

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Tuesday, 18 October 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, 26 October 2022 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

Damian Roberts

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 27 July 2022.

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. 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 – 16 August, 20 September and 18 October 2022.

36/E Adoption of the Working Definition of Anti-Semitism

RECOMMENDED to Full Council that the Working Definition of Anti-Semitism (IHRA) and other minority groups, as proposed by the Equality Working Group, be adopted.

51/E Local Community Improvement Fund Bids

At its meeting on 18 October 2022 the Executive will be advised to RECOMMEND to Full Council that £15,000 (net) for Southcote Park Play Area Refurbishment be added to the Council's Capital Programme.

- (b) Planning Applications Committee – 4 August, 1 September and 6 October 2022
- (c) Performance and Finance Scrutiny Committee – 13 July and 28 September 2022
- (d) Audit and Standards Committee – 25 July 2022
- (e) Licensing Committee – 30 August and 19 October 2022
- (f) External Partnerships Select Committee – 6 September 2022
- (g) Employment Committee – 13 October 2022

Note: The recommendation at minute 8/EC will be considered at item 8 of this agenda.

- (h) Joint Staff Consultative Group – 22 September 2022

7. Motions

Councillor Sharon Galliford to move that

“this Council

- (i) notes that:
 - a) First Past the Post (FPTP) originated when land-owning aristocrats dominated parliament and voting was restricted to property-owning

men;

- b) In Europe, only the UK and authoritarian Belarus still use archaic single-round FPTP for general elections; meanwhile, internationally, Proportional Representation (PR) is used to elect parliaments in more than 80 countries; those countries tend to be more equal, freer and greener.
 - c) PR ensures all votes count, have equal value, and those seats won match votes cast; under PR, MPs and Parliaments better reflect the age, gender and protected characteristics of local communities and the nation; MPs better reflecting their communities leads to improved decision-making, wider participation and increased levels of ownership of decisions taken;
 - d) PR would also end minority rule: in 2019, 43.6% of the vote produced a government with 56.2% of the seats and 100% of the power;
 - e) PR is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland. So why not Westminster?;
 - f) PR is used in Metro Mayoral elections, the London Assembly and Police Crime Commissioner elections and would also be desirable for local government elections;
- (ii) writes to H.M. Government calling for a change in the country's outdated electoral laws to enable Proportional Representation to be used for general elections and to be considered for local elections; and
 - (iii) writes to the MP for Surrey Heath Michael Gove to lobby government in favour of the adoption of PR."

8. Pay Settlement (Pages 5 - 8)

To consider the report of the Head of HR, Performance & Communications (attached).

9. Governance Working Group (Pages 9 - 32)

To consider the report of the Head of Legal & Democratic Services (attached).

10. 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).

11. Questions from Councillors

- (a) To deal with questions, if any, received under Council Procedure Rule 11.
- (b) The Leader to answer questions from Members in relation to the Executive functions under Council Procedure Rule 11A.

Surrey Heath Borough Council
Council
26 October 2022

Pay Settlement

Strategic Director/Head of Service	Louise Livingston
Report Author:	Louise Livingston – Head of Human Resources, Performance & Communication
Wards Affected:	All

Summary and purpose

To consider the pay award recommendation proposed by the Employment Committee held on 13 October 2022, as per the Pay Settlement Procedure

Recommendation

The Council is advised to RESOLVE that

- (i) a consolidated 8% pay rise be applied on all pay scale points from 1 October 2022, as proposed by the Employment Committee; and
- (ii) the consequent 8% increase to Members' Allowances from 1 April 2023 be noted.

1. Background and Supporting Information

- 1.1 The pay award is a Council decision however before a decision is made the Pay Settlement Procedure is followed. This includes a consultation through the Joint Staff Consultative Group and then recommendation/s made to the Employment Committee who in turn make their recommendation to Council.
- 1.2 On 5 September 2022 the pay settlement procedure commenced with meetings taking place with Councillors and then Staff Representatives for the pay award 2023/24 and 2024/25.
- 1.3 At these meetings information was shared on a number of areas including how the Council had fallen behind comparatively with other local boroughs and districts with low cost of living rises in the previous 2 years, the increase in staff turnover the Council is experiencing, the difficulties in recruiting to roles, the increase in inflation rates and cost of living rises.

- 1.4 At the Joint Staff Consultative Group meeting Councillors received a presentation from Staff Representatives who shared the position of the staff which included factual information around staff turnover, morale, the effect that different percentage rises would have on salaries, feedback from staff on expected salary increases.
- 1.5 After the presentation Councillors formally set out the pay offer that the Council would like to propose. In line with the formal procedure, this reflected the position confirmed at the initial meeting with Member representatives from both the Employment Committee and Joint Staff Consultative Group, including the Chairman of the Employment Committee, the Leader of the Council and Finance Portfolio Holder.
- 1.6 The offer proposed was to pay a cost of living rise for the 2023/24 financial year of 8% (consolidated) across all grades. It was also proposed that the implementation of this increase would be brought forward to 1st October 2022 to reflect the inflationary pressures that were already impacting on staff.
- 1.7 It was also proposed that given the uncertainty that now exists in the medium term regarding future economic factors such as inflation rates, no decision would be taken at this time regarding the pay award for 2024/25.
- 1.8 The proposals were conditional on staff playing an active role in helping the Council to further reduce costs, improve efficiencies and find additional sources of income. This would need to include increasing the average time vacancies are held open to 6 months before they are filled the only caveat to this is the impact on the Council delivering services to its residents. This will be monitored by Human Resources and agreed by the Chief Executive.
- 1.9 The proposed pay award was accepted by staff representatives, the proposal was voted on it was a unanimous decision reached by both councillors and staff representatives, hence this recommendation was put forward to the Employment Committee.
- 1.10 The Employment Committee at its meeting on 13 October 2022 agreed the proposal received from the Joint Staff Consultative Group and has recommended this on for Council approval.

2. Members' Allowances Scheme

- 2.1 The Members' Allowances Scheme adopted in February 2020 incorporates the recommendation from the Independent Remuneration Panel that the Basic Allowance, Special Responsibility Allowances and the Dependents' Carers Allowances be increased annually in line with the percentage increase in staff salaries until 2024.
- 2.2 The new Members' Allowances Scheme came into effect on 1 April 2020 and it is therefore proposed to apply this annual increase from 1 April 2023.

3. Reasons for Recommendation

- 3.1 It is the full Council's role to make the final decision on the Annual Pay Award for staff.
- 3.2 The recommendation put forward to Full Council was a unanimous decision of the Employment Committee.

4. Proposal and Alternative Options

- 4.1 Full Council needs to decide if the recommended pay award will be agreed or whether they want to recommend a different pay award. If this is the case and if its materially different to what is proposed, then a further formal period of consultation will be required with Staff Representatives and a further meeting of the Joint Staff Consultative Group and Employment Committee, before a final decision being taken at Full Council.

5. Contribution to the Council's Five Year Strategy

- 5.1 The pay award will contribute to how the Council remains an Effective and Responsive Council ensuring that it has the right resource to deliver all the ambitions and priorities as set out in the 5 Year Strategy.

6. Resource Implications

- 6.1 If the recommended pay award is agreed then the part-year cost for the period 1st October 2022 to 31st March 2023 will be £500k, with the full year cost of £1.0m incurred from 2023/24.
- 6.2 The pay award if agreed will impact on the Council's Budget and efficiencies will need to be made and additional income identified to pay for the award. This would include increasing the average time vacancies are held open to 6 months before they are filled the only caveat to this is the impact on the Council delivering services to its residents.
- 6.3 In relation to the Members' Allowances Scheme, increasing the Basic Allowance, Special Responsibility Allowances and the Dependants' Carers Allowances by 8% will result in an additional expenditure of £23k per annum.

7. Section 151 Officer Comments:

- 7.1 The Section 151 Officer has been part of the consultation process for the pay award discussions. It should be understood that whatever award is made, it will create a budgetary pressure that will need to be managed by efficiencies or increased income.
- 7.2 It should be further weighed against what the longer term cost of recruitment and retention as this will outweigh the cost of the award, combined with the

potential loss of skills, knowledge and experience across the Council if staff were to leave.

- 7.3 The award is affordable and supported by reserves, which are sufficient to cover the cost of the award in the short term and the Council will continue to move to a balanced budget across the medium term financial strategy.

8. Legal and Governance Issues

- 8.1 The procedure that has been followed is in line with the governance set out for the Joint Staff Consultative Group and Employment Committee, with the final decision made by Council.

9. Monitoring Officer Comments:

- 9.1 Noted the content of the report no comments to add.

10. Other Considerations and Impacts

Environment and Climate Change

- 10.1 None

Equalities and Human Rights

- 10.2 The Pay award is considered for all staff equally there are no equality or human rights issues, none of the protected characteristics as set out in the Equalities Act will be impacted by the content of this report.

Risk Management

- 10.3 There could be further continued impact on recruitment and retention if the recommended pay award is not agreed which could see services impacted longer term.

Community Engagement

- 10.4 None

Annexes

None

Background Papers

None

Surrey Heath Borough Council
Council
26 October 2022

Governance Working Group

Head of Service Gavin Ramtohal – Head of Legal & Democratic Services
Report Author: Rachel Whillis – Democratic Services Manager
Key Decision: No
Wards Affected: n/a

Summary and purpose

To consider the recommendations from the Governance Working Group at its meeting on 30 September 2022.

Recommendation

The Council is advised to RESOLVE that

- (i) Article 13 – Decision Making at Part 2 of the Constitution be updated as set out at Annex A to this report;
- (ii) The Protocol for Nomination/ Appointment to Outside Bodies, one of the Documents Which Supports the Constitution, be updated as set out at Annex B to this report; and
- (iii) minor amendments to the Constitution, as set out at Annex C to this report, be agreed.

1. Background and Supporting Information

1.1 The Working Group considered a number of matters at its meeting on 30 September 2022, including:

- (i) Mandatory Training
- (ii) The Protocol for Nomination/ Appointment to Outside Bodies
- (iii) Minor amendments to the Constitution
- (iv) Scrutiny arrangements

1.2 This report sets out the Working Group's recommendations on the first three topics. In relation to scrutiny arrangements, the Working Group is recommending that the External Partnerships Select Committee is retitled as the External Partnerships Scrutiny Committee. However, consideration on

allocation of responsibilities between committees is ongoing and will be brought to a future meeting.

2. Mandatory Training

2.1 The Working Group reviewed Article 13 of the Constitution, which sets out the mandatory training that must be undertaken in order for Members to make decisions on specific matters. All requirements for mandatory training must therefore be proportionate, balancing the need to be trained in a specific subject matter with not precluding an elected representative making decisions on behalf of their community.

2.2 It is mandatory for Members to have attended training when:

- Determining planning applications and any other related consent applications
- Determining applications for licenses under the Licensing Act 2003 and Gambling Act 2005
- Hearing and determining complaints of member misconduct

2.3 The training above is considered by the Working Group to be proportionate due to the more technical and legislative factors that decision makers are required to take into account. It therefore continues to support this training being mandatory in order to make a decision on these matters.

2.4 Article 13 states that HR training must be received by all members of the Employment Committee in order to make any decisions considered by the Committee or its sub committees. The Working Group recognised that, whilst this was proportionate for Hearing and Appeals sub committees determining specific grievance or disciplinary matters, it was not proportionate for the items considered by the Employment Committee. It was therefore agreed to update the wording in the Article accordingly.

2.5 Whilst the Article states that Planning training must be received annually, it is silent on how frequent or recently Licensing or Standards training should be undertaken. The Working Group is recommending that training for planning should remain annual; however, all other mandatory training should be undertaken within two years of a Member making a decision and it was suggested that such training should be arranged in the first and third years of Members' terms of office.

2.6 The Article also requires all Members to have attended Equality training in order to make any decisions. Whilst the intent behind this requirement is recognised, in practice this is not enforceable and it is questionable that it is proportionate. The Working Group is therefore recommending that, although equality training will continue to strongly be encouraged, this provision should be removed from the Constitution.

2.7 The Working Group also made a number of other recommendations about training which would be considered at its next meeting when it reviews proposals for the Member Induction Programme 2023.

3. Protocol for Nomination/ Appointment to Outside Bodies

3.1 The Working Group reviewed the Protocol for Nomination/ Appointment to Outside Bodies, one of the Documents Which Supports the Constitution. The changes proposed principally relate to the updating of references within the document, but also includes proposals for a list of positions that will automatically be allocated to specific post-holders, which will help streamline the appointments process. In addition, further wording is included to prioritise local representatives being appointed where applicable, help ensure continuity of representation, and state the Council's position on not making appointments where no nominations have been received.

3.2 The Working Group also suggested that organisations included in the list of Outside Bodies should be reviewed. This will be undertaken in preparation for the new Council term starting in May 2023.

4. Minor Changes to the Constitution

4.1 The Working Group reviewed a schedule of minor changes to the Constitution and is recommending the adoption of these changes, as set out at Annex C.

5. Proposal and Alternative Options

5.1 It is proposed that the Council reviews the recommendations from the Working Group and agrees them, with or without any further changes it considers appropriate.

6. Contribution to the Council's Five Year Strategy

6.1 No matters arising at this time.

7. Resource Implications

7.1 There are no specific resource implications arising from the review.

8. Legal and Governance Issues

8.1 None, other than as set out above.

9. Monitoring Officer Comments:

9.1 Article 12 of the Council's Constitution recognises the Monitoring Officer's duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Annexes

Annex A – Revised Article 13 – Decision Making

Annex B – Revised Protocol for the Nomination/ Appointment to Outside Bodies

Annex C – Schedule of Minor Changes to the Constitution.

Background Papers

None

ARTICLE 13 - DECISION MAKING

13.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) reasonableness; and
- (g) providing information on the options considered and giving reasons for the decision taken.

13.3 Types of decision

(a) Decisions reserved to full Council.

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

(b) 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 standing¹; 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.

- (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules.

13.4 Decision making by the full Council

Subject to Article 13.8, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision making by the Leader/Executive

Subject to Article 13.8, the Leader/Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision making by scrutiny committees

Scrutiny committees will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.8, other Council committees and sub-committees will follow the Committees, Sub Committees and Other Bodies Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.8 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights and the Human Rights Act 1998.

¹ Contract Standing Orders at Part 4 of this Constitution set out how this is applied in relation to the length and value of a contract.

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.	<u>Biennially</u> - All Members of the Licensing Committee in order to be eligible to be appointed to the Licensing Sub Committees <u>participating in a Sub Committee</u> .
(c) Standards	The hearing and determination of complaints of member misconduct.	<u>Biennially</u> - All members of the Audit and Standards Committee <u>participating in a Standards Sub Committee</u>
(d) Equality	All decisions	All Members
(e) Human Resources	All decisions made by the Employment Committee and its sub committees.	<u>Biennially</u> - Annually - All members of the Employment Committee <u>participating in a Hearing Sub Committee or Appeals Sub Committee</u>

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Documents which support the Constitution Part E

PROTOCOL FOR APPOINTMENTS/NOMINATION TO OUTSIDE BODIES

1. General

- 1.1 The Council has produced this protocol to ensure that:
- a) outside bodies to which the Council appoints representative meet the Council's suitability criteria and operate in an appropriate manner; and
 - b) members are aware of their obligations when representing the Council on outside bodies.

2. Suitability Of Outside Bodies

- 2.1 Appointment of Members to serve on outside bodies shall be dependent on one or more of the following conditions applying:
- (a) where it is considered necessary to supplement existing communication channels established by members and/or officers;
 - (b) where the Council has a significant interest in the business dealt with by the body in question, e.g. by virtue of owning relevant premises; providing significant resource contributions; being a key partner; or the fact that the work of the Body is of strategic significance to the Council;
 - (c) where Council appointees are legally required;
 - (d) where the boards of registered charities are required to include Council appointed trustees in order to comply with their Articles of Association or Trust Deeds;
 - (e) in other cases, where such representation would bring clearly defined mutual benefits to both the authority and the body in question.

3. Selection Process

- 3.1 Appointments to outside bodies are made by the **Selection Committee** ~~Executive~~, after consultation with Members. The majority of these are made in May each year. Any vacancies arising during the remainder of the year will be appointed/nominated by the Chief Executive under the Scheme of Officer Delegations, after consultation with Group Leaders. All appointments are notified to Members by email.

3.2 With the exception of the Surrey Heath Local ~~Area~~ Committee, where there are three or more appointments to an outside body and there are more nominations than the available places, ~~the following principle will apply, in that two places will be offered, in the first instance, to the majority group with one or more places being offered to minority groups~~ positions will be awarded on the basis of proportionality.

3.3 A number of positions are reserved to councillors holding a specific role. A schedule of these positions is included at Annex A. Appointments to these positions will be confirmed annually without advertisement. The Leader of the Council will advise on any Executive members appointed to the substitute roles at this time.

3.4 Where an outside body is location specific, for example a community facility within a specific ward, priority for appointments will be given to borough councillors within the relevant ward(s).

3.23.5 Where possible, the Executive will try to ensure continuity of representation for a 2 year period.

3.6 It is not the Council's usual practice to make appointments where no nominations have been received.

4. Basis For Appointment

4.1 Members will be appointed to outside bodies to:

- (a) represent the Council on joint local authority bodies/consortia
- (b) represent the Council by attending meetings of other organisations in a purely advisory capacity to:
 - observe proceedings; and/or
 - facilitate information exchange whilst promoting the interests of the Council as opposed to the body; or
- (c) act as executive members of other organisations (e.g. a director/trustee/voting member of a Management Committee) with an obligation to act in the best interests of the body concerned whilst conducting its business.

4.2 Where the Council makes appointments/nomination on the basis of subparagraph (b) and (c) above, officers shall assist, when requested, in seeking to verify whether the organisations concerned have adequate insurance cover in place to protect the Council's appointees.

4.3 Each organisation shall be requested to provide the Council with a clear statement of what is expected of Council appointees, e.g. in terms of the

number of meetings to be attended and responsibilities associated with the appointment.

5. The Role of Council Representatives

5.1 The role of Council representatives on outside bodies will vary, but, essentially, will be to:

- help to secure any objectives of the Council in participating in the organisation;
- help the organisation to achieve its aims and objectives, legally, properly and effectively;
- meet any specific legal responsibilities attached to the membership of the organisation;
- safeguard the Council's interests on those organisations which are funded from or through the Council;
- encourage the organisation to adopt sustainable and ethical policies.

5.2 All outside bodies will have requirements placed on them either by statute or by their constitutions. Members should ensure, where possible, that those bodies comply with the requirements thereon.

5.3 Members are advised to:

- ask about any specific legal responsibilities attached to membership of the organisation;
- read the constitution of the organisation and be aware of its powers, duties and objectives;
- attend meetings regularly;
- ensure that they receive regular reports on the activities of the organisation and its financial position;
- where the organisation is funded by or through the Council, to obtain a copy of the Annual Report and Accounts to see that the funds have been spent on the agreed objectives; and
- seek advice from the appropriate Council officers in the event of any doubts or concerns about the operation of the organisation.

6. Regulated Companies

- 6.1 Members appointed to positions within companies or industrial and provident societies need to be particularly mindful of the possible impact of Part V of the Local Government and Housing Act 1989 and the Local Authorities (Companies) Order 1995. This legislation provides a framework for regulating local authorities' interests in companies.
- 6.2 The law in this area is particularly complex. However, one of the key issues in determining whether a company is a "regulated company" is the degree of involvement by local authorities or persons "associated" with them. For these purposes "associated" persons are essentially current Councillors and Officers and anyone who has been a Councillor in the past four years, together with certain employees of local authority-controlled companies. There is a danger of the company being regulated if "associated" persons make up 20% or more of the directors/management committee members or shareholders or hold 20% or more of the voting rights.
- 6.3 Council nominees should be vigilant to monitor the proportion of "associated" persons involved with a company. They should immediately notify the Monitoring Officer of any resignation or appointment which might lead to the 20% threshold being reached. This information should be readily available as such matters should always be raised at board/management committee meetings and be properly minuted.

7. Annual Report by Appointed Representatives

- 7.1 It is considered to be best practice for members to report back to the Council in relation to their service on outside bodies on an annual basis and for this report to be used as part of the assessment by the Council when it considers the merits of continuing to make appointments to the organisations in question. Members serving on outside bodies are asked to make such a report to the ~~Selection Committee~~Executive at the time it considers the making of these appointments.

8. Urgent Matters

- 8.1 Should any issue arise at a meeting of the outside body which is of significance to the Council, the Member representing the Council should urgently raise the issue with the Leader of the Council.

9. Substitutes

- 9.1 Where substitutes are appointed, it shall be the responsibility of the appointed Member to notify the substitute and the outside body in the event that he/she is unable to attend any meeting.

10. Members' Code Of Conduct

- 10.1 If a councillor is appointed by the Council to be its representative on an outside body, this interest must be recorded in the Register of ~~Financial and Other~~ Interests, including any position of general control or management of

that body. The councillor must disclose at any meeting of the authority, the existence and nature of the interest at the commencement of the consideration of the matter or when the interest becomes apparent. This is a personal non-pecuniary rather than a prejudicial pecuniary interest so the councillor may remain during the discussion and participate in any vote.

11. Expenses

- 11.1 Members should normally claim any expenses where possible from the outside body in question. The ~~Selection Committee~~Executive or the Chief Executive, after consultation with the Group Leaders, is authorised to identify outside bodies, for which the attendance of meetings would be an approved duty for the payment of allowances. Travelling expenses which cannot be recovered from the outside body shall be payable to appointed members for journeys in excess of 3 miles.
- 11.2 If the outside body appoints the Council's representative to be its representative on another body (for example to be the representative of a borough-wide body/committee on a regional body/committee) the travelling and subsistence allowance claims shall be met by the Council in accordance with its allowance scheme.

12. Indemnity

- 12.1 Members representing the Council on Outside Bodies will be indemnified by the Council against any loss or damage suffered by the Member arising from his /her action or failure to act as a Member of the Authority.

12.2 A copy of the Council's Terms of Indemnity is held by Financial Services and a copy thereof or advice will be provided on request by the Service Accountant - Insurances.

13. Changes to Outside Body Arrangements

- 13.1 Members are requested to notify the Chief Executive (through Committee Democratic Services) in the event that any contact and/or other details change in relation to the outside bodies they serve on.

Schedule of Outside Body Positions Reserved to Post Holders

<u>Outside Body</u>	<u>Appointment</u>
<u>Community Services Partnership Board - one position reserved to the Portfolio Holder</u>	<u>Relevant Portfolio Holder</u>
<u>Joint Waste Collection Services Committee</u>	<u>Relevant Portfolio Holder</u> <u>Substitute Executive Member</u>
<u>Local Government Association - General Assembly</u>	<u>Leader of the Council</u> <u>Substitute Executive Member</u>
<u>South East England Councils</u>	<u>Leader of the Council</u> <u>Substitute Executive Member</u>
<u>Surrey Environment Partnership</u>	<u>Relevant Portfolio Holder</u>
<u>Surrey Heath Sports Council - one position reserved to the Portfolio Holder</u>	<u>Relevant Portfolio Holder</u>
<u>Surrey Heath Partnership</u>	<u>Leader of the Council</u> <u>Relevant Portfolio Holder</u>
<u>Surrey Leaders' Group</u>	<u>Leader of the Council</u>

Schedule of Minor Changes to be made to the Constitution

Part	Section	Paragraph	Amendment
1	Summary	[list of Articles]	<ul style="list-style-type: none"> The Audit & Standards Committee Standards Hearing and Determination Committee (Article 9)
1	Summary	n/a	The Council is composed of 35 40 councillors elected every four years.
1	Summary	n/a	There are 2 3 scrutiny committees, which support the work of the Leader/Executive and the Council as a whole.
1	Summary	n/a	The Council welcomes participation by its citizens in its work. Citizens may obtain further information on their rights by contacting the Head of Legal & Democratic Services Executive Head of Corporate .
2	Article 2	2.1 (a)	The Council will comprise 35 40 members, otherwise called councillors.
2	Article 4	4.1 (a)	<p>Policy Framework</p> <p>The policy framework means the following plans and strategies:-</p> <ul style="list-style-type: none"> Community Plan; Crime and Disorder Reduction Strategy; Plans and strategies which together comprise the Development Plan, i.e. the Local Plan; Capital Strategy; Food Law Enforcement Service Plan; The strategy and plan which comprise the Housing Investment Programme Licensing Policy Gambling Policy
2	Article 6	6.3 (a) (iv)	<p>Policy Development and Review</p> <p>Scrutiny committees may: ...</p>

Part	Section	Paragraph	Amendment
			(iv) question members of the Executive and/or committees and the Chief Executive, Strategic Directors Executive Heads of Service or Heads of Service about their views on issues and proposals affecting Surrey Heath; and
2	Article 6	6.3 (b) (ii)	<p>Scrutiny</p> <p>Scrutiny committees may: ...</p> <p>(ii) question the Leader and members of the Executive and/or committees and the Chief Executive, Strategic Directors Executive Heads of Service, or Heads of Service about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;</p>
2	Article 7	7.1 (b)	<p>The Appointment of the Leader</p> <p>The Leader will be a councillor elected to the position by the Council. The Leader will hold office for four years from the first annual meeting of the Council following the Borough Council elections, expiring on the day of the post election annual meeting which follows his/her election as Leader, unless, at an earlier date:</p> <p>(a) he/she resigns from the office; or</p> <p>(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or</p> <p>(c) he/she is no longer a councillor; or</p> <p>(d) he/she is removed from office by resolution of the Council.</p>

Part	Section	Paragraph	Amendment
		7.3 (c)	<p>If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on the day of the post election annual meeting which follows his/her election, subject to (a) to (cd) above.</p> <p>The Appointment of the Deputy Leader</p> <p>The Deputy Leader will be a councillor appointed to the position of Deputy Leader by the Leader. The Deputy Leader will hold office until the end of the term of office of the Leader, or until:</p> <p>(a) he/she is removed from office by decision of the Leader; or</p> <p>(b) he/she resigns from the office; or</p> <p>(c) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or</p> <p>(d) he/she is no longer a councillor.</p>
		7.6 (c)	<p>The Appointment of Executive Members</p> <p>Executive Members will be appointed by the Leader. They will hold office until the day of the post election annual meeting or until:</p> <p>(a) they are removed from office, either individually or collectively, by decision of the Leader; or.</p> <p>(b) they resign from office; or</p>

Part	Section	Paragraph	Amendment
			<p>(c) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or</p> <p>(d) they are no longer councillors.</p>
2	Article 8	8.1	<p>The Council will appoint the following committees as referred to in the left hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table:</p> <p>Planning Applications Committee Licensing Committee Employment Committee</p>
2	Article 14	14.2	<p>Contracts</p> <p>Every contract made by the Council will comply with the Contract Standing Orders Contracts Procedure Rules set out in 4 of this Constitution.</p>
2	Article 14	14.3 and 14.5	<p>Legal proceedings</p> <p>The Head of Legal & Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal & Democratic Services considers that such action is necessary to protect the Council's interests.</p> <p>Common Seal of the Council</p> <p>The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal & Democratic Services. A decision of the Council, or of any part of it, will be</p>

Part	Section	Paragraph	Amendment
			sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be attached to those documents which in the opinion of the Chief Executive should be sealed. The attaching of the Common Seal will be witnessed by the Head of Legal & Democratic Services or Chief Executive or some other person authorised by him/her or the Council.
2	Article 14	14.4	<p>Authentication of documents</p> <p>Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive, Monitoring Officer, chief officer, Strategic Director Executive Head of Service or Head of Service or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.</p>
2	Article 15	15.2	<p>Apart from the following exceptions, changes to the Constitution will only be approved by the full Council</p> <p>the Head of Legal & Democratic Services Executive Head of Corporate who is authorised to amend the Constitution, including the Scheme of Delegation of Functions to Officers</p> <ul style="list-style-type: none"> (i) in respect of the officers designated to exercise delegated authorities, where changes in the management structure and post titles have resulted from organisational restructures, (ii) to make changes which result from requirements of new legislation or statutory guidance, (iii) and any corrections due to administrative error or oversight, in line with the most recent decision of the Council. <p>The Council must take reasonable steps to consult local electors and other interested persons in the area, and comply with legislative requirements, when drawing up proposals</p>

Part	Section	Paragraph	Amendment
			to change from a leader and cabinet form of Executive to an elected mayor and cabinet, or vice versa, or to the committee system.
3	A – Scheme of Delegation	Table 3	Removing reference to the Sustainable Community Strategy and Crime and Disorder Reduction Strategy (locally known as the Surrey Heath Community Safety Strategy).
4	D- Committees, Sub Committees and Other Bodies Procedure Rules	1	These Rules do not apply to the Executive except for Rules 23 to 29 24 to 33 relating to Working Groups. Procedure Rules for the Executive and Scrutiny Committees are already included in the Constitution elsewhere in Part 4.
4	E – Public Speaking Procedure Rules	3.1, 3.4, 3.8, 3.9, 3.10	Questions by the Public at Council Meetings All references to the Executive Head of Corporate to be amended to the Head of Legal & Democratic Services.
4	E – Public Speaking Procedure Rules	5 5.1 5.3	Determination of Planning Applications by Full Council The Council has reserved to itself the power, in exceptional circumstances, to 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 Head of Planning Executive Head of Regulatory , after consultation with the Leader of the Council and Chairman of the Planning Applications Committee. The number of speakers both in objection to and in support of the application will be determined by the Head of Legal & Democratic Services Executive Head of Corporate after consultation with the Leader of the Council.
4	E – Public Speaking	6	Public Speaking at Planning Applications Committee

Part	Section	Paragraph	Amendment
	Procedure Rules	6.8 6.12	<p>Only those persons from addresses within the vicinity of the site will be eligible to speak at the meeting. The vicinity will vary according to the nature of the proposed development and its potential impact on the community. The Head of Planning Executive Head of Regulatory will determine the circumstances in which this will apply.</p> <p>In the event that the application of the above Procedure Rules do not apply or would result in unfairness, the Head of Legal & Democratic Services Executive for Head of Corporate, after consultation with the Chairman of the Planning Applications Committee, be authorised to exercise discretion in agreeing the allocation of the public speaking slots in relation to any particular planning application</p>
4	F – Access to Information Procedure Rules	1	<p>Scope</p> <p>These rules apply to all meetings of the Council, overview and scrutiny committees, area committees (if any), the Audit & Standards Standards Hearing and Determination Committee, the Employment Committee, regulatory committees and meetings of the Executive (together called meetings).</p>
4	F – Access to Information Procedure Rules	20 onwards	Corrections to paragraph numbering from Paragraph 20 onwards and any cross references.
4	G – Budget & Policy Framework	2.2	<p>Process for Developing the Framework</p> <p>The Forward Plan will be published on the Council’s Web Site and updated at the beginning of each month. All councillors will be notified of the publication of the Forward Plan. This notification may be by e-mail. The consultation period allowed shall in each instance be not less than 4 weeks.</p>

Part	Section	Paragraph	Amendment
4	K – Substitution Procedure Rules	2.1	<p>Application</p> <p>The scheme will apply to all committees, sub-committees and working groups except</p> <ul style="list-style-type: none"> (i) the Executive and any Executive sub-committee; (ii) the Licensing Committee when dealing with matters within the scope of the Licensing Act 2003; and (ii) the Licensing Sub-Committees of the Licensing Committee and the Appeals Panel , Standards Sub-Committees, and the 3 sub-committees of the Employment Committee, whose members and substitute members are appointed by officers under the Scheme of Delegation of Functions to Officers.
		2.2 [new]	<p>The Committees, Sub Committees and Other Bodies Procedure Rules provide for substitute members of the Audit & Standards Committee and the Employment Committee to participate in sub committees in certain circumstances.</p>
4	K – Substitution Procedure Rules	5.2	<p>Voting</p> <p>No substitute member for the Planning Applications Committee or any other committee or sub committee making quasi-judicial decisions or the Appointments Committee may vote unless he or she has been present for the entire consideration of the item under discussion.</p>
4	L – Petitions Scheme	1.2	<p>Introduction</p> <p>A petition will be treated as such if it is identified as being a petition, or if it seems to the Head of Legal & Democratic Services Executive Head of Corporate that it is intended to be a petition. A petition created both on-line and on paper will only be treated as being a</p>

Part	Section	Paragraph	Amendment
			single petition if the action requested is identical. The paper element of the petition must be received by the Council before the date of the closure of the on-line element.
4	L – Petitions Scheme	5.1	A petition containing 500 750 or more signatures will be debated by either the Full Council the Executive, or relevant standing Committee depending on the issue. This will usually be at the next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
4	L – Petitions Scheme	5.2	The Council, or the Executive or relevant standing Committee will decide how to respond to the petition at this meeting.
5	B – Member and Officer Protocol	3.3	Code of Conduct for Officers Officers are responsible to the authority through their Strategic Director Executive Head of Service or Head of Service and must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
5	B – Member and Officer Protocol	4.3, 4.11, 5.2, 5.3, 6.5, 7.1,	All references to Executive Head of Service to be amended to Strategic Director.
5	E – Monitoring Officer Protocol	2	The current responsibilities of the Monitoring Officer role rest with the Head of Legal & Democratic Services
5	E – Monitoring Officer Protocol	7 (b)	have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Leader/Executive, Portfolio Holder, Committee meetings and/or Corporate Management Team Management Board /(or equivalent arrangements);
5	E – Monitoring Officer Protocol	7 (e), (f), (g) , 8	All references to the Executive Head of Finance to be changed to the Strategic Director of Finance & Customer Services.

Part	Section	Paragraph	Amendment
6	Members' Allowances Scheme	2	The basic allowance, Special Responsibility Allowances, and Dependants' Carers' Allowance will be increased in line with the percentage increase in staff pay awards until 2024, at which time an Independent Remuneration Panel will review the Scheme.
6	Members' Allowances Scheme	8, 11 (ii)	All references to the Executive Head of Corporate to be amended to the Head of Legal & Democratic Services.