

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Tuesday, 7 April 2015

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, 15 April 2015 at 7.00 pm. The business which it is proposed to transact at the meeting is set out below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

1. 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 25 February 2015.

3. Mayor's Announcements

4. Leader's Announcements

5. 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.

6. 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).

7. Questions from Councillors

To deal with questions, if any, received under Council Procedure Rule 11.

8. Executive, Committees and Other Bodies

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

- (a) Executive – 24 February 2015 (recommendations considered by the Council on 25 February 2015), 17 March 2015 and 7 April 2015 (to be tabled).
- (b) Planning Applications Committee – 9 March 2015 and 9 April 2015 (to be tabled)
- (c) External Partnerships Select Committee – 3 March 2015
- (d) Joint Staff Consultative Group – 19 March 2015
- (e) Performance and Audit Scrutiny Committee (Scrutiny meeting) – 25 March 2015
- (f) Performance and Audit Scrutiny Committee (Audit meeting) – 25 March 2015
- (g) Community Services Scrutiny Committee – 2 April 2015 (to be tabled)

9. Report from the Governance Working Group (Pages 5 - 22)

To consider the Executive Head of Transformation's report.

10. Exclusion of Press and Public

The Mayor to move "That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the consideration of the business set out in items 11, 12 and 13 below on the ground that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act."

11. Council, Executive and Committees - Exempt (Pages 23 - 24)

To receive the exempt minutes of the following bodies (minutes reproduced in the attached Minute Book) and to answer questions (if any) in accordance with Council Procedure Rule 11.5:

- (a) Council – 25 February 2015
- (b) Executive – 17 March 2015, 7 April 2015

12. Urgent Action (Pages 25 - 26)

To report on Urgent Action.

13. Review of Exempt Items

To review those items or parts thereof which can be released as information available to the public.

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Governance Working Group

Portfolio	Leader
Ward(s) Affected:	n/a

Purpose

To receive a report from the Governance Working Group and to consider recommendations relating to revisions to the Council’s committee structure, including any consequential amendments to the Constitution.

To note amendments to the Social Media Protocol for Councillors and the Protocol for the Recording of Council, Executive and Committee Meetings proposed by the Governance Working Group which have been agreed under delegated authority.

Introduction

1. The Working Group met on 6 February and 27 March 2015. The notes of this meeting are available on Escene.
2. The Working Group has considered a number of issues and made recommendations which are addressed below.

The Committee Structure and the Terms of Reference of the Executive, Committees and Other Bodies

3. The Working Group has reviewed the Council’s current committee structure. It has made a number of recommendations regarding the future appointment of committees and has proposed revisions to the Terms of Reference of the Executive, Committees and Other Bodies.

Overview and Scrutiny Committees

4. The Working Group reviewed the committee structure and the Council’s scrutiny arrangements, in particular the effectiveness of the Community Services Scrutiny Committee, which was felt to be too dependent upon officer update reports and lacking in effective scrutiny.
5. The Group agreed that one committee should be responsible for scrutiny of the performance of all the Council’s services. The proposed title for this committee was the Performance and Finance Scrutiny Committee. It was recognised that, where necessary, Task and Finish Groups could be appointed to investigate and scrutinise, in detail, matters referred to it by the Council, the Executive or a committee.
6. Members agreed that the External Partnerships Select Committee should continue in its existing form as the Council’s designated Crime and Disorder Committee and with responsibility for the scrutiny of all the Health and Wellbeing agenda.

Audit and Standards

7. The Working Group noted that the Council's statutory audit function was currently undertaken by the Performance and Audit Scrutiny Committee, sitting as a discrete committee meeting. The Group discussed this arrangement and suggested that, in line with a number of local authorities, the Council's audit and standards functions should be combined in a separate Audit and Standards Committee.
8. It was agreed that, in view of the role of a new merged Audit and Standards committee, it would be practical to make provision for a Hearing Sub Committee to determine any allegations against a Member where it had not been possible to resolve the matter by informally. The Sub Committee would comprise 3 members, to be appointed from the membership of the Audit and Standards Committee, by the Monitoring Officer.
9. Members also discussed the scrutiny of financial performance and considered whether this should be included within the Terms of Reference of the proposed Audit and Standards Committee or within a scrutiny committee. It was, however, advised that the Audit function was a decision making function distinct from the Council's scrutiny arrangements. Members were reminded that the Executive was responsible for making financial decisions and that the scrutiny of those decisions should be undertaken by an overview and scrutiny committee.

Selection Committee

10. The Working Group queried the need for a Selection Committee to be established in future. The committee only met once a year to appoint of Members to outside bodies.
11. It was therefore proposed that the Selection Committee should not be re-appointed and that in future, appointments to outside bodies should be made by the Executive, taking into account the recommendations of the Group Leaders. If the Group Leaders couldn't reach agreement on any particular appointment, all nominations for those appointments would be reported to the Executive for decision.
12. The Terms of Reference of the Selection Committee have consequently been removed from the Terms of Reference of the Executive, Committees and Other Bodies, as set out at Annex B to this report.

Other amendments to the Terms of Reference of the Executive, Committees and Other Bodies

13. The Working Group agreed to make provision for Task and Finish Groups in the Terms of Reference at Part 3, Section E of the Constitution to recognise that the Council, Executive and all committees could appoint Task and Finish Groups to carry out an in depth review of any matter considered necessary.

14. Changes to officer Terms and Conditions of Employment have meant that Members are no longer involved in determining appeals and, as a result, the Appeals Committee has not been established since the 2013/14 municipal year. The Terms of Reference for the Appeals Committee have consequently been removed.

Committee membership levels and the frequency of meetings

15. The Council, at its Annual Meeting in May, will be asked to establish Standing Committees for the 2015/16 municipal year. However, in order to facilitate a smooth process for nominations to committees following the elections, the Working Group was asked to consider making a recommendation on the number of members on each committee.
16. The Group agreed not to make any recommendation to change the membership levels of existing committees. In relation to the new Audit and Standards Committee, it was proposed that 7 members should be appointed to this committee, with substitutes to be appointed in accordance with the Substitute Protocol.
17. Consideration was given to whether, in view of the proposal to have all performance scrutinised by one committee, the number of meetings for the Performance and Finance Scrutiny Committee should be increased but it was agreed that the 6 meetings already scheduled for the Performance and Audit Scrutiny Committee should be sufficient. The Group suggested that the Audit and Standards Committee should meet up to 4 times in a municipal year, with meetings to be scheduled in line with statutory deadlines and reporting requirements to the Council's external auditors.

Social Media Protocol for Councillors

18. The Working Group, at its meeting on 6 February 2015, reviewed the Social Media Protocol for Councillors.
19. The Group discussed the guidelines for blogging and agreed that the provision which stated that Members should not use Council facilities for personal or party political blogs should be removed as it was recognised that councillors were, by nature, political.
20. It was also agreed to add wording to recognise that, where Members were restricted in using media devices during the consideration of particular items, they may need to maintain contact in the event of an emergency.
21. These changes were implemented by the Executive Head of Transformation in accordance with the authority delegated to him at Part 3 of the Constitution.

Protocol for the Recording of Council, Executive and Committee Meetings

22. The Working Group, at its meeting on 6 February 2015, reviewed the Protocol for the Recording of Council, Executive and Committee Meetings.
23. The Working Group discussed the provision for a Chairman to have discretion to stop the recording of a meeting and the examples where this would apply and considered whether guidelines should be introduced. It was, however, felt that this was a matter for the Chairman, having taken into account officers' advice. In order to reflect this, it was agreed to amend the reference in paragraph 3 to state that the Chairman will have absolute discretion to manage the recording of the meeting.
24. The Group considered the examples where a Chairman would stop the recording of a meeting and agreed that the provision relating to where a member of the public objected to being filmed or recorded should be removed.
25. The Working Group also agreed that paragraph 10 should be amended to state that, during the consideration of exempt items, Members may not **record** any part of the proceedings.
26. These changes were implemented by the Executive Head of Transformation in accordance with the authority delegated to him at Part 3 of the Constitution.

Recommendation

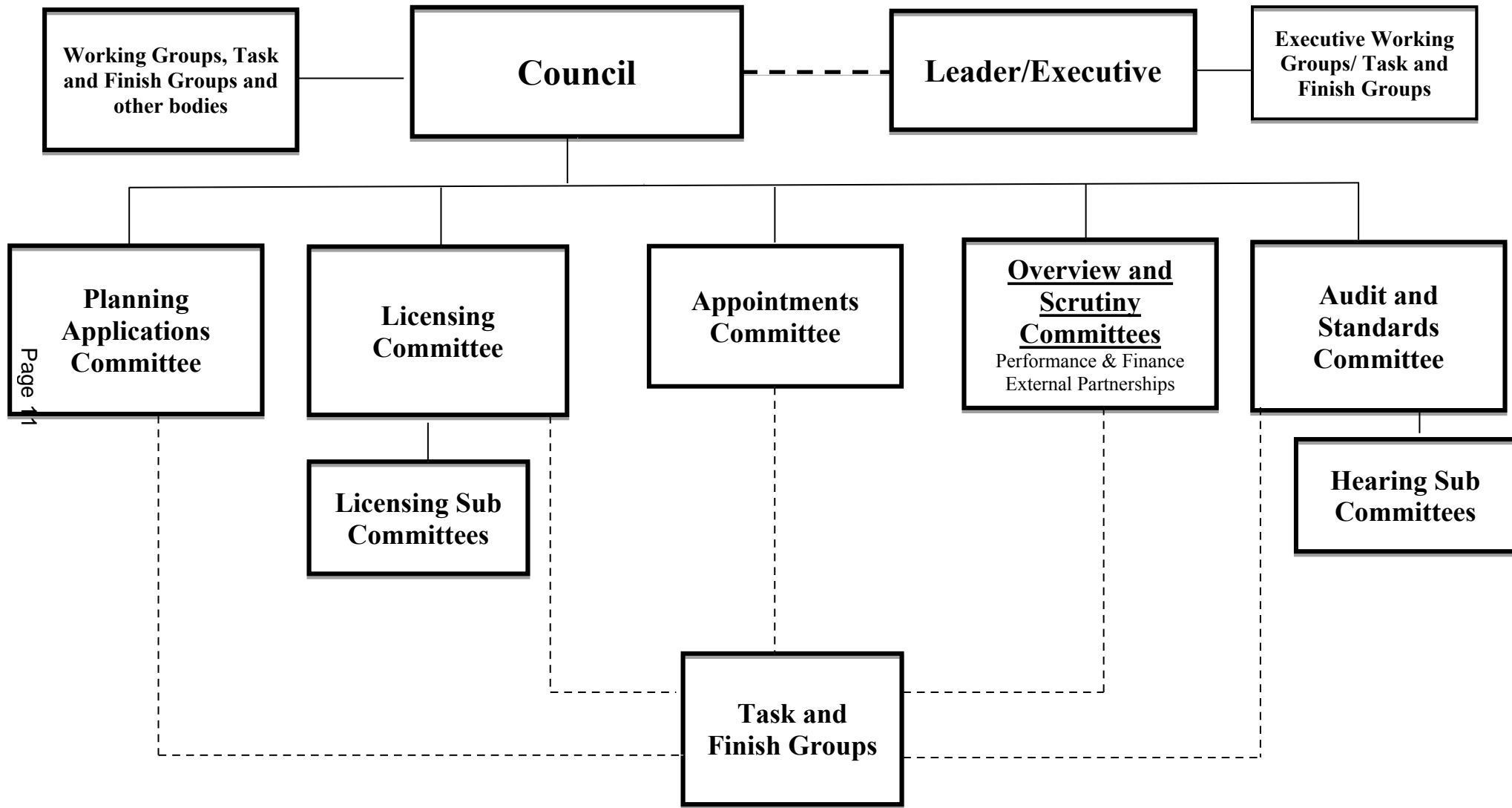
27. The Council is advised to RESOLVE that
 - (i) the revised committee structure, as attached at Annex A to these notes, be adopted;
 - (ii) the following consequential changes arising from the revised committee structure at Annex A be noted;
 - a. that the Selection Committee not be re-appointed;
 - b. that the Community Services and Performance and Audit Scrutiny Committees be replaced by a Performance and Finance Scrutiny Committee, to be responsible for the scrutiny of all of the Council's functions;
 - c. that a combined Audit and Standards Committee be established to replace the existing Standards Hearing and Determination Committee and the Audit meetings of the Performance and Audit Scrutiny Committee;
 - (iii) the revised Terms of Reference of the Executive, Committees and Other Bodies at Part 3, Section E of the Constitution, as attached at Annex B to these notes, be adopted;

- (iv) officers be authorised to make any consequential changes to Article 6, Article 9 and Article 13 resulting from the review of the Council's scrutiny arrangements;
- (v) the Scheme of Delegation of Functions to Officers be amended to authorise the Monitoring Officer to appoint members to the Hearing Sub Committees from the membership of the Audit and Standards Committee; and
- (vi) membership levels for each of the committees be as follows:

Planning Applications	16
Licensing	15
Performance and Finance Scrutiny	15
External Partnerships Select	15
Audit and Standards	7
Appointments	5

Annexes	Annex A – revised committee structure Annex B- revised Terms of Reference of the Executive, Committees and Other Bodies
Background Papers:	None
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Head of Service	Richard Payne – Executive Head of Transformation

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PART 3 - RESPONSIBILITIES FOR FUNCTIONS

SECTION E

TERMS OF REFERENCE OF THE EXECUTIVE, COMMITTEES AND OTHER BODIES

THE EXECUTIVE

The Leader is responsible for all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, unless otherwise delegated by him/her. All delegations by the Leader will be set out in Part 3 of this Constitution.

PLANNING APPLICATIONS COMMITTEE

- 1.1. Subject to 2 below, all functions relating to the Town and Country Planning and Development Control as specified in Part A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, including
 - (a) planning applications, except the determination of planning applications relating to land owned by the Council west of Park Street, Camberley
 - (b) enforcement action
 - (c) planning agreements
 - (d) lawful use or development
 - (e) advertisement control
 - (f) listed buildings
 - (g) conservation areas
 - (h) minerals and waste disposal
 - (i) hazardous substances
 - (j) development proposals by County Council and Borough
- 1.2. In exceptional circumstances, the Full Council will 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 Executive Head of Regulatory, after consultation with the Leader of the Council and Chairman of the Planning Applications Committee.
- 1.3. All functions relating to trees and hedgerows as specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- 1.4. The consideration and determination of matters arising from Part 8 of the Anti-Social Behaviour Act 2003 relating to complaints about high hedges.
- 1.5. All matters relating to Building Control functions not otherwise delegated to officers.
- 1.6. The determination of applications for Certificates of Appropriate Alternative Development under the Land Compensation Act 1961.

- 1.7. The consideration of and response to any Purchase Notice served on the Council pursuant to Section 137 Town and Country Planning Act 1990.
- 1.8. Recommend to the Leader/Executive and/or Council on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.
- 1.9. Recommend to Council, implement and keep under review a Scheme of Delegation of Functions to Officers in respect of any of the functions delegated to the Committee.

LICENSING COMMITTEE

- 1.1 All functions relating to licensing as specified in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, including:
 - (a) licensing functions under the Licensing Act 2003 (which excludes the statement of licensing policy)
 - (b) licensing functions under the Gambling Act 2005 (which excludes the statement of licensing policy)
 - (c) hackney carriage and private hire
 - (d) street trading and street markets
 - (e) caravan sites
 - (f) food hygiene and safety
 - (g) animal licensing
 - (h) sex establishments
 - (i) residual highways matters
 - (j) licensing functions under the Scrap Metal Dealers Act 2013
- 1.2 All functions relating to health, safety and welfare in connection with work and control of dangerous substances as specified in Part C of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except in relation to the Council as an employer.
- 1.3 To establish the Licensing Sub-Committee and such sub-committees and working groups as it considers appropriate.
- 1.4 To undertake any other function, not being a licensing function, referred to it by the Licensing Authority.
- 1.5 To recommend to Council, implement and keep under review, the Scheme of Delegation of Functions to officers in respect of any of the functions delegated to the Committee.
- 1.6 Where there is a right for an applicant to be given the opportunity to appear before and be heard by the Committee, to hear and determine such cases as are referred to the Committee.
- 1.7 To have power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
- 1.8 To recommend to the Leader/Executive and/or Council on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.

LICENSING SUB-COMMITTEE

Introduction

- 1.1 This is a sub-committee of the Licensing Committee which is required to be established by statute.
- 1.2 Three members, and one substitute member, being members of the Licensing Committee, will be appointed by the Executive Head of Corporate or the Democratic Services Manager to serve on the Sub Committee.

Licensing Act 2003

- 1.3 To determine applications for the following when objections or adverse representations have been submitted:
 - (i) personal licence
 - (ii) premises licence
 - (iii) club premises certificate
 - (iv) provisional statement
 - (v) variation of a premises licence
 - (vi) variation of a club premises certificate
 - (vii) variation of a designated premises supervisor
 - (viii) transfer of a premises licence
 - (ix) an interim authority (to enable someone to act as a designated premises supervisor when this post is unexpectedly vacated)
- 1.4 To determine applications for the review of premises licences or club premises certificates.
- 1.5 To consider any other matters required by the Act or Regulations.

Gambling Act 2005

- 1.6 To determine applications for the following where representations have been received and not withdrawn:
 - (i) premises licence
 - (ii) variation to a premises licence
 - (iii) provisional statement
 - (iv) review of a premises licence
- 1.7 To determine applications for the transfer of a licence where representations have been received by the Gambling Commission.
- 1.8 To determine applications for club gaming/club machine permits where objections have been made and not withdrawn.
- 1.9 To cancel club gaming/club machine permits.
- 1.10 To determine the issue of a counter notice to a temporary use notice.
- 1.11 To consider any other matters required by the Act or Regulations.

Local Government (Miscellaneous Provisions) Act 1982 (as amended)

- 1.12 To determine applications for a Sexual Entertainment Venue Licence

Scrap Metal Dealers Act 2013

- 1.13 To determine appeals relating to a decision to refuse, vary or impose conditions on a licence, or the revocation of a Scrap Metal Dealer licence.

THE OVERVIEW AND SCRUTINY COMMITTEES

1. PERFORMANCE AND FINANCE SCRUTINY COMMITTEE

- 1.1 To appoint such task and finish groups as it considers appropriate to fulfil the statutory overview and scrutiny functions;
- 1.2 To prepare and maintain an annual work programme;
- 1.3 To undertake investigations into such matters relating to the Council's function and powers as:
 - (i) may be referred by the Council or the Leader/Executive;
 - (ii) the Committee may consider appropriate;
 - (iii) have been referred to the Committee pursuant to the "call-in" procedure set out in the Scrutiny Committee Procedure Rules; and
 - (iv) have been referred to the Committee pursuant to the Councillor Call for Action Protocol at Part 4, Section C of this Constitution;
- 1.4 To advise in relation to the Council's existing policies and strategies and assist in the development of policies and strategies;
- 1.5 To consider whether decisions taken by the Leader/Executive which were not treated as key decisions, should have been so treated, as set out in the Access to Information Procedure Rules at Part 4, Section 7 of this Constitution;
- 1.6 To monitor, to review and to report to the Leader/ Executive in relation to the following:
 - (i) performance of the Council's services, including against targets in the Annual Plan;
 - (ii) financial performance;
 - (iii) treasury management;
 - (iv) reserves and provisions;
 - (v) equalities;
 - (vi) complaints;
 - (vii) corporate risk;
 - (viii) emergency planning and business continuity.
- 1.7 To scrutinise performance of Portfolio Holders.
- 1.8 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.

EXTERNAL PARTNERSHIPS SELECT COMMITTEE

- 1.9 To appoint such task and finish groups as it considers appropriate to fulfil its overview and scrutiny functions;
- 1.10 To prepare and maintain an annual work programme;
- 1.11 To undertake investigations into such matters which:
 - (i) may be referred by the Council or the Leader/Executive;
 - (ii) have been referred to the Committee pursuant to the “call-in” procedure set out in the Scrutiny Committee Procedure Rules; and
 - (iii) have been referred to the Committee pursuant to the Councillor Call for Action Protocol at Part 4, Section C of this Constitution.
- 1.12 To review services provided by other agencies and which affect the economic, social and environmental well-being of the Council's area.
- 1.13 **To scrutinise the partner organisations in receipt of grants from the Council.**
- 1.14 To scrutinise the Health and Wellbeing Boards.
- 1.15 To scrutinise the Police and Crime Panel.
- 1.16 As the Council's designated crime and disorder committee to
 - (i) review or scrutinise at least annually decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions, including matters referred to it by a ward councillor;
 - (ii) make reports or recommendations to the Council with respect to the discharge of crime and disorder functions with copies to the appropriate responsible authorities or co-operating bodies.

AUDIT AND STANDARDS COMMITTEE

1. Audit

- 1.1 At the request of the Leader/Executive, 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 by the Section 151 Officer.
- 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.

2. Standards

- 2.1 To promote standards within the Council and to monitor the operation of the Code of Conduct.
- 2.2 To establish a Hearing Sub-Committee 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.
- 2.3 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.
- 2.4 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.
- 2.5 To receive an annual report from the Monitoring Officer on Standards issues.

HEARING SUB COMMITTEE

- 1.1 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 in accordance with the Standards Hearing and Determination Meeting Procedure (Part H of the Documents which support the Constitution).

JOINT STAFF CONSULTATIVE GROUP

- 1.1 To advise the Council and the Head of Paid Service in relation to major issues of concern to the Council and its employees.
- 1.2 To consider and make recommendations in relation to any relevant matter referred to it by the Leader/Executive, a Panel or Committee of the Council, the Chief Executive, the Executive Head of Corporate, the Monitoring Officer, any of the recognised trade unions or staff representatives.
- 1.3 To negotiate and make recommendations in relation to
 - (a) amendments to the Local Terms and Conditions of Service of employees; and
 - (b) procedural agreements, including the disciplinary, dispute and grievance procedures
- 1.4 The Group may only consider collective issues and must not consider any disciplinary, grievance or grading issues relating to individuals.

APPOINTMENTS COMMITTEE

- 1.1 To shortlist and interview candidates for the post of Chief Executive and to make recommendations to Council.
- 1.2 To interview and appoint staff to the posts of Executive Head of Service and Head of Service.
- 1.3 To recommend the appointment of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.
- 1.4 To interview applicants for the role of Independent Person and to make recommendations as to the appointment to Council in accordance with Section 28 of the Localism Act 2011.

TASK AND FINISH GROUPS

- 1.1 Any of the above bodies can establish Task and Finish Groups to review in detail any matter within the scope of their Terms of Reference.
- 1.2 The appointing body will be responsible for establishing the Task and Finish Group's Terms of Reference and the timeframe in which the work will be conducted.
- 1.3 The membership of the Task and Finish Group will be set by the relevant body, on the nomination of the Group Leaders.

INDEPENDENT REMUNERATION PANEL

Introduction

- 1.1 Members of the Independent Remuneration Panel are appointed by the Chief Executive after consultation with the party group leaders and subject to all decisions being reported to Members by email.

Functions

- 1.2 To produce reports in relation to allowances payable to Members of the Council, making recommendations to the Council as to :-
 - (a) the amount of the basic allowance;
 - (b) the roles for which a special responsibility allowance will be payable and the amount of such allowances;
 - (c) any dependent carer allowances;
 - (d) travelling and subsistence allowances;
 - (e) co-optee allowances;
 - (f) pensions for members.
- 1.3 To produce reports, as required, by Parish Councils within the Borough of Surrey Heath as to:-
 - (a) any basic allowance payable to parish members;
 - (b) when the allowance should be payable;
 - (c) any appropriate travelling and subsistence allowances.

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