

## SURREY HEATH BOROUGH COUNCIL

Surrey Heath House  
Knoll Road  
Camberley  
Surrey  
GU15 3HD

Tuesday, 3 May 2022

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, 11 May 2022 at 7.30 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

Damian Roberts

Chief Executive

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**1. Mayor**

To elect the Mayor for the ensuing year.

**2. Deputy Mayor**

To elect the Deputy Mayor for the ensuing year.

**3. Apologies for Absence**

To report apologies for absence.

**4. Minutes (Pages 5 - 12)**

To approve as a correct record, the minutes of the meeting of the Council held on 20 April 2022.

**5. Declarations of Interest**

Members are invited to declare any Disclosable Pecuniary Interests and non-

pecuniary interests they may have with respect to matters which are to be considered at this meeting.

**6. Mayor's Announcements**

**7. Executive Arrangements (Pages 13 - 14)**

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

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

The Leader to advise the Council in relation to

(a) the arrangements for the exercise of executive functions for the ensuing year;

(b) the appointment of councillors to the Executive;

(c) the individual portfolios to be allocated to the Portfolio Holders.

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

To appoint the committees of the Council for the ensuing year and to review the political proportionality of the committees. (Report of the Head of Legal & Democratic Services attached).

**9. Appointment of Members to Committees**

In accordance with the allocation of seats as determined at item 8 above, and having regard to the nominations of the political groups (to be laid on the table), to appoint members to the following committees for the 2022/23 municipal year:

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

**10. Appointment of Chairmen and Vice Chairmen**

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

Item 8 above. Nominations to these positions will be laid on the table.

**11. Joint Committee**

To appoint a member to the Police and Crime Panel for the 2022/23 municipal year on the nomination of the Leader of the Conservative Group.

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

For the 2022/23 municipal year, to appoint the following working groups of Council, to appoint the membership thereof having regard to the nomination of the political groups, as laid on the table:

<b>Group</b>	<b>Seats</b>
The Governance Working Group	5 (4 Substitutes)
Joint Staff Consultative Group	8

**13. Responsibility for Functions (Pages 19 - 28)**

To consider the report of the Head of Legal & Democratic Services in relation to the Scheme for Delegation of Functions (attached).

**14. Questions from Councillors**

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

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**MINUTES OF A MEETING OF SURREY  
HEATH BOROUGH COUNCIL held at  
Surrey Heath House, Camberley on  
20 April 2022**

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+ Cllr Sarah Jane Croke (Mayor)  
+ Cllr Helen Whitcroft (Deputy Mayor)

+ Cllr Dan Adams	- Cllr David Lewis
- Cllr Graham Alleway	+ Cllr Emma-Jane McGrath
* Cllr Peter Barnett	- Cllr Charlotte Morley
+ Cllr Rodney Bates	+ Cllr Alan McClafferty
+ Cllr Cliff Betton	+ Cllr Sashi Mylvaganam
- Cllr Stuart Black	* Cllr Liz Noble
+ Cllr Richard Brooks	+ Cllr Adrian Page
+ Cllr Vivienne Chapman	+ Cllr Robin Perry
+ Cllr Paul Deach	+ Cllr Darryl Ratiram
+ Cllr Colin Dougan	+ Cllr Morgan Rise
+ Cllr Tim FitzGerald	Cllr John Skipper
+ Cllr Sharon Galliford	+ Cllr Graham Tapper
+ Cllr Shaun Garrett	+ Cllr Pat Tedder
+ Cllr Mark Gordon	+ Cllr Victoria Wheeler
+ Cllr Edward Hawkins	+ Cllr Valerie White
+ Cllr Josephine Hawkins	+ Cllr Kristian Wrenn
Cllr Rebecca Jennings-Evans	

+ Present

- Apologies for absence presented

\* In attendance virtually but did not vote

**70/C Suspension of Council Procedure Rules**

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

**RESOLVED that Council Procedure Rule 21.2 (requirement to stand) be suspended for the meeting.**

**71/C Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Graham Alleway, Peter Barnett, Stuart Black, David Lewis, Charlotte Morley, and Liz Noble. It was noted that some councillors had joined the meeting virtually but would not be entitled to vote.

**72/C Minutes**

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

**RESOLVED that the minutes of the meeting of the Council held on 23 February 2022 be approved as a correct record.**

### **73/C Report of the Returning Officer**

The Council received the report of the Returning Officer in relation to results of the by election of a councillor for the Bisley & West End Ward of the Borough of Surrey Heath held on 14 April 2022 and noted that Liz Noble had been elected.

### **74/C Mayor's Announcements**

The Mayor shared a video presenting the numerous events she had attended since the last Council meeting. She also paid tribute to the residents of the borough for their efforts in relation to the collections for Ukraine.

### **75/C Leader's Announcements**

The Leader reflected on the Council's many achievements during the previous 12 months, thanked Councillors and Officers and highlighted its priorities for the coming year.

### **76/C Executive, Committees and Other Bodies**

- (a) Executive – 28 February and 15 March 2022

It was moved by Councillor Alan McClafferty, seconded by Councillor Colin Dougan, and

**RESOLVED that the minutes of the meetings of the Executive held on 28 February and 15 March 2022 be received.**

- (b) Performance and Finance Scrutiny Committee – 17 February and 9 March 2022

It was moved by Councillor Sashi Mylvaganam, seconded by Councillor Valerie White, and

**RESOLVED that the minutes of the meetings of the Performance and Finance Scrutiny Committee held on 17 February and 9 March 2022 be received.**

- (c) External Partnerships Select Committee – 1 March 2022

It was moved by Councillor Vivienne Chapman, seconded by Councillor Morgan Rise, and

**RESOLVED that the minutes of the meeting of the External Partnerships Select Committee held on 1 March 2022 be received.**

- (d) Joint Staff Consultative Group – 3 March and 29 March 2022

It was moved by Councillor Graham Tapper, seconded by Councillor Josephine Hawkins, and

**RESOLVED that the minutes of the meetings of the Joint Staff Consultative Group held on 3 March and 29 March 2022 be received.**

**77/C Motions**

It was moved by Councillor Rodney Bates and seconded by Councillor Sharon Galliford that

“the Council

- (i) notes
  - a. that since 2001, over 600 communities across the UK have secured Fairtrade status;
  - b. that Surrey County Council achieved Fairtrade status in September 2015 and that Rushmoor, Guildford and Addlestone also have Fairtrade status within its vicinity;
  - c. the principles of an area with Fairtrade status namely any community that:
    - supports Fairtrade and deepens understanding of the benefits that Fairtrade brings;
    - takes action by choosing Fairtrade products whenever possible and encourages others to do likewise;
    - achieves and continues to take action on the five Fairtrade goals set by the Fairtrade Foundation;
- (ii) believes that Fairtrade is an important value within our community and that we should take positive action towards achieving Fairtrade status across the Borough;
- (iii) supports Fairtrade and serve Fairtrade products wherever possible and practical at Council events, meetings and within Council buildings;
- (iv) promotes awareness and understanding of Fairtrade across Surrey Heath using its Council communication channels and to highlight the Council’s commitment to this principle;
- (v) establishes a local Fairtrade steering group including representatives from this Council, local business, education, relevant community groups and the faith community to develop a Fairtrade campaign and action plan for Fairtrade status; and
- (vi) submits the application for formal Fairtrade status for the Borough of Surrey Heath by no later than 31 March 2023.”

It was moved by Councillor Sashi Mylvaganam and seconded by Councillor Graham Tapper that the motion be amended by

- 1. inserting at the end of (i)c “- that the cost of living crisis has put Surrey Heath residents under huge pressure and, as a result, the cost implications of

Fairtrade status should be established before the Borough fully commits to it”;

2. inserting a paragraph stating “requests the Chief Executive to undertake a cost analysis of the Council committing to Fairtrade status and submits that analysis to the Performance and Finance Scrutiny Committee;”
3. amending (ii) by inserting “subject to the cost implications” between ‘that’ and ‘we’; and
4. amending (vi) by deleting “by not later than 31 March 2023” and inserting “after referral to the Performance and Finance Scrutiny Committee who should make a recommendation to a future meeting of the Full Council.”

Members discussed the potential resource implications associated with undertaking the action requested in the motion and heard differing views on the expected cost to the Council. It was also suggested that the actions sought in the amendment could involve greater resource than those required from the original motion. The amendment was put to the vote and lost.

## **RESOLVED**

### **(i) to note**

- a. that since 2001, over 600 communities across the UK have secured Fairtrade status;
- b. that Surrey County Council achieved Fairtrade status in September 2015 and that Rushmoor, Guildford and Addlestone also have Fairtrade status within its vicinity;
- c. the principles of an area with Fairtrade status namely any community that:
  - supports Fairtrade and deepens understanding of the benefits that Fairtrade brings;
  - takes action by choosing Fairtrade products whenever possible and encourages others to do likewise;
  - achieves and continues to take action on the five Fairtrade goals set by the Fairtrade Foundation;

**(ii) that the Council believes Fairtrade is an important value within its community and that it should take positive action towards achieving Fairtrade status across the Borough;**

**(iii) supports Fairtrade and serve Fairtrade products wherever possible and practical at Council events, meetings and within Council buildings;**

**(iv) that awareness and understanding of Fairtrade be promoted across Surrey Heath using its Council communication channels and to highlight the Council’s commitment to this principle;**



- (v) that a local Fairtrade steering group be established including representatives from this Council, local business, education, relevant community groups and the faith community to develop a Fairtrade campaign and action plan for Fairtrade status; and**
- (vi) that the application for formal Fairtrade status be submitted for the Borough of Surrey Heath by no later than 31 March 2023.**

#### **78/C Governance Working Group**

The Council received a report from the Governance Working Group on the issues it had discussed at its meeting on 8 April 2022. The Group had reviewed and made a number of recommended changes to the Council Procedure Rules, the Executive Procedure Rules, and the Committees, Sub Committees and Other Bodies Procedure Rules. These documents had been reviewed as part of the holistic review of the Constitution being undertaken by the Monitoring Officer.

Members reviewed the changes proposed to the Council Procedure Rules, in particular the proposal to remove the section on the State of the Borough debate. The Working Group had recognised that the State of the Borough debate had not been used in previous years. Also, as it was something that could be carried out at the Leader's discretion, if the Leader was inclined to make such an address he could do so during Leader's Announcements.

#### **RESOLVED that**

- (i) Council Procedure Rules be amended, as set out at Annex A to the agenda report;**
- (ii) the Executive Procedure Rules be amended, as set out at Annex B to the agenda report; and**
- (iii) the Committees, Sub Committees and Other Bodies Procedure Rules be amended, as set out at Annex C to the agenda report.**

#### **79/C Committee Memberships**

The Council was required by law to allocate seats in proportion to the political composition of the Council, with the aggregate membership of all the committees also being proportionate. The Council received a report setting out a proposed revised scheme of proportionality following the Bisley & West End ward by-election on 14 April 2022. Members also noted revised memberships proposed by the respective Group Leaders to the Planning Applications Committee and the Performance & Finance Scrutiny Committee.

It was moved by Councillor Alan McClafferty, seconded by Councillor Sashi Mylvaganam and

**RESOLVED that the revised the scheme of proportionality, as set out at Annex A to the agenda report, be adopted for the remainder of the 2021/22 municipal year.**

**80/C Leader's Question Time**

The Leader of the Council, Councillor Alan McClafferty, confirmed to Councillor Morgan Rise that he would be happy to meet with Mytchett & Deepcut ward councillors to discuss the problem of fly tipping in Bellew Road.

Following a question from Councillor Mark Gordon on the reintroduction of the Green Waste Service, the Council was informed that two collection cycles would be completed for existing customers before the scheme was opened to new customers at the end of May 2022.

The Leader and the Portfolio Holder for Support & Safeguarding, Councillor Shaun Garrett, updated Members on the current position on Ukrainian refugees in the borough, in response to questions from Councillor Rodney Bates and Councillor Sashi Mylvaganam. The Leader also undertook to seek further clarity from Michael Gove MP on the Government's proposals on the removal of asylum seekers to Rwanda, including confirmation that Ukrainian refugees would not be affected by this policy.

In response to a question from Councillor Liz Noble, the Leader confirmed that he had worked with the Chief Executive to review the processes for reviewing and signing off communications sent to residents.

Following a question from Councillor Vivienne Chapman the Leader undertook to submit suggestions on highlighting popular facilities within the borough in the next edition of Heathscene.

**81/C Exclusion of Press and Public**

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

<u>Minute</u>	<u>Paragraphs</u>
82/C	3
83/C	3

**82/C Urgent Action**

The Council noted Urgent Action undertaken in accordance with the Scheme of Delegation of Functions to Officers.

## **83/C Review of Exempt Items**

The Council reviewed the items which had been considered at the meeting following the exclusion of members of the press and public as they involved the likely disclosure of exempt information. It was agreed that the principles of the decision and its budgetary implications should be made public, but the Council would need to advise its relevant partners of this decision prior to any release of any information.

**RESOLVED that the principles of the decision contained in the Urgent Action reported at minute 82/C and its overall budgetary impact be made public following discussions with the Council's relevant partners.**

Mayor

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## Part 8 of the Constitution

### The Leader and Executive Portfolios

#### Leader

Camberley Town Centre Policy  
 Civic Events  
 Corporate Employer  
 Council Communications  
 Democratic Services and Constitutional Issues  
 Income generation  
 Overarching Council Strategies and Plans  
 Property Acquisition and Disposal  
 Regeneration  
 Regional and National Issues  
 Town Twinning

#### Economic Development & Transformation

Asset Management  
 Car Parking  
 Corporate Property;  
 Data Protection & Freedom of Information;  
 Economic Development;  
 ICT & Digital.  
 Service Transformation

#### Finance & Customer Service

Budgets Capital  
 Budgets Revenue  
 Contact Centre  
 Customer Service  
 Financial Governance  
 Procurement  
 Revenues and Benefits  
 Treasury Management

#### Environment & Health

Air Quality;  
 Climate Change Action  
 Corporate Enforcement  
 Emergency Planning & Business Continuity  
 Environmental Enforcement  
 Environmental Health  
 Health and Safety  
 Health & Wellbeing  
 Licensing (not Licensing Committee)  
 Recycling and Waste Collection (including JWS)  
 Street Cleansing

#### Housing, Safeguarding & Support

Community Safety  
 Corporate Safeguarding  
 Disabled Facility Grants  
 Emergency Accommodation  
 Equalities & Diversity  
 Family Support, including resettlement Grants  
 Housing and Homelessness  
 Registered Social Landlords  
 Voluntary Sector & Community Partnerships.

#### Leisure, Culture & Community

Camberley Leisure Centre  
 Camberley Theatre  
 Community Events  
 Community Services  
 Grounds Maintenance, including verge maintenance  
 Heritage Services  
 Leisure and Sports Facilities  
 Parks & Open Space Management  
 Sports Development

#### Planning & Control

Building Control  
 Community Infrastructure Levy  
 Development Management  
 Flooding & Drainage  
 Gypsy, Traveller & Travelling Show People  
 Local Land Charges  
 Local Plan  
 Planning Enforcement Policy  
 Planning Policy  
 Street Naming and Numbering  
 Tree Preservation  
 Urban Design and Heritage

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**Surrey Heath Borough Council**  
**Council**  
**11 May 2022**

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**Establishment of Committees and Review of Political  
Proportionality**

**Head of Service** Gavin Ramtohal - Head of Legal & Democratic Services  
**Report Author:** Rachel Whillis – Democratic Services Manager  
**Wards Affected:** n/a

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**Summary and purpose**

To appoint the Council's committees for the 2022/23 municipal year and to agree their size and their proportionality.

**Recommendation**

The Council is advised to RESOLVE that

- (i) the committees as set out at Annex A be appointed with the committee sizes shown; and
- (ii) the scheme of proportionality as set out at Annex A be adopted for 2022/23.

**1. Background and Supporting Information**

- 1.1 The Council is asked to appoint the committees it requires for the next municipal year, agree their size, to review formally the proportional political allocation of places on committees and to adopt a scheme of proportionality for the 2022/23 municipal year.
- 1.2 The committees which it is proposed to establish for the 2022/23 municipal year, and their proposed size, are set out at Annex A. It also sets out the political proportionality overall.
- 1.3 The Local Government and Housing Act 1989 requires local authorities to review annually committee membership and political representation. By law, seats on committees must be allocated in proportion to the political composition of the Council. Only with no councillor voting against such a decision, can an authority decide that it wishes to adopt an arrangement other than a proportional one.
- 1.4 Five groups have been formed: the Conservative Group, the Liberal Democrats Group, the Community Group, the Camberley Independents

Group, and the Green Group. The number of seats of each group on the Council and the resulting percentages are as follows:

<u>Conservative</u>	<u>Liberal Democrats</u>	<u>Community</u>	<u>Camberley Independents</u>	<u>Green</u>
17	9	5	2	2
48.57%	25.71%	14.29%	5.71%	5.71%

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

## **2. Proposal and Alternative Options**

- 2.1 The Council must establish a Licensing Committee and at least one scrutiny committee (overview and scrutiny). It is for the Council to decide what other committees it wishes to establish for the discharge of its functions and good governance.
- 2.2 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.
- 2.3 It is proposed that the committees listed in Annex A be appointed with the composition shown. The Annex incorporates a scheme of proportionality for 2022/23. This scheme achieves the required balance between the five political groups on the Council.

## **3. Resource Implications**

- 3.1 There are no resource implications arising from this report.

## **4. Legal and Governance Issues**

- 4.1 As set out above.

## **5. Monitoring Officer Comments**

- 5.1 No matters arising.

**Annexes:** Annex A – Scheme of Proportionality

**Background Papers:** None



## Annex A - Scheme of Proportionality

Committee	Conservative	Liberal Democrats	Community	Green	Camberley Independents	TOTAL
Planning Applications	7	4	2	1	1	15
Licensing	6	3	2	1	1	13
Performance & Finance	6	4	2	1	0	13
External Partnerships	7	3	2	0	1	13
Audit & Standards	3	2	1	0	1	7
Employment	5	2	1	1	0	9
<b>Total seats</b>	<b>34</b>	<b>18</b>	<b>10</b>	<b>4</b>	<b>4</b>	<b>70</b>
% of Committee seats	48.57%	25.71%	14.29%	5.71%	5.71%	100%
% of Council membership	48.57%	25.71%	14.29%	5.71%	5.71%	100%

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**Surrey Heath Borough Council**  
**Council**  
**11 May 2022**

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**Responsibility for Functions**

**Head of Service** Gavin Ramtohal – Head of Legal & Democratic Services  
**Report Author:** Rachel Whillis – Democratic Services Manager  
**Wards Affected:** n/a

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**Summary and purpose**

To agree the Scheme of Delegation of Functions.

**Recommendation**

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

**1. Background**

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

**2. Proposal**

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

**Annexes**

Annex A – Scheme of Delegation of Functions.

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# **PART 3 - RESPONSIBILITIES FOR FUNCTIONS**

## **SECTION A**

### **SCHEME FOR DELEGATION OF FUNCTIONS**

#### **1. INTRODUCTION**

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

#### **2. TYPES OF FUNCTION**

- 2.1 Functions fall into the following categories:

a) Non-Executive Council Functions.

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

Council functions shall therefore comprise:

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

subsequent regulations made under the Local Government Act 2000;

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

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

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

- b) 'Local Choice' Functions.

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

- c) Shared functions

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

- d) Executive Functions.

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

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

e) Proper Officer Functions.

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

f) Delegations to Officers.

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

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

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

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

**Table 1****Responsibility for non-executive functions**

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

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



**Table 2****Responsibility for local choice functions**

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

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

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

**Table 3**

**Functions not to be the sole responsibility of the Leader**

The functions identified in the table may be considered by the Leader and will be so considered where there are budgetary implications.

<b>Plan or Strategy</b>	<b>Responsibilities</b>
Sustainable Community Strategy <i>Section 4 of the Local Government Act 2000</i>	The Leader recommending to Council
Crime and Disorder Reduction Strategy (locally known as the Surrey Heath Community Safety Strategy) <i>Sections 5 and 6 of the Crime and Disorder Act 2000</i>	The Leader recommending to Council
Plans and alterations which together comprise the Development Plan <i>Section 54 of the Town and Country Planning Act 1990</i>	The Leader recommending to Council

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