

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Tuesday, 9 May 2017

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, 17 May 2017 at 7.00 pm. The business which it is proposed to transact at the meeting is set out below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

1. Mayor

To elect the Mayor for the ensuing year.

2. Deputy Mayor

To elect the Deputy Mayor for the ensuing year.

3. Apologies for Absence

To report apologies for absence.

4. Minutes (Pages 5 - 14)

To approve as a correct record, the minutes of the meeting of the Council held on 12 April 2017.

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. Mayor's Announcements

7. Executive Arrangements

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

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

The Leader to advise the Council in relation to

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

8. Establishment of Committees and Review of Political Proportionality
(Pages 15 - 18)

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

9. Appointment of Members to Committees

In accordance with the allocation of seats as determined at item 8 above, and having regard to the nominations of the political groups (to be laid on the table), to appoint members to the following committees for the 2017/18 municipal year:

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

10. Appointment of Chairmen and Vice Chairmen

To appoint the Chairmen and Vice-Chairmen of the Committees established in

Item 9 above. Nominations to these positions will be laid on the table.

11. Joint Committee

To appoint a member to the Police and Crime Panel for the 2017/18 municipal year on the nomination of the Leader of the Conservative Group.

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

For the 2017/18 municipal year, to appoint the following working groups of Council, to appoint the membership thereof having regard to the nominations of the political groups, as laid on the table:

Group	Seats
The Governance Working Group	5 (3 Substitutes)
Joint Staff Consultative Group	8

13. Responsibility for Functions (Pages 19 - 28)

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

14. Shop Front Improvement Grant Scheme - The Kevin Cantlon Fund (Pages 29 - 32)

To consider the report of the Chief Executive. (attached)

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**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held at
Surrey Heath House, Camberley on
12 April 2017**

+ Cllr John Winterton (Mayor)
+ Cllr Valerie White (Deputy Mayor)

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

+ Present
- Apologies for absence presented

68/C Kevin Cantlon

The Chief Executive reported the sad news of the death of Kevin Cantlon on 3 April. Kevin had worked for the Council for 29 years and had been the Economic Development Officer at the time of his death. The Chief Executive paid tribute to his tremendous contribution to the development of the Council's Economic Development Strategy and to his close working with the Business Community to grow Surrey Heath as a place for business. Kevin had met his wife, Natalie whilst working at the Council and they had married in 2004.

The Mayor reported that he had been shocked and saddened on learning of Kevin's death and he referred to the considerable advice and guidance Kevin had given to him in his role when he became Deputy Mayor. He declared that Kevin would be sadly missed by all who knew him.

The Council stood in silence for one minute to remember Kevin.

69/C Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Nick Chambers, Ian Cullen, Jonathon Lytle, Charlotte Morley and Robin Perry.

70/C Minutes

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

RESOLVED that the minutes of the meeting of the Council held on 22 February 2017 be approved as a correct record.

71/C Mayor's Announcements

The Mayor told Members of the events he had attended recently, the majority of which had involved youth awards and the voluntary services. He had opened the new gym at Camberley Judo Club and had presented awards at the Surrey Heath Business Awards 2017 and at the Camberley Rugby Club.

The Mayor had given 3 talks entitled "Rain Gauges to Robes" and had attended a number of Civic Days at other Councils.

72/C Leader's Announcements

The Leader updated the Council in relation to the discussions at recent meetings of the Surrey Leaders' Group. She reported that Surrey County Council had made a bid to become an NNDR pilot. The Surrey District Councils had agreed to an expression of interest subject to more details on the benefits or disadvantages.

From the experience of other Surrey Authorities it was evident that in producing Local Plans local authorities would be required to provide more houses and that it was not an option not to consider Green Belt sites. There would be a need to look at every available site otherwise the developers would be likely to put them forward to the Plan Inspector.

In relation to property acquisitions, this Council had been quite conservative in its acquisitions compared to a number of other Surrey Local Authorities.

73/C Questions from Members of the Public

A question had been received from Ms Philippa Anderson under Council Procedure Rule 10 relating to a second Expression of Interest for a Garden Village at Fair Oaks.

The Leader of the Council gave an oral response. Ms Anderson asked a supplementary question to which the Leader responded.

74/C Executive, Committees and Other Bodies

(a) Executive – 7 March and 4 April 2017

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

Resolved that the minutes of the meetings of the Executive held on 7 March and 4 April 2017 be received and the recommendations therein be adopted as set out below:

- (i) **the Capital Programme for 2017/18 be increased by £613,000 in relation to the Allocation and Expenditure of Planning Infrastructure Contributions; and**
- (ii) **a 2% pay award be made for 2017/18, to be funded from within the existing salaries budget.**

- (b) External Partnerships Select Committee – 16 February 2017

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

Resolved that the minutes of the meetings of the External Partnerships Select Committee held on 16 February 2017 be received.

- (c) Planning Applications Committee – 9 March and 5 April 2017

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

Resolved that the minutes of the meetings of the Planning Applications Committee held on 9 March and 5 April 2017 be received.

- (d) Licensing Committee – 15 March 2017

It was moved by Councillor Bill Chapman, seconded by Councillor Ian Sams and

Resolved that the minutes of the meeting of the Licensing Committee held on 15 March 2017 be received.

- (e) Joint Staff Consultative Group – 16 March 2017

It was moved by Councillor Josephine Hawkins, seconded by Councillor Moira Gibson and

Resolved that the notes of the meeting of the Joint Staff Consultative Group held on 16 March 2017 be received.

- (f) Appointments Committee – 21 March 2017

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

Resolved that the minutes of the meeting of the Appointments Committee held on 21 March 2017 be received.

- (g) Performance and Finance Scrutiny Committee - 22 March 2017

It was moved by Councillor Alan McClafferty, seconded by Councillor Paul Innicki, and

Resolved that the minutes of the meeting of the Performance and Finance Scrutiny Committee held on 22 March 2017 be received.

- (h) Audit and Standards Committee – 30 March 2017

It was moved by Councillor Edward Hawkins, seconded by Councillor Bruce Mansell and

Resolved that the minutes of the meeting of the Audit and Standards Committee held on 30 March 2017 be received.

75/C Members' Allowances Scheme

The Local Government Act 2000 required all local authorities to appoint an Independent Remuneration Panel (IRP), to advise on the terms and conditions of the Scheme of Councillors' Allowances.

Members' allowances had been reviewed in 2012. At that point, allowances had been frozen for a period of one year, then indexed to Consumer Price Index for 4 years, that period finishing at the end of the 2016/17 municipal year. A review was therefore now required.

The Chief Executive, under delegated authority, had appointed the following members of the IRP, following consultation with party group leaders:

- ◆ Lucy Brown – Chief Executive, Disability Initiative
- ◆ Ian Hylan – Executive Principle, Tomlinscote School and 6th Form College
- ◆ Robin Lennie – MD, Stihl
- ◆ Paul Marcus – MD, Eagle Radio Ltd
- ◆ Mark Selby – EM3 LEP Growth Hub

The IRP had met on 6 February 2017 and had reviewed the Council's Members' Allowance Scheme. Members received the report of the IRP and were advised of its recommendations. The Chief Executive, on behalf of the Council, thanked the members of the IRP for their work on reviewing Members' Allowances.

Resolved that

- (i) the basic allowance for Members, currently £4,990, be increased annually by 1% in May 2017 and May 2018;
- (ii) a new Special Responsibility Allowance be established for the Deputy Leader, to commence at £8,600 on 17 May 2017 and to increase by 1% in May 2018 in line with other allowances;
- (iii) a Special Responsibility Allowances for the Chairman and Vice-Chairman of the Audit and Standards Committee be commensurate with those of the Chairmen and Vice-Chairmen of Scrutiny/Select Committees; and
- (iv) Special Responsibility Allowances, currently as set out below (with exception of the arrangements for Deputy Leader proposed at (ii), above), be retained and be increased by 1% per annum in May 2017 and May 2018:

	Current Allowances £	New Allowances £
The Leader	13,591	13,727
Political Group Leader	4,534	4,580
Member of the Executive	4,534	4,580
Scrutiny/Select Committee Chairmen	3,627	3,663
Scrutiny/Select Committee Vice-Chairmen	1,448	1,463
Planning Applications Committee Chairman	4,199	4,241
Planning Applications Committee Vice-Chairman	2,099	2,120
Licensing Committee Chairman	3,627	3,663
Licensing Committee Vice-Chairman	1,813	1,831
Audit and Standards Committee Chairman	3,627	3,663
Audit and Standards Committee Vice-Chairman	1,448	1,463
Mayor	4,728	4,775
Deputy Mayor	1,575	1,591

- (v) subsistence allowances match those received by Borough Council Officers; and
- (vi) car mileage payments be at the maximum rate per mile that can be paid tax-free as defined by HM Revenue and Customs or the rate for Officers, whichever is the lower.

- (vii) **subject to the proof of payment being submitted with all claims, child and dependant carer's allowances be paid as follows:**

Childcare – Up to £7.00 per hour

Carers of Dependents – up to £17.50 per hour

- (viii) **in the event that a decision on allowances cannot be made before the start of the municipal year, allowances payable to Borough Councillors for 2017/18 be backdated to 17 May 2017.**

76/C Governance Working Group

The Council received a report from the Governance Working Group which had met on 17 February and 31 March 2017. The Working Group had considered a number of issues and made recommendations for consideration by the Council.

The Council did not currently have a Protocol for Member training. As a result, there was not a clear policy against which any individual requests from Members for training could be considered. As a result the Working Group had recommended the adoption of a Member Training Policy Statement which set out a framework for providing training which supported ongoing Member development and assisted councillors with conducting their roles, whilst balancing these needs against a restricted budget.

The Working Group had reviewed the Council's Public Speaking Scheme for the Planning Applications Committee. The Working Group had recommended that the length of time allocated to each speaker be a maximum of 4 minutes. The Working Group also considered the arrangements for the circulation of material at meetings of the Planning Applications Committee and recommended an amendment.

In considering the arrangements for public speaking at meetings of the Planning Applications Committee, the Working Group had received information in relation to the number of applications called in by Members over the previous 12 months. It had been noted that on some occasions there had been a relatively high number of applications called-in by Members.

The Working Group had considered that it should only be the prerogative of ward councillors to call-in applications in their ward and had recommended that the ability to call-in an application should be limited to relevant ward councillors, the Chairman and Vice Chairman of the Planning Applications Committee. The Working Group had also recommended that the "calling-in" Member should be required to provide broad planning reasons for the call-in.

In reviewing the Planning Code of Practice for Councillors and Officers, the Working Group had recommended that, in accordance with the Probity in Planning Guidelines, all references to planning decisions being "quasi-judicial" decisions be removed and that the wording be replaced with wording from the Guidelines.

In addition the Working Group had recommended that at meetings of the Planning Applications Committee, the time restrictions within Council Procedure Rules be applied to non-committee members speaking on an application, namely that the first non-committee members could speak for up to 8 minutes, with subsequent non-committee members able to address the committee for up to 5 minutes.

In relation to the Planning Notification of an Approach form the Working Group had recommended that this requirement should be removed as it was recognised that Members routinely declared any such approaches at the meeting.

The Working Group had reviewed the wording of Paragraph 2.1 of Part 4 – Section C of the Scrutiny Committee Procedure Rules and had recommended an amendment to clarify the process for the appointment of Councillors to Scrutiny Committees.

The Working Group had also reviewed the Council Procedure Rules in relation to Rule 11 – Questions by Members. The Working Group had recommended that, in order to allow the Councillor submitting the question sufficient time to consider the response prior to the meeting, all councillors should be notified of the written question and the response by no later than 2.00pm on the day of the Council meeting.

In relation to Rule 11A- Portfolio Holder Question Time, the Working Group was of the view that the scrutiny of Portfolio Holders was covered effectively by the Performance and Finance Scrutiny Committee. The Working Group had therefore recommended that the Portfolio Holder Question Time be changed to the Leader's Question Time.

Resolved that

- (i) the Member Training Policy Statement, as attached at Annex A to the agenda report, be adopted;**
- (ii) the Public Speaking Procedural Rules at Part 4, Section E of the Constitution, insofar as they refer to Public Speaking at Planning Applications Committee, be amended as set out at Annex B to the agenda report;**
- (iii) the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution be amended as follows;**

Executive Head of Regulatory – Development Management

(Applications which are reserved for decision by the Planning Applications Committee)

“F 3 (b) any planning application, where within 28 days of the publication of the weekly list of planning applications, the Chairman or Vice Chairman of the Planning Applications Committee or a relevant ward councillor makes a request,

supported by broad planning reasons, asking the Executive Head of Regulatory to refer an application to the next appropriate meeting of the Planning Applications Committee for determination.”

(iv) the Planning Code of Practice for Councillors and Officers at Part 5 - Section D of the Constitution, be amended as set out at Annex C to the agenda report;

(v) the Committees, Sub Committees and Others Procedural Rules at Part 4 - Section D of the Constitution, insofar as it relates to the Planning Applications Committee, be amended as follows:

“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.”

(vi) Scrutiny Committee Procedure Rules at Paragraph 2.1 of Part 4, Section C of the Constitution be amended as follows:

“2.1 Only members, who are not members of the Executive, may be appointed to one or more scrutiny committee by the Council in accordance with the political proportionality requirements of the Local Government and Housing Act 1989. However, no member may scrutinise a decision which she/he has been directly involved in.”

(vii) The Council Procedural Rules, at Rule 11.3, Part 4, Section A of the Constitution be amended as follows;

“The question will be put and answered without discussion. An answer given may be given:

(a) orally;

(b) by reference to published material of the Council or that which is readily available to the members; or

(c) in writing.

The question and the written response will be circulated to Councillors by no later than 2.00pm on the day of the Council meeting.”

- (viii) **The Council Procedural Rules, at Rule 11A, Part 4, Section A of the Constitution be amended so as to remove all references to Portfolio Holder Question Time and replaced with the Leader's Question.**

77/C Leader's Question Time

The Leader responded to a question relating to the Council's membership of the Local Government Association following Surrey County Council's withdrawal from the Association.

78/C Exclusion of Press and Public

In accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs of Part 3 of Schedule 12A of the Act as set out below:

<u>Minute</u>	<u>Paragraphs</u>
79/C	1,3 and 5
80/C	1,3 and 5

79/C Council, Executive and Committees - Exempt

- (a) Executive – 7 March 2017

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

Resolved that the exempt minutes of the meeting of the Executive held on 7 March 2017 be received.

- (b) Planning Applications Committee – 9 March 2017

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

Resolved that the exempt minutes of the meetings of the Planning Applications Committee held on 9 March 2017 be received.

- (c) Appointments Committee – 21 March 2017

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

Resolved that the exempt minutes of the meeting of the Appointments Committee held on 7 March 2017 be received.

80/C Review of Exempt Items

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

Resolved that

- (i) Minute 92/E and the associated agenda report remain exempt until the completion of lease negotiations;**
- (ii) Minute 67/P and the associated agenda report remain exempt;**
- (iii) Minute 3/A be made public following the acceptance of the appointment.**

Mayor

Establishment of Committees and Review of Political Proportionality

Purpose

To appoint the Council's committees for the municipal year 2017/18 and to agree their size and their proportionality.

Background

1. The Council is asked to appoint the committees it requires for the next municipal year, agree their size, to review formally the proportional political allocation of places on committees and to adopt a scheme of proportionality for the municipal year 2017/18.
2. Set out at Annex A are the committees which it is proposed to establish for the 2017/18 municipal year and their proposed size. It also sets out the political proportionality overall.

Political Proportionality

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

<u>Conservative</u>	<u>Others Group</u>
35	5
87.50%	12.50%

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

Options

6. The Council must establish a Licensing Committee and at least one scrutiny committee (overview and scrutiny). It is for the Council to decide what other committees it wishes to establish for the discharge of its functions and good governance.
7. The Council has no option but to achieve political proportionality. Where it is not possible to achieve absolute proportionality for each committee, the scheme agreed must achieve overall proportionality across all the committees of the Council.

Proposal

8. It is proposed that the committees listed in Annex A be appointed with the composition shown. The Annex incorporates a scheme of proportionality for 2017/18. This scheme achieves the required balance between the two political groups on the Council.

Resources Implications

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

Recommendation

10. The Council is advised to RESOLVE that
 - (i) the committees as set out at Annex A be appointed with the committee sizes shown; and
 - (ii) the scheme of proportionality as set out at Annex A be adopted for 2017/18.

Background Papers: None

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

**Scheme of Proportionality
May 2017**

Committee	Conservative Group	Others Group	TOTAL
Planning Applications	14	2	16
Licensing	13	2	15
External Partnerships Select	14	1	15
Performance and Finance Scrutiny	13	2	15
Audit and Standards	6	1	7
Appointments	4	1	5
Total seats	64	9	73
% of Committee seats	87.67%	12.33%	100.00%
% of Council membership	87.50%	12.50%	100.00%

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Responsibility for Functions

Purpose

To agree the Scheme of Delegation of Functions.

Background

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

Proposal

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

Recommendation

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

Background Papers: None

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Executive Head of Service Richard Payne – Executive Head of Corporate

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PART 3 - RESPONSIBILITIES FOR FUNCTIONS

SECTION A

SCHEME FOR DELEGATION OF FUNCTIONS

1. INTRODUCTION

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

2. TYPES OF FUNCTION

- 2.1 Functions fall into the following categories:

a) Non-Executive Council Functions.

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

Council functions shall therefore comprise:

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

subsequent regulations made under the Local Government Act 2000;

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

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

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

- b) 'Local Choice' Functions.

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

- c) Shared functions

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

- d) Executive Functions.

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

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

e) Proper Officer Functions.

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

f) Delegations to Officers.

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

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

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

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

Table 1

Responsibility for non-executive functions

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

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

Table 2

Responsibility for local choice functions

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

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

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

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Shop Front Improvement Grant Scheme – The Kevin Cantlon Fund

Purpose

To consider the setting up of a Shop Front Improvement Grant Scheme called the Kevin Cantlon Fund.

Background

1. The Council's vision for making Surrey Heath an even better place to live, work and enjoy hasn't changed. Following on from major financial investment in the Borough last year we are already seeing financial results and are making good progress on key refurbishment and regeneration schemes; positioning ourselves to deliver significant town centre improvements and new housing over the next few years.
2. This report seeks approval for a Town and District Centres Shop Front Improvement Scheme to be delivered under the Council's Economic Development Strategy. The funding and procurement route for this Shop Front Improvement Scheme will be approved through the Council's Land & Property Board. Details of the scheme and how to apply will be set out in a document with a clear set of eligibility criteria.
3. The need for this scheme has come about through:
 - The High Street (Camberley) Working Group, it identified some changes it would like to make to the High Street which included the importance of improving the appearance of the streetscape and public realm as one of the main changes that would make the biggest difference to the High Street and would support the wider aspiration of regenerating the town centre. Some shops have carried out their own improvement works but the majority of units would benefit from shop front improvements. This investment would boost confidence in the area generally, and help to attract investment.
 - Work undertaken with the business associations across the Borough including Frimley and Bagshot again looking at schemes to help improve the streetscape and public realm which in turn will help attract inward investment.
4. Funding for the Scheme will come from section 106 money and the general fund. The fund supporting this scheme will be known as the Kevin Cantlon Fund. Kevin worked very closely with businesses across the borough and was an integral part of many of the business associations, he was also in the process of setting up the High Street Forum and had completed a high street inward investment study with the support of the Local Government Association which had supported

the setting up a shop front improvement scheme therefore the fund will be set up in his memory as a testament to his hard work in this area.

5. The total capital funding available for 2017/18 will be £100,000. This fund will be reviewed annually.
6. The Scheme will help to address the appearance of the area by funding and implementing physical improvements to the front elevations of existing independent businesses to create attractive, thriving town and district centres that people are proud of, that customers want to visit and will encourage further investment by the existing businesses themselves.
7. In the future the Council will work with the retail and commercial community to develop shopfront design guidelines and will consider rolling the programme out to other local centres within the borough.

Options

8. The Council has the options to adopt the setting up of a shop front improvement scheme for town and district centres called the Kevin Cantlon Fund or to amend the proposal or decline the setting up of the scheme.

Resource Implications

9. As set out above £100,000 will be put into the Kevin Cantlon Fund from Section106 contributions and the General Fund.

Recommendation

10. The Council is advised to resolve that
 - (i) a Shop Front Improvement Scheme, called the Kevin Cantlon Fund, be set up as detailed above;
 - (ii) the Corporate Capital Programme 2017/18 be increased by £100,000 to fund the setting up of the Kevin Cantlon Fund Shop Front Improvement Scheme;
 - (iii) the Chief Executive, after consultation with the Land and Property Board, be authorised to determine the funding policy and grant conditions and, thereafter, determine any applications for this Shop Front Improvement Scheme.

Annexes: None

Background Papers: None

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