

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Tuesday, 7 May 2019

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, Knoll Road, Camberley, GU15 3HD on Wednesday, 15 May 2019 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. Report of the Returning Officer (Pages 5 - 8)

To receive the report of the Returning Officer formally notifying the return of Borough Councillors.

4. Apologies for Absence

To report apologies for absence.

5. Minutes (Pages 9 - 12)

To approve as a correct record, the minutes of the meeting of the Council held

on 10 April 2019.

6. Declarations of Interest

Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting.

7. Mayor's Announcements

The Mayor to make their announcements.

8. Leader of the Council

To elect the Leader for a four year term of office.

9. 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;
- d) the appointment of the Deputy Leader.

10. Establishment of Committees and Review of Political Proportionality

To appoint the committees of the Council for the ensuing year, to determine the number of Members on each committee and to review the political proportionality of the committees. (Report of the Executive Head of Corporate to follow.)

11. Appointment of Members to Committees

In accordance with the allocation of seats, as determined at Item 10 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 2019/20 municipal year:

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

12. Appointment of the Chairmen and Vice-Chairmen of the Committees of the Council

To appoint Chairmen and Vice-Chairmen to the Committees established at Item 10 above. Nominations to these positions will be laid on the table.

13. Joint Committee

To appoint a Member to the Police and Crime Panel for the 2019/20 municipal year on the nomination of the Leader of the Conservative Group.

14. Appointment of Working Groups and Other bodies of the Council and the Membership thereof

For the 2019/20 municipal year, to appoint the following working groups of the Council, to appoint the membership thereof having regard to the nominations of the political groups, as laid on the table:

Working Group/ Consultative Group	Seats
Governance Working Group	5
Joint Staff Consultative Group	8

15. Responsibility for Functions (Pages 13 - 22)

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**ELECTION OF COUNCILLORS FOR THE
BOROUGH OF SURREY HEATH**

2 MAY 2019

REPORT OF THE RETURNING OFFICER

I, Karen Whelan, the Returning Officer, hereby report the results of the election of councillors for the Borough of Surrey Heath held on 2 May 2019 as follows:

Bagshot Ward

FITZGERALD, Tim	886	Elected
KAY, Sam	1,031	Elected
MALCAUS COOPER, Katia	767	
MANLEY, Colin	679	
SPENCER, Lance Patrick	795	
WEST, Stephen Peter	255	
WHITE, Valerie Florence Ann	852	Elected

Bisley & West End Ward

ALEXANDER, Martin	411	
ALLEWAY, Graham Victor George	841	Elected
EVANS, Huw	332	
HOAD, Julie Caron	457	
MANSFIELD, David John	857	Elected
MCCLELLAND, Stephen Mark	245	
PAGE, Adrian Robert	922	Elected
PRICE, Nic	792	
SHEEHAN, Mick	182	

Frimley Ward

CROKE, Sarah Jane	853	Elected
NWOKEOMA, Jefferson Felix Arinze	294	
RATIRAM, Darryl Kishand	820	Elected
WOODWARD, Julian	306	

Frimley Green Ward

BETTON, Cliff	1,012	Elected
CRUMP, Gavin Terry Pierre	190	
FARD, Attieh	519	
LEACH, Benjamin Robert	1,019	Elected
MANSELL, Bruce	601	
MYLVAGANAM, Sashi	889	Elected
NELSON, Max Jefferson	568	
WONG, Jonathan Andrew	269	

Heatherside Ward

CULLEN, Ian	855	
ILNICKI, Paul Frederick	926	
LYTLE, Jonathan Scott Allard	761	
PROWSE, Hazel Anne	357	
SKIPPER, John James	1,143	Elected
TAPPER, Graham Francis	1,261	Elected
WRENN, Kristian Jacob	1,075	Elected

Lightwater Ward

APPLEFORD, Peter Alfred	278	
BARNETT, Peter Alan	770	Elected
GALLIFORD, Sharon Rose	1,019	Elected
HALOVSKY-YU, Jarmila Caroline Vera	741	
JENNINGS-EVANS, Rebecca Philippa Jane	833	Elected
WILLGOSS, Andrew John	762	
WINTERTON, John Leonard	723	

Mytchett & Deepcut Ward

DEACH, Paul	971	Elected
FENNELL, Craig Victor	616	
HEADS, Damien Tyrone	298	
OLMO, Jacques	760	
POTTER, Joanne Daphne	603	
RISE, Morgan Alun	761	Elected
WHITCROFT, Helen Laura	835	Elected

Old Dean Ward

BATES, Rodney John	474	Elected
GARRETT, Shaun Francis	455	Elected
HOGG, Trefor Ian James	446	
ROWLANDS, Murray Chesterton	386	

Parkside Ward

CABLE, Tony	200	
FERGUSON, Cindy	435	
HAWKINS, Edward Francis	729	Elected
HAWKINS, Josephine Mary	690	Elected
TEW, Chris	325	

St Michaels Ward

CLARIDGE Richard	392	
COLES, Jill	392	
DOUGAN, Colin Stanley Robertson	583	Elected
MCCLAFFERTY Alan	538	Elected

St Pauls Ward

ADAMS, Dan	745	Elected
CHAPMAN, Vivienne Eve	802	Elected
KARIMJEE, Fiona Jane	377	
SPENCER, Miriam	327	

Town Ward

BROOKS, Richard	534	Elected
COE, Richard	373	
PERRY Robin Edward	494	Elected
RAMDAS, Vijaya	326	

Watchetts Ward

DALWOOD, Alexandra Louise	379	
LEWIS, David John	650	Elected
LORD, Joseph Thomas	324	
MORLEY, Charlotte Mary	664	Elected

Windlesham & Chobham Ward

GOODMAN, Mike	701	
GREEN, Alex	574	
HANNEY, Alexander Thomas Patrick	522	
HOOK, Alison Elaine	481	
MCGRATH, Emma Jane	1,213	Elected
TEDDER, Pat	1,426	Elected
WHEELER, Victoria Elizabeth	1,482	Elected

Returning Officer

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

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**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held at
Surrey Heath House, Camberley on
10 April 2019**

+ Cllr Dan Adams (Mayor)
+ Cllr Robin Perry (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 Chris Pitt
+ Cllr Craig Fennell	+ Cllr Joanne Potter
+ Cllr Surinder Gandhum	+ Cllr Nic Price
- Cllr Moira Gibson	+ Cllr Wynne Price
+ Cllr Edward Hawkins	+ Cllr Darryl Ratiram
+ Cllr Josephine Hawkins	+ Cllr Ian Sams
- Cllr Ruth Hutchinson	Cllr Conrad Sturt
+ Cllr Paul Ilnicki	+ Cllr Pat Tedder
- Cllr Rebecca Jennings-Evans	+ Cllr Victoria Wheeler
+ Cllr David Lewis	+ Cllr Valerie White
- Cllr Oliver Lewis	+ Cllr John Winterton

+ Present
- Apologies for absence presented

70/C Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Colin Dougan, Moira Gibson, Ruth Hutchinson, Rebecca Jennings-Evans, Oliver Lewis, Bruce Mansell and David Mansfield.

71/C Minutes

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

RESOLVED that the open and exempt minutes of the meetings of the Council held on 25 February and 27 February 2019 be approved as a correct record.

72/C Mayor's Announcements

The Mayor reported on the numerous events he had attended since the last meeting of the Council.

The Council was reminded that the Mayor's Charity Ball would be held on 26 April 2019 and all Members were encouraged to attend this event being held in support of his chosen charities.

The Mayor noted that it was the last meeting of the Council before the elections on 2 May 2019 and thanked all Members for their service over the past 4 years. He paid special tribute to those who were not re-standing.

73/C Leader's Announcements

The Leader had attended a number of meetings since the Council meeting in February, including a joint Surrey Leaders' and Chief Executives' meeting, where topics discussed had included transit sites and the county wide SHAPE project, and a meeting of the EM3 Local Enterprise Partnership. He had also attended a workshop on Illegal Encampments hosted by Runnymede Borough Council.

The Leader paid tribute to all Members who were not standing for election on 2 May 2019 and wished them well for the future.

74/C Questions from Members of the Public

The Portfolio Holder for Places & Strategy, Councillor Craig Fennell, received a question from a member of the public, Mr Tim Dodds, concerning the protection of milestones in the borough and securing Grade II listing for these assets.

75/C Executive, Committees and Other Bodies

- (a) Executive – 25 February and 19 March 2019

It was moved by Councillor Richard Brooks, seconded by Councillor Charlotte Morley, and

RESOLVED that the minutes of the meetings of the Executive held on 25 February and 19 March 2019 be received and the recommendations therein be adopted as set out below:

- **93/E – Council Finances as at 31 December 2018.**

RESOLVED that the additions to the 2018/19 capital programme and revenue budget, as set out in the Executive report, be agreed.

- (b) Planning Applications Committee – 7 March 2019

It was moved by Councillor Edward Hawkins, seconded by Councillor Valerie White, and

RESOLVED that the minutes of the meetings of the Planning Applications Committee held on 7 March 2019 be received.

- (c) Performance and Finance Scrutiny Committee – 20 March 2019

It was moved by Councillor Katia Malcaus Cooper, seconded by Councillor Edward Hawkins, and

RESOLVED that the minutes of the meetings of the Performance and Finance Scrutiny Committee held on 20 March 2019 be received.

(d) Audit and Standards Committee – 25 March 2019

It was moved by Councillor Jonathan Lytle, seconded by Councillor Paul Ilnicki and

RESOLVED that the minutes of the meetings of the Audit and Standards Committee held on 25 March 2019 be received and the recommendations therein be adopted as set out below:

- **14/AS – Appointment of a Poll of Independent Persons**

RESOLVED that the following persons be appointed to act as Independent Persons in accordance with the Localism Act 2011, until May 2023:

- Roger Pett
- Vivienne Cameron
- Bernard Quoroll
- John Smith
- Liz Lawrence
- Bill Donnelly
- Paul Eaves

76/C Leader's Question Time

The Leader received a question from Councillor Rodney Bates concerning utilising the experience of retiring councillors and to support new Members. The Leader indicated support for the proposal and agreed that this would be further considered.

77/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 item of business on the ground that it 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>
71/C (part)	3
78/C	3

78/C Executive and Committees - Exempt

(a) Executive – 25 February

It was moved by Councillor Richard Brooks, seconded by Councillor Charlotte Morley, and

RESOLVED that the minutes of the exempt meeting of the Executive held on 25 February 2019 be received.

Mayor

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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