

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Tuesday, 8 May 2018

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, 16 May 2018 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 - 6)

To approve as a correct record, the minutes of the meeting of the Council held on 11 April 2018.

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 7 - 10)

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 2018/19 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 8 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 2018/19 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 2018/19 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 11 - 20)

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

14. Questions from Councillors

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

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**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held at
Surrey Heath House, Camberley on
11 April 2018**

+ Cllr Valerie White (Mayor)
+ Cllr Dan Adams (Deputy Mayor)

+ 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
+ Cllr Oliver Lewis	+ Cllr John Winterton

+ Present
- Apologies for absence presented

61/C Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Bill Chapman, Katia Malcaus Cooper, Rebecca Jennings-Evans, David Lewis, Max Nelson and Ruth Hutchinson, Honorary Alderman Alan Whittart and the Chief Executive, Karen Whelan.

62/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 21 February 2018 be approved as a correct record.**

63/C Mayor's Announcements

The Mayor informed the Council of the numerous events she had attended since the last meeting. These included several Civic Balls, the Business Breakfast and the presentation of the Elizabeth Cross at Aldershot Barracks.

64/C Leader's Announcements

The Leader updated Members in relation to discussions at the Enterprise M3 Leaders' Board and the Surrey Leaders' Group. She advised that the Surrey Leaders were keen to pursue a 2nd year of the Business Rates Retention pilot. There was also to be a review of Local Area Committees.

In addition the issue of unitary authorities had again been raised, as it was understood that Secretary of State for Housing, Communities and Local Government could be reconsidering his view on this matter.

65/C Executive, Committees and Other Bodies

(a) Executive – 6 March and 3 April 2018

It was moved by Councillor Richard Brooks, seconded by Councillor Mrs Vivienne Chapman, and

Resolved that the minutes of the meetings of the Executive held on 6 March and 3 April 2018 be received.

(b) Licensing Committee – 14 March 2018

It was moved by Councillor Adrian Page, seconded by Councillor Paul Ilnicki and

Resolved that the minutes of the meeting of the Licensing Committee held on 14 March 2018 be received.

(c) Performance and Finance Scrutiny Committee – 21 March 2018

It was moved by Councillor Jonathan Lytle, seconded by Councillor Robin Perry, and

Resolved that the minutes of the meeting of the Performance and Finance Scrutiny Committee held on 21 March 2018 be received.

(Note: In relation to Executive Minute 103/E – Surrey Heath Heritage Service, the Business Portfolio Holder responded to questions concerning the future of the Service.)

66/C Leader's Question Time

The Leader responded to a question about the accommodation of Syrian Refugees in the Borough. She agreed to ask the Executive Head of Regulatory and the Regulatory Portfolio Holder to update Members by email.

Mayor

Establishment of Committees and Review of Political Proportionality

Purpose

To appoint the Council's committees for the municipal year 2018/19 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 2018/19.
2. The committees which it is proposed to establish for the 2018/19 municipal year, and their proposed size, are set out at Annex A. 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 2018/19. 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 2018/19.

Background Papers: None

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

**Scheme of Proportionality
May 2018**

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 to this report, 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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