

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Tuesday, 10 December 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 on Wednesday, 18 December 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. **Apologies for Absence**

To report apologies for absence.

2. **Minutes**

To approve as a correct record, the open minutes of the meeting of the Council held on 9 October and 7 November 2019.

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 Minute Book), to answer questions (if any) in accordance with Council Procedure Rule 11.5 and to consider the recommendations as set out below:

(a) Executive – 15 October and 19 November 2019

39/E Obelisk and Camberley Park Improvements

RECOMMENDED that

- (i) **£50,000 be made available to draw down from the Camberley Park section 106 to carry out improvement works; and**
- (ii) **the implementation of the works be delegated to the Executive Head of Business in consultation with the Portfolio Holder for Places and Strategy.**

42/E Council Finances as at 31 July 2019

RECOMMENDED that the additions to the 2019/20 capital programme, as set out in the agenda report, be agreed.

51/E Camberley Theatre Frontage & Lighting Upgrades

RECOMMENDED that

- (i) **£24,000 be added to the capital programme to fund the cost of a new lighting desk and commercial projector; and**
- (ii) **the proposal to add £125,000 to the Corporate Capital Programme for 2020/21 for the cost of the refurbished frontage be noted.**

At its meeting on 17 December 2019, the Executive will be asked to consider the following recommendations:

61/E The Council Tax Base and the Local Council Tax Support Scheme

RECOMMENDED that

- (i) the 28 day Council Tax discount for an empty unoccupied and substantially unfurnished property be removed for these properties using the freedoms given in the Local Government Finance Act 2012 and relevant statutory instruments;
- (ii) the Local Council Tax Support Scheme for Surrey Heath, approved by Council on 22 January 2013, remains unchanged for 2020/21;
- (iii) the Council Tax Exceptional Hardship Policy remains unchanged for 2020/21;
- (iv) the Executive Head of Finance be delegated to make minor changes to the Local Council Tax Support scheme so as to ensure that where applicable to income calculation it remains in line with Housing Benefit /Universal Credit changes introduced by legislation; and
- (v) incomes and applicable amounts and non-dependant deductions are uprated in line with the percentages and amounts supplied by DWP and DCLG, and applied to Housing Benefit claims.

62/E Council Finances as at 30th September 2019

RECOMMENDED that the additions to the 2019/20 capital programme, as set out in the report, be agreed.

- (b) Planning Applications Committee – 10 October and 7 November 2019
- (c) External Partnerships Select Committee – 12 November 2019
- (d) Joint Staff Consultative Group – 28 November 2019

9. Governance Working Group (Pages 5 - 38)

To receive the report of the Governance Working Group and to consider the recommendations therein.

10. Review of Political Proportionality (Pages 39 - 42)

To receive and consider the report of the Executive Head of Corporate.

11. Polling Districts and Polling Place Review (Pages 43 - 46)

To receive and consider the report of the (Acting) Returning Officer.

12. Monitoring Officer (Pages 47 - 48)

To consider the report of the Interim Deputy Chief Executive.

13. Leader's Question Time

The Leader to answer questions from Members in relation to the Executive functions.

14. 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 15, 16 and 17 below on the ground that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act."

15. Exempt minutes

To approve as a correct record, the exempt minutes of the meeting of the Council held on 9 October 2019.

16. Executive and Committees - Exempt (Pages 49 - 50)

To receive the exempt minutes (reproduced in the Council Minute Book), to answer questions (if any) in accordance with Council Procedure Rule 11.5 and to consider any recommendations.

17. Review of Exempt Items

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

Governance Working Group

Portfolio:	Non-executive function
Ward(s) Affected:	all

Purpose:

The Council is asked to

- (i) agree amendments to the Terms of Reference of the Executive, Committees and other bodies, including the formalisation of Terms of Reference for the Governance Working Group;
- (ii) agree the establishment of an Employment Committee, an Independent Panel, a Hearing Sub Committee and an Appeals Sub Committee;
- (iii) agree that the Appointments Committee's responsibilities be transferred to an Appointments Sub Committee, a subcommittee of the Employment Committee;
- (iv) agree the adoption of Terms of Reference for these bodies;
- (v) agree the introduction of grievance and disciplinary processes for Statutory Officers at Part 4, Section J of the Constitution;
- (vi) consider and agree alterations to grievance and disciplinary processes for non-statutory Tier 2 officers; and
- (vii) agree any other consequential changes arising from the above proposals.

1. Background

- 1.1. The Council, at its meeting on 4 September 2019, instructed the Working Group to review the Terms of Reference for all the Standing Committees of the Council. Furthermore, it instructed the Working Group to include the formation of an Employment Committee as an additional Standing Committee of the Council in this review.
- 1.2. The Working Group met on 5 September, 26 September, and 19 November 2019.

2. Review of the Terms of Reference of the Executive, Committees and Other Bodies.

- 2.1. In accordance with the Council's instruction to the Working Group, the Terms of Reference of the Executive, Committees and Other Bodies have been reviewed, with a few amendments proposed.
- 2.2. It is proposed to disestablish the Appointments Committee and create an Appointments Sub Committee, a sub-committee of the proposed Employment Committee as set out in paragraph 3.3 below.

- 2.3. It is also proposed to rename the current Hearing Sub Committee which considers complaints against Members of the Council as the Standards Sub Committee. This will clarify the difference between this and the proposed subcommittee of the Employment Committee, as detailed at paragraph 3.3 below.
- 2.4. The Governance Working Group does not currently have any formally adopted Terms of Reference. In order to rectify this, draft Terms of Reference have been discussed and are included at Annex A to this report.

3. Employment Committee, Sub Committees and Independent Panel

- 3.1. It has become apparent that the Council's procedures for dealing with grievance and disciplinary action relating to the Council's three Statutory Officers require further clarification. It is proposed to introduce new procedures in order to reflect best practice and meet the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 3.2. It is proposed to establish an Employment Committee, with the following areas of responsibility:
 - 3.2.1. To agree amendments to Terms and Conditions of Employment for Staff and Human Resources policies, on the recommendation of the Joint Staff Consultative Group
 - 3.2.2. To recommend any staff pay award to Council, following the competition of the established negotiation process.
 - 3.2.3. To oversee any disciplinary process for a Statutory Officer, including any suspension as deemed necessary.
 - 3.2.4. To recommend the terms of any mutually agreed departure for a Statutory Officer.
 - 3.2.5. To oversee performance and remuneration factors relating to the Head of Paid Service.
- 3.3. It is also proposed to establish 3 sub committees of the Employment Committee, as follows:
 - 3.3.1. **Hearing Sub Committee** – to appoint an Independent Investigator to undertake any investigations into disciplinary and grievance matters as necessary and consider and undertake any hearings as follows:
 - to hear and determine any grievances or disciplinary matters relating to a Statutory Officer, including referring the matter to the Council and an Independent Panel where the action proposed is dismissal

- to hear and determine any grievance or disciplinary matters against a non-statutory Executive Head of Service or Head of Service, as referred by the Head of Paid Service.
- to hear and determine any grievance raised by or against the Head of Paid Service
- to hear and determine any grievance relating to an Executive Head of Service or Head of Service, including Statutory Officers, as referred by the Head of Paid Service.

3.3.2. **Appeals Sub Committee** – to hear and determine any appeals as follows:

- any appeal by a Statutory Officer where the disciplinary action imposed falls short of dismissal
- any appeal by a non-Statutory Executive Head of Service or Head of Service relating to any disciplinary action taken against them
- any appeal relating to a grievance raised by or against a Statutory Officer or an Executive Head of Service or Head of Service.

3.3.3. **Appointments Sub Committee** – to undertake all functions currently delegated to the Appointments Committee.

- 3.4. The introduction of these procedures has provided an opportunity to review the arrangements for non-statutory Tier 2 officers (Executive Heads and Heads of Service), where it is considered that procedures could be clarified. As a result, provision has been included in the above sub-committees for the Head of Paid Service to refer disciplinary or grievances relating to a non-statutory Executive Head of Service/ Head of Service as it is recognised that there may be occasions where it would be inappropriate for them to be heard by an officer. New provision for appeals for Tier 2 officers has also been included.
- 3.5. It is also proposed to establish an Independent Panel. This Panel will meet the requirements set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. Membership of the Independent Panel will be drawn from the pool of Independent Persons appointed in accordance with the Localism Act 2011, as required by the above regulations.
- 3.6. Proposed Terms of Reference for an Employment Committee, its sub-committees and the Independent Panel have been drafted and are attached at Annex B.

4. Grievance & Disciplinary Process for Statutory Officers

4.1. The Officer Employment Rules at Part 4, Section J of the Constitution have been updated to:

- 4.1.1. Extend the authority to suspend a Statutory Officer to the Employment Committee and, where short notice is required, provide for the

Executive Head of Transformation to authorise this on the instruction of the Chairman of the Employment Committee.

4.1.2. Amend provisions for disciplinary procedures for Statutory Officers.

4.1.3. Reflect the proposals for hearing of Grievances at Member level.

4.2. The Officer Employment Rules will sit alongside a Disciplinary and Grievance Policies and Procedures for Statutory and Other Senior Officers, which will form part of the Council's HR Policies and Procedures. These Policies and Procedures provide the detail on the processes leading up to and including any hearing.

4.3. The changes relating to the disciplinary and grievance procedures have been subject to a statutory 30 day consultation with affected staff. The documents will be considered by the Joint Staff Consultative Group in January 2020 and thereafter adopted at the first meeting of the Employment Committee.

5. Scheme of Delegation of Functions to Officers

5.1. The Scheme has been amended to authorise officers to appoint Members to sub committees or Independent Persons to an Independent Panel as a result of the proposed disciplinary procedures. They also reflect the proposal to authorise the Executive Head of Transformation to suspend a Statutory Officer where urgency requires it cannot wait until a meeting of the Employment Committee is called.

5.2. It is also proposed to remove delegated authority to the Head of Paid Service to agree any changes to Staff Terms & Conditions recommended by the Joint Staff Consultative Group, as this can be conducted by the new Employment Committee. This is considered to be a more appropriate process as the previous arrangements were in practice a "paper delegation" which could only be exercised in line with the Joint Staff Consultative Group's decision.

6. Committees, Sub Committees and Other Bodies Procedure Rules

6.1. The Committees, Sub Committees and Other Bodies Procedure Rules at Part 4 of the Constitution have been updated to reflect the new Employment Committee. The Working Group is asked to consider and agree these changes.

7. Decision Making

7.1. It is proposed to require all members of the Employment Committee to undertake annual training on HR matters. It is therefore proposed to amend paragraph 13.9 of Article 13 of the Constitution as follows:

13.9 Mandatory Training

In order to facilitate good quality decision-making, Members are encouraged to attend all relevant training sessions provided by the Council. However the following training is deemed to be mandatory and members who have not

undertaken the required training will not be able to take part in the decision-making process:

<u>Training</u>	<u>Decision-making</u>	<u>Required</u>
(a) Planning	Determination of planning applications and any other related consent applications	Annually - All Members of the Planning Applications Committee All Members of the Council when determining large scale planning applications in accordance with Article 4.2 (n)
(b) Licensing	Determination of applications for licenses under the Licensing Act 2003 and Gambling Act 2005.	All Members of the Licensing Committee in order to be eligible to be appointed to the Licensing Sub Committees.
(c) Standards	The hearing and determination of complaints of member misconduct.	All members of the Audit and Standards Committee
(d) Equality	All decisions	All Members
(e) Human Resources	All decisions made by the Employment Committee and its sub committees.	Annually - All members of the Employment Committee

8. Proper Officers

- 8.1. The Local Authorities (Standing Orders)(England) Regulations 2001 require the designation of a Proper Officer to make and receive notifications in relation to the appointment and dismissal of statutory and non-statutory chief officers and deputy chief officers within the meaning of sections 2(7) and 2(8) of the Local Government and Housing Act 1989.
- 8.2. It is proposed to change the named officer from the Head of HR to the Executive Head of Transformation as the post of Head of HR no longer exists.

9. Political Proportionality

- 9.1. Political Proportionality has been reviewed, taking into account the proposal to transfer the Appointment Committee's responsibilities to a Sub Committee.
- 9.2. A committee comprising 9 Members, as set out below, would achieve perfect political proportionality.

Committee	Conservative Group	Liberal Democrats	Community	Green Party	TOTAL
Planning Applications	8	4	2	1	15
Licensing	6	4	2	1	13
Performance & Finance Scrutiny	7	4	2	0	13
External Partnerships Select	6	4	2	1	13
Audit & Standards	4	2	1	0	7
Employment	5	2	1	1	9
Total seats	36	20	10	4	70
% of Committee seats	51.43%	28.57%	14.29%	5.71%	100.00%
% of Council membership	51.43%	28.57%	14.29%	5.71%	100.00%

9.3. Furthermore, an Employment Committee containing 9 members would enable 3 new members to hear an appeal following the original Hearing Sub Committee of 3 members, whilst accommodating any potential conflicts of interest or the need for a fresh Sub Committee to conduct a related grievance, should one arise during the disciplinary process.

10. Options

10.1. The Working Group has the option to agree the changes proposed, not agree these proposals, or propose any other alternatives as considered appropriate.

11. Resource Implications

11.1. Any resource implications relating to the proposals relate to opportunity costs which can be met from within existing budgets.

12. Recommendation

12.1. The Council is advised to RESOLVE that

- (i) the Terms of Reference of the Executive, Committees and Other Bodies be amended, including the disestablishment of the Appointments Committee and the formalisation of Terms of Reference for the Working Group, as set out at Annex A to this report;
- (ii) an Employment Committee be established as a Standing Committee of the Council, with Terms of Reference as set out at Annex B to this report;
- (iii) 9 members be appointed to the Employment Committee, in line with requirements of political proportionality, with appointments to be made on the nomination of the Group Leaders;

- (iv) an Independent Panel be established, with Terms of Reference as set out at Annex B to this report;
- (v) a Hearing Sub Committee be established, with Terms of Reference as set out at Annex B to this report;
- (vi) an Appeals Sub Committee be established, with Terms of Reference as set out at Annex B to this report;
- (vii) an Appointments Sub Committee be established, with Terms of Reference as set out at Annex B to this report;
- (viii) Part 4, Section J of the Constitution be updated as set out at Annex C to this report;
- (ix) the Scheme of Delegation of Functions to Officers be updated as set out at Annex D to this report;
- (x) Part 4, Section D of the Constitution be updated, as set out at Annex E to this report; and
- (xi) Article 13 of the Constitution be updated as follows:

13.10 Mandatory Training

<u>Training</u>	<u>Decision-making</u>	<u>Required</u>
(e) Human Resources	All decisions made by the Employment Committee and its sub committees.	Annually - All members of the Employment Committee

- (xii) Part 3, Section C of the Constitution be updated as follows:;

	<u>Purpose of Appointment</u>	<u>Proper Officer(s)</u>
Local Authorities (Standing Orders)(England) Regulations 2001		
To make and receive notifications in relation to the appointment and dismissal of statutory and non statutory chief officers and deputy chief officers within the meaning of sections 2(7) and 2(8) of the 1989 Act.		Head of Human Resources Executive Head of Transformation

Annexes

Annex A – amended Terms of the Executive, Committees and Other Bodies

Annex B – Terms of Reference of the Employment Committee, its Sub Committees and the Independent Panel

Annex C – Revised Officer Employment Rules

Annex D – Revised Scheme of Delegation of Functions to Officers

Annex E – Revised Committees, Sub Committees and Other Bodies Procedure Rules

Annex F – Proposed revised Committee Structure

Annex G – Flowchart for procedure for disciplinary action against Statutory Officers

Background Papers:

[The Local Authorities \(Standing Orders\) \(England\) Regulations 2001](#)

[The Local Authorities \(Standing Orders\) \(England\) \(Amendment\) Regulations 2015](#)

Author:

Rachel Whillis – Democratic Services Manager
Rachel.whillis@surreyheath.gov.uk

Executive Head of Service:

Richard Payne – Executive Head of Corporate

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 **paragraph 1.2** 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 **reserve 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 make recommendations to the Executive or Council on the Council's activities and working relationships with external partners.**
- 1.15 To scrutinise the Health and Wellbeing Boards.
- 1.16 To scrutinise the Police and Crime Panel.
- 1.17 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.
- 1.6 **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**

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.

STANDARDS 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 **to the Employment Committee** 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.

GOVERNANCE WORKING GROUP

- 1.1 **To keep under review the Constitution and make any recommendations to the Full Council on revisions to existing constitutional documents, the addition of documents to the Constitution, or the removal of documents from the Constitution, as considered appropriate.**
- 1.2 **To keep under review the Documents which Support the Constitution, and make any recommendations to the Executive Head of Corporate on revisions to existing Documents which Support the Constitution, the addition of documents to the list of Documents which Support the Constitution, or the removal of documents from the Documents which Support the Constitution, as considered appropriate**
- 1.3 **To keep under review the Terms of Reference of the Executive, Committees and Other Bodies, including a full review at the beginning of every Council term.**
- 1.4 **To review the membership levels of the committees prior to the end of an annual term, or as necessary.**
- 1.5 **To consider any matters relating to the Council's governance, as directed by the Full Council.**

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Employment Committee

1. To agree amendments to Terms and Conditions of Employment for Staff and Human Resources policies, as referred by the Joint Staff Consultative Group.
2. To recommend the annual staff pay award to the Council.
3. In accordance with the procedures at Part 4, Section J of the Constitution, to oversee any disciplinary allegations regarding disciplinary matters relating to the Statutory Officers of the Council, namely the Head of Paid Service, Monitoring Officer, and Chief Finance Officer (Section 151 Officer), or any grievances raised by or against a Statutory Officer.
4. To set the Terms of Reference for an Independent Investigation as relevant.
5. To receive any reports from the Independent Investigator and refer any matters to a Hearing Sub Committee, as appropriate.
6. To decide whether to suspend a Statutory Officer.
7. To make recommendations to the Council for any mutually agreed departures for a Statutory Officer.
8. To undertake any review of the remuneration for the Head of Paid Service including, where relevant, incremental progression, or any payments in accordance with the Exceptional Payments Policy, and make any relevant recommendations to the Council.
9. To review all appraisals for the Head of Paid Service.

Appointments Sub Committee

1. This Sub Committee is a sub-committee of the Employment Committee, to be made up of 5 members of the Employment Committee, to be appointed by the Executive Head of Corporate.
2. To shortlist and interview candidates for the post of Chief Executive and to make recommendations to Council.
3. To interview and appoint staff to the posts of Executive Head of Service and Head of Service.
4. To recommend the appointment of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.
5. 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.

Hearing Sub Committee

1. This Sub Committee is a sub-committee of the Employment Committee, to be made up of 3 members of the Employment Committee, to be appointed by the Executive Head of Corporate.
2. To appoint an Independent Investigator to investigate any grievances or allegations of misconduct against any Statutory Officer or any grievances against a Statutory Officer and commission reports from an Independent Investigator.
3. To hear and determine any grievance or disciplinary matters relating to a Statutory Officer.
4. Where the disciplinary action proposes dismissal, to refer the decision to an Independent Panel and the Council.
5. To hear any grievance or disciplinary matters against an Executive Head of Service or Head of Service, as referred by the Head of Paid Service.
6. To hear and determine any grievance raised by or against a Statutory Officer.

Appeals Sub Committee

1. This Sub Committee is a sub-committee of the Employment Committee to be made up of 3 members of the Employment Committee, to be appointed by the Executive Head of Corporate.
2. To hear and determine any appeals made by a Statutory Officer in respect of any disciplinary action taken against them by the Council, with the exception of where the Council has made a decision to dismiss that officer.
3. To hear and determine any appeal regarding disciplinary action taken against any Executive Head or Head of Service.
4. To hear and determine any appeal relating to a grievance raised by or against a Statutory Officer or an Executive Head of Service or Head of Service.

Independent Panel

1. To review any recommendations to dismiss a Statutory Officer and compile a recommendation to the Full Council in respect of this decision.

PART 4 - PROCEDURAL RULES
SECTION J
OFFICER EMPLOYMENT RULES

1. Recruitment and appointment

1.1 Declarations

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- (b) No candidate so related to a councillor or an officer will be appointed without the authority of the Chief Executive or an officer nominated by him/her.

1.2 Seeking support for appointment

- (a) Subject to paragraph (c), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) Subject to paragraph (c), no councillor will seek support for any person for any appointment with the Council.
- (c) Nothing in paragraphs (a) and (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service (Chief Executive), Executive Heads of Service and Heads of Service

Where the Council proposes to appoint the Head of Paid Service (Chief Executive), Executive Heads of Service, and Heads of Service and it is not proposed that the appointment be made exclusively from among existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph 1 to be sent to any person on request.

3. Appointment of Head of Paid Service (Chief Executive)

- (a) The Full Council will approve the appointment of the Head of Paid Service (Chief Executive) following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least the Leader or one Member of the Executive.
- (b) The Full Council may only make or approve the appointment of the Head of Paid Service (Chief Executive) where no well-founded objection, as determined by the Monitoring Officer, has been made by the Leader or any Member of the Executive.

4. Appointment of Monitoring Officer and Section 151 Officer (Chief Finance Officer)

- (a) The Full Council will approve the appointment of the Monitoring Officer and Section 151 Officer (Chief Finance Officer).
- (b) The Full Council may only make or approve the appointment of the Monitoring Officer and Section 151 Officer (Chief Finance Officer) where no well-founded objection, as determined by the Monitoring Officer, has been made by the Leader or any Member of the Executive.

5. Appointment of Executive Heads of Service and Heads of Service

- (a) A committee or sub-committee of the Council will appoint the Executive Heads of Service and Heads of Service. That committee or sub-committee must include at least the Leader or one Member of the Executive.
- (b) An offer of employment as the Executive Heads of Service or Head of Service will only be made where no well-founded objection, as determined by the Monitoring Officer, from the Leader or any Member of the Executive has been received.

6. Other appointments

(a) Officers below Head of Service

Appointment of officers below Heads of Service level is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.

(b) **Deputy Monitoring Officer and Deputy Section 151 Officer**

The appointment of the Deputy Monitoring Officer is the responsibility of the Monitoring Officer and the appointment of the Deputy Section 151 Officer is the responsibility of the Section 151 Officer.

7. **Disciplinary action**(a) **Suspension**

The Head of Paid Service, Monitoring Officer and the Section 151 Officer may be suspended by the Council, the Employment Committee or, where short notice is required, by the Executive Head of Transformation on the instruction of the Employment Committee Chairman for up to 10 working days pending further decision by the Employment Committee, whilst an investigation takes place into alleged misconduct.

That suspension will be on full pay and last no longer than two months.

(b) **~~Independent Panel~~ Disciplinary Process**

~~No disciplinary action may be taken in respect of the Head of Paid Service, the Monitoring Officer or the Section 151 Officer, except the action described in (a) above, other than in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.~~

Any disciplinary action taken in respect of a Statutory Officer will be conducted in accordance with the following:

- (i) Any allegations of misconduct will be referred to the Employment Committee which will decide whether to appoint an Independent Investigator to investigate the allegations or whether no further action should be taken.
- (ii) Where an investigation is appointed, the Employment Committee will receive the investigator's report and consider whether to refer the matter to a Hearing Sub Committee, or whether no further action should be taken.
- (iii) A Hearing Sub Committee will consider whether the allegations are substantiated and, if so, whether one of the following outcomes is appropriate:
 - a) Dismissal;
 - b) Disciplinary action short of dismissal;
 - c) Informal action, such as training or mentoring;
 - d) No further action.

(iv) In cases where the recommended action is dismissal of a Statutory Officer, his includes the appointment of an Independent Panel will be appointed in accordance with Regulations¹ and the decision maker must have regard to (A) any advice, views and recommendations of the panel, (B) the conclusions of any investigation into the proposed dismissal and (C) any representations from the relevant officer.

(v) In cases where the recommended action is dismissal of a Statutory Officer, the decision will be referred to the Full Council for decision, having followed the process at (iv) above.

(vi) An Appeals Sub Committee will consider any appeals by a Statutory Officer to any disciplinary action taken against them where the action imposed falls short of dismissal.

Any initial disciplinary action taken in respect of non-statutory Executive Heads of Service and Heads of Service will be dealt with under authority delegated to the Head of Paid Service. However, it may on occasion be appropriate for a matter to be referred by the Head of Paid Service to Members, in which case the matter will be conducted in accordance with (i) – (iii) above.

An Appeals Sub Committee will consider any appeals by a non-Statutory Executive Head of Service and Heads of Service to any disciplinary action taken against them.

All Disciplinary processes considered by Councillors will be carried out in accordance with the Disciplinary & Grievance Policy and Procedure for Statutory and Other Senior Officers in the Council's HR Policies and Procedures.

(c) Officers below Head of Service

Councillors will not be involved in the disciplinary action against any officer below Head of Service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

8. Dismissal

Councillors will not be involved in the dismissal of any officer below Head of Service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's

¹ Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

9. Grievances

- (a) Any grievances raised by or against a Statutory Officer will be heard by a Hearing Sub Committee. Any appeals will be heard by an Appeals Sub Committee.
- (b) Any grievances raised by or against a non-Statutory Executive Head of Service or Head of Service may be referred by the Head of Paid Service for determination by a Hearing Sub Committee where reasons of impartiality, or other relevant considerations, make it appropriate to do so. Any appeals relating to such grievances will be referred to an Appeals Sub Committee for determination.
- (c) All Grievances considered by Councillors will be carried out in accordance with the Disciplinary & Grievance Policy and Procedure for Statutory and Other Senior Officers in the Council's HR Policies and Procedures.

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PART 3 – RESPONSIBILITIES FOR FUNCTIONS

SECTION B

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS (extract)

Head of Paid Service

	Authority	Function
1.	<p>To make all decisions in relation to Human Resources functions in accordance with the Council's Policies and within budgetary provision, except (a), (b), (c), <u>and</u> (d), and (e) below which are reserved to Full Council, <u>(e) which is reserved to the Employment Committee</u>, and (f) which is reserved to the Appointments <u>Sub</u> Committee:</p> <p>(a) the appointment of the Chief Executive and the statutory posts;</p> <p>(b) amendments to Terms and Conditions of Employment for Staff and Human Resources Policies where there are additional budget implications or where there is no unanimous decision by the Joint Staff Consultative Group;</p> <p>(c)(b) the adoption of the annual Pay Policy Statement;</p> <p>(d)(c) the approval of and amendments to the Pension Policy Statement;</p> <p>(e)(d) the settlement of any staff pay award;</p> <p><u>(e) amendments to Terms and Conditions of Employment for Staff and Human Resources Policies; and</u></p> <p>(f) the appointment of Executive Heads <u>and Heads of Service</u>.</p>	Non-executive

The Monitoring Officer

	Authority	Function
2.	To appoint members to the Hearing Standards Sub Committee from the membership of the Audit and Standards Committee.	Non Executive

Executive Head of Corporate

Members Meetings and the Constitution

	Authority	After Consultation with	Function
1.	<u>To appoint members to the Hearing Sub Committee from the membership of the Employment Committee</u>	<u>Chairman of the Employment Committee</u>	<u>Non-executive</u>
2.	<u>To appoint members to the Hearing Sub Committee from the membership of the Employment Committee</u>	<u>Chairman of the Employment Committee</u>	Non-executive
3.	<u>To appoint members to the Appeals Sub Committee from the membership of the Employment Committee</u>	<u>Chairman of the Employment Committee</u>	Non-executive
4.	<u>To appoint Independent Panel members, when required, in accordance with the provisions at Part 4, Section J of the Constitution</u>	<u>Chairman of the Employment Committee</u>	Non-executive

Executive Head of Transformation

Human Resources

	Authority	After Consultation with	Function
	<u>To suspend a Statutory Officer at short notice in accordance with the provisions set out at Part 4, Section J of the Constitution</u>	<u>Chairman of the Employment Committee</u>	Non-executive

PART 4 - PROCEDURAL RULES

SECTION D

COMMITTEES, SUB COMMITTEES AND OTHER BODIES PROCEDURE RULES (extract)

COMMITTEES AND SUB-COMMITTEES - GENERAL

4. Who may sit on Committees

4.1 All councillors may be members of a committee except:

- (a) At least 2 members of the Employment Committee will be members of the Executive.
- (b) At least one member of the Executive will be appointed to an Appointments Sub Committee
- (c) At least one member of the Executive will be appointed to a Hearing Sub Committee
- (d) At least one member of the Executive will be appointed to an Appeals Sub Committee
- (e) No more than 25% of the employer's representatives on the Joint Staff Consultative Group will be members of the Executive.
- (f) No more than 10% (rounded up) of members appointed to the Planning Applications Committee will be members of the Executive.
- (g) No more than 10% (rounded up) of members appointed to the Licensing Committee will be members of the Executive.

6. Chairing Committees

6.5 No member of the Executive will chair any meeting of the Planning Applications Committee, the Licensing Committee or the Joint Staff Consultative Group or be the vice-chairman of that Group.

12. Who May Attend

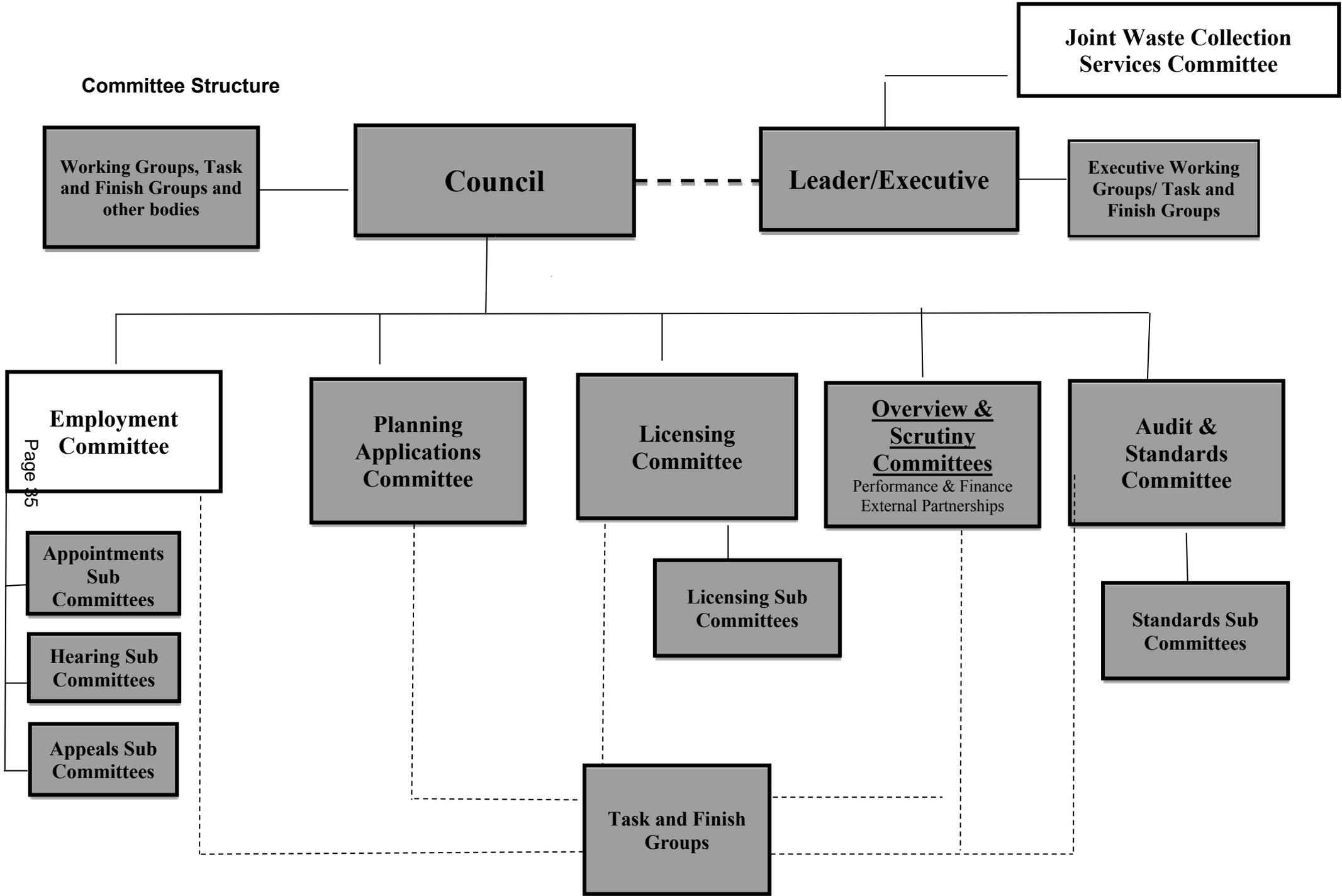
12.2 With the exception of ~~the an~~ Appointments Sub Committee, a Hearing Sub Committee, an Appeals Sub Committee and the Joint Staff Consultative Group, or the Employment Committee when considering any items on Part II of the agenda, any councillor may attend any committee or sub-committee meeting.

STANDARDS HEARING SUB COMMITTEE

20 Procedure at meetings of ~~Hearing Standards~~ Sub Committees

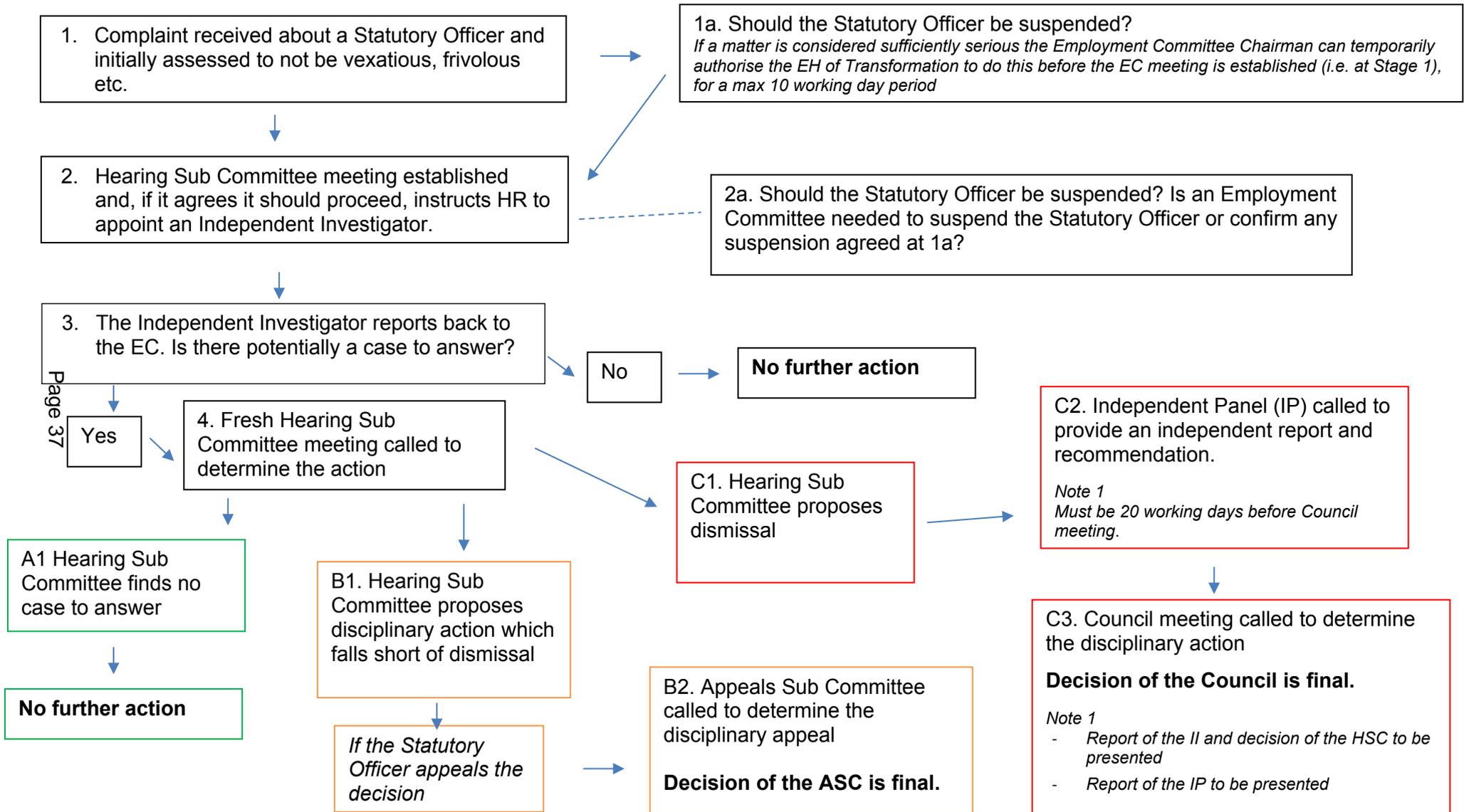
When a written allegation of a complaint against a member of the Borough Council or a parish council within the Borough Council's area has been received, the Sub Committee will follow a set procedure which is set out in the Documents which support the Constitution.

Committee Structure



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Procedure for disciplinary action against Statutory Officers



1a. Should the Statutory Officer be suspended?

If a matter is considered sufficiently serious the Employment Committee Chairman can temporarily authorise the EH of Transformation to do this before the EC meeting is established (i.e. at Stage 1), for a max 10 working day period

2a. Should the Statutory Officer be suspended? Is an Employment Committee needed to suspend the Statutory Officer or confirm any suspension agreed at 1a?

No further action

C2. Independent Panel (IP) called to provide an independent report and recommendation.

Note 1
Must be 20 working days before Council meeting.

C3. Council meeting called to determine the disciplinary action

Decision of the Council is final.

Note 1
- Report of the IP and decision of the HSC to be presented
- Report of the IP to be presented

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Review of Political Proportionality

Portfolio:	Non-executive function
Ward(s) Affected:	n/a

Purpose

To review the political proportionality of committees to reflect any changes to the Standing Committees of the Council agreed by the Council on the recommendation of the Governance Working Group.

Background

1. The Governance Working Group, at its meetings on 5 September, 26 September and 19 November 2019, recommended the establishment of an Employment Committee and the discontinuation of the Appointments Committee. The Governance Working Group’s proposals are the subject to a separate item on this agenda and, should they be agreed, it will be necessary to amend the Scheme of Political Proportionality.
2. As a result of the proposed changes to the number of members appointed to committees, the Council is asked to review the proportional and to adopt a revised scheme of proportionality.
3. Annex A sets out the political proportionality for committees and the overall political proportionality to reflect the Governance Working Group’s proposals.

Political Proportionality

4. The Local Government and Housing Act 1989 requires seats on committees to 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. Where there has been a change in the division of members into political groups, local authorities are required to review political proportionality as soon as practical.
5. The number of seats of each group on the Council and the resulting percentages are now as follows:

<u>Conservative Group</u>	<u>Liberal Democrats Group</u>	<u>Community Group</u>	<u>Green Group</u>
18 51.43%	11 28.57%	5 14.29%	2 5.71%

6. 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

7. The Council can choose to adopt the revised scheme of proportionality as set out at Annex A. Alternatively, Members can suggest an alternative scheme.
8. These amendments are subject to the Council adopting the recommendations of the Governance Working Group.
9. 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.
10. The Executive is not required to be proportionally balanced.

Proposal

11. The Annex incorporates a revised scheme of proportionality for 2019/20 to reflect the changes in group membership. This scheme achieves the required balance between the four political groups on the Council.
12. Any nominations in respect of the revised memberships of the Committees will be laid on the table or announced at the meeting.

Resources Implications

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

Recommendation

14. The Council is advised to RESOLVE that the revised scheme of proportionality as set out at Annex A be adopted.

Background Papers: None

Author: Rachel Whillis - Democratic Services Manager
rachel.whillis@surreyheath.gov.uk

Executive Head of Service: Richard Payne – Executive Head of Corporate

**Scheme of Proportionality
December 2019**

Committee	Conservative Group	Liberal Democrats Group	Community Group	Green Group	TOTAL
Planning Applications	8	4	2	1	15
Licensing	6	4	2	1	13
Performance and Finance Scrutiny	7	4	2	0	13
External Partnerships Select	6	4	2	1	13
Audit and Standards	4	2	1	0	7
Employment	5	2	1	1	9
Total seats	36	20	10	4	70
% of Committee seats	51.43%	28.57%	14.29%	5.71%	100.00%
% of Council membership	51.43%	28.57%	14.29%	5.71%	100.00%

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Polling District and Polling Place Review

Portfolio:	Non-executive function
Ward(s) Affected:	All

Purpose:

To further consider revised polling arrangements for the Frimley ward and the Windlesham (South) polling district.

1. Background

- 1.1. The Council at its meeting on 9 October 2019 considered a report on a recent Review of Polling Districts and Polling Places which had been undertaken in accordance with statutory requirements. The review had taken place in July 2019.
- 1.2. The Council, whilst agreeing the revised schedule of polling districts and polling places, deferred decisions relating to the Frimley Ward and Windlesham (South) polling district.

2. Frimley Ward

- 2.1. Currently the Frimley Ward is divided in 2 Polling Districts and the designated polling places are Lakeside School (Frimley East) and St Peters Church Hall (Frimley West). During the May 2019 elections representations had been received from School concerning its continued use as a polling place. The concerns related to the need to close the School on polling day and the consequential disruption to the pupils' education. Options for using alternative sites within the School, which would enable it to remain open on polling day, have been reviewed but are not considered to be suitable.
- 2.2. In addition, whilst 2019 may have been unusual in terms of the number of elections, Lakeside School has had to be closed on 3 occasions, 2 of which were not known well in advance.
- 2.3. As part of the consultation and engagement exercise undertaken in July 2019 options had been offered relating to the continued use of Lakeside School or the creation of a single polling district for the Frimley Ward so that all electors would vote at St Peters Church Hall and use of the school would cease.
- 2.4. Six responses had been received during the consultation, all of which supported discontinuing the current arrangements and indicated a support for St Peters being the designated polling station for the entire ward.
- 2.5. Ward members' views had been sought on the proposal to cease using Lakeside School and for all voters to move to St Peters Church Hall. Both ward councillors, whilst indicating a preference to continue with the current

arrangements of Lakeside School, were understanding of the Council aspirations to stop using schools as polling places wherever possible.

- 2.6. As part of the further review all the options for a polling place for Frimley (East) had been revisited as follows:

	Proposal	Issues
1.	To use the Baptist Church in Balmoral Drive, Frimley as a polling place	The Church is outside the polling district boundaries and its use would cause confusion for electors within Frimley Green ward who would pass it to attend their allocated station.
2.	To redraw the polling district boundaries to accommodate use of the Baptist Church.	The issue outlined above would still apply.
3.	To retain the existing arrangements at Lakeside School	This doesn't meet the Council aspirations to stop using schools as polling places wherever possible and there would be continued disruption to the School.
4.	To retain the existing arrangements at Lakeside School, with using an alternative classroom to enable to School to remain open.	Safeguarding issues and access issues for voters with disabilities have been identified.
5.	To identify other suitable premises within the polling district.	Investigations have been made. Tomlinscote School are not able to allow use of any of their buildings. No other suitable premises have been identified.
6.	To create a single polling district for the Frimley Ward so that all electors would vote at St Peters Church Hall	This would enable use of the school to cease. Although some voters would have further to travel but this is within acceptable distances and similar to other wards in the Borough.

3. Windlesham (South)

- 3.1. The Chertsey Road Hall, the polling place for the Windlesham (South) polling district, is likely to close at the end of 2019. However the new owners of the Hall have not yet indicated whether it would continue to be available for use as a polling station.

- 3.2. As a result investigations have been made into the use of alternative premises. The new Windlesham Field of Remembrance Pavilion is the preferred option to replace Chertsey Road Hall. However the trustees have indicated that it is unlikely to be available for use as a polling place as they do not want to disturb bookings by regular users.
- 3.3. Investigations on further alternative premises are continuing but are unlikely to be resolved before the New Year. In addition it will be necessary to conduct further consultation in relation to any new proposals.

4. Resource Implications

- 4.1. There are no financial implications arising from this report.

5. Proposal

- 5.1. In relation to Frimley Ward it is suggested that Option 6 above be pursued.
- 5.2. In relation to the Windlesham (South) polling district it is proposed that investigations continue and that authority be delegated to the (Acting) Returning Officer, after consultation with ward councillors, to designate a polling place.

6. Recommendation

- 6.1. The Council is advised to RESOLVE that
- (i) a single polling district be created for the Frimley ward and the designated polling place for all voters be St Peters Church Hall, Parsonage Way, Frimley;
 - (ii) investigations continue to identify a polling place for NA-Windlesham (South) polling district; and
 - (iii) the (Acting) Returning Officer, after appropriate public consultation, including consultation with ward councillors, be authorised to designate a polling place for the NA-Windlesham (South) polling district; the decision to be reported to Council at the earliest opportunity.

Background Papers: [Polling District and Polling Places Review Consultation Document](#)

[Responses to the Polling District and Polling Places Review Consultation](#)

Annexes None

Author: Rachel Whillis – Democratic Services Manager
rachel.whillis@surreyheath.gov.uk

**Executive Head of
Service:**

Richard Payne – (Acting) Returning Officer

Monitoring Officer

Portfolio	n/a
Ward(s) Affected:	n/a

Purpose
To consider the appointment of the Monitoring Officer.

Background

1. The Council is required by Section 5 of the Local Government and Housing Act 1989 to designate one of its officers as the officer responsible for performing the duties imposed by this section (known as the Monitoring Officer). The duties of this post must be carried out personally.
2. The Council’s Constitution at Article 12 designates the post of Head of Legal Services as the Monitoring Officer. The Monitoring Officer Protocol at Part 5, Section J of the Constitution also states that the responsibilities of the Monitoring Officer role rest with the Head of Legal Services. The Head of Legal Services, Karen Limmer, retired in July 2019.
3. At its meeting on 9 October 2019, the Council agreed, as an interim arrangement, that Mr Richard Payne be designated as the Council’s Monitoring Officer until December 2019, when a further report would be presented.
4. The Head of Legal Services post was advertised in November 2019, with an appointment expected to be made in the early part of 2020. It is therefore proposed to extend Mr Payne’s appointment as Monitoring Officer until such time an appointment is made to the post of Head of Legal Services.

Proposal

5. It is proposed to appoint Mr Richard Payne as Monitoring Officer until further notice.

Recommendation

6. The Council is advised to RESOLVE that Mr Richard Payne be designated as the Council’s Monitoring Officer until further notice.

Background Papers: [Local Government and Housing Act 1989](#)

Author: Tim Pashen Interim Deputy Chief Executive
e-mail: tim.pashen@surreyheath.gov.uk

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