

**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held at
Surrey Heath House, Camberley on
14 May 2014**

+ Cllr Beverley Harding (Mayor)
+ Cllr Bob Paton (Deputy Mayor)

+ Cllr David Allen	+ Cllr Paul Ilnicki
- Cllr Rodney Bates	+ Cllr Lexie Kemp
+ Cllr Richard Brooks	+ Cllr Bruce Mansell
+ Cllr Keith Bush	+ Cllr David Mansfield
+ Cllr Glyn Carpenter	+ Cllr John May
+ Cllr Bill Chapman	- Cllr Margaret Moher
+ Cllr Mrs Vivienne Chapman	+ Cllr Charlotte Morley
+ Cllr Ian Cullen	+ Cllr Adrian Page
+ Cllr Paul Deach	+ Cllr Ken Pedder
+ Cllr Tim Dodds	+ Cllr Chris Pitt
- Cllr Colin Dougan	+ Cllr Joanne Potter
+ Cllr Craig Fennell	+ Cllr Wynne Price
+ Cllr Surinder Gandhum	+ Cllr Audrey Roxburgh
+ Cllr Liane Gibson	+ Cllr Ian Sams
+ Cllr Moira Gibson	+ Cllr Pat Tedder
+ Cllr Alastair Graham	+ Cllr Judi Trow
+ Cllr David Hamilton	+ Cllr Valerie White
+ Cllr Edward Hawkins	- Cllr Alan Whittart
+ Cllr Josephine Hawkins	+ Cllr John Winterton

+ Present

- Apologies for absence presented

1 Election of Mayor

It was moved by Councillor Richard Brooks, seconded by Councillor John May and

RESOLVED, that Councillor Bob Paton be elected Mayor of the Borough of Surrey Heath for the ensuing municipal year.

Councillor Paton made and signed the Declaration of Acceptance of Office of Mayor and was invested with the Mayoral Chain of Office.

The Mayor, Councillor Bob Paton, in the Chair

Councillor Bob Paton thanked the Council for electing him as Mayor of Surrey Heath. He stated that he felt honoured and privileged to be elected to this position and would do his best as an ambassador for the Borough of Surrey Heath.

He thanked Councillor Beverley Harding for all her efforts during her Mayoral Year and paid tribute to the way she had ably carried out her

duties. He also thanked her Consort, Mr Malcolm Harding for undertaking this role throughout the past year.

The Mayor invested his wife, Mrs Carol Paton, as Mayoress for his Mayoral Year and

invested the Reverend Bruce Nicole, from St Michaels Church, Camberley, as his Chaplain for his Mayoral Year.

Councillor Harding, in responding, congratulated the Mayor on his election as the Mayor of the Borough. She reported that she had experienced a fantastic year attending over 500 events around the borough and throughout the county, plus a visit to the Council's twin Borough in Germany, Bietigheim-Bissingen. She felt particularly privileged to have had the opportunity to host representatives from Bietigheim-Bissingen when they recently visited the Borough.

Councillor Harding thanked her PA, Mrs Sarah Ruddock, for her help throughout her Mayoral Year and for a job extremely well done. She also announced that her Charity collection had exceeded expectations and had, so far, provided at least £25,000 for charities supported by the Lisa May Foundation.

2 Appointment of Deputy Mayor

It was moved by Councillor Craig Fennell, seconded by Councillor Paul Deach and

RESOLVED, that Councillor Joanne Potter be elected Deputy Mayor of the Borough of Surrey Heath for the ensuing municipal year.

The Deputy Mayor thanked Members for the honour and thanked all those Members who had already indicated that they would support her efforts as Deputy Mayor.

The Mayor invested Mrs Jackie Piper as the Deputy Mayor's Escort for the Mayoral Year.

3 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 16 April 2014 be approved as a correct record.

4 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Rodney Bates, Colin Dougan, Margaret Moher and Alan Whittart.

5 Mayor's Announcements

The Mayor announced that his first engagement would be a visit on the following day to St Michaels Church, Camberley for a 'Messy Church' event for young children. He highlighted the forthcoming Freedom of the Borough Parade, which would be held on 14 June 2014, when staff of the Royal Military Academy would march through Camberley with bayonets fixed and banners flying.

6 Executive Arrangements

The Leader informed the Council that until further notice the executive functions would be exercised collectively through the Executive and that the delegation of executive functions to officers would be as currently set out in the Scheme of Delegation of Functions to Officers.

The Council was further informed that Councillor Richard Brooks would be the Deputy Leader and the following councillors would be Portfolio Holders with the areas of responsibility as set out below:

<u>Portfolio Area</u>	<u>Portfolio Holder</u>
Business	Cllr Craig Fennell
Finance	Cllr Richard Brooks
Community	Cllr Mrs Vivienne Chapman
Corporate	Cllr Charlotte Morley
Regulatory	Cllr Keith Bush
Transformation	Cllr Colin Dougan

The Leader advised the Council that the portfolio areas would be as currently set out at Part 8 of the Constitution.

7 Establishment of Committees and Review of Political Proportionality

The Council was required by law to allocate seats in proportion to the political composition of the Council, with the aggregate membership of all the committees also being proportionate.

It was moved by the Mayor and seconded by the Deputy Mayor that the scheme of proportionality, as set out in the agenda, be adopted.

RESOLVED, that

- (i) the committees as set out at minute 008/C, below, be appointed with the committee sizes shown; and**
- (ii) the scheme of proportionality as set out at Annex A to these minutes be adopted for 2014/15.**

8 Membership of Committees

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

RESOLVED, that the membership of the standing committees of the Council for 2014/15 be as follows:

Planning Applications Committee (16 members and 6 substitute members)

Committee Members:

Councillors David Allen, Richard Brooks, Glyn Carpenter, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, David Hamilton, Edward Hawkins, David Mansfield, Ken Pedder, Audrey Roxburgh, Ian Sams, Pat Tedder, Judi Trow, Valerie White, John Winterton.

Substitutes:

Councillors Ian Cullen, Paul Ilnicki, Lexie Kemp, Bruce Mansell, Margaret Moher, Alan Whittart.

Licensing Committee (15 members and 5 substitute members)

Committee Members:

Councillors Rodney Bates, Glyn Carpenter, Bill Chapman, Mrs Vivienne Chapman, Surinder Gandhum, Liane Gibson, Beverley Harding, Paul Ilnicki, Lexie Kemp, Bruce Mansell, Ken Pedder, Chris Pitt, Ian Sams, Pat Tedder, Valerie White.

Substitutes:

Councillors David Hamilton, David Mansfield, Adrian Page, Judi Trow, Alan Whittart.

Community Services Scrutiny Committee (15 members and 6 substitute members)

Committee Members:

Councillors David Allen, Bill Chapman, Ian Cullen, Paul Deach, Tim Dodds, Liane Gibson, Beverley Harding, Josephine Hawkins, Paul Ilnicki, Margaret Moher, Adrian Page, Joanne Potter, Audrey Roxburgh, Valerie White, Alan Whittart.

Substitutes:

Councillors Glyn Carpenter, David Hamilton, Edward Hawkins, Wynne Price, Pat Tedder, Judi Trow.

External Partnerships Select Committee (15 members and 6 substitute members)

Committee Members:

Councillors Glyn Carpenter, Ian Cullen, Paul Deach, Tim Dodds, Liane Gibson, David Hamilton, Josephine Hawkins, Lexie Kemp, Adrian Page, Ken Pedder, Chris Pitt, Ian Sams, Pat Tedder, Alan Whittart, John Winterton

Substitutes:

Councillors Bill Chapman, Beverley Harding, Edward Hawkins, Margaret Moher, Joanne Potter, Judi Trow.

Performance and Audit Scrutiny Committee (15 members and 6 substitute members)

Committee Members:

Councillors David Allen, Tim Dodds, Alastair Graham, Beverley Harding, Edward Hawkins, Paul Ilnicki, Lexie Kemp, John May, Chris Pitt, Joanne Potter, Wynne Price, Audrey Roxburgh, Pat Tedder, Alan Whittart, John Winterton.

Substitutes:

Councillors Rodney Bates, Glyn Carpenter, Liane Gibson, Ian Sams, Judi Trow.

Standards Hearing and Determination Committee (5 members and 3 substitute members)

Committee Members:

Councillors Bruce Mansell, Ken Pedder, Wynne Price, Pat Tedder, Valerie White.

Substitutes:

Councillors Paul Deach, Ian Sams, Alan Whittart.

Appointments Committee (5 members and 3 substitute members)

Committee Members:

Councillors Richard Brooks, Liane Gibson, Moira Gibson, Charlotte Morley, Alan Whittart.

Substitutes:

Councillors Rodney Bates, Mrs Vivienne Chapman, Colin Dougan.

Selection Committee (10 members and 4 substitute members)

Committee Members:

Councillors Rodney Bates, Mrs Vivienne Chapman, Liane Gibson, Moira Gibson, David Mansfield, Charlotte Morley, Ken Pedder, Joanne Potter, Ian Sams, Valerie White.

Substitutes:

Councillors Richard Brooks, Paul Ilnicki, Audrey Roxburgh, Judi Trow.

9 Appointment of Chairmen and Vice Chairmen

It was moved by the Mayor and seconded by the Deputy Mayor that the chairmen and vice-chairmen of committees, as previously nominated and as set out below, be appointed for the ensuing year.

RESOLVED, that the following appointments of chairmen and vice-chairmen of committees, as previously nominated and as set out below be made for the ensuing year:

<u>Committee</u>	<u>Chairman</u>	<u>Vice-Chairman</u>
Planning Applications	Cllr Edward Hawkins	Cllr Glyn Carpenter
Licensing	Cllr Bill Chapman	Cllr Ian Sams
Community Services	Cllr Audrey Roxburgh	Cllr Valerie White
Scrutiny		
External Partnerships	Cllr Josephine	Cllr Paul Deach
Select	Hawkins	
Performance and	Cllr John May	Cllr David Allen
Audit Scrutiny		
Standards Hearing	Cllr Valerie White	Cllr Wynne Price
and Determination		
Appointments	Cllr Moira Gibson	Cllr Richard Brooks
Selection	Cllr Moira Gibson	Cllr Mrs Vivienne Chapman

10 Joint Committee

The Council was required to appoint a member to the Surrey Police and Crime Panel for 2014/15 on the nomination of the Leader of the Conservative Group.

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

RESOLVED, that Councillor Charlotte Morley be appointed as the Council's member on the Police and Crime Panel.

11 Working Groups and Other Bodies

It was moved by the Mayor and seconded by the Deputy Mayor that the bodies set out below be established and that the size of these bodies, the

allocations to the different party groups and the nominations thereto be as tabled at the meeting and detailed below:

RESOLVED, that the following working groups or bodies of the Council be established, the allocation of seats be approved, and the membership of those bodies be as set out below:

Governance Working Group (5 members – 4 Conservative; 1 Opposition Group)

Councillors Rodney Bates, Moira Gibson, Josephine Hawkins, Wynne Price, Ian Sams

**Substitute Members (2 Conservative; 1 Opposition Group)
Councillors Keith Bush, Paul Deach, Alan Whittart.**

Joint Staff Consultative Group (8 members and 8 staff – 7 Conservative; 1 Opposition Group)

Councillors Liane Gibson, Moira Gibson, Josephine Hawkins, Paul Ilnicki, Charlotte Morley, Ken Pedder, Audrey Roxburgh, Judi Trow.

Waste Contract Consultative Committee (5 members – 4 Conservative; 1 Opposition Group)

Councillors Mrs Vivienne Chapman, Liane Gibson, Paul Ilnicki, Ian Sams, Judi Trow.

**Substitute Members (2 Conservative; 1 Opposition Group)
Councillors Beverley Harding, Margaret Moher, Audrey Roxburgh.**

12 Responsibility for Functions

The Constitution, at Part 4 Section A, required the Council at its Annual Meeting to agree the Scheme of Delegation of Functions.

RESOLVED, that the Scheme of Delegation of Functions, as set out at Annex B to these minutes, be agreed.

Mayor

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ANNEX A

ANNEX A

SCHEME OF PROPORTIONALITY

Committee	Conservative Group	Opposition Group	Total
Planning Applications	14	2	16
Licensing	13	2	15
Community Services Scrutiny	13	2	15
External Partnerships Select	13	2	15
Performance and Audit Scrutiny	13	2	15
Standards Hearing and Determination	4	1	5
Appointments	4	1	5
Selection	9	1	10
Total Seats	83	13	96
% of Committee Seats	86.46%	13.54%	100%

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ANNEX B

ANNEX B

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 Table1 below as non-executive functions;
- iv) the adoption or approval of those plans and strategies which form the Policy Framework, being those plans and strategies set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 together with such plans and strategies as the Council shall identify from time to time for this purpose.

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

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

b) 'Local Choice' Functions.

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

c) Shared functions

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

d) Executive Functions.

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

- (i) the Executive as a whole;
- (ii) a committee of the Executive;
- (iii) an individual member of the Executive;
- (iv) an officer;

- (v) an area committee;
- (vi) joint arrangements;
- (vii) local Member in relation to their ward, or another local authority.

e) Proper Officer Functions.

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

f) Delegations to Officers.

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

- 2.2 This Scheme includes the power for the Council and the Leader to delegate functions to officers or other local authorities.
- 2.3 Where any Acts or Regulations referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 are amended or repealed the Schedule will be deemed to have been changed to incorporate the appropriate new or amended Act or new or amended Regulation.
- 2.4 Article 4 (the Council), Article 6 (the Scrutiny Committees), Article 7 (the Leader, Deputy Leader and the Executive) and Article 8 (The Regulatory and Other Committees), as set out in Part 2 of the Constitution, identify the powers of the Council, its committees and the Leader. The terms of reference of these decision-makers are set out in Part 3 of the Constitution.

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

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

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

Table 2**Responsibility for local choice functions**

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

Function	Decision making body
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	The Leader
The determination of an appeal against any decision made by or on behalf of the authority (other than staffing or licensing matters).	The Leader
Any function relating to contaminated land. <i>Part IIA of the Environmental Protection Act 1990</i>	Licensing Committee
The discharge of any function relating to the control of pollution or the management of air quality. <i>Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environmental Protection Act 1990, Clean Air Act 1993</i>	Licensing Committee
The service of an abatement notice in respect of a statutory nuisance. <i>Section 80(1) of the Environmental Protection Act 1990.</i>	Licensing Committee
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. <i>Section 8 of the Noise and Statutory Nuisance Act 1993</i>	Licensing Committee
The inspection of the authority's area to detect any statutory nuisance <i>Section 79 of the Environmental Protection Act 1990</i>	Licensing Committee
The investigation of any complaint as to the existence of a statutory nuisance <i>Section 79 of the Environmental Nuisance Act 1990</i>	Licensing Committee
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning Applications Committee
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Leader
The making of agreements for the execution of highway works. <i>Section 278 of the Highways Act 1980</i>	Council
The appointment of any individual : (a) to any office other than an office in which he is employed by the authority (b) to any body other than (i) the authority or (ii) a joint committee of two or more authorities (c) to any committee or sub-committee of such a body and the revocation of any such appointment	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.

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