

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Tuesday, 1 December 2020

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, 9 December 2020 at 7.00 pm, or on the rising of the Executive meeting. The business which it is proposed to transact at the meeting is set out below.

Please note that this meeting will be recorded and live streamed on
<https://www.youtube.com/user/SurreyHeathBC>

Yours sincerely

Tim Pashen

(Acting) Chief Executive

1. Apologies for Absence

To report apologies for absence.

2. Minutes

To approve as a correct record, the minutes of the meetings of the Council held on 14 October and 4 November 2020.

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 – 20 October and 17 November 2020

53/E - Use of CIL to fund the provision of ducting for future CCTV and Internet upgrades in Camberley Town Centre

RECOMMEND to Full Council that a capital bid for £150,000 for the funding of works to provide new ducting for CCTV and Internet cabling in Camberley town centre as part of the current public realm project be agreed.

70/E Acquisition of Night Stop Property

RECOMMENDED to Full Council that

- (i) the acquisition be funded from the funds remaining in the Affordable Housing Reserve; and**
- (ii) any capital works needed be funded from the Affordable Housing Reserve, with a report being taken to Property Investment Working Group to advise of costs.**

71/E Development of a transit site in Surrey

RECOMMENDED to Council an increase to the Capital Programme the sum of £127,000 as a one off contribution to the construction of a Gypsy and Traveller Transit site at a location in Surrey.

At its meeting on 9 December 2020 the Executive will be asked to consider the following recommendation:

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

RECOMMEND to Full Council that

- (i) the 28 day Council Tax discount for an empty unoccupied and substantially unfurnished property remain at 0% 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 2021/22.
- (iii) the Council Tax Exceptional Hardship Policy remains unchanged for 2021/22;
- (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.

- (b) Planning Applications Committee – 15 October and 12 November 2020
- (c) Employment Committee – 8 October 2020
- (d) Licensing Committee – 21 October 2020
- (e) Audit and Standards Committee – 23 November 2020
- (f) Joint Staff Consultative Group – 26 November 2020

9. Governance Working Group (Pages 5 - 12)

To consider the report of the Executive Head of Corporate (attached).

10. Food Poverty in Surrey Heath (Pages 13 - 14)

To consider the report of the Executive Head of Transformation (attached).

11. Urgent Action (Pages 15 - 18)

To note Urgent Action taken in accordance with the Scheme of Delegation of Functions to Officers.

12. Leader's Question Time

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

13. 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 14 and 15 below on the ground that they involve the likely disclosure of exempt information as defined in paragraphs 3 of Part 1 of Schedule 12A of the Act.”

14. Executive and Committees - Exempt (Pages 19 - 20)

15. Review of Exempt Items (Pages 21 - 22)

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 consider the recommendations of the Governance Working Group in relation to:

- (i) Questions at Council by Members of the Public, Questions at Council by Councillors, and Leader’s Question Time;
- (ii) Constitutional changes proposed arising from reports by Browne Jacobson and the Monitoring Officer; and
- (iii) Minor amendments to the Scheme of Delegation of Functions to Officers

1. Background

- 1.1. The Working Group met on 12 November 2020. At this meeting it considered a number of issues and made recommendations which are addressed below.

2. Questions at Council

- 2.1. The Working Group reviewed the procedures for questions at meetings of the Council, including the procedures concerning Questions from Members of the Public, Questions from Councillors, and Leader’s Question Time.

- 2.2. The procedures for Questions by Members of the Public were considered and it was proposed to update the Procedure Rules by:

- a. Increasing the time allocated for Questions from 15 to 30 minutes;
- b. Clarifying that questions would be heard in the order received and, where an individual submitted more than one question, one question would be prioritised and all others heard after any questions from other members of the public;
- c. Clarifying that any questions received that are not able to be heard within the 30 minutes will receive a written response from the relevant Member;
- d. Limiting the length of a question to 125 words, with any words exceeding that cut from the published question;
- e. Clarifying that responses to questions will be published by 2pm on the day of the meeting;
- f. Stating that criticism directed at a named officer will not be accepted; and
- g. Giving authority to the Executive Head of Corporate in consultation with the Monitoring Officer to defer or reject a question received during the pre-election period.

- 2.3. The Working Group discussed the procedures for Questions by Councillors and agreed to update the wording to clarify that answers to questions must be published by 2pm on the day of the meeting. With the exception of a minor

typographical change, it was agreed not to make any changes to the procedures for Leader's Question Time.

3. Executive Procedure Rules – Individual Decision Making – Recommendations from the Browne Jacobson Report

- 3.1. The Working Group considered changes to Executive Procedure Rules to reflect the following recommendation in the Browne Jacobson report on the investigation into the decision to award the previous Chief Executive an Additional Duties Allowance:

152 The Constitution be amended to require that, wherever the Leader makes a delegated decision, any advice he/she receives in relation to that decision is recorded in writing and any requests for advice are similarly recorded.

- 3.2. The Working Group proposed that the recommendations made in the Browne Jacobson report be adopted by explicitly stating at paragraph 10.3 of the Executive Procedure Rules that any advice sought or received by a Member must be recorded.

4. Release of Securities – Recommendations from the Monitoring Officer's Report

- 4.1. The Working Group considered proposed amendments to the Constitution arising from the recommendations in the Monitoring Officer's report on the decision to release a Local Land Charge on Field 81, Pennypot Lane, Chobham.

- 4.2. The Working Group recommended that the wording in paragraph 13 of Article 13 of the Constitution be extended to include the release of any securities in the definition of a Key Decision. It also proposed to include a paragraph in both the Scheme of Delegation of Functions to Officers and Financial Regulations stating that no officer was permitted to release any security, warranty or guarantee in favour of the council, unless contractually obliged to do so, without the written approval of the Section 151 Officer, or the Executive or relevant committee. Paragraph 5 in the Scheme of Delegation's General Principles would also be extended to include a more general reference to Finance, budgets and Financial Regulations.

5. Scheme of Delegation of Functions to Officers

- 5.1. The Working Group recommended that the Scheme of Delegation be updated in respect of Licensing functions to include two additional Acts, which had inadvertently been omitted in the list of relevant legislation under which decisions were taken. It is proposed to insert the following pieces of legislation in the Executive Head of Community's licensing function delegations:

- a. The Town and Police Clauses Act 1847
- b. Local Government (Miscellaneous Provisions) Act 1976

5.2. The Working Group also proposed an addition to the Appendix of the General Principles in the Scheme of Delegation. This new section will reflect the authority given to the Executive Head of Community to be the designated officer in relation to current Coronavirus Regulations and any subsequent legislation, the authority given to named officers to enforce these regulations, and provide similar authority for officers to act in response to any future pandemics.

6. Options

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

7. Resource Implications

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

8. Recommendation

8.1. The Council is advised to RESOLVE that

- (i) Paragraph 3 of Public Speaking Procedure Rules at Part 4, Section E of the Constitution be amended, as set out at Annex A to this report;
- (ii) Paragraph 11 of Council Procedure Rules at Part 4, Section A of the Constitution be amended as follows:

11.3 Response

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

~~(a)~~ orally;

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

~~(b)~~ in writing.

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

- (iii) Paragraph 11A of Council Procedure Rules at Part 4, Section A of the Constitution be amended as follows

11A.1 The purpose of Leader's Question Time is to allow Members to ask questions of the Leader which relate to **his**/her area of responsibility.;

- (iv) paragraph 10.3 of the Executive Procedure Rules at Part 4, Section B of the Constitution be updated as follows:

*“As soon as reasonably practicable after an Executive decision has been taken by the Leader or an individual member of the Executive or a key decision taken by an officer, the Chief Executive will prepare a record of the decision, a statement of the reasons for it, **any advice sought or received from officers, and the options considered**”.*

- (v) Paragraph 13.3 (b) (i) of Article 13 of the Constitution be is updated as follows:

Key Decisions

- (i) Key decisions are those:

- likely to result in expenditure, **release of any securities (except where any release is pursuant to a contractual obligation)** or savings of at least £100,000 or £100 million if it relates to treasury management matters **or there may otherwise be an impact on the Council’s financial standing**; or
- likely to have a significant impact on people or organisations in two or more wards within the Borough
- which are made in the course of developing proposals to the Council to amend the policy framework;

- (vi) Paragraph 5 of the General Principles of the Scheme of Delegation of Functions to Officer at Part 3, Section B of the Constitution be updated as follows:

5. Finance and Budgets

5.1 **Financial Regulations at Part 4 of this Constitution contain a number of authorisations to officers. All financial decisions made by officers must be taken in accordance with Financial Regulations or as otherwise authorised in this Scheme of Delegation.**

5.2 **No officer may release any security, warranty or guarantee in favour of the Council, unless contractually obliged to do so, without the written approval of the Council’s Section 151 officer or the Executive/ relevant Committee;**

- (vii) paragraph 6.6 of Financial Regulations at Part 4, Section H of the Council’s Constitution be updated to include the following:

6. Debt Write-Off and Release of Securities

6.6.3 **No officer may release any security, warranty or guarantee in favour of the Council, unless contractually obliged to do**

so, without the written approval of the Council's Section 151 officer or the Executive/ relevant Committee.

(viii) the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution be updated as follows:

a) The Executive Head of Community's licensing delegations be updated to include the following Acts:

- a. The Town and Police Clauses Act 1847**
- b. Local Government (Miscellaneous Provisions) Act 1976;**
and

b) The following section be inserted in the Appendix to the General Principles

10. Response to Pandemics

10.1 The Executive Head of Community is appointed as the designated officer for the purposes of the following legislation:

- 1) The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (as amended)**
- 2) The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 (SI 2020/684), as amended**
- 3) The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (SI 2020/1008) (as amended)**
- 4) The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020**
- 5) The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (SI 2020/1005)**
- 6) The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (SI 2020/791), as amended.**

and any subsequent relating legislation.

10.2 The following officers are appointed for the purposes of the enforcement of the above regulations:

- a. Any Environmental Health Officer**
- b. Any Licensing Officer.**

10.3 The Executive Head of Community will be appointed as the designated officer or equivalent in response to a national or local pandemic, as declared by the Government or Surrey Local Resilience Forum. The Executive Head of Community and Head of Legal will be authorised to

appoint officers to undertake any necessary enforcement arising from the pandemic.

Annexes	Annex A – Proposed changes to the Public Speaking Rules at Part 4 of the Constitution
Background Papers:	None
Author:	Rachel Whillis – Democratic Services Manager Rachel.whillis@surreyheath.gov.uk
Executive Head of Service:	Richard Payne – Executive Head of Corporate

PART 4 - PROCEDURAL RULES

SECTION E

PUBLIC SPEAKING PROCEDURE RULES (extract)

3. QUESTIONS BY THE PUBLIC AT COUNCIL MEETINGS

- 3.1 Except at the Annual Meeting, a ~~period-maximum~~ of ~~fifteen-thirty~~ minutes will be allocated to allow members of the public, or formally constituted public groups or bodies previously registered with the Executive Head of Corporate, to ask questions of an Executive Portfolio Holder or Chairman of any Committee provided
- (a) it is relevant to some matter over which the Council has powers or duties or which specifically affects the Borough or part of it, or its residents; and
 - (b) it does not relate to planning or licensing applications or personal, exempt or confidential matters.
- 3.2 Questions will be heard in the order received. Where an individual submits more than one question for a meeting, one question of their choice will be prioritised and included in the order received, with any further questions heard after any questions received from other members of the public. Any questions that have not been heard once the thirty minutes have passed will receive a written response from the relevant Member.
- 3.3 Questions must be limited to 125 words. Any words exceeding this limit will not be published or considered as part of the question.
- 3.4 Questions that contain criticism directed at a named officer will be rejected by the Executive Head of Corporate. In such cases, the questioner will be given an opportunity to submit a revised question.
- 3.5 The Member to whom the question is directed may choose whether to answer the question orally at that time or defer for a written response within seven days. Questions and written responses will be published by 2pm on the day of the meeting.
- 3.63 The questioner will be permitted to ask a short supplementary question provided it is relevant to the original question and does not introduce a new subject matter. The Member to whom the question is directed may choose whether to answer the question orally at that time or defer for a written response within seven days.
- 3.74 Questions and responses will not be matters for debate.

- 3.85 Any person or body wishing to ask a question must submit the question in writing to the Executive Head of Corporate at least three clear working days before the Council meeting (i.e. if the meeting is on a Wednesday, the question must be received by 5 pm on the preceding Thursday).
- 3.96 If the Executive Head of Corporate decides that the proposed question does not meet the criteria in 3.1(a) and (b) above he/she will reject it and advise the questioner accordingly.
- 3.10 The Executive Head of Corporate, in consultation with the Monitoring Officer, has discretion to reject or defer a question received for a Council meeting in the pre-election period.

Food Poverty in Surrey Heath

Portfolio	Support & Safeguarding
Ward(s) Affected:	All

Purpose: To extend the criteria for the SH Food Poverty Scheme agreed at the Full Council meeting on 4 November 2020

1. Background

- 1.1. At the Council meeting on 4 November 2020, it was agreed as a last resort to allocate up to £20,000 from the Community Fund Grant Scheme specifically for charities and community groups to provide meals and a healthy food provision for vulnerable children during the school holiday periods until 31 May 2021. This is a last resort position as the holiday meal provision primarily resides with the Government and Surrey County Council.

2. Current Position

- 2.1 The Government amended its policy on 9 November 2020 to provide the necessary funds to Surrey County Council to enable the supply a school meal service during the holiday periods for those eligible until December 2021. . This has meant the Council's decision is not as relevant as previously expected.

3. Proposal

- 3.1. It is suggested that Members amend the decision agreed on 4 November 2020 to broaden the scheme criteria to enable local registered organisations to apply for the allocated funds to provide food, to those experiencing poverty within Surrey Heath. This would not preclude the funds being used for the purpose agreed on 4 November 2020, in the event that the situation on Government funding for holiday meal provision changes.
- 3.2. This decision would enable local organisations to apply for grants to address immediate need, pending the review of the grants schemes by the Executive in February 2021.

4. Resource Implications

- 4.1. To use the £20,000 allocated from the Community Fund Grant Scheme.

5. Recommendation

- 5.1. The Council is advised to RESOLVE that the criteria for awarding grants from the £20,000 allocated from the Community Fund Grant Scheme, for providing meals and healthy food provision for vulnerable children and families during school holiday periods until May 2021, be broadened to enable local

registered organisations to apply for funds to provide food to those experiencing poverty within Surrey Heath.

Annexes: None

Background Papers: Council Motion 4th November 2020

Author: Jayne Boitout - Community Partnership Officer
Jayne.boitout@surreyheath.gov.uk

Executive Head: Louise Livingston - Executive Head of Transformation

Urgent Action

Summary

To advise the Council of urgent action taken by officers pursuant to the Scheme of Delegation of Functions to Officers.

Wards Affected

Not applicable

Recommendation

The Council is advised to NOTE the urgent action taken under the Scheme of Delegation of Functions to Officers.

1. Resource Implications

1.1 The resource implications are as set out at Annex A.

2. Key Issues

2.1 In accordance with the Scheme of Delegation of Functions to Officers, urgent action has been authorised, as set out at Annex A.

3. Options

3.1 There are no options for the Council to consider as the action has been taken.

4. Supporting Information

4.1 The Scheme of Delegation of Functions to Officers, provides for the Chief Executive, Executive Heads of Service and Heads of Services to determine, after appropriate consultation, matters of an urgent nature which are not in contravention of established policies of the Council, budgets set, or are key decisions, which will not admit of delay until the next ordinary meeting of the Council, Executive or Committee concerned. All such decisions which are matters reserved to the Council have to be reported to the next meeting of the Council.

Annexes	Annex A - Urgent Action Decision Form
Background papers	None
Author and contact details	Rachel Whillis – Democratic Services Manager rachel.whillis@surreyheath.gov.uk
Head of service	Richard Payne – Executive Head of Corporate

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Surrey Heath Borough Council

Scheme of Delegation of Functions to Officers

Urgent Action Form – Council Function

Consultation by Chief Executive or Executive Head of Service or Head of Service involved with the Mayor (or Deputy Mayor) and the Leader.

To Councillor	Cllr Alan McClafferty (Leader) and Cllr Pat Tedder (Mayor)
Proposal	<p>The Executive Head of Community be appointed as the designated officer for the purposes of the following legislation:</p> <ol style="list-style-type: none"> 1) The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (as amended) 2) The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 (SI 2020/684), as amended 3) The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (SI 2020/1008) (as amended) 4) The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 5) The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (SI 2020/1005) 6) The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (SI 2020/791), as amended. <p>And any subsequent relating legislation.</p> <p>And that the following officers be appointed for the purposes of the enforcement of above regulations:</p> <ol style="list-style-type: none"> a. Any Environmental Health Officer b. Any Licensing Officer.
Background	<p>At the meeting of Full Council in April 2020, the Executive Head of Community was appointed as the designated officer for the purposes of The Health Protection (Corona, Business Closure) (England) Regulations 2020. However these regulations have now been revoked and replaced and extended by those above.</p> <p>The delegation of the authority to make all decisions in accordance with the Council's adopted policies in respect of the above legislation is to be considered for addition to the Council's Scheme of Delegation of Functions to Officers shortly by the Governance Working Group. It is anticipated this will be considered by Full Council in December 2020.</p>
Options	N/A
Risk of delaying the	The Council is unable to carry out actions in respect of the above

decision	legislation including any necessary enforcement action.
Legal advice	
Resource implications	Additional Government funding has been provided to spend on COVID-19 related compliance and enforcement activities
Contact Officer for further information	Frances Soper - 01276 707390
Decision Making Officer – Chief Executive/ Relevant Executive Head	Tim Pashen (Executive Head of Community)

Signed _____ (Executive Head of Community) Dated _____

(signed by email)

I agree with the above action proposed

Signed _____ (Leader) Dated _____

(signed by email)

I agree with the above action proposed

Signed _____ (Mayor) Dated _____

(signed by email)

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