constitution be updated as set out at Annex F to this report;
- (vii) The Petitions Scheme at Part 4, Section L of the Constitution be updated as set out at Annex G to this report; and
- (viii) The Protocol for the appointment and role of Honorary Freemen and Honorary Aldermen at Part L of the Documents which support the Constitution be updated as set out at Annex H to this report.

## **1. Background**

- 1.1 The Governance Working Group has met on 4 & 11 August, 11 September, and 10 October 2023 and has made a number of recommendations, which are set out below.

## **2. Proposed changes to Committees**

- 2.1 The Working Group has proposed a number of changes to committees and other bodies of the Council, and their associated procedure rules.
- 2.2 The Working Group has suggested that Performance and Finance Scrutiny Committee should meet six times per year, with two meetings focussed upon finance. This does not require any constitutional changes as Part 4, Section C of the Constitution already provides for scrutiny committees to have up to six ordinary meetings in each municipal year and committees are free to set their own work programmes. The Chair and Vice Chair of the Committee will be advised of this recommendation and future committee timetables drafted to reflect this decision.

### **Membership of the Standing Committees and Other Bodies of the Council**

- 2.3 The Working Group has proposed a reduction in the size of committees, with consequential changes to the scheme of political proportionality, and this is addressed separately at item 10 of this agenda.
- 2.4 The Joint Staff Consultative Group, which currently comprises eight Member Representatives and eight Staff Representatives, has been consulted on the proposal to amend its composition to six representatives for each side.
- 2.5 The Governance Working Group is proposing that its own membership is amended to seven members, with the membership including four representatives from the Liberal Democrats Group and all opposition group leaders represented on the Working Group.

### **Audit and Standards Committee**

- 2.6 It is proposed to rename the Audit and Standards Committee as the Audit, Standards and Risk Committee and Article 9 of the Council's Constitution has been updated to reflect this change. The Committee's Terms of Reference have been updated to establish a clearer role for risk management and to clarify that the Council has delegated its responsibility for Treasury Management functions.
- 2.7 Discussions about Independent Representatives sitting on the Committee, potentially as its Chair, are ongoing and any final recommendations on this proposal will be reported to a future meeting.



## **Quorum**

- 2.8 The Working Group is proposing that the quorum of meetings is changed from one third rounded up, subject to a minimum of two, to 50% of the body's membership rounded down, plus one.

## **Substitution Procedure Rules**

- 2.9 The Working Group is proposing an amendment to the Substitution Procedure Rules to allow for any member of a political group to substitute for a committee member where an appointed substitute is not available. Nominated substitutes will remain the preferred option to substitute for members unable to attend a meeting, but other members of the political group will be entitled to substitute if no appointed substitute from their group is available.
- 2.10 Any member substituting will be required to meet any necessary requirements for attending and voting at meetings, including any mandatory training.

## **3. Public Question Time**

- 3.1 The Working Group proposes that a period for public questions is introduced for all public committees, except the Planning Applications Committee and Employment Committee.
- 3.2 Procedures rules have been drafted to mirror the current provisions for public questions at meetings of the Full Council.

## **4. Petitions**

- 4.1 The Working Group proposes that the Petitions Scheme is be updated by:
- 4.1.1 reducing the current thresholds for responses by 50%;
  - 4.1.2 amending the response categories to remove a response from officers;
  - 4.1.3 agreeing the following categories for response:
    - response from the relevant portfolio holder or committee chair;
    - referred to the relevant standing committee or the Executive;
    - referred to Full Council;
  - 4.1.4 allowing petitions facilitated through a third party to be included in the scheme;
  - 4.1.5 aligning the scheme with the new Residents Panel process.

## **5. Protocol for the Appointment and Role of Honorary Freemen and Honorary Aldermen**

- 5.1 The Protocol for the Appointment and Role of Honorary Freemen and Honorary Aldermen has been updated to reflect gender neutral terminology

## **6. Proposal and Alternative Options**

- 6.1 It is proposed that the Council adopts each of the recommendations, with or without any further amendments it considers appropriate.

## **7. Resource Implications**

- 7.1 There are no specific resource implications associated with the proposals in this report, although it should be noted that any the introduction of Public Questions at Committees and the revisions to the Petitions Scheme may have an impact upon officer workloads. This would be expected to be met within existing resources, which may require other work to be reprioritised.

## **8. Section 151 Officer Comments**

- 8.1 Any costs can be contained within existing budgets.

## **9. Legal and Governance Issues**

- 9.1 The Governance Working Group's Terms of Reference include reviewing and making recommendations to the Full Council on changes to the Constitution. Only the Full Council can make changes to the Constitution, although the Head of Legal & Democratic Services has delegated authority to make minor changes to the Constitution due to administrative error or oversight in order to give effect to the intended changes.

## **10. Monitoring Officer Comments**

- 10.1 No matters arising.

## **11. Other Considerations and Impacts**

### **Environment and Climate Change**

- 11.1 No matters arising.

### **Equalities and Human Rights**

- 11.2 No matters arising.

### **Risk Management**

- 11.3 No matters arising.

### **Community Engagement**

- 11.4 No matters arising.

**Annexes**

Annex A – Proposed changes to Article 9 of the Constitution

Annex B – Proposed changes to Part 3, Section E of the Constitution

Annex C – Proposed changes to Part 4, Section B of the Constitution

Annex D – Proposed changes to Part 4, Section D of the Constitution

Annex E – Proposed changes Part 4 Section K of the Constitution

Annex F - Proposed changes to Part 4, Section E of the Constitution

Annex G – Proposed changes to Part 4, Section L of the Constitution

Annex H – Proposed changes to Part L of the Documents which support the Constitution

**Background Papers**

None

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## ARTICLE 9 - THE AUDIT, ~~AND STANDARDS~~ AND RISK COMMITTEE

### 9.1 Appointment

The Council will appoint an Audit, ~~and Standards~~ and Risk Committee at its Annual Meeting.

### 9.2 Membership

The Audit ~~and Standards~~ and Risk Committee will be composed of seven Members of the Council and 4 substitutes, including substitutes members appointed in accordance with the Substitution Procedure Rules at Part 4 of this Constitution, -and is subject to in accordance with the rules of political proportionality.

### 9.3 Role and Function

The main functions of the Audit ~~and Standards~~ and Risk Committee are

- (a) To promote and maintain high standards of conduct within the Council and to monitor the operation of the Code of Conduct.
- (b) To hear and determine complaints of alleged breaches of the Codes of Conduct by borough or parish councillors referred to it by the Monitoring Officer.
- (c) To undertake the Council's audit and corporate governance functions.
- ~~(e)~~(d) To grant any dispensations in accordance with its Terms of Reference at Part 3 of this Constitution.

The statutory roles and functions of the Audit, ~~and Standards~~ and Risk Committee are set out in full in the Terms of Reference of the Committee at Part 3 of this Constitution.

### ~~9.4~~ Dispensations

~~The Audit and Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the councillor or co-opted member only if, the Committee considers that:~~

- ~~(a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or~~
- ~~(b) granting the dispensation is in the interests of persons living in the borough, or~~
- ~~(c) it is otherwise appropriate to grant the dispensation.~~

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# PART 3 - RESPONSIBILITIES FOR FUNCTIONS

## SECTION E

### TERMS OF REFERENCE OF THE EXECUTIVE, COMMITTEES AND OTHER BODIES (extract)

#### AUDIT, ~~AND STANDARDS~~ AND RISK COMMITTEE

##### 1. Audit

- 1.1 To consider the annual report, the annual plan the annual management letter of the External Auditor and any matters arising from the Annual Audit.
- 1.2 To authorise the signing of the Letter of Representation and the Annual Statement of Accounts by the Section 151 Officer and Chairman of the Audit & Standards Committee.
- 1.3 To receive and consider at least annually, details of the status of any recommendations made in any report issued by the External Auditor during the year and confirmation from the Section 151 Officer that all agreed recommendations have been implemented.
- 1.4 To receive and consider the annual Audit Plan, and a report on the status of all recommendations made and of the management actions taken against those recommendations.
- 1.5 To confirm, as necessary, and monitor compliance with the Code of Corporate Governance at least annually and advise the Council or the Leader/Executive, as appropriate, on any matters it wishes to draw to their attention.
- 1.6 To receive an annual report from the Monitoring Officer in respect of authorisations granted during the municipal year pursuant to the Regulation of Investigatory Powers Act 2000.

1.7 To maintain oversight of Treasury Management performance.

4.61.8 To lead on corporate risk, including an annual review of the Corporate Risk Register.

##### 2. Standards

- 2.1 To promote standards within the Council and to monitor the operation of the Code of Conduct.
- 2.2 To grant dispensations pursuant to Sections 33(2) (b), (c) and (e) of the Localism Act 2011 as follow:
  - (i) That without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
  - (ii) granting the dispensation is in the interests of persons living in the borough, or

- (iii) it is otherwise appropriate to grant the dispensation.
- 2.3 To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Sections 33(2)(a) and (d) of the Localism Act 2011.
- 2.4 To receive an annual report from the Monitoring Officer on Standards issues.



## PART 4 - PROCEDURAL RULES

### SECTION B

#### EXECUTIVE PROCEDURE RULES (extract)

#### 7. Quorum

- 7.1 The Quorum for a meeting of the Executive is ~~one-third~~half of the membership, rounded ~~up-down, plus one,~~ or three, whichever is the larger.

#### 13. Business at Executive Meetings

- 13.1 At each meeting of the Executive held in public the following business will usually be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) questions received in accordance with Public Speaking Procedure Rules, if any;
- ~~(e)~~ receive, debate and respond to any petitions presented in accordance with the Petition Scheme at Part 4 of this Constitution;
- ~~(ef)~~ receive and respond to any questions received from Members under Rule 16 below:
- ~~(fg)~~ matters referred to the Executive (by either a Scrutiny Committee or Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Committee Procedure Rules or the Budget and Policy Framework Rules;
- ~~(hg)~~ consideration of reports and recommendations from Scrutiny Committees;
- ~~(ih)~~ matters set out in the agenda for the meeting, which shall indicate which are Key Decisions;
- ~~(ij)~~ recommendations of the Executive's Working Groups;
- ~~(kj)~~ urgent Items, subject to the Access to Information Procedure Rules at Part 4.

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# PART 4 - PROCEDURAL RULES

## SECTION D

### COMMITTEES, SUB COMMITTEES AND OTHER BODIES PROCEDURE RULES

#### COMMITTEES AND SUB-COMMITTEES - GENERAL

##### 1. Application

These Rules do not apply to the Executive except for Rules 23 to 29 relating to Working Groups. Procedure Rules for the Executive and Scrutiny Committees are already included in the Constitution elsewhere in Part 4.

##### 2. Size of Committees

The size of Committees and other bodies will be decided by the Council at its Annual Meeting.

##### 3. Terms of Reference

The terms of reference of committees and other bodies is set out in Part 3 of the Constitution.

##### 4. Who may sit on Committees

###### 4.1 All councillors may be members of a committee except:

- (a) At least two members of the Employment Committee will be members of the Executive.
- (b) ~~At least one member of the Executive will be appointed to the Appointments Sub-Committee.~~
- (c) ~~At least one member of the Executive will be appointed to a Hearing Sub-Committee~~
- (d) ~~At least one member of the Executive will be appointed to an Appeals Sub-Committee~~
- (e) No more than ~~25%~~ two of the employer's representatives on the Joint Staff Consultative Group will be members of the Executive.
- (f) No more than 10% (rounded up) of members appointed to the Planning Applications Committee will be members of the Executive.

- (d) No more than 10% (rounded up) of members appointed to the Licensing Committee will be members of the Executive.

## **5. Substitute Members of Committees**

- 5.1 Procedures for the appointment of substitute members of committees can be found in the Substitution Procedural Rules at Part 4 of the Constitution.

## **6. Chairing Committees**

- 6.1 The Council will appoint chairsmen and vice-chairsmen of all committees at its Annual Meeting.

- 6.2 In the absence of the chairman and vice-chairman, the committee will appoint a chairman for that meeting or part of that meeting, as appropriate. The person presiding at the meeting may exercise any power or duty of the chairman.

- 6.3 At any meeting of a committee, a councillor may propose that “the meeting has no confidence in the chairman.” The question will, after debate, be put and if carried by a majority of at least two thirds of the councillors present, the chairman will stand down and the remainder of the meeting will be chaired by the vice-chairman or, in his or hertheir absence (or if he or she was the chairman subject to the vote) by a councillor elected for that purpose by the meeting.

- 6.4 The first item on the agenda for the next meeting will be the election of a new chairman for the remainder of the municipal year.

- 6.5 No member of the Executive will chair any meeting of the Planning Applications Committee, the Licensing Committee or the Joint Staff Consultative Group or be the vice-chairman of that Group. Where a single party is acting as the administration, a member of the opposition shall normally chair the Audit & Standards Committee.

## **7. Appointment of Sub-Committees**

- 7.1 Committees may appoint such sub-committees as they consider appropriate.

- 7.2 The terms of reference of any sub-committee which can exercise statutory powers, such as the Licensing Sub-Committee, are set out in Part 3 of the Constitution.

- 7.3 Sub-committees shall appoint their chairman in such manner and for such period as they may determine.

## **8. Membership and Quorum of Sub-Committees - General**

- 8.1 With the exception of 8.2, 8.3 and 8.4 below, at least two-thirds of the members appointed to any sub-committee will be members of the Council unless decided otherwise by the Council.
- 8.2 The membership of a Licensing Sub-Committee shall comprise three members of the Licensing Committee. The quorum of a meeting of a Licensing Sub-Committee is three.
- 8.3 The membership of an Appeals Sub-Committee or Hearing Sub-Committee shall comprise three members of the Employment Committee. The membership of an Appointments Sub-Committee shall comprise five members made up from ~~of~~ the Employment Committee or its nominees and include a minimum of one opposition group leader, or their appointed deputy. The opposition group leader or their deputy are not required to be a member of the Employment Committee in order to sit on an Appointment Sub-Committee, but may be so. Other groups leaders may attend meetings of Appointment Sub-Committees in a non-voting capacity if not already nominated by the Employment Committee. At least one member of the Executive will be appointed to a Sub-Committee of the Employment Committee. The quorum for any meeting of a Sub-Committee of the Employment Committee is three.
- 8.4 The membership of a Standards Sub-Committee shall comprise 3 members of the Audit & Standards Committee. The quorum of a meeting of a Standards Sub-Committee is three.
- 8.5 Substitute members of the Audit, ~~& Standards~~ and Risk Committee and Employment Committee may participate in their respective sub-committees in the event that members of the Committee are unavailable or are otherwise unable to participate due to conflicts of interest. In exceptional circumstances, including where an item relates to a decision of the Employment Committee or the committee's membership is otherwise prejudiced the membership of a sub-committee of a Hearing or Appeals Sub Committee may be drawn from the wider membership of the Council, with priority towards member representatives from the Joint Staff Consultative Group.
- 8.6 Substitute members of sub-committees will only be permitted where the committee has appointed those substitutes. Substitute members may only attend meetings to take the place of the ordinary member where that member will be absent for the whole of the meeting.

## 9. Time and Place of Meetings

Meetings of committees or sub-committee will normally be held at Surrey Heath House, in public, at the dates and times specified in the annual timetable of meetings set by the Chief Executive.

## 10. Duration of Meetings

- 10.1 At all committee meetings, subject to 10.2 below, at 10.00pm no further items of business will be conducted save for the conclusion of the item of business

under discussion and that the meeting be adjourned to another date if there are outstanding items.

- 10.2 At meetings of the Planning Applications Committee, should only one further application remain to be determined at 10.00pm, then the Committee may consider that further application;
- 10.3 Committees are unable to suspend the Procedure Rule relating to the duration of the meeting.

## **11. Special Meetings of Committees**

- 11.1 The Chairman, the Mayor, or five members of a committee may call a special meeting of a committee at any time.
- 11.2 The summons to a special meeting will set out the business to be considered, and no other business will be considered at the meeting.

## **12. Who May Attend**

- 12.1 Members of the public may attend any committee or sub-committee meeting except where exempt or confidential information is being considered.

12.2 With the exception of

- (a) an Appointments Sub Committee,
- (b) a Hearing Sub Committee,
- (c) an Appeals Sub Committee,
- (d) the Joint Staff Consultative Group
- (e) or the Employment Committee when considering any items on Part II of the agenda that in the view of the Monitoring Officer and Head of HR, Performance & Communications, in consultation with the Chairman and Vice Chairman of the Employment Committee, directly affect an individual's employment,

any councillor may attend any committee or sub-committee meeting.

- 12.3 In order to respect the balance of Member and Staff Representatives on the Joint Staff Consultative Group, attendance at meetings by councillors who are not members of the Consultative Group will only be agreed in exceptional circumstances.
- 12.4 Attendance by any councillor at committee or sub-committee meetings will be recorded in the minutes of the meeting.
- 12.5 With the exception of meetings of the Licensing Sub-Committee, a councillor who attends a meeting of a committee or sub-committee may speak at the meeting on any agenda item.

12.6 A councillor who has moved a motion at Council which has been referred to a committee will be informed of the committee meeting at which it will be considered so that he/she can attend.

## **12A. Voting**

12A.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

12A.2 If there are equal numbers of votes for and against, the Chair~~man~~ will have a second or casting vote.

(a) If the Chair~~man~~ fails to vote when the main vote is taken, an equality of a vote cannot be achieved by the Chair~~man~~ casting an original vote and following that action with a casting vote. The Chair~~man~~'s casting vote may be used whether or not the Chair~~man~~ has already voted.

(b) with the exception of (c) below, in the event of a tied vote, the proposer of the matter under debate shall have the opportunity of making a further speech of no more than 3 minutes. A further vote will then immediately be taken. If deadlock has not been broken, the Chair~~man~~ must cast a vote in favour of the status quo. The status quo will usually be interpreted as the motion falling.

(c) There will be no restriction on how the Chair~~man~~ of the Planning Applications Committee chooses to exercise a casting vote.

12A.3 The Chair~~man~~ will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

12A.4 If, before the Chair~~man~~ begins to take a vote, three members present at the meeting demand it, the names for and against the motion or amendment or abstentions from voting will be taken down in writing and entered into the minutes. Each member present will be called by name and asked to indicate whether they are voting in favour of, or against the motion or amendment or abstaining from voting.

12A.5 Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **13. Application of Council Procedure Rules**

The following Council Procedure Rules apply to meetings of committees and sub-committees with any references to 'the Mayor' being substituted by 'the Chairman'.

- (a) Notice of and Summons to Meetings - Rule 5
- (b) Cancellation of a Meeting - Rule 6

- (c) Previous decisions and motions - Rule 15
- (d) Minutes - Rule 17
- (e) Record of Attendance - Rule 18
- (f) Members' conduct - Rules 2.5, 20.6 and 20.7
- (g) Disturbance by the Public - Rule 21

#### 14. Quorum

- 14.1 The quorum for meetings of committees and sub-committees, except as provided for ~~below~~elsewhere in these rules, is ~~one-third~~half of the membership rounded ~~up~~down, plus one, subject to a minimum of 2.
- 14.2 ~~The quorum of the Licensing Sub-Committee is 3 members.~~
- 14.3 If after thirty minutes, a quorum is not present, the business will be adjourned to a fixed date or time or to the next ordinary meeting.
- 14.4 If during any meeting the Chairman notes that there is not a quorum present the meeting will be adjourned.

#### 15. Business

At each meeting of a committee or sub-committee held in public, the following business will be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) questions received in accordance with Public Speaking Procedure Rules, if any;
- ~~(e)~~ the business as set out in the agenda;
- (f) review of exempt items, if any.

#### 16. Putting Items on the Agenda

- 16.1 With the exception of meetings held for a specific statutory purpose, a chair~~man~~ may require the Chief Executive to put on the agenda for any meeting, any matter which falls within the terms of reference of his/her committee or sub-committee.
- 16.2 Subject to the agreement of the chair~~man~~, any member of a committee or sub-committee, may ask the Chief Executive to place an item on the agenda for the next available meeting of the committee or sub-committee.

#### 17. Exclusion of Public and Confidentiality



- 17.1 Members of the public and press may only be excluded either in accordance with Section 100A (4) of the Local Government Act 1972 and the Access to Information Rules in Part 4 of this Constitution or Council Procedure Rule 22 (Disturbance by Public).
- 17.2 No person will disclose any matter dealt with in the absence of the public until such time as the Council, committee or sub-committee has determined that the matter can be released as information available to the public.
- 17.3 In addition, the Chief Executive or ~~Executive Head of Corporate~~Head of Legal & Democratic Services may at any time decide that any matter is no longer exempt within the meaning of Schedule 12A and will advise members accordingly.

## **PLANNING APPLICATIONS COMMITTEE**

### **18. Planning Applications Committee - Determining Planning Applications and other related consent applications**

- 18.1 The following Rules apply to meetings of the Planning Applications Committee when determining planning applications or other related consent applications.
- 18.2 General
  - 18.2.1 With the exception of the Chair~~man~~, Members of the Committee will be seated alphabetically and clearly separate from any councillors in attendance.
  - 18.2.2 Any councillor in attendance may speak at the meeting in relation to an item. In circumstances where members are not members of the Planning Applications Committee, the first councillor may speak for up to 8 minutes, with any subsequent councillors for up to 5 minutes.
  - 18.2.3 At the start of the meeting, the Chair~~man~~ will advise any members of the public and press present of the roles of the members of the Committee, the councillors in attendance and the officers.
- 18.3 Determination of Planning Applications and any other related consent applications
  - 18.3.1 The Head of Planning's report and recommendation will be introduced.
  - 18.3.2 Public speaking to take place in accordance with the Procedure for Public Participation at Meetings set out in Part 4 of the Constitution.
  - 18.3.3 The Chair~~man~~ will invite debate on the application in relation to the Head of Planning's recommendation.

- 18.3.4 The Chair~~man~~ will invite a Member to make a proposal in relation to the Head of Planning's recommendation.
- 18.3.5 The Chair~~man~~ will ask for a seconder.
- 18.3.6 The proposal, once seconded, will be put to the vote. If the vote is lost, the Chair~~man~~ will seek an alternative proposal.
- 18.3.7 Voting will be undertaken electronically or by a show of hands but the names of those members voting in favour, those voting against and those abstaining will be called out by an officer so that the names can be recorded on the audio record and in the minutes of the meeting. Where there is a unanimous vote this procedure does not need to be followed and the Chair~~man~~ will state this for the record.
- 18.3.8 Members may not participate in the debate or vote in connection with any application unless they are present for the whole consideration of that application.
- 18.4 Decisions Made Contrary to the Head of Planning's Recommendation
- 18.4.1 Where the Committee makes a decision to REFUSE an application contrary to the officers' recommendation, Members must give clear reasons for that decision and identify the planning reasons for refusal prior to the vote being taken. The exact wording of those reasons may be delegated to the Head of Planning to determine after consultation with the Chair~~man~~, Vice Chair~~man~~ and ward councillors.
- 18.4.2 Where the Committee makes a decision to APPROVE an application contrary to the officers' recommendation, Members must give clear reasons for that decision, identify the conditions to be imposed and the reasons for the imposition of those conditions prior to the vote being taken. The exact wording of the conditions and the reasons for their imposition may be delegated to the Head of Planning to determine after consultation with the Chair~~man~~, Vice Chair~~man~~ and ward councillors.

## **19 Public Participation at Planning Applications Committee**

Public speaking in relation to any application being considered by the Committee will only be permitted in accordance with the Procedure for Public Participation at Meetings set out in Part 4 of the Constitution.

## **STANDARDS HEARING SUB COMMITTEE**

### **20 Procedure at meetings of Standards Sub Committees**

When a written allegation of a complaint against a member of the Borough Council or a parish council within the Borough Council's area has been received, the Sub Committee will follow a set procedure which is set out in the Documents which support the Constitution.

## **LICENSING SUB-COMMITTEES**

### **21. Appointment of Licensing Sub-Committees**

The establishment of and appointment of members and reserve members of Licensing Sub-Committees, which are sub-committees of the Licensing Committee, is delegated to the Head of Legal & Democratic Services.

## **SUB-COMMITTEES OF THE EMPLOYMENT COMMITTEE**

22.1 The Appointments Sub Committee will be supported by a senior officer and a Human Resources officer.

22.2 The Hearing Sub Committee and Appeals Sub Committee will be supported by a Human Resources officer. Where considered appropriate, legal or other independent advisors may also be present at the meeting. The affected employee is entitled to be accompanied by a Trade Union representative or another colleague, as set out in the Council's relevant Human Resources Policy.

## **WORKING GROUPS**

### **23. Appointment, duration, constitution and terms of reference**

The Council, the Executive and every committee and sub-committee may appoint working groups and determine their duration, constitution and terms of reference.

### **24. Membership**

24.1 Membership of a working group need not necessarily be drawn from the appointing body but will generally do so. Except for the Executive, the membership of working groups will reflect the political balance of the Council.

24.2 Membership of a working group will generally comprise councillors. However, if the appointing body considers it to be appropriate, officers of the Council or persons from outside the authority may be appointed as full or co-opted members.

### **25. Substitutes**

Unless otherwise decided by the appointing body, substitutes are permitted to serve as members of working groups at any meeting at which another member of the same political group is absent for the entire meeting. Where possible the same substitute will attend for the sake of continuity.

## **26. Appointment of Chairman**

Working groups will appoint their chairman in such manner and for such period as they may determine.

## **27. Who May Attend**

27.1 The public may not attend meetings of Working Groups.

27.2 Councillors who are not appointed Members of a Working Group may attend a meeting at the discretion of the Chairman subject to the prior approval of the Chairman and notification to the Democratic Services Manager.

27.3 Councillors who are the appointed substitutes of a Working Group may attend any meeting of the Working Group, whether or not the appointed Member is present.

## **28. Application of Council Procedural Rules**

The following Council Procedural Rules apply to meetings of working groups any references to 'the Mayor' being substituted by 'the Chairman'.

- (a) Voting - Rule 16
- (b) Record of Attendance - Rule 18

## **29. Proceedings to remain Confidential**

The proceedings of meetings of Working Groups will remain as confidential until they have been made public with the authority of the Council, the Executive, a committee or sub-committee, as appropriate.

# PART 4 - PROCEDURE RULES

## SECTION K

### SUBSTITUTION PROCEDURE RULES

#### 1. INTRODUCTION

- 1.1 The Council recognises that the purpose of the Local Government (Committees and Political Groups) Regulations is to ensure that, in the decision-making process, the political balance of and representation on committees and sub-committees is maintained. This Scheme for the use of substitutes has been adopted to ensure this principle is maintained.

#### 2. APPLICATION

- 2.1 The scheme will apply to all committees, sub-committees and working groups except

- (i) the Executive and any Executive sub-committee;
- (ii) the Licensing Committee; and
- (iii) the Licensing Sub-Committees, Standards Sub-Committees, and the 3 sub-committees of the Employment Committee, whose members and substitute members are appointed by officers under the Scheme of Delegation of Functions to Officers.

- 2.2 The Committees, Sub Committees and Other Bodies Procedure Rules provide for substitute members of the Audit, ~~&~~ Standards and Risk Committee and the Employment Committee to participate in sub committees in certain circumstances.

#### 3. NOMINATION AND APPOINTMENT

- 3.1 The Council, when establishing committees and working groups of the Council, will also appoint substitutes to those bodies on the nomination of the political group leaders. Substitutes to other working groups will be appointed by the establishing body as appropriate.

- 3.2 The number of preferred substitutes appointed will relate to the number of seats that each political group or grouping has on the body concerned as follows:

- More than 10 seats – 4 substitutes
- 6 to 10 seats - 3 substitutes
- 2 to 5 seats - 2 substitutes

- 1 seat - 1 substitute.

3.3 On appointment, it shall be the responsibility of a substitute member to keep up to date with the business of the body to which he or she has been appointed to ensure effective decision making.

#### 4. ATTENDANCE

4.1 It is the responsibility of the member to arrange for an appointed substitute to attend when he or she is unable to do so, and inform their party group leader and Democratic Services .

4.2 Appointed substitute members of a body may serve as a member of that body in the absence of the appointed member. Where the preferred substitute(s) is unable to attend a meeting on behalf of an appointed member, another member of their political group may act as a substitute at that meeting. This is subject to the standard requirements of decision making being met, including any mandatory training having been undertaken as necessary. Only the appointed substitute members of a body may serve as a member of that body.

4.3 A substitute may only serve as a member at any meeting at which another member of the same political group is absent for the entire meeting. A substitute may not be appointed for specific items and no substitutions may be made during the course of the meeting, except as referred to in 4.6 below.

4.4 Immediately prior to the commencement of a meeting (or, if appropriate, on his or her arrival if the meeting has started) the appointed substitute will advise the Chair~~man~~ and those present that he or she is attending as a substitute member.

4.5 If an appointed member attends a meeting after arranging for a substitute member to attend, the substitute member will continue as a voting member of the committee. If a substitute, however, has not arrived by the commencement of the meeting and the original appointed member is present, then the appointed member will continue as a voting member of the committee.

4.6 Where a substitute member has attended a meeting which is adjourned to a subsequent date, the appointed member may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue.

4.7 Any member attending as the appointed substitute will be entitled to travelling and subsistence allowance in accordance with the scheme approved by the Council.

#### 5. VOTING

- 5.1 The substitute member will be entitled to speak and vote in his or her own capacity, and is not constrained by the views of the member for whom he or she is substituting.
- 5.2 No substitute member for the Planning Applications Committee or any other committee or sub-committee making quasi-judicial decisions may vote unless he or she has been present for the entire consideration of the item under discussion.
- 5.3 ~~No substitute member for the Planning Applications Committee may vote on any matter unless they have received suitable training.~~

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## PART 4 - PROCEDURAL RULES

### SECTION E

#### PUBLIC SPEAKING PROCEDURE RULES

##### 1. INTRODUCTION

- 1.1 The Council ~~allows~~encourages members of the public to present petitions, speak at meetings and make presentations at meetings of the Council and to speak at Planning Applications Committee. Public speaking at meetings will only be permitted in accordance with these Procedure Rules.

##### 2. PRESENTATION OF PETITIONS AT COUNCIL MEETINGS

- 2.1 Except at the Annual Meeting, public speaking in relation to petitions will be conducted at meetings of the Council in accordance with the Petitions Scheme set out at Part 4, Section L of this Constitution.

##### 3. ~~QUESTIONS BY THE PUBLIC AT COUNCIL~~ PUBLIC QUESTIONS AT PUBLIC MEETINGS OF THE COUNCIL, EXECUTIVE AND COMMITTEES

- 3.1 Except at the Annual Meeting of the Council, a maximum of thirty minutes will be allocated to allow members of the public, or formally constituted public groups or bodies previously registered with the Head of Legal & Democratic Services, to ask questions at a meeting of the Council. Questions may be asked of an Executive Portfolio Holder or Chairman of any Committee~~;~~ provided

- (a) it is relevant to some matter over which the Council has powers or duties or which specifically affects the Borough or part of it, or its residents; and
- (b) it does not relate to planning or licensing applications or personal, exempt or confidential matters.

- 3.2 At public meetings of the Executive or a Standing Committee of the Council, with the exception of Planning Applications Committee and the Employment Committee, a maximum of thirty minutes will be allocated to allow members of the public, or formally constituted public groups or bodies previously registered with the Head of Legal & Democratic Services, to ask questions of the Executive or a Standing Committee of the Council, through the Chair, provided

- (a) it is relevant to a matter included on the agenda; and
- (b) it does not relate to personal, exempt or confidential matters.

3.3 Public Speaking at Planning Applications Committee and Licensing Sub Committees is provided for elsewhere in the Procedure Rules.

3.4 In exceptional circumstances, with the agreement of the Chair, an urgent question may be asked relating to a matter included on an agenda. Any urgent questions must be received before the meeting commences. Such questions will be permitted where the member of the public provides a suitable explanation, as determined by the Chair and Lead Officer for the Committee, about why the deadline for questions could not be met on that occasion.

3.5 Questions will be heard in the order received. Where an individual submits more than one question for a meeting, one question of their choice will be prioritised and included in the order received, with any further questions heard after any questions received from other members of the public. Any questions that have not been heard once the thirty minutes have passed will receive a written response from the relevant Member.

3.63 Questions must be limited to 125 words. Any words exceeding this limit will not be published or considered as part of the question.

3.47 Questions that contain criticism directed at a named officer will be rejected by the Head of Legal & Democratic Services. In such cases, the questioner will be given an opportunity to submit a revised question.

3.85 Questions and written responses will be published by 2pm on the day of the meeting.

3.96 The questioner will be permitted to ask a short supplementary question provided it is relevant to the original question and does not introduce a new subject matter. The Member to whom the question is directed may choose whether to answer the question orally at that time or defer for a written response within seven days.

3.107 Questions and responses will not be matters for debate.

3.118 Any person or body wishing to ask a question must submit the question in writing to the Head of Legal & Democratic Services at least three clear working days before the ~~Council~~-meeting (i.e. if the meeting is on a Wednesday, the question must be received by 5 pm on the preceding Thursday).

3.129 If the Head of Legal & Democratic Services decides that the proposed question does not meet the criteria in 3.1(a) and (b) above he/she will reject it and advise the questioner accordingly.

3.1340 The Head of Legal & Democratic Services, in consultation with the Monitoring Officer, has discretion to reject or defer a question received for a ~~Council~~-meeting in the pre-election period.

3.14 There is no provision for questions by the public at any Sub Committee meetings.

**4. PRESENTATIONS AT COUNCIL MEETINGS**

- 4.1 The Chief Executive, after consultation with the Mayor and Leader of the Council, may invite recognised public bodies or groups, or individuals, to make a presentation at a Council meeting, in relation to matters of major policy or where there is substantial interest by the public.
- 4.2 Matters to be the subject of the presentation must not relate to planning or licensing applications, personal, exempt or confidential matters.
- 4.3 The Chief Executive will issue the invitation to make a presentation to a body, group or individual not less than 14 days before the date of the Council meeting concerned.
- 4.4 The body, group or individual must notify the Chief Executive, in writing, at least 5 clear working days before the Council meeting of its/his/her intention to accept the invitation (i.e. if the meeting is on a Wednesday notice must be received by 5 pm on the preceding Tuesday). A copy of any material which it/he/she intends to produce at the meeting must also be received by the Chief Executive by the same deadline.
- 4.5 Presenters will be allowed a maximum of 15 minutes.
- 4.6 Following the presentation Members will be permitted to ask questions of the presenter.

**5. DETERMINATION OF PLANNING APPLICATIONS BY FULL COUNCIL**

- 5.1 The Council has reserved to itself the power, in exceptional circumstances, to determine large-scale planning applications relating to land owned by the Council, or elsewhere if the proposed development is likely to have a very significant impact on the community, as determined by the Head of Planning, after consultation with the Leader of the Council and Chairman of the Planning Applications Committee.
- 5.2 When determining these large-scale planning applications, with the exception detailed in 5.3 below, the rules for public participation at meetings of the Council will be those which apply at meetings of the Planning Applications Committee as set out below.
- 5.3 The number of speakers both in objection to and in support of the application will be determined by the Head of Legal & Democratic Services after consultation with the Leader of the Council.

**6. PUBLIC SPEAKING AT PLANNING APPLICATIONS COMMITTEE**

## Criteria to Trigger the Public Speaking Procedure

- 6.1 Public speaking at Planning Applications Committee meetings will be permitted in respect of a planning application and any other related consent applications to be determined by the Committee, where
- (a) there have been 10 or more written representations from separate households, or a petition signed by more than 50 signatories with addresses, in respect of an application for development within an urban area or village settlement, as defined by the Development Plan or
  - (b) there have been 5 or more written representations from separate households, or a petition signed by more than 25 signatories with addresses, in respect of an application for development outside an urban area or village settlement, as defined by the Development Plan.
- 6.2 In order to be counted in relation to the public speaking procedure, the representations or petitions must have been received no later than 10 working days before the date of the Committee meeting.
- 6.3 Where an application triggers the public speaking procedure, all those who have submitted written representations in compliance with paragraphs 6.2 above, will be notified and invited to register to speak at the Committee meeting.

## Allocation of speaking

- 6.4 A maximum of four persons will be permitted to speak on each application as follows:
- (a) 2 persons speaking in objection to the application;
  - (b) 2 persons speaking in support of the application.
- 6.5 The applicant or their agent will be offered one slot to speak in support of the application.
- 6.6 A Residents' Association, Business Association or Amenity Society, previously registered under this scheme, which has submitted a representation in respect of the application and registered to speak at the committee, will be entitled to one of the speaking slots. Should there be more than one organisation registering to speak, the slot will be allocated on a first come, first served basis.
- 6.7 An individual can only speak once on any application.
- 6.8 Only those persons from addresses within the vicinity of the site will be eligible to speak at the meeting. The vicinity will vary according to the nature of the proposed development and its potential impact on the community. The Head of Planning will determine the circumstances in which this will apply.

- 6.9 Subject to the above, the spaces will be allocated on a first come, first served basis. All applications to speak must have been registered no later than 3 and a half clear working days prior to the meeting (i.e. noon on Tuesday preceding the meeting if the meeting is on a Monday.)
- 6.10 An individual or organisation wishing to speak can only register for a speaking slot which corresponds with the nature of the representation they have submitted, namely in objection or support.
- 6.11 The registered speaker may appoint another person to speak on their behalf or elect to share their time with other speakers.
- 6.12 In the event that the application of the above Procedure Rules do not apply or would result in unfairness, the Head of Legal & Democratic Services, after consultation with the Chairman of the Planning Applications Committee, be authorised to exercise discretion in agreeing the allocation of the public speaking slots in relation to any particular planning application

### Speaking at the Meeting

- 6.13 A maximum of four minutes will be allocated to each speaker.
- 6.14 If a speaker has elected to share their allocated time with another speaker the time allocation will run continuously.
- 6.15 Public speaking will precede the Committee's debate on the application. Members of the public speaking in opposition to an application will speak before those speaking in support of an application.
- 6.16 The speakers will be required to confine their presentations to relevant material planning issues.
- 6.17 No material, including plans, photos, letters, or statements can be handed to the Committee members at, or just before, the committee meeting. Any such material may be submitted directly to Committee members and copied to the relevant planning officer.
- 6.18 Members may only ask the speakers questions for the purposes of clarification. The speakers will not be allowed to ask questions of Members or officers.

## **7. PUBLIC SPEAKING AT LICENSING SUB COMMITTEES**

- 7.1 Public speaking is limited by statute to those persons or organisations who have submitted representations in accordance with the Licensing Act 2003.**

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# PART 4 - PROCEDURE RULES

## SECTION L

### PETITIONS SCHEME

#### 1. INTRODUCTION

- 1.1 The Council welcomes petitions as a way in which people can let the Council know their concerns. Petitions also provide a method for the public to request a review of decisions by the Council, Executive, or another decision making body of the Council.
- 1.2 A petition will be treated as such if it is identified as being a petition, or if it seems to the Head of Legal & Democratic Services that it is intended to be a petition. A petition created both on-line and on paper will only be treated as being a single petition if the action requested is identical. The paper element of the petition must be received by the Council before the date of the closure of the on-line element.
- 1.3 In the event that 2 petitions are submitted by different petition organisers where the action requested is identical, the first petitioner to submit their petition will, where relevant, have the opportunity to present their petition to a meeting.
- 4.31.4 A petition will not be accepted where the action requested is, in the view of the Monitoring Officer, the same as a petition considered within the previous six months.

#### 2. GUIDELINES FOR SUBMITTING A PETITION

- 2.1 Petitions submitted to the Council must be about matters for which the Council has a responsibility of which affect the Borough of Surrey Heath.
- 2.1.2 Petitions submitted to the Council must include
- 2.1.2.1 a clear and concise statement covering the subject of the petition, state what action the petitioners wish the Council to take,
  - 2.1.2.2 the name and address and signature of people in support of the petition, and
  - 2.1.2.3 the name, address and contact details of the petition organiser. (If the petition does not identify a petition organiser, the Council will contact signatories to agree who should act as the organiser).

[2.22.3](#) Petitions which are considered by the Council's Monitoring Officer to be vexatious, abusive or otherwise inappropriate will not be accepted.

[2.32.4](#) Petitions submitted in the pre-election period ~~immediately before an election or referendum~~ may be dealt with differently. The reasons for this, and possible revised timescales, will be explained.

[2.42.5](#) If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In this instance the petitioner will be informed of the reasons for this decision.

### 3. ACTION ON RECEIPT OF PETITIONS

- 3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. If the Council can do what the petition asks for the acknowledgement may confirm that the action requested has been taken. Otherwise the acknowledgement will inform the petitioner of the action the Council will take and, where relevant, the details of the meeting it is referred to. It will also be published on the Council's website.
- 3.2 The response from the Council will depend upon the number of signatures received:

Number of signatures received	Minimum response
up to <del>99</del> <u>49</u>	<del>A response from the relevant officer</del> <u>A response from the relevant Portfolio Holder or relevant committee Chair</u>
<del>100-50</del> to <del>499</del> <u>249</u>	<del>A response from the relevant Portfolio Holder or relevant committee Chairman</del> <u>Referred to the Executive or relevant standing committee</u>
<del>500-250</del> or more	Referred to <del>the Executive or</del> Full Council <del>or relevant standing Committee</del>

[3.3](#) If the petition reaches the required number of signatures to trigger a referral to a Committee, the Executive or Full Council then the acknowledgment will confirm this and inform the petitioner when and where the meeting will take place. If the petition needs further investigation, the petitioner will be informed of the steps the Council proposes to take.

[3.33.4](#) If the petition reaches the required number of signatures to trigger a referral to a Committee, the Executive or Full Council, it will be referred to a Residents'



Panel if it meets the terms of triggering this action as set out in the Residents' Panel framework.

3-43.5 No action will be taken in respect of any petition considered by the Council's Monitoring Officer to be vexatious, abusive or otherwise inappropriate. The reasons for this will be explained in the acknowledgement of the petition.

3-53.6 The scheme will not apply when the petition concerns a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or relates to a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, or where other procedures apply.

3-63.7 Details of all the petitions submitted to the Council will be published on the Council's website, except in cases where this would be inappropriate. Whenever possible the Council will also publish all correspondence relating to the petition (all personal details will be removed).

#### **4. RESPONSE TO PETITIONS**

4.1 The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- 4.1.1 taking the action requested in the petition
- 4.1.2 considering the petition at meeting of the Executive or the Council
- 4.1.3 holding an inquiry into the matter
- 4.1.4 undertaking research into the matter
- 4.1.5 holding a public meeting
- 4.1.6 holding a consultation
- 4.1.7 holding a meeting with petitioners
- 4.1.8 referring the petition for consideration by one of the council's scrutiny committees
- 4.1.9 calling a referendum
- 4.1.10 writing to the petition organiser setting out the Council's views about the request in the petition

4.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

#### **5. DEBATES AT FULL COUNCIL OR EXECUTIVE MEETINGS**

5.1 A petition ~~containing 500 or more signatures~~ will be debated by either the Full Council, the Executive, or relevant standing Committee depending on the issue and number of signatures received in support of the petition. This will usually be at the next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

5.2 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be debated. The Council, the Executive or

relevant standing Committee will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

- 5.3 Where a petition is heard at a meeting ~~of the Executive~~, the Chairman will ensure that all Members in attendance at the meeting are given an opportunity to speak on the matter to ensure there is a full debate on the petition.
- 5.4 The petition organiser will receive written confirmation of this decision and confirmation will be published on the Council's website.

## 6. E-PETITIONS

- 6.1 The Council accepts e-petitions ~~provided they are created and submitted~~ through the Council's e-petitions facility website at [www.surreyheath.gov.uk](http://www.surreyheath.gov.uk) or ~~submitted by the lead petitioner following completion through an independent petition site.~~
- 6.2 E-petitions must follow the same guidelines as paper petitions as set out in this scheme.
- 6.3 The petition's creator must provide their name and postal email addresses. The petition creator must specify how long the petition will be open for signatures, up to a maximum of 12 months.
- 6.4 The Council may take up to five working days after receiving an e-petition to publish it online. This will allow the Council time to determine if the petition is suitable for publication.
- 6.5 If the Council decides it is unable to publish the petition for some reason, the petitioner will be contacted within five working days to explain. The petitioner will be given the opportunity to change and resubmit the petition if they wish. If this is not done within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 6.6 When an e-petition has closed for signature, the Democratic Services Manager will send an acknowledgement within 10 working days.
- 6.7 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on the Council's website.

## 7. SIGNING AN E-PETITION

- 7.1 Those wishing to sign an e-petition must provide ~~their name, postcode and a valid email address~~ the information requested by the relevant petition site. Only the name of the signatory will be included on the public section of the petition.



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# Documents which support the Constitution

## Part L

### Protocol for the appointment and role of Honorary Free personsmen and Honorary Alder personsmen

#### 1. Procedure for nomination and appointment

- 1.1 The Council may, in accordance with Section 249 of the Local Government Act 1972, and the provisions of this protocol, admit a person of distinction as an honorary freeman or honorary freewoman of the borough in recognition of their eminent services to the borough; or confer the title of honorary alderman or honorary alderwoman upon a past member of the Council in recognition of their eminent services to the Council.
- 1.2 Any person conferred with the title of honorary freeman or honorary freewoman may elect to use the title of honorary free personwoman and all provisions within this Protocol will hereafter refer to freepersons. ~~All provisions relating to honorary freemen in this protocol apply equally to those choosing to be referred to as an honorary freewoman.~~
- 1.3 Any person conferred with the title of honorary alderman or honorary alderwoman may elect to use the title of honorary alder personwoman and all provisions within this Protocol will hereafter refer to alderpersons. ~~All provisions relating to honorary aldermen in this protocol apply equally to those choosing to be referred to as an honorary alderwoman.~~
- 1.4 Any person nominated for appointment as honorary free personman or honorary alder personman must be proposed by a serving councillor and seconded by at least one other councillor and any such nomination must be put to the Head of Legal & Democratic Services in writing.
- 1.5 The nomination shall provide evidence that the person nominated meets the eligibility requirements referred to in section 2 of this protocol.
- 1.6 The 'person' nominated in respect of an appointment as honorary free personman may be an organisation.
- 1.7 The Head of Legal & Democratic Services will receive nominations, which will be referred to Group Leaders for consideration.
- 1.8 The Head of Legal & Democratic Services will liaise with the nominating councillors to ascertain whether the nominated individuals or organisations would be minded to accept the appointment.
- 1.9 The Proper Officer will arrange an extraordinary meeting of the Council in consultation with the Mayor.

1.10 The formal admission of a person of distinction as an honorary free ~~person~~man or conferment of the title of honorary alder ~~person~~man upon a past member of the Council shall be by a resolution of the Council passed by not less than two thirds of the councillors present and voting thereon.

## 2. Qualifications required for appointment

### Honorary Free ~~persons~~man

2.1 A person shall be deemed eligible for appointment as an honorary free ~~person~~man provided that they meet all of the following requirements:

2.2 The person shall:

- (i) be a person of distinction
- (ii) have given eminent service to the borough. "Eminent service" in this context includes but is not limited to any of the following:
  - a) public service (including past distinguished service as an officer of the Council)
  - b) artistic and/or cultural endeavours
  - c) business, economic growth and prosperity
  - d) charitable work
  - e) religious and spiritual life
  - f) sporting activities
  - g) improvement to the built and/ or natural environment
- (iii) have a strong and continuing connection with and commitment to the borough of Surrey Heath, or have made a major contribution to national life and in doing so have enhanced the reputation of the borough.

### Honorary Alder ~~persons~~man

2.3 A person shall be deemed eligible for appointment as an honorary alder ~~person~~man provided that they meet all of the following requirements.

2.4 The person shall:

- (i) not be a serving councillor
- (ii) have served as a Surrey Heath Borough councillor for an aggregate total period of at least 8 years
- (iii) have given eminent service to the Council during that period. "Eminent service" in this context includes but is not limited to holding during their period of service as a councillor any of the following offices:
  - a) Mayor

- b) Leader of the Council
- c) committee chair~~man~~

### 3. Rights and Privileges

#### Honorary Free~~person~~man

- 3.1 An honorary free~~person~~man shall be entitled to the following rights and privileges:
- (i) To enjoy the courtesy title of Honorary Freeperson, Honorary Freeman, or Honorary Freewoman and to be so addressed.
  - (ii) To have their name inscribed on the "Roll of Honorary Free~~persons~~men of the Borough" at the Civic Offices.
  - (iii) To participate in civic occasions and processions.
  - (iv) To enjoy such other privileges as the Council may confer upon them from time to time.

#### Honorary Alder~~person~~man

- 3.2 An honorary alder~~person~~man shall be entitled to the following rights and privileges:
- (i) To enjoy the courtesy title of Honorary Alderperson, Honorary Alderman or Honorary Alderwoman and to be so addressed.
  - (ii) To have their name inscribed on the "Roll of Honorary Alder~~persons~~men of the Borough" at the Civic Offices.
  - (iii) To have a tree planted in their honour, in a place of their choosing.
  - (iv) To participate in civic occasions and processions.
  - (v) To have access to parking at the rear of Surrey Heath House.
  - (vi) To have access to the Members' Room at Surrey Heath House.
  - (vii) To receive a copy of the agenda for each Council meeting.
  - (viii) To receive travel expenses when representing the Council on official occasions, in line with the provisions in the Members' Allowances Scheme.
  - (ix) To enjoy such other privileges as the Council may confer upon them from time to time.

## 4. Restrictions on rights and privileges

### Honorary Free ~~persons~~man

- 4.1 Honorary free ~~persons~~men will be expected to conduct themselves in such a manner so as to not bring the office of honorary free ~~person~~man or the Council into disrepute nor to use the title or allow it to be associated with any matter of public controversy or any matter which is in any way political in nature.

### Honorary Alder ~~persons~~man

- 4.2 The role of Alder ~~person~~man is an honorary one and to the public is perceived to be representative of the Council. In taking up this role all Alder ~~persons~~men must agree and adhere to the protocol laid down by this Council.
- 4.3 In taking this role, the Alder ~~person~~man becomes apolitical in public, knowing that any views expressed may be interpreted as views of the Council. Alder ~~persons~~men are not to speak on behalf of the Council in any way whatsoever.
- 4.4 The Alder ~~person~~man should seek to use the honorary title for civic events, which should be attended wherever possible, and in the furtherance of community activities for the benefit of society.
- 4.5 Section 249 of the Local Government Act 1972 provides that whilst an honorary alder ~~person~~man may attend and take part in such civic ceremonies as the Council may from time to time decide, they shall not, as such, have the right:
- (i) to attend meetings of the Council or a committee of the Council in any capacity other than as a member of the public; or
  - (ii) to receive any allowances or other payments as are payable to councillors.
- 4.6 No honorary alder ~~person~~man shall, while serving as a councillor, be entitled to be addressed as honorary alder ~~person~~man or to attend or take part in any civic ceremonies of the council as an honorary alder ~~person~~man.
- 4.7 Honorary alder ~~persons~~men will be expected to conduct themselves in such a manner so as to not bring the office of honorary alder ~~person~~man or the Council into disrepute nor to use the title or allow it to be associated with any matter of public controversy or any matter which is in any way political in nature. The Council also expects honorary alder ~~persons~~men to refrain from making public statements which are critical of the Council.

## 5. Withdrawal of honorary titles



- 5.1 The offices of honorary free ~~personman~~ and honorary alder ~~personman~~ are awarded for eminent service to the Borough and Council respectively, and are deemed by the Council to be non-political roles. It is therefore inconsistent for an honorary free ~~personsmen~~ or honorary alder ~~personsmen~~ to be politically active. In the event of an honorary free ~~personman~~ or honorary alder ~~personman~~ seeking election to the Council, or any other public office, he or she shall cease to hold the office of honorary free ~~personman~~ or honorary alder ~~personman~~ (as the case may be) if he or she is still standing as a candidate immediately following the deadline for withdrawal of candidature.
- 5.2 At that time, the entitlement to the rights and privileges referred to in section 3 of this protocol shall cease automatically. The name of the person concerned will be deleted from the Roll of Honorary Free ~~personsmen~~ of the Borough or Roll of Honorary Alder ~~personsmen~~ of the Borough, as appropriate, and that person advised accordingly.
- 5.3 The Council may withdraw the honorary title ~~of honorary freeman or honorary alderman on a person~~, together with the associated rights and privileges, for significant reasons such as bringing the Council into disrepute. The question as to whether the respective title should be withdrawn shall be put by way of formal notice of motion, which must be submitted to the Chief Executive. The motion shall contain the reasons for such withdrawal. The Chief Executive shall ensure that the motion is included on the agenda for the next available meeting of the full Council. The formal withdrawal of the honorary title ~~of honorary freeman or honorary alderman~~ from a person shall be confirmed only following a resolution of the Council passed by not less than two-thirds of the councillors present and voting thereon.
- 5.4 The honorary free ~~personman~~ or honorary alder ~~personman~~ who is the subject of a motion referred to in paragraph 5.3 above shall be entitled, if they wish, to make representations to the Council when the motion is considered, for which they shall have five minutes immediately following the proposer and seconder's speeches. The honorary free ~~personman~~ or honorary alder ~~personman~~ shall be granted a right of reply for a further period of three minutes at the end of the debate and before a final decision or vote is taken.
- 5.5 On the passing of such resolution in accordance with paragraph 5.3 above, the name of the person concerned shall be deleted from the Roll of Honorary Free ~~personsmen~~ of the Borough or Roll of Honorary Alder ~~personsmen~~ of the Borough, as appropriate, and that person advised accordingly.
- 5.6 Any person appointed as an honorary free ~~personman~~ or honorary alder ~~personman~~, who is subsequently re-elected as a councillor shall automatically assume the title and status of honorary free ~~personman~~ or honorary alder ~~personman~~ once they cease to be a councillor.
- 5.7 Before the Council considers the formal withdrawal of an honorary title from an individual whom, it is alleged, has transgressed this protocol, the Monitoring Officer shall, subject to being satisfied that there is evidence of such transgression, contact them to remind them of the protocol and warning

them that they risk censure by the Council and possible withdrawal of their title.

**6. Resignation from the office of honorary free personman or honorary alder personman**

6.1 An honorary free personman or honorary alder personman may, at any time, tender their resignation from the respective offices of honorary free personman or honorary alder personman which shall be given in writing to the Head of Legal & Democratic Services.

6.2 Upon receipt by the Head of Legal & Democratic Services of the written notice of resignation referred to in a) above, the entitlement to the rights and privileges described in paragraph 3 of this protocol shall cease automatically. The name of the person concerned shall be deleted from the Roll of Honorary Free personsmen or the Roll of Honorary Alder personsmen of the Borough, as appropriate.

**Surrey Heath Borough Council**  
**Council**  
**25 October 2023**

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**Review of Political Proportionality and Membership of Committees**

**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 consider the Governance Working Group’s recommendations in relation to altering the size of committees and other bodies of the Council and a revised scheme of political proportionality and revised membership of committees to reflect these changes.

**Recommendation**

The Council is advised to RESOLVE that

- (i) the size of the Standing Committees of the Council and other bodies of the Council be amended, as set out at paragraphs 1.2 and 1.3 of this report;
- (ii) the revised the scheme of proportionality, as set out at Annex A to the report, be adopted for the remainder 2023/24; and
- (iii) the revisions to the membership of the Committees, as set out at Annex B to this report, be agreed.

**1. Membership of the Standing Committees and Other Bodies of the Council**

- 1.1 The Council is asked to review the size of committees and other bodies of the Council, in line with the recommendations from the Governance Working Group.
- 1.2 At its meeting in August 2023 the Governance Working Group agreed by majority that the committee sizes be reduced, with the intention to free up Members’ time to participate in working groups and other councillor activities. The proposed size of committees is as follows:

<b>Committee</b>	<b>Current Membership</b>	<b>Proposed Membership</b>
Planning Applications	15 councillors	11 councillors
Licensing	13 councillors	11 councillors
Performance & Finance Scrutiny	13 councillors	11 councillors
External Partnerships Select	13 councillors	11 councillors
Audit & Standards	7 councillors	7 councillors <sup>1</sup>
Employment	9 councillors	5 councillors

1.3 The Governance Working Group is also recommending that the membership of the Joint Staff Consultative Group is amended to six councillor representatives and six Staff Representatives. Furthermore, it recommends that its own membership is amended to seven members comprising four representatives from the Liberal Democrats group and the opposition group leaders. The proposed changes to these groups does not affect the scheme of proportionality.

## **2. Political Proportionality**

2.1 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.

2.2 Four groups have been formed: the Liberal Democrats Group, the Conservative Group, the Community Group, and the Labour Group. The number of seats of each group on the Council and the resulting percentages are as follows:

<u>Liberal Democrats</u>	<u>Conservative</u>	<u>Community</u>	<u>Labour</u>
24	6	3	2
68.57%	17.14%	8.57%	5.71%

2.3 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.

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<sup>1</sup> It is proposed to retain seven Members on this committee at the present time and review the as part of the considerations regarding an Independent Representative on the Audit and Standards Committee.

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

- 3.1 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.
- 3.2 It is proposed that the Council adopts the revised scheme of proportionality as set out at Annex A to this report and agrees any consequential changes to the membership of committees, having regard to the nominations of the relevant group leaders. This scheme achieves the required balance between the four political groups on the Council.
- 3.3 Alternatively, the Council could choose to retain the current scheme of proportionality and memberships of committees as they meet the necessary requirements.

### **4. Resource Implications**

- 4.1 There are no resource implications arising from this report.

### **5. Legal and Governance Issues**

- 5.1 As set out above.

### **6. Monitoring Officer Comments**

- 6.1 No matters arising.

**Annexes:** Annex A – Scheme of Proportionality

Annex B: - Revised memberships of committees and other bodies of the Council (to follow)

**Background Papers:** None

## Annex A - Scheme of Proportionality

Committee	Liberal Democrats	Conservative	Community	Labour	TOTAL
Planning Applications	7	2	1	1	11
Licensing	7	2	1	1	11
Performance & Finance	7	2	1	1	11
External Partnerships	7	2	1	1	11
Audit & Standards	5	1	1	0	7
Employment	4	1	0	0	5
<b>Total seats</b>	<b>37</b>	<b>10</b>	<b>5</b>	<b>4</b>	<b>56</b>
% of Committee seats	66.07%	17.86%	8.93%	7.14%	100%
% of Council membership	68.57%	17.14%	8.57%	5.71%	100%

**Surrey Heath Borough Council**  
**Council**  
**25 October 2023**

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**Waiver of Six Month Councillor Attendance Rule**

**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 consider a request to authorise an absence from attendance at meetings in accordance with Section 85 (1) of the Local Government Act 1972.

**Recommendation**

The Council is advised to RESOLVE that, in accordance with Section 85 (1) of the Local Government Act 1972, Councillor Julie Hoad's non-attendance at meetings of the Council be approved until 31 May 2024 on the grounds of continued ill health.

**1. Background and Supporting Information**

- 1.1 Section 85 (1) of the Local Government Act 1972 requires a member of a Local Authority to attend at least one meeting of that Authority within a six month consecutive period in order to avoid being disqualified as a Councillor. This requirement can be waived and the time limit extended if any failure to attend was due to a reason approved by the Authority, in advance of the six month period expiring.
- 1.2 Members will be aware that Councillor Hoad has recently experienced a period of ill health. She last attended a meeting in person on 17 May 2023.
- 1.3 Councillor Hoad has attended almost all expected committee and working group meetings virtually since her last attendance at a meeting in person and has taken an active role in supporting residents with casework in her ward. However, the legal position on whether virtual attendance at meetings is counted for the purpose of attendance at meetings under Section 85 (1) of the Act has not been tested and it is therefore considered prudent to seek the agreement of the Council to approve permission for her absence.

## **2. Reasons for Recommendation**

- 2.1 The decision to waive the six month attendance rule can only be made by the Full Council. Furthermore, Councillor Hoad's reason for absence is considered to be a reasonable basis for the waiving of the six month rule.

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

- 3.1 The Council is advised to resolve that the requirements of Section 85 (1) of the Local Government Act 1972 be waived for Councillor Hoad.
- 3.2 Alternatively, the Council could chose not to approve the extension but this is not recommended in these circumstances. This option would result in a casual vacancy.

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

- 4.1 No matters arising.

## **5. Resource Implications**

- 5.1 No matters arising.

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

- 6.1 No matters arising.

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

- 7.1 Section 85 (1) of the Local Government Act 1972 states that "if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority." Attendance can be at any committee or sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.
- 7.2 Once a councillor loses office through failure to attend for the six month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension in time.
- 7.3 If the Council decided not to approve an extension and Councillor Hoad was unable to attend a meeting within the remainder of the 6 month period, which expires on 17 November 2023, a casual vacancy would arise.



7.4 A decision to waive the six month rule can only be made by the Full Council.

**8. Monitoring Officer Comments:**

8.1 The legal considerations of this decision are set out elsewhere 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**

[Section 85 \(1\) of the Local Government Act 1972](#)

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