

THE CONSTITUTION

WOKING BOROUGH COUNCIL

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WOKING BOROUGH COUNCIL

CONSTITUTION

Part 1 Introduction

Introduction

The Council's Constitution

This Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

WOKING BOROUGH COUNCIL

CONSTITUTION

Part 2 Articles of the Constitution

Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all of its powers and duties in accordance with the law and this Constitution.

1.02 Purpose of the Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of local people in decisions made by the Council;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision making are clearly identifiable to local people, and that they can explain the reasons for their decisions; and
- (h) provide a means of improving delivery of services to the community.

1.03 Interpretation of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will choose the option which it thinks is closest to the purposes stated above.

Article 2 – Members of the Council

2.01 Number of Councillors

The Council comprises 30 councillors (also referred to as "Members").

2.02 Roles of Councillors

Councillors will:

- (i) Collectively be the ultimate policy-makers for the Council;
- (ii) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) Represent the interests of their ward and of individual constituents;
- (iv) Respond to constituents' enquiries and representations, fairly and impartially;
- (v) Serve the public interest, and make decisions having regard to the interests of the whole community.

2.03 Rights and Duties of Councillors

Councillors have rights of access to such documents, information, land and buildings of the Council as are necessary for them to act as a councillor.

Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.

Councillors will observe the Members' Code of Conduct set out in Part 5 of this Constitution.

Article 3 – Citizens and the Council

3.01 Citizens' rights

(a) <u>Information</u>.

Citizens have the right to:

- (i) Attend meetings of the Council, Executive and Committees except where confidential or exempt information is likely to be disclosed, and the meeting is, therefore, held in private;
- (ii) Find out from the Forward Plan what key decisions will be taken under the Council's Executive arrangements;
- (iii) See public reports and background papers, and any public records of decisions made by the Council, Executive and Committees; and
- (iv) inspect the Council's accounts, and make their views known to the external auditor.

(b) Participation.

Citizens have the right to:

- (i) Contribute to investigations by the Overview and Scrutiny Committee;
- (ii) Present petitions under the Council's Petition Scheme,
- (iii) Ask questions at the Executive.

(c) <u>Complaints.</u>

Citizens have the right to complain to:

- (i) the Council under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme, and
- (iii) the Council's Monitoring Officer about a breach of the Members' Code of Conduct.

3.02 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to councillors, officers or persons carrying out work for the Council.

Citizens must not wilfully harm things owned by the Council, councillors or officers.

Article 4 – The Full Council

4.01 Meanings

(a) Policy Framework.

"Policy Framework" means:

- (i) Plans and strategies which, by law, have to be approved by Full Council, and
- (ii) Plans and strategies which the Council has decided should be approved by Full Council.

(b) Budget.

"Budget" includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) Housing Land Transfer.

"Housing Land Transfer" means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the Full Council

Only Full Council will exercise the following functions:

- (a) adopting and changing the Constitution (apart from changes to Part 3 in relation to executive functions which will be discharged by the Leader and reported to the Council);
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of a Housing Land Transfer;
- (c) intervening, where necessary, to prevent executive decisions that would run contrary to the Policy Framework or Budget;
- (d) appointing and removing the Leader of the Council;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies, unless the appointment is an executive function or has been delegated by Full Council;
- (g) adopting a Members' Allowances scheme under Article 2.03;
- (h) changing the name of the area, or conferring the title of Freedom of the Borough;

- (i) Appointing the Head of Paid Service and other members of the Corporate Management Group in accordance with the Officer Employment Rules;
- (j) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions, set out in Part 3 of this Constitution, which Full Council decides should be undertaken by itself;
- (I) electing the Mayor; and
- (m) all other matters which, by law, must be reserved to Full Council.

4.03 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader.

Article 5 – Chairing the Council

5.01 Role and Function of the Mayor

The Mayor will be elected by the Council annually.

The Mayor, and in his/her absence, the Deputy Mayor, will have the following roles and functions:

- (a) to act as First Citizen and Civic Head of the Borough;
- (b) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (c) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (d) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community;
- (e) to promote public involvement in the Council's activities;
- (f) to be the non-political representative of the Council; and
- (g) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Article 6 – Overview and Scrutiny Committee

6.01 Terms of Reference

The Council will appoint the Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 and the functions of a crime and disorder committee under section 19 of the Police and Justice Act 2006.

6.02 General Role

Within its terms of reference, the Overview and Scrutiny Committee will:

- (a) review and/or scrutinise decisions made (or to be made) or actions taken (or to be taken) in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to Full Council and/or the Leader/Executive:
- (c) consider any matter affecting the area or its inhabitants;
- (d) exercise the right to call-in, for reconsideration, Executive decisions made but not yet implemented; and
- (e) deal with crime and disorder matters referred to it under the Police and Justice Act 2006:
- (f) consider any valid Councillor Call for Action.

6.03 Specific Functions

(a) Policy development and review.

The Overview and Scrutiny Committee may:

- i) assist the Council and the Leader/Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- ii) conduct research, community consultation and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question the Leader, members of the Executive and/or Committees and Corporate Management Group members about their views on issues and proposals affecting the Borough; and
- v) liaise with other external organisations operating in the Borough, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny.

The Overview and Scrutiny Committee:

- may review and scrutinise the decisions made or to be made by and performance of the Leader/Executive and/or Committees and Council officers, both in relation to individual decisions and over time;
- ii) may review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- may question the Leader, members of the Executive and/or individual members (to the extent that the latter have been granted powers in relation to their ward) and/or Committees and Corporate Management Group members 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;
- iv) may make recommendations to the Leader/Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- v) may review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;
- vi) may question and gather evidence from any person or organisation (with their consent) and require information from partner authorities;
- vii) may review and scrutinise equality issues, and
- viii) shall be responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policies

(c) Finance.

The Overview and Scrutiny Committee have overall responsibility for the finances made available to them.

(d) Annual Report.

The Overview and Scrutiny Committee shall publish an annual report outlining work undertaken during the year, and may make recommendations for future work programmes and amended working methods (if appropriate).

(e) Petitions.

The Overview and Scrutiny Committee is responsible for considering petitions received under the Petition Scheme that fall into the following categories:

- Petitions requiring a Senior Officer to give evidence to the Overview and Scrutiny Committee;
- Appeals from Petitioners who are not satisfied with the response to a petition, and
- Where the petition has been referred to the Committee for further investigation.

6.04 Proceedings of Overview and Scrutiny Committee

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 – The Leader

7.01 Role

The Leader will be elected by Council at its post-election annual meeting (or, if the Council fails to elect the Leader at that meeting, at a subsequent meeting of Council).

The term of office of the Leader starts on the day of his/her election as Leader and ends on the day the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor unless:

- (a) he/she resigns as Leader; or
- (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
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by resolution of the Council

The Leader will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, unless otherwise delegated by him/her. All delegations by the Leader will be set out in Part 3 of this Constitution.

7.02 Functions of the Leader

The Leader is responsible for maintaining a list (which the Monitoring Officer will compile on the Leader's behalf), in Part 3 of this Constitution, setting out who will authorise executive functions. Executive functions can be exercised by the Leader, the Executive, individual Executive Members or individual councillors exercising powers in relation to their wards or Officers. Any changes to Part 3 of the Constitution in relation to Executive functions will be reported to the next appropriate meeting of the Council.

The Leader will be Chairman of the Executive.

Only the Leader will exercise the following functions:

- (a) appointing the Deputy Leader, and
- (b) appointing the Executive.

7.03 Removal of the Leader

The Council may remove the Leader by way of resolution by a simple majority. In that event, a new Leader shall be elected:

- (a) at the meeting at which the Leader is removed from office, or
- (b) at a subsequent meeting.

7.04 Deputy Leader

The Leader will appoint a councillor as Deputy Leader.

The Deputy Leader will hold office until the end of the term of office of the Leader, or until:

- (a) he/she resigns as Deputy Leader; or
- (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
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by the Leader.

If for any reason the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining members of the Executive shall either act collectively in the Leader's place, or they shall arrange for an Executive Member to act in the place of the Leader.

7.05 Role of the Deputy Leader

- (a) The Deputy Leader will be Vice-Chairman of the Executive, and
- (b) The Deputy Leader will exercise all functions reserved to the Leader in his/her absence.

Article 8 - The Executive

8.01 Role of the Executive

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council whether by law or under this Constitution, as delegated by the Leader.

8.02 Form and Composition

The Executive will consist of the Leader, Deputy Leader together with not fewer than one, and up to five other Councillors appointed by the Leader.

8.03 Executive Members

Executive Members shall be appointed by the Leader. They hold office until the end of the term of office of the Leader unless:

- (a) they resign from the Executive; or
- (b) 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
- (c) they are no longer councillors; or
- (d) they are removed from office, either individually or collectively, by the Leader.

8.04 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

Article 9 – Regulatory and Other Committees

9.01 Regulatory and Other Committees

The Council will appoint the committees set out in Part 3 of this Constitution (Responsibility for Council Functions) to discharge the functions described.

Article 10 – The Standards and Audit Committee

10.01 Standards and Audit Committee

The Council meeting will establish a Standards and Audit Committee.

10.02 Composition

(a) Membership.

The Standards and Audit Committee will comprise:

- 5 councillors;
- o 1 co-opted (independent) member:

(b) Co-opted (independent) Member.

The co-opted (independent) member is not entitled to vote at meetings, and will serve for such period as the Council determines (with no prohibition on reappointment);

(c) Chairing the Committee.

The office of Chairman shall be filled by the co-opted (independent) member. In the absence of the Chairman, a meeting of the Committee shall be chaired by the Vice-Chairman.

(d) Equality of Votes

In the case of an equality of votes, the Vice-Chairman may exercise a second or casting vote.

10.03 Role and Function

The Standards and Audit Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members in accordance with Sections 26-37 of the Localism Act 2011;
- (b) assisting councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) determining allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council;

- (g) acting as the Council's Audit Committee. In performing this task the Standards and Audit Committee will:
 - o approve the plans of Internal Audit and consider the External Audit plan;
 - receive the Annual Audit and Inspection letter from External Audit;
 - receive Internal Audit recommendations for improvements and assurance that action has been taken where necessary;
 - o review summary Internal Audit reports (located on the intranet);
 - o receive a half yearly and annual report from the Chief Internal Auditor on the work of Internal Audit;
 - o receive appropriate matters of concern raised by either External or Internal Audit or other agencies; and
 - o ensure that there are effective relationships between Internal and External Audit and promote the value of the audit process;
- (h) overseeing the Council's Risk Management, Anti Fraud and Whistleblowing strategies, and Health and Safety policies and practices;
- (i) receiving the Annual Governance Statement, and
- (j) oversight of payments in cases of maladministration which are neither disputed nor significant (which are dealt with by the Monitoring Officer).

10.04 Standards Hearings Sub-Committee

The Committee will establish the Standards Hearings Sub-Committee. The Sub-Committee will comprise four councillors and the co-opted (independent) member.

A substitute for each councillor member of the Sub-Committee shall be appointed. A substitute member may attend any meeting of the Sub-Committee, with all the powers of the appointed councillor member in the event that the appointed councillor member is unable to attend a particular meeting.

The Sub-Committee will be chaired by the co-opted (independent) member (unless he/she is absent, in which case the Vice-Chairman will chair the meeting). The co-opted (independent) member is not entitled to vote at meetings. In the case of an equality of votes, the Vice-Chairman may exercise a second or casting vote.

The Sub-Committee will act on the Committee's behalf in determining allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council.

10.05 Election Review Panel

The Chairman of the Standards and Audit Committee shall be the Chairman of the Council's Election Review Panel.

Article 11 – Officers

11.01 Management Structure

(a) General.

The Full Council may engage such staff (referred to as "officers") as it considers necessary to carry out its functions.

(b) Corporate Management Group.

The Council's Corporate Management Group will comprise the Chief Executive, the Deputy Chief Executive, two Strategic Directors, the Chief Finance Officer and the Monitoring Officer.

(c) Statutory Officers

The Council will designate Officers to the following statutory posts:

Head of Paid Service

Chief Finance Officer

Monitoring Officer

Such posts will have the functions described in Article 11.02–11.04 below.

(d) Structure.

The Head of Paid Service will determine and publicise a description of the overall service structure of the Council showing the management structure and deployment of officers. This is set out in Part 3 of this Constitution.

11.02 Statutory Functions of the Head of Paid Service

(a) Discharge of functions by the Council.

The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restrictions on functions.

The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if they are a qualified accountant.

11.03 Statutory Functions of the Monitoring Officer

(a) <u>Maintaining the Constitution</u>.

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) Ensuring lawfulness and fairness of decision making.

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council, or to the Leader/Executive in relation to an executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to mal-administration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards and Audit Committee.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Audit Committee.

(d) Alleged Breaches of the Members' Code of Conduct.

The Monitoring Officer will be responsible for dealing with allegations that a Member has failed to comply with the Members' Code of Conduct in accordance with arrangements adopted by Council.

(e) <u>Proper Officer for access to information</u>.

The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

(f) <u>Budget and Policy Framework</u>.

The Monitoring Officer will advise whether executive decisions are in accordance with the Budget and Policy Framework.

(g) <u>Providing advice</u>.

The Monitoring Officer will provide advice on: the scope of powers and authority to take decisions; maladministration; financial impropriety; probity and Budget; and Policy Framework issues to all councillors.

(h) Restrictions on posts.

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.04 Statutory Functions of the Chief Finance Officer

(a) Ensuring lawfulness and financial prudence of decision making.

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to the Leader/Executive in relation to an executive function, and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) <u>Administration of financial affairs</u>.

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) Contributing to corporate management.

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) <u>Providing advice</u>.

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) Give financial information.

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer.

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.06 Conduct

Officers will comply with the Officers' Employment Procedure Rules set out in Part 4 of this Constitution.

11.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officers' Employment Procedure Rules set out in Part 5 of this Constitution.

Article 12 – Decision Making

12.01 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
- o decisions relating to particular areas or functions.

This record is set out in Part 3 of this Constitution.

12.02 Principles of Decision Making

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

- (a) 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; and
- (e) clarity of aims and desired outcomes.

12.03 Types of Decision

- (a) Decisions reserved to Full Council. Decisions relating to the functions listed in Article 4.02 will be made by Full Council, and not delegated.
- (b) Key decisions
 - (i) A 'key decision' means an executive decision which is likely:
 - to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
 - (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

12.04 Decision Making

All decision making shall comply with the relevant Articles of, and Procedure Rules set out in, this Constitution.

12.05 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.

12.06 "Paperless" Agenda Management

The Council will, subject to the following criteria being satisfied, adopt a "paperless" approach to the conduct of meetings by the end of the 2016/17 Municipal Year:

- (i) An appropriate electronic meeting management system being introduced at the Council, and
- (ii) The Statutory Officers and the Leader of the Council being satisfied that the introduction of "paperless" meetings will not materially prejudice good governance at the Council.

Article 13 – Finance and Contracts

13.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 5 of this Constitution.

13.02 Contracts

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 5 of this Constitution.

Article 14 – Review and Revision of the Constitution

14.01 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.02 Changes to the Constitution

(a) Minor Changes.

The Monitoring Officer may generally update the Constitution, or make amendments consequential upon changes to operational arrangements (including, without limitation, amendments resulting from a decision by the Leader not to delegate responsibility for executive functions to the Executive), without report.

(b) Other Changes.

Changes to the Constitution, other than minor changes, will be approved by Full Council.

(c) <u>Proposals</u>.

The Monitoring Officer shall, before making any proposals for change to the Council, carry out consultation appropriate to the scale, scope and extent of the change proposed. The persons and bodies consulted may, without limitation, include the Corporate Management Group, the Leader and Executive, the Overview and Scrutiny Committee or the Standards and Audit Committee.

Article 15 – Suspension, Interpretation and Publication of the Constitution

15.01 Suspension of the Constitution

(a) <u>Limit to suspension</u>.

The Articles of this Constitution may not be suspended. Other provisions of this Constitution may be suspended by Full Council to the extent permitted by those provisions and the law.

(b) <u>Procedure to suspend</u>.

The extent and duration of suspension shall be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

15.02 Interpretation

The ruling of the Mayor, the Leader or the Chairman of any Committee (as appropriate) as to the construction or application of this Constitution, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council, the Executive or Committee (as the case may be). Such ruling shall have regard to the purposes of this Constitution contained in Article 1.

15.03 Publication

- (a) The Chief Executive will give a printed copy of this Constitution to each elected or co-opted member of the Council upon that member being elected or co-opted.
- (b) The Monitoring Officer will ensure that an up-to-date copy of the Constitution is available on the Council's web-site.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

- (a) Article 6 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
- (b) Article 7 (The Leader);
- (c) Article 8 (The Executive) and the Executive Procedure Rules;
- (d) Article 12 (Decision making) and the Access to Information Procedure Rules;
- (e) Part 3 (Responsibility for Functions).

WOKING BOROUGH COUNCIL

CONSTITUTION

Part 3 Responsibility for Functions, Management Arrangements and Scheme of Delegations

Who is responsible	Membership	Functions	
Full Council	30 members of the authority	Council will: i) Approve:	
		xii) Designate Chief Finance Officer	

Who is responsible	Membership	Functions	
		xiii) Appoint Leader	
		xiv) Appoint to Committees etc	
		xv) Elect Mayor/Deputy Mayor	
The Leader		Appoint Members to the Executive	
The Executive	The Leader, Deputy Leader	The Leader has appointed the Executive and delegated the following executive functions to it:	
	and up to five other Members	i) Determine all proposals, within existing policy, which require Member approval for action to be taken	
		ii) Determine the Council Tax - Tax Base.	
		iii) Make recommendations to Council on:	
		 all the items under (i) to (iii) of the Council list above; and Notices of Motion. 	
		iv) Monitor and manage the effects of trends and developments affecting the Council's business	
		v) Monitor and manage the effects of trends and developments for consistent application of corporate standards	
		vi) Carry out all functions that are not otherwise reserved to the Council, its Committees or delegated to officers	
		vii) Carry out the following 'local choice' functions permitted by Regulation 3 of and Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except as may be delegated to officers:	
		 any functions conferred by local Acts; functions relating to contaminated land; functions relating to control of pollution or management of air quality; and functions relating to statutory nuisances. 	
		viii) Responsibility for Risk Management	
		ix) Responsibility for the implementation and regular monitoring of Treasury Management policies and practices	

Who is responsible	Membership	Functions	
Standards and Audit Committee	6 members (including 1 independent coopted member).	i)	promoting and maintaining high standards of conduct by councillors and co-opted members; assisting councillors and co-opted members to observe the Members' Code of Conduct; advising the Council on the adoption or revision of the Members' Code of Conduct; advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct; advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct; advising allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council; act as the Council's Audit Committee. In performing this task the Standards and Audit Committee will: approve the plans of Internal Audit and consider the External Audit plan; receive the Annual Audit and Inspection letter from External Audit; receive Internal Audit recommendations for improvements and assurance that action has been taken where necessary; review summary Internal Audit reports (located on the intranet); receive a half yearly and annual report from the Chief Internal Auditor on the work of Internal Audit; receive appropriate matters of concern raised by either External or Internal Audit or other agencies; and
		(ensure that there are effective relationships between internal and external audit and promote the value of the audit process;
			overseeing the Council's Risk Management, Anti Fraud and Whistleblowing strategies, and Health and Safety policies and strategies;
		ix) t	the receipt of the Annual Governance Statement, and
		á	oversight of payments in cases of maladministration which are neither disputed nor significant (which are dealt with by the Monitoring Officer).

Who is responsible	Membership	Functions	
Planning Committee	13 members	Committee responsible for: i) All functions relating to Town and Country Planning and Development Control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including:	
		 planning applications enforcement action planning agreements lawful use or development advertisement control listed buildings conservation areas tree preservation minerals and waste disposal hazardous substances development proposals by County Council and Borough 	
		ii) All matters relating to Building Control functions not otherwise delegated to officers.	
Licensing Committee	10 members	i) All functions relating to licensing and registration functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including:	
		 public entertainments cinemas and theatres hackney carriage and private hire vehicles animal welfare sex establishments betting, gaming and lotteries caravan and camping sites food preparation markets and street trading night cafes and take-away food shops registration of door-staff licensing of hypnotism licensing of premises for acupuncture, tattooing, earpiercing and electrolysis health and safety (other than in Council's capacity) 	
		ii) Hearing of representations against cancellation or refusal to register an applicant pursuant to the Motor Salvage Operators Regulations 2002.	
		iii) Licensing Act 2003.	
		iv) Power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption pursuant to section 13 Criminal Justice and Police Act 2001.	

Who is responsible	Membership	Functions	
Appeals Committee	3 members	Housing appeals.	
	3 members 10 members	Functions: (a) Policy development and review. i) assist the Council and the Leader/Executive in the development of its budget and policy framework by indepth analysis of policy issues; ii) conduct research, community and other consultation in the analysis of policy issues and possible options; iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; iv) question the Leader, members of the Executive and/or Committees and Corporate Management Group members about their views on issues and proposals affecting the Borough; and v) liaise with other external organisations operating in the Borough, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working. (b) Scrutiny i) review and scrutinise the decisions made or to be made by and performance of the Leader/Executive and/or Committees and Council officers both in relation to individual decisions and over time; ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas; iii) question the Leader, members of the Executive, individual members exercising ward functions, Committees and Corporate Management Group members 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; iv) make recommendations to the Leader, Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process; v) review and scrutinise the performance of other public bodies in the area and invite reports from them by	
		requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; vi) question and gather evidence from any person (with	
·		, , , , , , , , , , , , , , , , , , , ,	

Who is responsible	Membership	Functions
		their consent) or require information from partner authorities; vii) review and scrutinise equality issues; and viii) effective scrutiny of the Treasury Management Strategy and Policies c) Discharge the functions of a crime and disorder committee under Section 19 Police and Justice Act 2006.
Joint Committee for the Oversight of Delivery of Surrey Public Authority Services ("Surrey First")	One Member appointed by Woking Borough Council to Joint Committee comprising the Surrey local authorities and the Surrey Police Authority	The governance arrangements for the Joint Committee are appended.
Woking Joint Committee	7 Members appointed by Woking Borough Council and 7 Members appointed by Surrey County Council.	The governance arrangements for the Joint Committee are appended.
Joint Waste Services Collection Committee	One Member appointed by Woking Borough Council to Joint Committee, comprising Elmbridge Borough, Mole Valley District, Rushmoor Borough, Surrey County, Surrey Heath Borough and Woking Borough Council.	The governance arrangements for the Joint Committee are appended

JOINT COMMITTEE FOR THE OVERSIGHT OF DELIVERY OF SURREY PUBLIC AUTHORITY SERVICES ("SURREY FIRST")

Governance Arrangements

1. Background

- 1.1 Elmbridge Borough Council, Epsom and Ewell Borough Council, Guildford Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council, Runnymede Borough Council, Spelthorne Borough Council, Surrey County Council, Surrey Heath Borough Council, Tandridge District Council, Waverley Borough Council, Woking Borough Council and Surrey Police Authority (collectively "the Authorities" and individually "an Authority") are committed to working jointly with each other to secure improved services and outcomes for Surrey residents.
- 1.2 The Authorities have resolved to establish this Joint Committee in order to improve collaborative working arrangements in Surrey.

2. Terms of Reference

- 2.1 The terms of reference for the Joint Committee are as follows:
 - oversee joint working arrangements of the Authorities;
 - promote good working practice amongst the Authorities;
 - appoint such task groups or sub-committees as it considers necessary;
 - o identify the range of services for inclusion in a Joint Venture Company ("JVC");
 - approve the draft Articles and Memorandum of Association of the JVC;
 - approve the draft revised Terms of Reference for the Joint Committee to provide for governance and oversight of the JVC, and
 - manage the project budget.

3. Membership

3.1 Each Authority shall appoint one member to the Joint Committee. Appointments, which may include provision for a substitute member, shall be made annually in accordance with the relevant Authority's normal procedures for the appointment of members to committees and outside bodies.

4. Chairmanship

- 4.1 The Chairman and Vice-Chairman of the Joint Committee shall be elected annually at its first meeting following the commencement of the municipal year.
- 4.2 In the absence of the Chairman and the Vice-Chairman at a meeting, the Joint Committee shall elect a chairman for that meeting.

5. Meetings

- 5.1 There shall be between 3 and 8 ordinary meetings of the Joint Committee in each year.
- 5.2 Extraordinary meetings may be called as and when the Chairman, or the Chief Executive of Woking Borough Council, considers appropriate.

6. Quorum

The quorum for the Joint Committee shall be one-third of the number of members of the Joint Committee (with such rounding-up as may be necessary to achieve a whole number), i.e. five.

7. Voting Rights

7.1 Each member of the Joint Committee shall have one vote. The Chairman shall not have a second or casting vote (in the case of an equality of votes).

8. Agenda Items

- 8.1 The agenda for a meeting of the Joint Committee shall be set by the Chief Executive of Woking Borough Council following, where appropriate, consultation with the Chairman.
- 8.2 Any member of the Joint Committee shall be entitled to give notice to the Chief Executive of Woking Borough Council that he/she wishes an item relevant to the functions of the Joint Committee to be included on the next available meeting of the Joint Committee. On receipt of such a request, the Chief Executive of Woking Borough Council shall ensure that it is included on the next available agenda.

9. Work Programme

9.1 The Joint Committee shall be responsible for setting its own work-programme. This shall be set annually and up-dated as necessary.

10. Task Groups and Sub-Committees

- 10.1 The Joint Committee may establish such task groups and sub-committees as it thinks fit.
- 10.2 When establishing a task group or sub-committee, the Joint Committee shall agree the:
 - terms of reference for the task group/sub-committee;
 - size and membership of the task group/sub-committee;
 - o period for which the task group/sub-committee will remain constituted, and
 - Chairman/Vice-Chairman of the task group/sub-committee, or it shall delegate this decision to the task group/sub-committee.

11. Attendance by Others

11.1 The Joint Committee may invite people to address it, discuss relevant issues and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers of public authorities.

12. Decision Making

- 12.1 Decisions of the Joint Committee will normally be made by consensus.
- 12.2 A vote shall be taken when the Chairman thinks one is necessary, or if any member so requests. The vote shall be by way of a show of hands. Decisions shall be determined by a simple majority of those members present and voting. Where there is an equality of votes, the motion is not carried.

13. Meetings to be Public

- 13.1 Meetings of the Joint Committee and its sub-committees shall be held in public except when exempt or confidential information is being considered and the press and public can be excluded in accordance with the Local Government Act 1972.
- 13.2 Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

14. Decisions having an adverse effect on an Authority

14.1 No decision of the Joint Committee which may give rise to an adverse financial implication in excess of £10,000 for an Authority may be implemented unless the adversely affected Authority has confirmed its acceptance of the adverse financial implication.

15. Accountable Body, Secretarial Support and Advice

- 15.1 Woking Borough Council shall act as the Accountable Body for the management of the Joint Committee's affairs.
- 15.2 Surrey Local Government Association Officers shall provide secretarial support for the Joint Committee.
- 15.3 Surrey Chief Executives' Group shall be the principal advisors to the Joint Committee.

16. Standing Orders of Woking Borough Council to apply

- 16.1 Save to the extent that a matter is dealt with in these governance arrangements, the Joint Committee shall be subject to Woking Borough Council's Rules of Procedure, contained in Part 4 of its Constitution (insofar as they are relevant, and with the necessary changes being made).
- 16.2 If there is any conflict between these governance arrangements and those Rules of Procedure, these governance arrangements shall have precedence.

Agreed by the Joint Committee for the Oversight of Delivery of Surrey Public Authority Services at its meeting on 28 June 2010.

Woking Joint Committee

Constitution

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Section 1 - Context and Purpose

Woking Joint Committee is a Joint Committee of Surrey County Council and Woking Borough Council and is set up under the provisions of Section 102 of the Local Government Act 1972. The Joint Committee aims to improve outcomes and value for money for residents in Woking by strengthening local democracy and improving partnership working within the borough of Woking.

The Joint Committee will carry out Surrey County Council functions previously performed by the Local Committee (Woking) (which ceased to exist on 01/06/2014) plus some additional County Council functions, and functions delegated to it by Woking Borough Council. These functions are set out within Section 2 of this document.

By working together, the Joint Committee will provide the opportunity to identify local solutions and seek to jointly deliver local government service improvements for the residents, businesses and visitors to Woking. Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together.

Meetings of the Woking Joint Committee are held in public, and local people are able to participate during parts of the meeting as set out in Section 3 of this document.

This Constitution includes the standing orders that will apply to the Joint Committee. These need also to be read in the light of the individual Constitutions of each of the two Councils which will continue to apply as appropriate to decisions delegated by each relevant authority.

Whilst the Joint Committee will be responsible for making decisions relating to the delegated functions as set out below, the day-to-day operational arrangements relating to any particular function will continue to be managed by the local authority having responsibility for that function.

Section 2 – Functions and Funding

The scope and overall purpose of the Woking Joint Committee is as set out in Section 1. The general remit of the Joint Committee is set out below and the more specific delegated functions are outlined in later sections.

(A) General Remit

The general remit of the Woking Joint Committee is:-

- 1. To make decisions on local services and budgets delegated to it by either Surrey County Council or Woking Borough Council.
- 2. To make comments on policy, strategy, services, priority community work, or other matters specifically referred to it by the County Council or the Borough Council
- 3. To provide political oversight of key County and Borough partnership initiatives and strategies.
- 4. To discuss opportunities for a closer alignment of County and Borough services in Woking.
- 5. To seek solutions to local concerns relating to Council services under the remit of the Joint Committee.
- 6. To identify and set local priorities through an annual priority setting meeting.
- 7. To build community leadership and local engagement, and encourage local community resilience plans.
- 8. To ensure that local authority services within Woking borough are carried out in accordance with both Surrey County Council's and Woking Borough Council's core values, policies, strategies and within approved budgets.

(B) Delegated Powers

The services identified below are delegated by Surrey County Council or Woking Borough Council as indicated, for decision making or consideration by the Woking Joint Committee, in accordance with the relevant legislation.

In discharging the delegated powers, the Woking Joint Committee must have due regard at all times to the approved policies, budgets and financial regulations of the Council delegating the functions, and act in accordance with Standing Orders at Section 3 of this Constitution.

Set out below is a list of the functions that are currently delegated to the Woking Joint Committee. Additional functions and matters for determination may be delegated to the Committee in the future by Surrey County Council or Woking Borough Council, which will form part of this Constitution. The Community Partnership and Committee Officer will maintain a record of all additional delegated functions and will ensure that any such additions are reported to the Joint Committee at the next meeting after the delegation takes place.

Executive Functions (delegated by Surrey County Council and Woking Borough Council)

The Joint Committee will be responsible for the following decisions on local services and budgets:

In relation to the Borough of Woking the Joint Committee will take decisions delegated to it by the SCC Leader and/or Cabinet and/or the WBC Leader and/or Executive on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils within a framework of agreed performance and resources:

- (i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) (SCC)
- (ii) Community safety funding that is delegated to the Joint Committee. The Joint Committee will act as the Community Safety Partnership (Note: Domestic Homicide Reviews will be chaired by such person as the Chairman of the Joint Committee shall nominate) (SCC/WBC).
- (iii) Decisions in relation to highways and infrastructure:
 - a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements, and highway maintenance, within the committee's area including the scope to use a proportion of either budget to facilitate local highways initiatives (SCC).
 - b. To allocate funds to review on-street parking management, including local parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls (SCC).
 - c. To agree local speed limits on county council roads within their area, and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police Road Safety and Traffic Management Team and with regard to the County Council Speed Limit Policy (SCC).
 - d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Joint Committee (SCC).
 - e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the committee will make that decision (SCC).
 - f. Oversee and determine priorities for the Woking Town Centre Management Agreement (WBC).
 - g. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following consent of any relevant borough/district/parish council, unresolved objections have been received during the period of statutory public advertisement, and to decide whether the application should proceed to the Magistrates' Court (SCC).

- (iv) Consider how Community Infrastructure Levy (CIL) receipts will be expended in Woking, taking into account the approved Infrastructure Capacity Study and Delivery Plan (IDP) for Woking. (WBC)
- (v) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Woking Borough Council (SCC/WBC):
 - a) To agree joint priorities for commissioning by the County Council and the Borough Council in Woking for provision of:
 - i) youth work and
 - ii) other preventative work with young people who are at risk of becoming not in education, training or employment (NEET).
 - b) To apportion delegated funding for young people, specifically the distribution between Local Prevention and Individual Prevention categories of funding, in accordance with the allocated budget and small grants (youth) as allocated by the Borough Council.
 - c) Approve the award of Local Prevention for the provision of local prevention services for Woking Borough in accordance with the allocated budget. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award funding agreement(s) (due to the presence of conflicts of interest which result in the body being inquorate).
 - d) Approve the award of youth service related commission(s) as delegated to the Joint Committee by Woking Borough Council.
 - e) Oversee and determine priorities for the Full Participation Programme and make appropriate linkages into the work of Services for Young People and Woking Borough Council
 - f) To approve Youth Task Group advice on the allocation of Community Youth Work and SOLD Local Offer resources to meet local priorities for young people in the local area.
- (vi) Oversee and influence priorities for the Family Support Programme in Woking and monitor its performance. (SCC/WBC)
- (vii) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners. (SCC/WBC).
- (viii) Decisions on any funding when a budget is allocated to the Joint Committee by either of the Councils (SCC/WBC).

Non-Executive Functions (delegated by Surrey County Council)

The Joint Committee will deal with all those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except for those separately referred to in the County Council's Scheme of Delegation (or within the terms of reference of other Committees).

Non-Executive Functions (delegated by Woking Borough Council)

- (i) Oversee and determine priorities for the Borough based community strategy and related local plans within Woking.
- (ii) Oversee and determine priorities for the implementation of the Infrastructure Capacity Study and Delivery Plan (IDP).

In addition, the Joint Committee will deal with those relevant non-executive functions, relating to joint working that may be delegated to it by the Borough Council from time to time.

Service Monitoring, Scrutiny & Issues of Local Concern- advisory functions

The Joint Committee may:

- (i) In relation to the exercise of County Council Executive functions relating to Members allocations, receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader. (SCC)
- (ii) In relation to Community Highway Enhancement allocations, receive a report on all projects approved by Individual Members of the County Council under delegated authority, or by the Area Team Manager where Members have requested that their allocations be combined to be spent in one or more divisions. (SCC)
- (iii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards. (SCC/WBC)
- (iv) Engage in issues of concern to local people and seek to influence the respective Councils in the light of local needs. (SCC/WBC)
- (v) Monitor the quality of services provided locally, and recommend action as appropriate. (SCC)
- (vi) Support Surrey Schools, strengthening links with Headteachers and Governing Bodies to promote the outcomes of increased investment for safer, better schools focused on raising the standards of education for all children.
- (vii) Be informed in relation to the prioritisation of proposed and planned infrastructure schemes, or developer funded highway improvements within Woking. (SCC)
- (viii) Be informed of and receive appropriate reports on highway initiatives and/or improvements either wholly or partly in Woking. (SCC)
- (ix) Oversee local initiatives agreed and funded by the Joint Committee. (SCC/WBC)
- (x) Oversee on-street parking enforcement including financials in its area subject to terms of reference, agreed by the committee, which best suit its particular local circumstances. (SCC)
- (xi) Oversee and scrutinise the impact of the Local Prevention, Community Youth Work and SOLD Local Offer in accordance with prevention priorities for young people in the local area. (SCC)
- (xii) Be advised of the Joint Youth Estates Strategy for Woking Borough. (SCC/WBC)

- (xiii) To provide political oversight and advice on the Community Safety functions of the Borough. (SCC/WBC)
- (xiv) To act as the local Health and Wellbeing Board for Woking and oversee and set priorities for general health and wellbeing matters within the framework of Surrey's Joint Health and Wellbeing Strategy. (SCC/WBC)
- (xv) Be consulted on any issues referred to it by either Council and produce responses as appropriate. (SCC/WBC)

(Note: A joint committee may not make any decision which will have an adverse effect on a part of the county for which it does not have functions).

(C) Funding

- (i) With regards to budget setting and planning, the County Council and Woking Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.
- (ii) Provision of venue:

The meeting's venue and associated costs will normally be provided by Woking Borough Council, unless alternative arrangements are agreed by Surrey County Council.

(iii) Committee management:

Committee management and associated costs (as set out in paragraph 3.1) for the Joint Committee will be provided by Surrey County Council.

(iv) Any resulting Joint Committee members' costs and expenses will be funded and administered by their respective authorities.

(D) Withdrawal from the Joint Committee

At any time either Council may give 6 months' notice in writing to the other Council of its intention to withdraw from the Joint Committee. Once the Joint Committee ceases to exist the functions delegated to it would each revert back to the relevant delegating authority.

Section 3 - Standing Orders

1. MEMBERSHIP AND ATTENDANCE OF MEMBERS AT MEETINGS

- 1.1. Membership of the Woking Joint Committee shall be all county councillors with electoral divisions in Woking, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Woking), and an equivalent number of borough councillors who should be politically proportionate to the borough council. At least one borough councillor shall be a member of that council's Executive. No substitutes will be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Council, at the start of each municipal year. All borough and county councillors on the Joint Committee will have equal voting rights on all issues being considered.
- 1.2. A person shall cease to be a member if he/she ceases to be a member of the County Council, a member representing an electoral division in Woking or the relevant Cabinet Member, or in the case of a member of the Borough Council, ceases to be a member of that Council, or the relevant Executive Member or resigns from the Woking Joint Committee.
- 1.3. Surrey County Council or Woking Borough Council may, through their respective Councils, co-opt representatives from the voluntary sector, public authorities or businesses in Woking onto the Joint Committee. These representatives will be able to take part in discussions on agenda items, but will not be able to vote on any item for decision.
- 1.4. The Leader of either Surrey County Council or Woking Borough Council, or appropriate Surrey County Council Cabinet Member or Woking Borough Council Executive Member with portfolio responsibilities for a matter on the agenda of the joint committee meeting may attend the meeting of the committee and, with the chairman's consent, speak on the matter or provide written representation.

2. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

- 2.1. For the 2016/17 Municipal Year only, the Chairman (who will be a County Councillor) and Vice-Chairman (who shall be a member of the Borough Council's Executive)shall be elected at the first business meeting of the County Council or the Borough Council (as appropriate) of that municipal year.
- 2.2. The Chairman and Vice-Chairman shall be elected at the first business meeting of the Joint Committee in the 2017/18 Municipal Year for a period of two years and every two years thereafter.
- 2.3. If the appointed Chairman is representing Surrey County Council, the Vice-Chairman must be a Woking Borough Council representative and vice-versa.
- 2.4. The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Woking Joint Committee, continue in office until a successor is appointed. If a Chairman or Vice-Chairman does not complete a two year term, an alternative member from the same Council shall be elected by the Joint Committee for the remainder of that term.
- 2.5. In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Committee shall elect a chairman for that meeting.

3. MANAGEMENT OF THE COMMITTEE

3.1. The County Council's Community Partnership's Team shall act as the Committee Manager for the Woking Joint Committee and shall be responsible for preparing and circulating agendas for meetings, advising on constitutional matters and for producing the decisions and minutes.

4. FORMAL MEETINGS

- 4.1. There shall be between 4 and 8 formal meetings of the Woking Joint Committee each year as determined by the Chairman and Vice-Chairman and as set out in the calendar of meetings published on the council's website.
- 4.2. The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Woking Joint Committee to consider a matter that falls within its remit but cannot await the next scheduled meeting, provided at least seven clear working days notice in writing is given to the Committee Manager.
- 4.3. Formal meetings of the Joint Committee and its sub-committees shall be held in public except when exempt or confidential information is being considered and the press and public can be excluded in accordance with the Local Government Act 1972.
- 4.4. Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

5. DELEGATED POWERS

- 5.1. The delegated powers mean those powers to be discharged by the Woking Joint Committee as set out in Section 2(B) of this Constitution.
- 5.2. The Woking Joint Committee shall discharge the delegated powers, within the budgetary and policy framework set by Surrey County Council in the case of County functions or by Woking Borough Council in the case of borough functions.
- 5.3. When discharging the delegated powers the Woking Joint Committee shall take decisions only after taking into account advice given in writing or orally from relevant Officers of Surrey County Council or of Woking Borough Council as appropriate, including legal, financial and policy advice.
- 5.4. If the Joint Committee is to make a Key Executive decision delegated to it by either Surrey County Council or Woking Borough Council, then the Joint Committee must follow the constitution of the authority delegating the decision, including publishing it in the monthly forward plan of that authority.

6. OVERVIEW AND SCRUTINY

- 6.1. Executive decisions made by the Woking Joint Committee are subject to scrutiny by Surrey County Council's or Woking Borough Council's relevant Overview and Scrutiny Committee (depending on which authority delegated the particular function), including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').
- 6.2. The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of Surrey County Council or Woking Borough Council depending on which authority delegated the executive decision in question.

- 6.3. Referral of Joint Committee Executive decisions by either Surrey County Council Cabinet or Woking Borough Council Executive (dependant on who delegated the function)
- 6.3.1 The SCC Cabinet/WBC Executive may require referral, for review and final determination, any executive decision taken by the Joint Committee which has significant policy or budgetary implications or is outside of the authority delegated to the Joint Committee, subject to notice of requirement for referral being given within 5 working days of publication of the decision.
- 6.3.2 Notice of referral may be given by the Leader or Deputy Leader of the relevant authority, or any three or more members of the SCC Cabinet/WBC Executive as appropriate.
- 6.3.3 All members of the Joint Committee will be notified that an executive decision taken by the Committee has been required for referral by SCC Cabinet/WBC Executive.
- 6.3.4 The decision will be considered by the SCC Cabinet/WBC Executive at its next appropriate meeting in discussion with the Joint Committee Chairman and Vice-Chairman and no action will be taken to implement it in the meantime.
- 6.3.5 The Joint Committee Chairman or Vice-Chairman may attend the SCC Cabinet/WBC Executive meeting, as appropriate, for the consideration of the matter and speak on the item.
- 6.3.6 The SCC Cabinet/WBC Executive may accept, reject or amend the decision taken by the Joint Committee. A report on the decision taken by the Cabinet/ Executive will be made to the next appropriate meeting of the Joint Committee, and to all the Members of either Surrey or Woking Council, as appropriate, for information.

The following general provisions apply to the consideration of all matters within Woking Joint Committee's remit.

7. NOTICE OF MEETING

- 7.1. The date, time and place of the fixed meetings of the Woking Joint Committee will be accessed through both the Surrey County Council and Woking Borough Council websites. The notice, agenda, reports and other documents prepared for the Woking Joint Committee will be posted on the Surrey County Council website (with links from the Woking Borough Council website) and sent to Members of the Committee not less than seven clear working days before the date of the meeting.
- 7.2. Only the business on the agenda will be discussed at a meeting of the Woking Joint Committee except for urgent matters raised in accordance with the provisions in Section 100B(4)(b) of the Local Government Act 1972.

8. SPECIAL MEETINGS

8.1. A special meeting of the Woking Joint Committee will be convened to consider specific matters within its terms of reference at the discretion of the Chairman, or the Vice-Chairman in his/her absence. At least seven clear working days notice of a special meeting must be given.

9. AGENDAS

- 9.1. Woking Joint Committee will comply with the Access to Information rules in Part VA of the Local Government Act 1972.
- 9.2. Agendas for meetings of the Woking Joint Committee shall be dispatched by the Committee Manager seven clear working days in advance of a meeting, and copies will be made available for public inspection at the designated County and Borough Council offices, libraries and via the County Council and Woking Borough Council websites.
- 9.3. Members of the Woking Joint Committee may suggest items for inclusion in the agenda within its remit. These will be added to the forward programme in consultation with the Chairman and Vice-Chairman of the Woking Joint Committee.

10. DECISIONS AND MINUTES

- 10.1. The decisions from the meeting shall be published on the County Council's website, with links from the Woking Borough website, within three clear working days of the Committee.
- 10.2. The minutes of a meeting shall be published on the County Council's website, with relevant links, as soon as is reasonably practicable.
- 10.3. At the meeting, the Chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the chairman" and there may only be discussion if there is disagreement about their accuracy which will be resolved by a vote in the normal way.
- 10.4. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of signing of minutes.

11. CONFIDENTIALITY OF PAPERS

11.1. All Members must respect the confidentiality of any papers made available to them for the purpose of meetings of the Woking Joint Committee or otherwise for so long as those papers remain confidential.

Failure to observe

11.2. Any or all of the rights conferred on a Member of one of the Councils under its Constitution may be withdrawn by that Council if it is satisfied that he/she has not observed the requirements of Standing Order 11.1 in relation to any of its papers.

12. QUORUM

- 12.1. The Chairman will adjourn the meeting if there is not a quorum present.
- 12.2. The quorum will be one quarter of the total number of voting members of the Committee. A quorum may not be fewer than three voting members.

13. MEMBER QUESTIONS TO THE WOKING JOINT COMMITTEE

13.1. Any Member of either Council may, with the Chairman's consent, ask one or more questions on matters within the terms of reference of the committee.

- 13.2. Notice of questions must be given in writing to the Community Partnerships Team by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 13.3. Questions may be asked without notice if the Chairman decides that the matter is urgent.
- 13.4. Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.
- 13.5. Every question will be put and answered.
- 13.6. Copies of all questions will be circulated to Members before the start of the meeting.
- 13.7. Questions may be answered orally or in writing.
- 13.8. If the Chairman is unable to answer any question at the meeting he/she may send a written answer to the Member asking the question.
- 13.9. At the discretion of the Chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.
- 13.10. A record of all questions and answers will be included in the minutes of the meeting.

14. PUBLIC PARTICIPATION IN WOKING JOINT COMMITTEE

14.1. PETITIONS

- 14.1.1. Any member of the public who lives, works or studies in the Woking Borough area may present a petition, containing 30 or more signatures or at the Chairman's discretion, relating to a matter within the terms of reference of the Committee. The presentation of a petition on the following business will not be allowed:
 - o matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985;
 - o planning applications; and
 - o matters in relation to a public rights of way under consideration by the Joint Committee.
- 14.1.2 A spokesperson for the petitioners may address the committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the committee or to the SCC Cabinet, Cabinet Member, WBC Executive or relevant committee of either SCC or WBC at the discretion of the Chairman.
- 14.1.3 Notice must be given in writing to the Community Partnerships Team at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through Surrey County Council's or Woking Borough Council's e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.
- 14.1.4 No more than three petitions may be presented at any one meeting of the committee unless agreed otherwise by the Chairman.
- 14.1.5 The Community Partnerships Team may amalgamate within the first received petition other petitions of like effect on the same subject.

14.1.5 The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion.

14.2. PUBLIC QUESTIONS AND STATEMENTS

- 14.2.1 At the start of any ordinary meeting of the Committee, any member of the public who lives, works or studies in the Woking borough area may ask one question or make a statement relating to a matter within the Committee's terms of reference. The Chairman may alternatively permit the question to be asked or the statement to be made at the start of an item on the agenda if it relates to that item.
- 14.2.2 Questions or statements will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications or on rights of way matters under consideration.
- 14.2.3 Notice of questions or statements must be given in writing or by e-mail to the Community Partnerships Team with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 14.2.4 The Community Partnerships Team may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be tabled and made available in the meeting room for members of the Joint Committee and any member of the public in attendance.
- 14.2.5 Questions and statements will be taken in the order in which they are received by the Community Partnerships Team. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.
- 14.2.6 Following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.
- 14.2.7 The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may disallow questions or statements which are repetitious.
- 14.2.8 When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which such public participation has concluded and the Committee's formal discussion and decision making of the item is taking place.

14.3. PUBLIC SPEAKING IN RELATION TO RIGHTS OF WAY

Rights of Way application decisions are quasi-judicial decisions. They are therefore subject to specific rules. The reason for the rules about public speaking reflect the right of all individuals to a fair hearing.

- 14.3.1 Members of the public and their representatives may address the Woking Joint Committee on any applications relating to public Rights of Way being considered by the committee.
- 14.3.2 Speakers must first register their wish to speak by telephone or in writing to the Community Partnerships Team by 12 noon one working day before a meeting stating on which item(s) they wish to speak.

- 14.3.3 Only those people who have previously made written representations in response to a Rights of Way application will be entitled to speak.
- 14.3.4 Speakers must declare any financial or personal interest they may have in the application.
- 14.3.5 Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.
- 14.3.6 The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.
- 14.3.7 Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.
- 14.3.8 No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.
- 14.3.9 Speeches will precede the committee's formal discussion on each application requiring the committee's attention.
- 14.3.10 The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the committee.

15. RIGHT TO SPEAK AT COMMITTEE

- 15.1. A Member may only speak once on a motion and amendment except:
- 15.1.1 the mover may reply to the debate but, in doing so, may only answer statements and arguments made in the course of the debate. He/she may not introduce any new matter;
- 15.1.2 the mover of a motion may speak during the debate on any amendment to the motion;
- 15.1.3 a Member who has already spoken may speak on a point of order or may, at the chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood;
- 15.1.4 the Chairman may speak before the mover of the motion or amendment replies to the debate.
- 15.1.5 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately and reserves his/her right to speak later.

16. RELEVANCE

16.1. Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

17. POINTS OF ORDER

17.1. Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the chairman whose decision will be final.

18. LENGTH OF SPEECHES

- 18.1. Except with the consent of the chairman, the following time limits will apply to speeches:
 - (a) The mover of a motion or an amendment.

(5 minutes)

- (A Member may not speak for more than five minutes unless he/she has a seconder).
- (b) The mover of a motion either speaking to an amendment or replying to the debate. (3 minutes)
- (c) The mover of an amendment replying to the debate on the amendment. (3 minutes)
- (d) The seconder of a motion or an amendment. (3 minutes)
- (e) A Member speaking on a report or in a debate. (3 minutes)

19. AFTER REPLY DEBATE IS CLOSED

19.1. After the reply is made, the motion or amendment under discussion will be put from the Chair.

20. PROCEDURE FOR MOTIONS AND AMENDMENTS

- 20.1. Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing to the Community Partnerships Team and read aloud before it is put to the meeting
- 20.2. A Member may not move or second more than one amendment on any motion.
- 20.3. Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Committee.
- 20.4. With the consent of the Committee, a Member may:
 - a) alter a motion of which he/she has given notice; or
 - b) with the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under the following Standing Order).

21. AMENDMENTS

- 21.1. Every amendment must be relevant to the motion under discussion and will either:
 - a) move the reference back
 - b) leave out words
 - c) add words, or
 - d) leave out words and add others.
- 21.2. An amendment which forms the negative of the motion will not be allowed:
- 21.3. Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the Chairman decides otherwise.

- 21.4. If an amendment is lost, other amendments may be moved on the motion.
- 21.5. If an amendment is carried, the motion as amended will become the substantive motion on which further amendments may be moved.

22. PROCEDURAL MOTION

"That the question be now put"

- 22.1 Any Member may, at the close of the speech of another Member, move "That the question be now put".
- If he/she considers that there has been adequate debate, the Chairman may put the motion "That the question be now put" without debate. If the motion is carried:
 - (a) the Chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and
 - (b) the mover of the motion or amendment may reply.
- 22.3 The motion or amendment will then be put.

23. INTERRUPTIONS AND DISORDERLY CONDUCT

- 23.1. If a member of the public interrupts the proceedings at a meeting the Chairman may ask him/her not to interrupt.
- 23.2. If the interruption continues the Chairman may order his/her removal from the room.
- 23.3. If there is general disturbance in all or part of the public gallery the Chairman may order that part to be cleared.
- 23.4. If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, "That the named Member be not further heard". If this motion is seconded it will be put to the vote and determined without discussion.
- 23.5. If the motion is carried and the misconduct continues the Chairman may adjourn or suspend the sitting of the Committee for as long as he/she considers appropriate.

24. VOTING

- 24.1. Voting will be by show of hands unless a Member demands a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment will be recorded and entered in the minutes.
- 24.2. Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against the motion to be recorded in the minutes.
- 24.3. On a formal motion put from the Chairman (e.g. "That the report be received"), the question may be decided by the voice of the Members, unless any Member demands a show of hands.
- 24.4. If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.
- 24.5. The person presiding at the meeting, having already voted, may in the event of a tie exercise a second or casting vote.

25. MEMBERS CODE OF CONDUCT

25.1. Members are bound by the Code of Conduct of the authority which appointed them to the Woking Joint Committee and should particularly observe the provisions of their respective Codes concerning the declaration of pecuniary interests when attending meetings of the Woking Joint Committee.

26. INTERESTS OF MEMBERS

- 26.1. At any meeting where a Member becomes aware that a matter under consideration relates to:
 - a) one of their interests that they must disclose in accordance with their respective council's Codes not already entered on the relevant Council's register and/or
 - b) the donor of any gift and/or hospitality they have accepted and not yet entered on the relevant Council's register

The Member must disclose the interest to the meeting and, within 28 days, notify this to either the County Council's Monitoring Officer in the case of County Councillors or the Borough Council's Monitoring Officer in the case of Borough Councillors for inclusion in the register.

27. PARTICIPATION IN RELATION TO DISCLOSABLE PECUNIARY INTERESTS

- 27.1. A Member with a disclosable pecuniary interest in any matter must:
 - a) not participate in any discussion or vote relating to the matter;
 - b) withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;
 - c) not exercise functions in relation to that matter; and
 - d) not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them) unless he/she has obtained a dispensation from the County Council's Audit and Governance Committee for County Councillors or the Borough Council's Monitoring Officer for Borough Councillors.

28. ATTENDANCE OF MEMBERS

28.1. Members will sign a register of attendance.

29. EXCLUSION OF THE PRESS AND PUBLIC

29.1. The Woking Joint Committee may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of Exempt or Confidential information as defined by the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

30. SUB-COMMITTEES AND TASK GROUPS

30.1. The Woking Joint Committee may appoint:

- a) 30.1.1 Sub-Committees with power to act to discharge any of its functions as agreed by the Joint Committee.
- b) 30.2.2 Task Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Woking Joint Committee.

31. CONDUCT AT MEETINGS

31.1. The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Chairman of the meeting whose ruling is final.

32. STANDING ORDERS OF SURREY COUNTY COUNCIL TO APPLY

- 32.1 Save to the extent that a matter is dealt with in these governance arrangements, the Woking Joint Committee shall be subject to the County Council's Rules of Procedure contained in its Constitution (in so far as they are relevant, and with the necessary changes being made).
- 32.2 If there is any conflict between these governance arrangements and those Rules of Procedure, these governance arrangements shall have precedence.

Joint Waste Collection Services Committee

Constitution

This Constitution has been approved by Elmbridge Borough Council, Mole Valley District Council, Rushmoor Borough Council, Surrey County Council, Surrey Heath Borough Council and Woking Borough Council, as the Constitution of the Joint Waste Collection Services Committee.

1. Establishment of the Joint Waste Collection Services Committee

- 1.1 The Joint Waste Collection Services Committee shall be the "Elmbridge Borough Council, Mole Valley District Council, Rushmoor Borough Council, Surrey County Council, Surrey Heath Borough Council and Woking Borough Council".
- 1.2 The Joint Waste Collection Services Committee is established under Sections 101(5) and 102 of the Local Government Act 1972, and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives or relevant Committees of Elmbridge Borough Council, Mole Valley District Council, Rushmoor Borough Council, Surrey County Council, Surrey Heath Borough Council and Woking Borough Council.

2. Objectives of the Joint Waste Collection Services Committee

- 2.1 The Councils have agreed to establish the Joint Waste Collection Services Committee to facilitate the Councils in working together to improve the quality and effectiveness of the discharge of their waste management functions under the relevant provisions of the Environmental Protection Act 1990, in particular the joint procurement of a contract to deliver associated waste services.
- 2.2 This working together shall include the three phases of pre-procurement; procurement; and options for contract management.
- 2.3 This working together shall also include working in partnership with Surrey County Council as the Waste Disposal Authority to maximise integration opportunities.

3. Powers Delegated to and matters reserved from the Joint Waste Collection Services Committee

- 3.1 The Joint Waste Collection Services Committee and the Lead Officers reporting thereto shall have such powers delegated as are set-out in the Inter Authority Agreement and such further powers as may from time to time be delegated to the Joint Waste Collection Services Committee by the Leaders or Executives of the constituent Councils or of any of the constituent Councils.
- 3.2 In so far as any powers may from time to time be delegated to the Joint Waste Collection Services Committee, the following functions (the Reserved Matters) are matters reserved to each of the Councils making such delegation and shall not be within the powers of the Joint Waste Collection Services Committee:
- 3.2.1 All non-executive functions of any of the Councils.
- 3.2.2 Any decision which is contrary to or not wholly in accordance with the budget approved by each Council for the Joint Waste Collection Services Committee.
- 3.2.3 Any decision in respect of which a Scrutiny Committee of any of the appointing Authorities has notified the Secretary to the Joint Waste Collection Services Committee in writing of the Council's formal objection to the proposed decision in accordance with clause 10.1 (below).

- 3.2.4 Approval or amendment of any joint working agreement between the Councils in respect of the discharge of the Councils' waste disposal functions.
- 3.2.5 Any decision by a Council to withdraw its Membership from the Joint Waste Collection Services Committee.
- 3.2.6 Approval of the final award of any Contract for the collection of waste.

4. Membership and Appointment of the Joint Waste Collection Services Committee

- 4.1 The Joint Waste Collection Services Committee shall comprise six Members, being the relevant Member nominated from each Council.
- 4.2 The Joint Waste Collection Services Committee shall also have a delegated power to permit additional membership of the Committee in a co-opted role without voting rights.
- 4.3 Each Member of the Joint Waste Collection Services Committee shall be appointed for the term of office, or the balance of the term of office, of the Executive of the appointing Council.
- 4.4 The appointment of Members of the Joint Waste Collection Services Committee to fill any vacancy for such Members shall be made by the Executives or relevant Committee of each Council:
- 4.4.1 as soon as practicable following the adoption of this Constitution by the Executive or relevant Committee or full Council of that Council:
- 4.4.2 as soon as practicable after the appointment of the Executive or relevant Committee of that Council in accordance with that Council's Constitution; and
- 4.4.3 as soon as practicable after a vacancy arises in respect of a seat on the Joint Waste Collection Services Committee to which the Executive or relevant Committee of that Council has the power to make an appointment.
- 4.5 A Member of the Joint Waste Collection Services Committee shall cease to be a Member of the Joint Waste Collection Services Committee, and a vacancy shall automatically arise, where:
- 4.5.1 the Member resigns from the Joint Waste Collection Services Committee by giving notice in writing to the Secretary to the Joint Waste Collection Services Committee;
- 4.5.2 the Member ceases to be, or is suspended under Part III of the Local Government Act 2000 from acting as, a Member of the appointing Council, or a Member of the Executive or relevant Committee of the appointing Council:
- 4.5.3 the Member is removed from membership of the Joint Waste Collection Services Committee by notification in writing from the Leader of the appointing Council to the Secretary of the Joint Waste Collection Services Committee.
- 4.6 All appointments to membership of the Joint Waste Collection Services Committee shall be made by notification in writing from the Leader or the Chief Executive of the appointing Council to the Secretary of the Joint Waste Collection Services Committee.
- 4.7 Upon being made aware of any Member ceasing to be a Member of the Joint Waste Collection Services Committee, the Secretary of the Committee shall write to that Member confirming that he/she has ceased to be a Member of the Joint Waste Collection Services

Committee, and notifying the appointing Council and the other Members of the Joint Waste Collection Services Committee accordingly.

4.8 Each Council will appoint a substitute Member of the Joint Waste Collection Services Committee on the same terms as the Council's appointed Member of the Joint Waste Collection Services Committee. The substitute Member may attend any meeting of the Joint Waste Collection Services Committee with all the powers of the Council's appointed Member in the event that an appointed Member is unable to attend a particular meeting.

5. Chairman and Vice-Chairman of the Joint Waste Collection Services Committee

- At the first meeting of the Joint Waste Collection Services Committee after the annual meetings of each Council in any year, the Joint Waste Collection Services Committee shall elect a Chairman of the Joint Waste Collection Services Committee and a Vice Chairman of the Joint Waste Collection Services Committee for the following year from among the Members of the Joint Waste Collection Services Committee, save that any co-opted Members shall not be entitled to election as Chairman or Vice-Chairman of the Joint Waste Collection Services Committee.
- 5.2 By convention, if the Chairman of the Joint Waste Collection Services Committee in any year is a Member of one of the Councils, the Chairman of the Joint Waste Collection Services Committee for the next year would normally be a Member of another of the Council.
- 5.3 The Chairman and the Vice Chairman of the Joint Waste Collection Services Committee shall each hold office until:
- 5.3.1 a new Chairman or Vice-Chairman of the Joint Waste Collection Services Committee is elected in accordance with clause 5.1 above.
- 5.3.2 he/she ceases to be a member of the Joint Waste Collection Services Committee, or
- 5.3.3 he/she resigns from the office of Chairman or Vice-Chairman by notification in writing to the Secretary of the Joint Waste Collection Services Committee.
- Where a casual vacancy arises in the office of Chairman or Vice Chairman of the Joint Waste Collection Services Committee, the Joint Waste Collection Services Committee shall at its next meeting elect a Chairman or Vice Chairman, as the case may be, for the balance of the term of office of the previous Chairman or Vice Chairman.
- Where, at any meeting or part of a meeting of the Joint Waste Collection Services Committee, both the Chairman and the Vice-Chairman of the Joint Waste Collection Services Committee are either absent or unable to act as Chairman or Vice Chairman, the Joint Waste Collection Services Committee shall elect one of the Members of the Joint Waste Collection Services Committee present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate.

6. Secretary to the Joint Waste Collection Services Committee

- 6.1 The Joint Waste Collection Services Committee shall be supported by the Chief Executive or nominated officer of the Lead Authority in his/her capacity as Secretary to the Joint Waste Collection Services Committee.
- The functions of the Secretary of the Joint Waste Collection Services Committee shall be:
- 6.2.1. To maintain an online record of membership of the Joint Waste Collection Services Committee.

- 6.2.2. To notify the Chief Executive and Lead Officer of each appointing Council of any anticipated decisions to be taken by the Joint Waste Collection Services Committee over the year (whether or not key decisions) and updated on a monthly basis, to enable such decisions to be included in the Forward Plans of each appointing Council as required by the Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012 and in accordance with their respective constitutions.
- 6.2.3. To carry out such notification to and consultation with Members of the appointing Councils as may be necessary to enable the Joint Waste Collection Services Committee to take urgent decisions which have not been included in the Forward Plans of the Councils.
- 6.2.4. To notify the Chief Executives of the Councils of the dates, times and venues of meetings and to publish the dates times and venues.
- 6.2.5. To summon meetings of the Joint Waste Collection Services Committee in accordance with clause 7 below.
- 6.2.6. To prepare and send out the agenda for meetings of the Joint Waste Collection Services Committee in consultation with the Chairman and the Vice Chairman of the Committee and the Lead Officers.
- 6.2.7. To keep a record of the proceedings of the Joint Waste Collection Services Committee.
- 6.2.8. To take such administrative action as may be necessary to give effect to decisions of the Joint Waste Collection Services Committee.
- 6.2.9. To undertake such other functions as may be determined by the Joint Waste Collection Services Committee

7. Convening of Meetings of the Joint Waste Collection Services Committee

- 7.1 Meetings of the Joint Waste Collection Services Committee shall be held at such times, dates and places as may be notified to the Members by the Secretary to the Joint Waste Collection Services Committee, being such time, place and location as:
- 7.1.1 the Joint Waste Collection Services Committee shall from time to time resolve;
- 7.1.2 the Chairman of the Joint Waste Collection Services Committee, or if he/she is unable to act, the Vice-Chairman of the Joint Waste Collection Services Committee, shall notify to the Secretary of the Joint Waste Collection Services Committee; or
- 7.1.3 the Secretary of the Joint Waste Collection Services Committee, in consultation where practicable with the Chairman and Vice Chairman of the Joint Waste Collection Services Committee, shall determine in response to receipt of a request in writing addressed to the Secretary of the Joint Waste Collection Services Committee:
 - From and signed by two Members of the Joint Waste Collection Services Committee, or
 - From the Chief Executive of a Council, or
 - From the Leader of a Council,

which request sets out an item of business within the functions of the Joint Waste Collection Services Committee that needs to be considered prior to the next scheduled meeting of the Joint Waste Collection Services Committee.

- 7.2 The Secretary of the Joint Waste Collection Services Committee shall formulate the agenda for any meeting of the Joint Waste Collection Services Committee after consulting, where practicable:
- 7.2.1 the Project Manager, Lead Officers;
- 7.2.2 the Chairman and the Vice-Chairman of the Joint Waste Collection Services Committee;
- 7.2.3 and shall incorporate in the agenda any items of business and any reports submitted by
 - any two Members of the Joint Waste Collection Services Committee in accordance with clause 7.1.3 above
 - o the Leader of any of the Councils
 - The Chief Executive of any of the Councils (or their nominated officers)
 - Lead Officers
 - the Chief Finance Officer/Section 151 Officer to any of the Councils
 - the Monitoring Officer to any of the Councils
 - such other officers as the Joint Waste Collection Services Committee may determine for this purpose.

8. Procedure at Meetings of the Joint Waste Collection Services Committee

- 8.1 The Joint Waste Collection Services Committee shall conduct its business in accordance with the Executive Decision-Making Procedure Rules of the Lead Authority, and as set out below.
- 8.2 The quorum for a meeting of the Joint Waste Collection Services Committee shall be four Members.
- 8.3 The Chairman of the Joint Waste Collection Services Committee, or in his/her absence the Vice Chairman of the Joint Waste Collection Services Committee, or in his/her absence the Member of the Joint Waste Collection Services Committee elected for this purpose, shall preside at meetings of the Joint Waste Collection Services Committee.
- Whilst the Joint Waste Collection Services Committee shall seek, wherever possible, to work on a principle of consensus, decisions of the Joint Waste Collection Services Committee shall, subject to clause 8.5 below, be determined by a majority of the Members of the Joint Waste Collection Services Committee present and voting. In the event of an equality of votes, the person presiding shall have a second or casting vote.
- Where the Joint Waste Collection Services Committee are unable to support any motion on a matter, or any voting Member of the Joint Waste Collection Services Committee is unable to support any motion on a matter, the decision will be held in abeyance until the next meeting of the Committee where a decision shall be taken in relation to that matter. In such circumstances, the Secretary of the Joint Waste Collection Services Committee will notify the matter to the Leaders of the Councils.
- 8.6 Any decision of the Joint Waste Collection Services Committee is subject to the scrutiny arrangements as set out in clause 10 below.

8.7 If there is a conflict between the governance arrangements contained in this Constitution and the Executive Decision-Making Procedure Rules of the Lead Authority, the governance arrangements contained in this Constitution shall have precedence.

9. Attendance at Meetings of the Joint Waste Collection Services Committee

- 9.1 Notwithstanding that, in accordance with the provisions of the Local Government Act 1972, a meeting or part of a meeting of the Joint Waste Collection Services Committee may not be open to the press and public, the Members and officers specified in Clause 9.2 below of each Council shall be entitled, in person or by another officer nominated by that officer, to attend any or all parts, of such meetings, unless the particular Member or officer has a conflict of interest, which under any applicable Code of Conduct, prohibits attendance at the meeting whilst the matter is under consideration.
- 9.2 The following are the elected Members and Officers who shall have a right of attendance in accordance with clause 9.1 above:
- 9.2.1. all elected Members of the constituent Councils
- 9.2.2. the Chief Executive of any of the constituent Council or nominated Officers
- 9.2.3. the Lead Officers of the constituent Councils
- 9.2.4. the Chief Finance Officer/Section 151 officer to any of the constituent Councils
- 9.2.5. the Monitoring Officer to any of the constituent Councils
- 9.2.6. any person appointed by the Joint Waste Collection Services Committee to manage particular projects
- 9.2.7. any other officer of the Council at the request of any member of the Joint Waste Collection Services Committee.

10. Call-In by Scrutiny Committees

- 10.1 The delegation of powers from each Council to the Joint Waste Collection Services Committee is subject to the limitation that all decisions taken by the Joint Waste Services Committee in accordance with delegations from each Council shall only take effect five clear working days after publication of the decisions following a relevant meeting of the Joint Waste Collection Services Committee and shall be ineffective if a relevant Scrutiny Committee of one or more of the Council has given notice in writing of Call-In to the Chief Executives of the other Councils and to the Secretary to the Joint Waste Collection Services Committee within such period of five clear working days.
- 10.2 The Council seeking Call-In needs to identify which part or parts of the decision are Called-In and to give the reasons for Call-In and shall have support of the relevant number of its Members as set out in the Constitution of that Council.
- 10.3 If a decision of the Joint Waste Collection Services Committee is Called-In, it shall not be implemented save where the decision on the Call-In is to support or take no further action, in which case the decision shall take effect at the conclusion of that Call-In Meeting, or

where the Meeting of the Council's Overview and Scrutiny Committee does not take place within ten clear working days of the valid submission of a notice triggering a Call-In under clause 10.2 above, the decision shall take effect on the date of the expiry of the ten working day period.

- 10.4 Such matters shall within a further ten clear working days be referred and considered by a Meeting of the relevant Scrutiny Committee(s). The relevant Scrutiny Committee(s) may make such recommendations to the next Meeting of the Joint Waste Collection Services Committee on the matter as they think fit.
- 10.5 Where a Council or Councils have made such objection in respect of a matter, the Joint Waste Collection Services Committee shall then reconsider the matter within a further ten clear working days and come to a decision. That second decision shall take effect immediately and no Council then can Call-In that second decision.

11. Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules

11.1 The Joint Waste Collection Services Committee shall operate under the Standing Orders for Executive Decision Making of the Lead Authority.

12. Amendment of this Constitution

12.1 This Constitution can only be amended by agreement of all the Councils.

13. Definitions

In this Constitution, the following words and phrases shall have the meanings set out below:

"Lead Authority" means Elmbridge Borough Council.

"Councils" means Elmbridge Borough Council, Mole Valley District Council, Rushmoor Borough Council, Surrey County Council, Surrey Heath Borough Council and Woking Borough Council.

"Policy and Budget Framework" means the plans and strategies approved by the Council of each of the Authorities for the purpose of Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as may be amended or replaced from time to time.

"Project Manager" means the responsible person for the project management of the delivery of the procurement of the Joint Waste Services Contract.

"Lead Officers" means the relevant Directors or Heads of Service responsible for waste, recycling and street cleaning.

Management Arrangements

This document sets out the Council's general management arrangements.

MANAGEMENT STRUCTURE

1. CORPORATE MANAGEMENT GROUP

- 1.1 The Council's Corporate Management Group comprises the Chief Executive, the Deputy Chief Executive, two Strategic Directors, the Chief Finance Officer and the Monitoring Officer.
- 1.2 The Corporate Management Group will:
 - o provide policy advice and support to the Council;
 - o act as the interface between the Council and its staff;
 - o lead, direct and support the staff, and
 - deliver the agenda set by the Council.
- 1.3 The Corporate Management Group performs a strategic and service role with senior managers responsible for day-to-day operations. Individual members of the Corporate Management Group will contribute to the effective collective work and responsibility of the Corporate Management Group; they will ensure cross-unit collaboration and will hold senior managers to account for delivery of the Council's objectives, services and priorities.
- 1.4 Individual members of the Corporate Management Group are accountable for ensuring that the fullest empowerment possible, including self-service by citizens, is achieved within the areas subject to their oversight (under the "People, Place, Us" agenda).
- 1.5 The designation of one of the Director posts as Deputy Chief Executive is within the personal discretion of the Chief Executive.

2. STATUTORY OFFICERS

- 2.1 The Council designates officers to the following statutory positions:-
 - Head of Paid Service (Section 4 Local Government and Housing Act 1989);
 - o Monitoring Officer (Section 5 Local Government and Housing Act 1989), and
 - o Chief Finance Officer (Section 151 Local Government Act 1972).
- 2.2 The statutory officers shall exercise the statutory functions set out in Article 11 of this Constitution.
- 2.3 The Monitoring Officer and the Chief Finance Officer shall, at all times, enjoy unfettered rights to:-
 - Report direct to the Council, the Leader, the Executive, the Overview and Scrutiny Committee and all other Committees of the Council in exercise of their statutory functions, or where they consider it appropriate to do so;

- Attend meetings of the Corporate Management Group when issues relevant to their areas of responsibility are being considered (Note: this right will apply in the event that Council determines that the Monitoring Officer and/or the Chief Finance Officer should not be a member of the Corporate Management Group);
- Contribute to papers for Corporate Management Group meetings in advance with access to decisions made (Note: this right will apply in the event that Council determines that the Monitoring Officer and/or the Chief Finance Officer should not be a member of the Corporate Management Group), and
- O Advise, consult with or report to the Chief Executive, the Corporate Management Group or to Councillors whenever they consider it appropriate to do so.
- 2.4 The Chief Finance Officer shall at all times enjoy unfettered access to:
 - o Internal Audit, including the ability to influence and control those parts of its work programme that relate to the discharge of her/his statutory duties, and
 - External Audit to ensure that they enjoy complete and up-to-date information about the financial arrangements in operation within the Council.

Scheme of Delegations

1. INTRODUCTION

- 1.1 This document lists the powers, duties and functions (both executive and non-executive) which are delegated to Officers under Section 101 Local Government Act 1972 and/or Section 14 Local Government Act 2000.
- 1.2 The specified powers, duties and functions have been expressly delegated to Officers subject to the limitations set out below.
- 1.3 The tasks which Officers carry out within their ostensible authority are not listed. Such tasks shall, where appropriate, be undertaken in consultation with the Ostensible Authority Standing Panel. The Panel's terms of reference are appended at the end of this Scheme of Delegations.
- 1.4 Delegations granted (before or after the adoption of this Constitution) in respect of specific projects or matters ("one-off" delegations) are not necessarily listed. Such delegations remain in force.

2. OPERATING PRINCIPLES

- 2.1 The Head of Democratic and Legal Services shall maintain the list of delegations set out in this document.
- 2.2 An Officer to whom a power, duty or function has been delegated may authorise another Officer to exercise the delegation on his/her behalf provided:
 - (i) he/she considers that other Officer to be a suitable and qualified person to exercise the delegation;
 - (ii) that other Officer reports to, or is responsible to, the Officer to whom the power, duty or function has been delegated, and
 - (iii) written notice of the authorisation is given to the Head of Democratic and Legal Services (who shall maintain a written record of all such authorisations).
- 2.3 The Chief Executive may, in consultation with the other members of the Corporate Management Group ("CMG"), nominate Officers to exercise the powers, duties and functions listed. The Chief Executive may also nominate an Officer to act in another's absence. The Chief Executive shall give written notice of any nomination to the Head of Democratic and Legal Services (who shall maintain a written record of all such nominations).
- 2.4 Any power, duty or function delegated to an Officer below CMG level may, in the absence of that Officer, be exercised by the CMG member to whom that Officer reports, or is responsible, to.
- 2.5 The exercise of functions delegated to Officers under this Scheme must comply, as appropriate, with the following requirements:-
 - any statutory requirements or restrictions;
 - the Council's Constitution;
 - o the Council's policy framework and any other approved plans and strategies;

- the Council's approved budget;
- the Officer Employment Procedure Rules;
- Contract Standing Orders and Financial Regulations, and
- all Codes and Protocols
- 2.6 This Scheme does not delegate any power, duty or function to an Officer which:-
 - is reserved by law, or this Constitution, to full Council, the Executive or any Committee of the Council;
 - may not by law be delegated to an Officer; or
 - o is an Executive function which the Leader has reserved to him/herself.
- 2.7 The exercise of powers, duties or functions delegated to Officers under this Scheme shall be subject to:
 - the right of the Overview and Scrutiny Committee to review and scrutinise Officer decisions (Article 6.03(b) of the Constitution and Rule 14 of the Overview and Scrutiny Procedure Rules), and
 - consultation by the Officer with the appropriate Portfolio Holder or Committee Chairman where the decision is known to have a significant policy, service or operational implication, or is known to be politically sensitive.
- 2.8 Any reference to a statutory provision shall be construed as including a reference to any statutory provision re-enacting or amending the same.
- 2.9 No Officer shall exercise a delegation without first identifying and documenting the source of the delegated authority, whether contained in this Scheme of Delegations, or otherwise granted to the Officer. Where authority to act is in question, Officers must take the advice of the Head of Democratic and Legal Services before exercising the delegation.
- 2.10 The Head of Democratic and Legal Services is authorised to amend this Scheme of Delegations to:
 - reflect organisational changes Such amendments shall only re-allocate existing delegations, and
 - keep it up-to-date in the light of re-enactments or amendments to the statutory provisions referred to.

3. **RECORDING OF DECISIONS**

- 3.1 An Officer exercising a delegation in respect of an Executive function (i.e. a decision on a matter which would otherwise be made by the Executive/Leader) shall, as soon as reasonably practicable after making the decision, prepare a written record which includes:
 - o a record of the decision including the date it was made;
 - a record of the reasons for the decision:
 - details of any alternative options considered and rejected when making the decision;

- a record of any conflict of interest declared by any Member of the Executive who is consulted by the Officer which relates to the decision, and
- a note of any dispensation granted in respect of any declared conflict of interest.
- 3.2 An Officer exercising a delegation in respect of a non-Executive function (i.e. a decision on a matter which would otherwise be made by full Council or a Committee) must produce a written record of any decision which was made:
 - (i) under a specific express authorisation, or
 - (ii) under a general authorisation and the effect of the decision is to:
 - (a) grant a permission or licence;
 - (b) affect the rights of an individual, or
 - (c) award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

The written record must be produced as soon as reasonably practicable after the decision was made, and shall include the following information:

- the date the decision was taken;
- o a record of the decision taken along with the reasons for the decision;
- o details of alternative options, if any, considered and rejected, and
- where the decision was taken under a specific express authorisation, the names of any Member who has declared a conflict of interest in relation to the decision.
- 3.3 The written record must be forwarded to Democratic Services who will arrange for it to be available for public inspection at the Civic Offices and on the Council's website.
- 3.4 The Officer shall also forward to Democratic Services, for publication in the same manner, a copy of any report considered by the Officer which is relevant to the decision made.
- 3.5 These requirements do not extend to confidential or exempt information.

CORPORATE MANAGEMENT GROUP (CMG): GENERAL DELEGATIONS

1. <u>Emergency/Urgency Powers</u>

Each CMG Member is authorised to act in an emergency, or in relation to an urgent matter, arising in respect of any of the Council's powers, duties or functions. The exercise of this delegation shall, where practicable, be in consultation with the Leader of the Council or (in his/her absence) the Deputy Leader of the Council.

2 Local Government (Miscellaneous Provisions) Act 1976, Section 16

Each CMG Member is authorised to serve a notice to seek from individuals the nature of their interest in land subject to statutory action.

CHIEF EXECUTIVE

Head of Paid Service

To act as the Council's Head of Paid Service under section 4 of the Local Government and Housing Act 1989 and to be responsible for the general management of the Council's workforce and the general management of the authority.

2. Elections

To act as Electoral Registration Officer in maintaining the Electoral Register and as Returning Officer in conducting Local Government Elections.

3. <u>Powers of Entry</u>

The Chief Executive may authorise named officers to enter land for the purposes specified in Section 324 of the Town and Country Planning Act 1990.

4. Conferences

The Chief Executive is authorised to attend all conferences, assemblies, seminars and meetings of the Local Government Association (LGA) and to respond to consultations by the LGA on any aspect of such conferences, in consultation with the Group Leaders.

5. <u>Christmas and New Year Holiday Arrangements</u>

The Chief Executive is authorised, in consultation with the Leader of the Council, to agree appropriate business arrangements over the Christmas and New Year period.

6. Regulation of Investigatory Powers Act 2000

The Chief Executive is authorised to appoint Senior Officers as authorising officers for the purposes of the Regulation of Investigatory Powers Act 2000.

The Chief Executive and, in his absence, the Deputy Chief Executive are authorised to approve the use of "juvenile sources", "vulnerable individuals", and directed surveillance and/or the use of a CHIS which is likely to result in confidential information being acquired.

The Chief Executive is the Council's "Senior Responsible Officer" for the purposes of the Regulation of Investigatory Powers Act 2000.

7. Thameswey Housing Limited

The Chief Executive is authorised to approve, from time to time, the acquisition of further share capital in the company on a project by project basis.

8. Staffing Levels

In consultation with the Leader of the Council, to vary staffing levels in accordance with business needs, provided that any variation complies with any limits determined by Council.

9. <u>Temporary Staff</u>

To employ staff, from a temporary bank, as required in relation to vacant posts

10. Petitions

In consultation with the Leader of the Council, to determine whether a petition is vexatious, abusive or otherwise inappropriate and, therefore, not covered by the Petition Scheme adopted by the Council on 28 June 2010.

DEPUTY CHIEF EXECUTIVE

1. The Deputy Chief Executive shall be authorised to carry out all of the functions of the Chief Executive in the absence of the Chief Executive, or as nominated by the Chief Executive.

2. <u>Elections</u>

To act as Deputy Electoral Registration Officer in maintaining the Electoral Register.

3. Regulation of Investigatory Powers Act 2000

In the absence of the Chief Executive, the Deputy Chief Executive is authorised to approve the use of "juvenile sources", "vulnerable individuals", and directed surveillance and/or the use of a CHIS which is likely to result in confidential information being acquired.

4. Meeting Rooms

To determine applications for consent to use meeting rooms in Civic Offices.

5. Advertising

To determine the acceptability of companies and/or products as advertisers and/or sponsors in terms of advertising which falls within the following specific categories:

- a) is in bad taste;
- b) does not conform to the British Code of Practice of Advertising Practice; or
- c) with which it would be inappropriate for the Council to be associated

6. Sustainable Urban Drainage Systems (SUDS)

To take all necessary steps to enable the Council to become the Sustainable Urban Drainage Systems adopting authority in accordance with the principles contained in paragraphs 4-9 of the report to the Executive on 19 March 2015.

STRATEGIC DIRECTOR (SUE BARHAM)

- 1. <u>Circuses and Fairs</u>: To agree the best possible charges for hiring facilities to circuses, fairs, etc.
- 2. <u>Small Grants Scheme (Arts, Sport and Youth):</u> To approve small grants up to the value of £500, after consultation with the appropriate community group.
- 3. <u>Accredited User Status</u>: To approve applications for accredited use of HG Wells and the Rhoda McGaw Theatre, subject to applicants meeting prescribed grant criteria.
- 4. <u>Staffing Levels</u>: To recruit and/or vary staffing levels to meet front-line business needs, provided that such changes are within any limits determined by Council.
- 5. <u>Safeguarding of Children, Young People and Vulnerable Persons</u>: To act as Lead Officer for the Council and accordingly be authorised to:- (a) share personal information relating to service users with other agencies, all in accordance with agreed information sharing protocols and for the purposes of safeguarding and protecting individuals; and (b) in consultation with other relevant Officers and Human Resources, as necessary, make determinations as to the appropriateness of undertaking DBS checks against applicants for employment or persons seeking to carry out work for the Council, and in doing so ensure that such compliance measures and appropriate training are put in place and carried out.
- 6. <u>Access to Personal Files Act 1987</u>: To determine at first instance applications for information made pursuant to the Housing Regulations of 1989.
- 7. <u>Housing Act 1985 (Part III)</u>: To set a weekly charge for bed and breakfast with reference to the current cost of a normal unit of temporary accommodation and the current local rent threshold.
- 8. <u>Intentional Homelessness</u>: To determine decisions on intentional homelessness subject to a consultative procedure where members of the Appeals Committee shall receive details of a proposed decision and be afforded a right to call in the decision or determination by the Committee.
- 9. <u>Home Repair Assistance (HRA)</u>: To approve Discretionary applications for HRA from elderly (over 60) owner occupiers and elderly private tenants in receipt of specified benefits (maximum £2,000). A maximum limit of total assistance of up to £4,000 in respect of the same dwelling in any three year period. To approve disabled adaptations, regardless of age of applicant, provided works would attract a Disabled Facilities Grant with a means tested contribution of zero.
- 10. <u>Discretionary Renovation Grants</u>: To approve discretionary renovation grants:
 - (i) to bring a dwelling up to the standard of fitness, where renovation is the most satisfactory course of action; and
 - (ii) for necessary repairs in conjunction with a mandatory disabled facilities grant.
- 11. Home Insulation Grants: To determine applications and approve as necessary.
- 12. Houses in Multiple Occupation (HMO): To approve Discretionary HMO grants where:
 - (i) there are inadequate means of escape from fire; and/or
 - (ii) there are inadequate other fire precautions; and

- (iii) these works would qualify for a notice being served under section 352(I) Housing Act 1985 (maximum £15,000).
- 13. Review of Housing Policies: To approve changes to Housing Policies where they:
 - (i) consolidate new legislation
 - (ii) give effect to statutory obligation; or
 - (iii) reflect changes to organisation structure (19/Executive/15.04.04/405).
- 14. <u>Homelessness.</u> To approve other initiatives to prevent homelessness in individual cases at reasonable cost to the Council and within approved budget limits.

15. Housing Act 2004

- (i) Authority to implement mandatory licensing of Houses in Multiple Occupancy, including hearing of representations under Schedule 5 of the Act in respect of the granting, refusal, variation or revocation of licences and Schedule 6 of the Act relating to the making of Management Orders;
- (ii) Authority to review the existing charges for enforcement action and make any necessary changes to the fees.
- (iii) Authority to take enforcement action under Section 265 of the Housing Act 1985 to make a Demolition Order;
- (iv) Authority to take enforcement action under Parts 1, 2, 3, 4 and 7 of the Housing Act 2004 as described in, but not limited to, the table below.

Housing Act 2004	
Sections 11, 12, 14, 16, 17 & 18	Relating to the service of improvement notices and follow up action
Sections 20, 21, 23, 25, 26 & 27	Relating to the service of prohibition orders and follow up action
Sections 28 & 29	Relating to the service of hazard awareness notices
Sections 30 & 31	Relating to the enforcement of improvement notices
Sections 32	Relating to the enforcement of prohibition orders
Sections 40, 41, 42 & 43	Relating to emergency remedial action and emergency prohibition orders
Sections 49 & 50	Relating to powers to charge for certain enforcement action and recovery of charges
Section 62	Relating to temporary exemption from licensing
Sections 72,73 & 74	Relating to the granting and refusal of HMO licences and the revocation and variation of licences.

Relating to the making and operation of interim management orders
Relating to the variation and revocation of interim management orders
Relating to the making and operation of final management orders
Relating to the variation and revocation of final management orders, procedural requirements and appeals relating to interim and final management orders
Relating to the management and termination of final management orders
Relating to Management orders: power of entry to carry out work
Relating to overcrowding notices in certain houses in multiple occupation not required to be licensed
Relating to enforcement of management regulations
Relating to the power to require documents to be produced
Relating to warrant to authorise entry
Relating to notice requirements for the protection of owners
Relating to powers to dispense with notices
Relating to HMO declarations & revocation of HMO declarations

16. Woking Town Centre Public Spaces Protection Order ("PSPO")

In consultation with the Portfolio Holder for Community Safety, to determine whether it is appropriate to make a PSPO for Woking town centre and, subject to a PSPO for Woking town centre having been made, authority is delegated to Strategic Director (Sue Barham), in consultation with the Portfolio Holder for Community Safety, to vary, extend or withdraw the said Order.

Subject to a PSPO for Woking town centre having been made, authority is delegated to Strategic Director (Sue Barham), in consultation with the Portfolio Holder for Community Safety, to withdraw the Designated Public Place Order ("DPPO").

To authorise persons to issue Fixed Penalty Notices in accordance with Section 69 of the Anti-Social Behaviour, Crime and Policing Act 2014.

17. Housing Assistance Policy 2015-18

To agree minor amendments to the Housing Assistance Policy in consultation with the Portfolio Holder.

STRATEGIC DIRECTOR (MARK ROLT)

1. Records Management

To make any appropriate amendment to the electronic records management policy required to incorporate good practice and/or keep it up to date.

2. <u>Assisted Moves</u>

In consultation with the Leader of the Council, to approve targeted incentives of up to £1,000 in respect of difficult to let properties.

3. Rent Act 1977:

Section 68: To make application to the Rent Office for the consideration of a fair rent.

4. Housing PFI: Appointment of Consultants

In consultation with the Portfolio-Holder, to appoint consultants for the purposes of the Housing PFI to final completion (Note:-the PFI Project Board will consider outline planning applications prior to their submission by the Chief Executive or nominated officer).

CHIEF FINANCE OFFICER

1. Chief Finance Officer

To act as the officer responsible for the administration of the Council's financial affairs, appointed as such pursuant under Section 151 Local Government Act 1972, and to perform the functions of 'Chief Finance Officer' specified in section 114 of the Local Government Finance Act 1988.

2. Internal Audit

The Chief Finance Officer is authorised to maintain an adequate and effective system of internal audit under the Accounts and Audit Regulations 1996 and in accordance with appropriate professional standards.

3. Council Tax

To carry out the functions required by the Local Government Finance Act 1992 and subsequent legislation for administration, billing, collection and recovery of Council Tax.

4. Non-Domestic Rates

To carry out the functions required by the Local Government Finance Act 1988 and subsequent legislation for administration, billing, collection and recovery of NDR.

5. Council Mortgages

To approve transfers of mortgages / additional mortgagees

6. <u>Housing Benefits</u>

To administer a system of housing benefits including provision for payment pursuant to the Social Security and Housing Benefits Act 1982 and subsequent and amending legislation.

7. <u>Banking Arrangements:</u>

To operate such banking accounts as she/he considers necessary. Applications to open new bank accounts shall be countersigned by the Chief Executive.

8. Mortgage Interest Rates:

To determine the local average rate and the rate to be applied to variable rate loans.

9. Council Property – Option to Tax.

To opt to tax on Council property.

10. <u>Thameswey Housing Limited</u>

To approve, from time to time, the investment of further loans in the company on a project by project basis provided always that such investment is within the prudential arrangements authorised by the Council.

To approve, from time to time, the making of further grants to the company, on a project by project basis, provided they are financed from the S.106 commuted sums secured by the Council for affordable housing.

11. Housing Revenue Account Service Charges

To vary Housing Revenue Account service charges in line with external factors.

12. Housing Revenue Account Rents

To set rents for new Housing Revenue Account properties.

13. Fees and Charges

To agree any necessary in-year changes to fees and charges levied/charged by the Council.

14. Treasury Management

The Chief Finance Officer is responsible for the execution and administration of Treasury Management decisions. The Chief Finance Officer shall act in accordance with the Council's policy statement, Treasury Management practices and CIPFA's Standard of Professional Practice on Treasury Management.

HEAD OF DEMOCRATIC AND LEGAL SERVICES/MONITORING OFFICER

- Sealing of Documents: As Head of Democratic and Legal Services, to attest and execute documents giving effect to decisions of the Council, the Executive, a Committee or Member/Officer exercising delegated powers (SO 14)
- 2. <u>Legal Proceedings</u>: As Head of Democratic and Legal Services, to institute, carry on, defend, compromise or settle legal proceedings (civil or criminal) or other disputes in connection with any of the Council's powers, duties or functions, including the enforcement of any judgement or order obtained (SO 15.2).

- 3. <u>Authentication of Documents</u>: As Head of Democratic and Legal Services, to authenticate any document which will be a necessary step in legal proceedings, or shall otherwise need to be authenticated, on behalf of the Council (unless any enactment requires otherwise or the Council has given the necessary authority to some other person for the purpose of such other proceedings) (SO 15.1).
- 4. <u>Authority to Appear in Court</u>: As Head of Democratic and Legal Services, to authorise officers to appear in Court for the Council.
- 5. <u>Planning Enforcement</u> (references to the 1990 Act are to the Town and Country Planning Act 1990): As Head of Democratic and Legal Services,
 - (a) Seeking of information: to seek to obtain by Notice information as to interests in land or activities on land (for the purposes of Section 16 of the Local Government Act (Miscellaneous Provisions) Act 1976 and Sections 171C and 330 of the 1990 Act); and to prosecute in the event of non-compliance;
 - (b) Emergency Enforcement/Stop Action: to issue Enforcement/Stop Notices in an emergency, take all necessary steps in relation thereto, and to prosecute in the event of non-compliance;
 - (c) Breach of Condition Notices: to issue Notices alleging Breach of Condition pursuant to Section 187(A) of the 1990 Act, to take all necessary steps in relation thereto, and to prosecute in the event of non-compliance;
 - (d) Injunctions: to seek injunctive relief, in consultation with the Chairman of the Planning Committee (where practicable), to restrain actual or apprehended Breaches of Planning Control (Section 187B of the 1990 Act) Tree Preservation Control (Section 214A of the 1990 Act) or Listed Building Control (Section 44A of the Planning (Listed Building and Conservation Areas) 1990 Act);
 - (e) Obstruction: to prosecute persons wilfully obstructing officers acting in pursuance of the enforcement function (Section 178(6) of the 1990 Act), in the exercise of a right of entry (Section 196C(2) and 214D(3) of the 1990 Act), in the carrying out of operations in default of a planning obligation (Section 106(8) of the 1990 Act), in executing works in default pursuant to a Listed Building Enforcement Notice (Section 88B(3) Planning (Listed Buildings and Conservation Areas) Act 1990), or in enforcing the duty to plant replacement trees (Section 209(6) of the 1990 Act); and
 - (f) Misstatement/Deception: to prosecute persons who, in response to a planning contravention notice (Section 171D(5) of the 1990 Act), in the course of an application for a Certificate of Lawful Use or Development (Section 194(2) of the 1990 Act) or in providing evidence that an application for planning permission has been properly publicised (Section 65(6) of the 1990 Act) make false or misleading statements or with intent to deceive, use any document which is false or misleading or withhold any material information.
 - (g) Breach of Condition Enforcement Notices: to issue Enforcement Notices (failing to comply with a condition or limitation subject to which planning permission has been granted) under Section 172 of the 1990 Act, and to take all necessary steps to secure compliance with such Enforcement Notices including (without limitation) direct action under Section 178 of the 1990 Act and prosecution under Section 179 of the 1990 Act.
- 6. <u>Officer Interests:</u> As Head of Democratic and Legal Services, to maintain a register of officer interests and to record the receipt by officers of gifts/hospitality.

7. Regulation of Investigatory Powers Act 2000: As Head of Democratic and Legal Services to amend the RIPA policy and procedures to keep them up-to-date and/or to take account of emerging good practice. Amendments shall be reported to the Executive in the annual RIPA report.

8 Freedom of Information

As Head of Democratic and Legal Services, to make any appropriate amendments to the publication scheme required (a) to incorporate good practice or (b) to keep the scheme upto-date.

To make any appropriate amendment to the procedures for dealing with requests for information under the Act, and the records management policy, required (a) to incorporate good practice; or (b) to keep the documents up-to-date; and

To determine the fees that will apply to requests for information under the Freedom of Information Act 2000.

9. Environmental Information Regulations

As Head of Democratic and Legal Services, to deal with requests for environmental information under the Environmental Information Regulations 2004, primarily on a "business as usual" basis (i.e. outside the procedure for dealing formally with requests that require a great deal of research, or which are otherwise outside the "norm"), and is responsible for monitoring that requests are dealt with consistently across the Council.

To settle the detail of the procedure for dealing with requests for environmental information in accordance with emerging guidance from the Information Commissioner, the Secretary of State and other bodies, and thereafter to make appropriate amendments to the procedure required to incorporate good practice or to keep it up-to-date.

10. Assets of Community Value

As Head of Democratic and Legal Services:

- (i) To determine a review into the listing of land as an Asset of Community Value.
- (ii) To review and amend the procedure and process for dealing with a nomination to list an Asset of Community Value in line with good practice and case law.

11. <u>Housing Benefit Overpayments</u>

As Head of Democratic and Legal Services, to recover Housing Benefit overpayments under the The Social Security (Overpayments and Recovery) Regulations 2013 and any subsequent and amending legislation.

12. <u>Anti-Social Behaviour, Crime and Policing Act 2014</u>

As Head of Democratic and Legal Services:

- (i) To issue Closure Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (ii) To undertake court proceedings in respect of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 13. <u>Monitoring Officer:</u> Subject to appointment by the Council, to act as Monitoring Officer pursuant to section 5(1) Local Government and Housing Act 1989.

- 14. <u>Executive Arrangements</u>: As Monitoring Officer, to act as Proper Officer for the purposes of the Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000, the Local Authorities (Standing Orders) (England) Regulations 2001 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 15. <u>Confidential Reporting Policy:</u> As Monitoring Officer, overall responsibility for the maintenance and operation of this policy, including the keeping of a record of concerns raised and outcomes (para.9.1 of the Policy).
- 16. Applications for a dispensation under Section 33 of the Localism Act 2011 (allowing a Member to participate in an item in which he/she has a disclosable pecuniary interest) shall be made to, and determined by, the Monitoring Officer.

DEVELOPMENT MANAGER

- 1. <u>Environmental Assessment</u>: To determine, as appropriate, the division of planning applications into the categories identified in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and to require the submission of such environmental information as may be necessary in respect of Schedule 2 development (6/TP/13.11.90/381).
- 2. <u>Planning and Compensation Act 1991</u> (references below to 1990 Act are to the Town and Country Planning Act 1990):
 - (a) Emergency Enforcement/Stop action: to approve in consultation with the Chairman the taking of enforcement and Stop Action in an emergency;
 - (b) Breach of Condition Notices: to approve the issue of Notices alleging a breach of condition (Section 187A of the 1990 Act);
 - (c) Certificates of Lawful Use or Development: to determine applications for Certificates of Lawfulness of existing or proposed use or Development (Sections 191/2 of the 1990 Act) in consultation with the Corporate Services Manager (6/TP/10.9.91/200); and
 - (d) Temporary Stop Notices: to approve the service of Notices under Section 171E of the 1990 Act (this authority shall also extend to the Development Manager's authorised Deputies and such other Planning Officers, Arboricultural Officers and Planning Enforcement Officers as may be authorised from time to time).
- 3. <u>Planning Applications, etc.</u>: There shall be delegated to the Development Manager or in his/her absence, authorised Deputies, power to determine the following categories of planning applications and other matters:
 - (a) householder applications, i.e. developments falling within the curtilage of residential properties which require planning consent and are not a change of use;
 - (b) change of use applications which in the opinion of the Head of Planning Services do not raise significant planning issues;
 - (c) minor applications proposing extensions and/or alterations to non-residential properties;
 - (d) applications for approval of samples of building materials and/or landscaping schemes;

- (e) applications for the renewal of period consent (unless there has been a material change of circumstances);
- (f) applications for the renewal of time expired consents where there has been no material change in circumstances;
- (g) applications submitted under the Advertisement Regulations;
- (h) the location of equipment by statutory undertakers;
- (i) responses to consultations by Surrey County Council, neighbouring authorities, utility companies or other statutory authorities which in the opinion of the Development Manager do not raise significant planning issues;
- (j) the making of Tree Preservation Orders after consultation with Chairman or Vice-Chairman (Ward Member(s) for information) and the subsequent confirmation of the TPO within 6 months where no objections have been received; the revocation of Area TPOs where they are being replaced by new TPOs or where they no longer meet the Council's agreed selection criteria, in consultation with the Chairman or Vice-Chairman (Ward Member(s) for information) and no objections have been received (these authorities extend to nominated deputies);
- (k) applications to fell, lop or top trees subject to Tree Preservation Orders or which fall within Conservation Areas (this authority extends to nominated deputies);
- (I) relaxation and/or minor variations to conditions or agreements subject to which planning permission was granted;
- (m) applications which involve minor amendments to previously approved proposals;
- (n) refusal of applications which are clearly contrary to Development Plan policy, and where there are no special circumstances which might justify a departure from policy;
- the refusal of applications which have attracted a recommendation to refuse from the Highway Authority;
- (p) shop front applications;
- (q) the serving of a Building Preservation Notice in emergency after consultation with the Chairman or Vice-Chairman (Ward Member(s) for information);
- (r) decisions that a proposed amendment to an approved scheme is insufficient to require the submission of a further planning application:
- (s) applications for Conservation Area Consent to demolish buildings or structures and which do not require planning consent;
- (t) reserved matters applications which are considered by the Development Manager to be consistent with an outline consent and which do not raise significant planning issues;
- (u) applications in respect of Listed Buildings which in the opinion of the Development Manager do not raise significant planning issues;
- (v) reserved matters applications where siting has been agreed in an outline consent and which in the opinion of the Development Manager do not raise significant planning issues:

- (w) applications for a determination of whether the prior approval of the Local Planning Authority would be required pursuant to the Town and Country Planning General Permitted Development Order 1995; and
- (x) in consultation with the Chairman, applications that the Planning Committee has resolved should be approved subject to the prior completion of a Section 106 Agreement where such Agreement has not been completed within a time-scale considered reasonable by the Development Manager.
- (y) <u>'High Hedges':</u> The Development Manager (or his/her appointed officers) is authorised to determine applications of complaint over high hedges under the Anti-Social Behaviour Act 2003 (29.04.05/Standing Order 23.2).
- (z) Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 and Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009:
 - Extensions to the time limits for implementing existing planning permissions and consents (including applications submitted by Woking Borough Council and Thameswey Group companies);
 - Non-material amendments to existing planning permissions and consents (including applications submitted by Woking Borough Council and Thameswey Group companies), and
 - Minor material amendments to existing planning permissions and consents (including applications submitted by Woking Borough Council and Thameswey Group companies).
- NOTE: (1) These delegations will not apply insofar as an application:
 - i) involves an elected Member of the Council; or
 - ii) involves a member of the Council's staff; or
 - iii) has been submitted by Woking Borough Council (save in respect of the delegation at paragraph 3(z) above).
 - (2) The Development Manager (or in his/her absence an authorised Deputy) shall determine applications at weekly meetings. The officers shall refer, at their discretion, particular applications to the Planning Committee for determination.
 - (3) No decision shall be made on any delegated application until 21 days have elapsed from the date of the neighbour notification letter.
 - (4) It is intended that the delegation at paragraph 3(x) above will be exercised where the Development Manager is satisfied that there is no reasonable prospect of the Section 106 Agreement being completed within a reasonable timescale.
- 4. <u>Protection and Preservation of Trees and Hedgerows</u>: To determine notifications within intended hedgerow removal; to approve or refuse consent as appropriate within the prescribed six week period; to issue or withdraw Hedgerow retention notices in respect of hedgerows classified as "important" within the statutory criteria; to issue Hedgerow replacement notices in appropriate cases; to take all necessary steps in connection with appeals.

- 5. <u>Historic Building Repair and Community Projects Grants:</u> To approve grants in accordance with the agreed criteria, in consultation with the Chairman and the appropriate Ward Councillors.
- 6. <u>Urgent Works Notice</u>: To serve any Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the urgent protection of all listed Buildings in the Borough, in consultation with the Chairman and all Ward Councillors.
- 7. <u>Licensing Act 2003</u>: The Development Manager (or an authorised deputy in his/her absence) is authorised to object to a proposed licence application on Planning Grounds.
- 8. <u>Breach of Condition Enforcement Notices</u>: The Development Manager Development Manager is authorised to approve the issue of Enforcement Notices (failing to comply with a condition or limitation subject to which planning permission has been granted) under Section 172 of the Town and Country Planning Act 1990.

ASSISTANT DIRECTOR (PLACE)

- 1. <u>Skinpiercing, etc.</u>: To register applicants engaged in the business of acupuncture, tattooing, ear piercing and electrolysis for registration under Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2. <u>Advertisements</u>: To remove posters and placards displayed in contravention of the Advertisement Regulations.

3. <u>Air Pollution Control</u>:

- (i) to grant, vary and revoke authorisations to persons controlling prescribed processes under Schedule B of the Environmental Protection (Prescribed Processes and Substances) Regulations 1991;
- (ii) to maintain a register of processes as required by Part I of the Environmental Protection Act 1990; and
- (iii) to grant, vary and revoke permits under the Pollution Prevention and Control (England and Wales) Regulations 2000

4. Building Act 1984

- Section 59: To serve notice to require satisfactory drainage systems to be provided to buildings.
- Section 60: To serve notice to require the proper use of soil ventilation pipes.
- Section 64: To serve notice to require the provision of closets in a building.
- Section 65: To serve notice to require the provision of sanitary conveniences at certain work places.
- Section 66: To serve notice to require the replacement of earth closets.
- Section 67: To loan temporary sanitary conveniences.
- Section 76: To serve notice to remedy the defective state of premises when unreasonable delay would occur if the procedure provided in the Public Health Act 1936 were followed.

Section 84: To serve notice to require the improvement of pavings and drainage to yards and passages.

5. Caravan Site Licences:

Authority to take action under the Caravan Sites and Control of Development Act 1960 as set out, but not limited to, below:-

- (i) To issue a site licence pursuant to section 3 of the Caravan Sites and Control of Development Act 1960.
- (ii) To attach conditions to a site licence pursuant to section 5 of the Caravan Sites and Control of Development Act 1960.
- (iii) To transfer a site licence pursuant to section 10 of the Caravan Sites and Control of Development Act 1960.
- (iv) To serve, revoke or vary compliance notices on site owners/occupiers where site licence conditions are breached pursuant to section 9A of the Caravan Sites and Control of Development Act 1960.
- (v) To take action following conviction of an occupier for failing to comply with a compliance notice pursuant to section 9D of the Caravan Sites and Control of Development Act 1960.
- (vi) To take emergency action where there is a failure to comply with licence conditions and as a result there is imminent risk of serious harm to the health or safety of any person who is, or may be, on the land, pursuant to section 9E of the Caravan Sites and Control of Development Act 1960.

6. Control of Pollution Act 1974:

Section 60: To serve notice to control noise on construction sites.

Section 61: To give prior consent, including limiting conditions for work on construction sites.

7. Dog Controls:

- (i) to issue renewal licences under the Breeding of Dogs Act 1973 and, in consultation with the Chairman of the Licensing Committee to issue new licences under the Act;
- (ii) to exercise the powers to deal with stray dogs under the provisions of Sections 149-151 Environmental Protection Act 1990;
- (iii) the Council's Dog Wardens are authorised to issue Fixed Penalty Notices under the Dogs (Fouling of Land) Act 1996.

8. Food Safety:

Environmental Health staff, by reason of their appointment, are authorised to exercise the powers available under the provisions of:-

- European Communities Act 1972
- o Regulation (EC) No.178/2002
- o Regulation (EC) No.852/2004
- o Regulation (EC) No.853/2004
- Regulation (EC) No.2073/2005
- Food Safety Act 1990
- o Products of Animal Origin (Third Country Imports) (England) (No.4) Regulations 2004
- Food Hygiene (England) Regulations 2006

All instruments and regulations made under or amending the above legislation

The level at which an Officer may operate shall depend upon their competency, as stated in the Food Standards Agency Code of Practice and Practice Guidance, and outlined in the Environmental Health Service's policy and procedures.

- 9. <u>Goods Vehicle Operating Centres:</u> To vet operators licence applications, in consultation with Surrey County Council (as appropriate).
- 10. Local Government (Miscellaneous Provisions) Act 1976:
 - Section 8: To give notice and to take action to secure the safety of certain unoccupied premises.
 - Section 16: To serve notice to seek from individuals the nature of their interest in land subject to statutory action.
 - Section 29: To give notice and to take action to secure the protection of certain unoccupied buildings.
 - Section 33: To take action to ensure the restoration or continuation of supplies of water, gas or electricity.
 - Section 35: To serve notice to require the clearance of a blocked private sewer.
- 11. <u>Local Government (Miscellaneous Provisions) Act 1982</u>:
 - Section 27: To serve notice to require the repair of drains and to remedy stopped up drains.
- 12. Prevention of Damage By Pests Act 1949:
 - Section 4: To serve notice requiring steps to be taken for the destruction of rats or mice, or for keeping land free from rats or mice.
- 13. Public Health Act 1936:

- Section 45: To serve notice to require the repair of defective closets.
- Section 48: To examine and test drains believed to be defective.
- Section 50: To serve notice to deal with overflowing and leaking cesspools.
- Section 83: To serve notice to cleanse filthy and verminous premises.
- Section 84: To cleanse verminous articles.
- Section 85: To cleanse verminous persons and their clothing.

14. Public Health Act 1961:

- Section 17: Notice to clear blocked drains.
- Section 34: To serve notice before clearing rubbish which is seriously detrimental to the amenities of the neighbourhood.
- 15. <u>Contaminated Land</u>: Contaminated Land (England) Regulations 2000: authority to serve remediation notices.
- 16. <u>Statutory Nuisances</u>: To serve Nuisance Abatement Notices under Section 80 of the Environmental Protection Act 1990.
- 17. <u>Sunday Trading Loading Control</u>: To determine applications for consent, and vary or revoke them, for the purposes of Section 2 and Schedule 2 of the Sunday Trading Act 1994.

18. Various Licences:

- (i) to issue renewal licences under the Acts detailed below where no objections are received; and
- (ii) to issue new licences and register premises (as appropriate) under the Acts detailed below in consultation with the Chairman of the Licensing Committee:
 - Animal Boarding Establishments Act, 1963
 - Dangerous Wild Animals Act, 1976
 - o Guard Dog Act, 1975
 - Pet Animals Act, 1951
 - o Riding Establishments Acts, 1964 and 1970
 - o Game Act, 1831
 - Scrap Metal Dealers Act, 2013 (25/H&H/14.3.91/691)
- 19. <u>Appointment of Inspectors</u>: To appoint Inspectors from amongst the Council's Environmental Health Staff for the purposes of discharging the functions of the Health and Safety at Work Act 1974.

Control of Pesticides Regulations 1986:

- (i) Environmental Health Officers, by reason of their appointment, be authorised to exercise the powers under the provisions of the Food and Environmental Protection Act 1985 (Part III), in particular to exercise their powers relating to entry and inspection and the service of notices contained in Section 19 of the Act; and
- (ii) Environmental Health Officers, by reason of their appointment, be authorised to exercise the powers available under the Food and Environmental Protection Act 1985 for the carrying into effect of the powers of entry and inspection contained in Section 19 of the Act.
- 21. <u>Dangerous Wild Animals Act 1976</u>: To carry out inspections and to request a veterinary surgeon to carry out initial annual inspections under the Act.
- 22. <u>Documents</u>: To sign all documents/notices as may be required to be issued in respect of the discharge of the Council's Environmental Health functions.

23. Health and Safety at Work Act 1974:

- (i) to authorise persons to accompany Inspectors appointed under Section 19 of the Health and Safety at Work Act 1974;
- (ii) to empower persons under Section 19 of the Health and Safety at Work Act to carry out a selected range of duties under Section 20(2) of the Health and Safety at Work Act as appropriate; and
- (iii) Environmental Health staff by reason of their appointment be authorised to exercise the powers available under the Health and Safety at Work Act, regulations relating thereto and all other relevant legislation; in particular, to exercise the powers relating to entry and inspection, service of notices and institution of proceedings.
- 24. <u>Public Health (Control of Diseases) Act 1984</u>: To make arrangements for burial and cremation where no suitable arrangements exist.
- 25. Clean Air Act 1993: To approve or refuse chimney heights.
- 26. Appointment of Proper Officers (Public Health (Control of Disease) Act 1984. and National Assistance Acts 1948 and 1951: To appoint and authorise named Surrey PCT (up to 31/3/13)/Public Health England (from 1/4/13) staff as proper officers for the relevant purposes under the Public Health (Control of Diseases) Act 1984 and associated regulations and the National Assistance Acts 1948 and 1951.
- 27. <u>House to House Collections</u>: To licence charitable collections from house to house pursuant to Section 2 of the House to House Collection Act 1939 and to grant licences where no objections have been received.
- 28. <u>Street Collections</u>: To approve applications for street collection permits, where no objections have been received, and to administer/regulate street collections made pursuant to Section 5 of Police, Factories etc (Miscellaneous Provisions) Act 1916 (and regulations thereunder).
- 29. <u>Gaming and Lotteries</u>: To licence/register machines for gaming under the Gaming Act 1968 and lotteries under the Lotteries and Amusements Act 1976.

- 30. <u>Gambling Act 2005</u>: To exercise licensing powers within arrangements permitted by Section 154 of the Act and under a scheme approved by the licensing authority and/or the Licensing Committee, such powers to include:
 - o determining applications for premises licences where no representations have been received or representations have been withdrawn
 - o determining applications for variations to premises licences where no representations have been received or representations have been withdrawn
 - o determining applications for transfers of licences where no representations have been received from the Gambling Commission
 - determining applications for provisional statement (approval in cases where a premises licence cannot be issued because the building does not yet exist or has not yet been occupied) where no representations have been received or representations have been withdrawn
 - o determining applications for club gaming/club machine permits where no objections made or objections have been withdrawn
 - determining application for other permits
 - o cancellation of licensed premises gaming machine permits
 - o consideration of temporary use notices
- 31. <u>Health Act 2006: Enforcement of Smokefree Legislation.</u> To authorise any such persons as deemed necessary to enforce the smokefree provisions of the Health Act 2006 and associated regulations.
- 32. <u>Town Centre Policy.</u> To approve bookings that differ from the policy in exceptional circumstances.
- 33. <u>Christmas Car Parking</u>: In consultation with the Leader of the Council, to settle special parking arrangements in the Council's car parks during the months of November, December and the first two weeks of January each year.
- 34. <u>Fund-Raising Events</u>: In consultation with the Leader of the Council, to give or withhold permission for fund raising events by charitable organisations in Borough Council controlled car parks.
- 35. <u>Street Trading</u>: To issue consents for street trading in Commercial Way and in certain streets specified by the Highways Committee on 4 February 1992.
- 36. <u>Trading Licences</u>: To determine applications for trading licences, in consultation with the Leader of the Council and the appropriate Ward Councillors.
- 37. <u>Waste:</u> To authorise any persons to issue fixed penalty notices under Section 34A of the Environmental Protection Act 1990.
- 38. Rights of Way: To respond to the County Council on all matters concerning proposals to amend Rights of Way, in consultation with the relevant Ward Member(s) and Portfolio Holder, except in cases where a serving member of the Council or member of staff has an interest in the application, in which case the matter shall be determined by the Executive.
- 39. Wheeled Bins. to determine operational matters within the agreed Council Policy.

40. <u>Motor Salvage Operators Regulations 2002</u> – to register operators pursuant to the Regulations .

41. <u>Signing Documents etc.</u>

To sign all documents/notices as may be required to be issued in respect of the discharge of the Council's environmental health function.

42. <u>Consent Streets:</u> To advertise the Council's intention to designate newly adopted streets as consent streets.

43. <u>Litter</u>:

- (i) To issue Orders designating Litter Control Areas pursuant to Section 90(3) of the Environmental Protection Act 1990:
- (ii) To issue Street Litter Control Notices pursuant to Section 93(1) of the 1990 Act; and
- (iii) To serve Litter Abatement Notices pursuant to Section 92(1) of the 1990 Act .
- (iv) To authorise any persons to issue fixed penalty notices under Section 88 of the 1990 Act.

44. Air Quality Management Areas

To declare an Air Quality Management Area where air quality does not meet the Government's objectives.

45. Naming and Numbering of Streets and Properties

- (i) to agree the naming of new streets or any amendment to a street name under the Public Health Act 1925; and
- (ii) to agree the numbering/naming of properties within a street or any amendments to a property name/number within a street under the Towns Improvements Clauses Act 1874.

46. <u>Land Drainage Act 1991</u>

To exercise the necessary powers under Section 25 of the Land Drainage Act 1991 in respect of clearing watercourses.

47. Anti-Social Behaviour, Crime and Policing Act 2014

- (i) To issue Community Protection Notices;
- (ii) To authorise Registered Social Landlords to issue Community Protection Notices;
- (iii) To issue Fixed Penalty Notices;
- (iv) To authorise any persons to issue Fixed Penalty Notices, and
- (v) To take remedial action when a Community Protection Notice has not been complied with

Under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.

48. Fly Tipping Reward Scheme

To award rewards under the Fly tipping rewards initiative.

49. <u>Natural Woking Strategy</u>

In consultation with the Portfolio Holder for Environment and Sustainability, to approve updates to the Natural Woking strategy and supporting information to reflect new information, including future steps in the Great Crested Newt pilot project and other initiatives to support specific species and habitats to favourable conservation status.

50. <u>Transport and Highway Functions</u>

- (i) To exercise any highway or traffic regulation power, duty or function vested in the Council under the Woking Town Centre Management Agreement with Surrey County Council dated 14th August 2014 (as may be amended from time to time).
- (ii) To exercise any highway power, duty or function vested in the Council under the Highways Act 1980 & Traffic Management Act 2004 (both as amended).
- (iii) To exercise any traffic power, duty or function vested in the Council under the Road Traffic Regulation Act 1984 (as amended).
- (iv) Provision of bus shelters under the Local Government (Miscellaneous Provisions) Act 1953 (as amended).
- (v) To grant street works licences and exercise any power, duty or function vested in the Council under the New Roads and Street Works Act 1991 (as amended).

PLANNING POLICY MANAGER

- 1. <u>Community Projects Grants</u>: To approve Community Projects Grants up to the value of £100, in consultation with the Chairman and Ward Councillors.
- 2. <u>Village Centres Environmental Action Programme</u>: To give grant aid of up to £1,000 for minor improvements, in consultation with the Chairman and Ward Councillors.
- 3. <u>Village Centre and Community Project Grants</u>: To give grant aid of up to £2,000 for minor improvements, in consultation with the Chairman and Ward Councillors.

STRATEGIC ASSET MANAGER

1. <u>Property Disposal</u>

To appoint an agent to dispose of properties following approval by the Council of the sale.

2. Sale of Land

The Strategic Asset Manager and the Chief Finance Officer are authorised to approve applications for the sale of areas of land held by either the Housing Revenue Account or the General Fund where there is no development potential or communal amenity value.

3. Land Management

- (i) to approve terms, etc., arising in the course of the following:
 - o disposals and acquisitions, rent reviews, assignments, renewals of existing agreements and all other land transactions; and

- o provided that in his/her opinion, the proposed transaction does not raise an issue of principle which, regardless of the pecuniary amount involved, ought properly to be referred to the Executive.
- (ii) to approve terms for the sale of Council houses under the Right to Buy provisions of the Housing Act 1985, and the issuing of notices pursuant to these provisions.

4. Assets of Community Value

To determine applications to list land as an Asset of Community Value.

INFORMATION TECHNOLOGY MANAGER

1. <u>Hardware and Software Purchases</u>: To purchase hardware and software replacements in maintenance of the Information and Communications Technology Asset Base.

LEGAL SERVICES MANAGER

- 1. <u>Taxi and Private Hire Licensing</u>:
 - (1) to determine applications for licences for:
 - (a) private hire operators, private hire drivers and taxi drivers, and
 - (b) private hire vehicles and taxis.
 - (2). <u>Revocation/Suspension of Licences</u>: In consultation with the Chairman of the Licensing Committee (or in his/her absence, the Vice-Chairman) to suspend or revoke private hire operators' and drivers' and taxi drivers' licences in appropriate cases.

2. <u>Licensing Act 2003.</u>

To determine applications and carry out functions of the Licensing Policy set out below.

Matter to be Dealt With	Sub-Committee	Officers
Application for personal licence	If a Police objection is made	If no objection made
Application for personal licence, with unspent convictions	All cases	
Application for premises licence / club premises certificate	If a <i>relevant</i> representation is made	If no representation made
Application for provisional statement	If a <i>relevant</i> representation is made	If no representation made
Application to vary premises licence / club registration certificate	If a <i>relevant</i> representation is made	If no representation made
Application to vary designated personal licence holder	If a police objection is made	All other cases

Request to be removed as designated personal licence holder		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Application for Interim Authorities	If a police objection is made	All other cases
Application to review premises licence / club premises registration	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police representation to a temporary event notices	All cases	

CHIEF BUILDING CONTROL OFFICER

- 1. Party Wall etc Act 1996 to act as Appointing Officer for defined purposes.
- 2. <u>Building Regulations</u>: To determine applications, issue formal notices and decide on any type of relaxation of the Building Regulations.

ENVIRONMENTAL HEALTH MANAGER

1. <u>Licensing Act 2003</u>

The Environmental Health Manager (or the Senior Environmental Health Officer (s) in her/his absence) is authorised to object to a proposed licence application on Environmental Health grounds.

HOUSING NEEDS MANAGER

1. <u>Tenancy Policy</u>

To implement minor amendments to the Policy in consultation with the Strategic Director and the Portfolio Holder for Housing.

2. Allocations Policy

To implement minor amendments to the Policy in consultation with the Strategic Director and the Portfolio Holder for Housing.

HOME INDEPENDENCE MANAGER

- 1. <u>Disabled Facilities Grant (DFG)</u>: Authority to:
 - (i) approve Mandatory DFG to allow for the purposes listed in Section 23 Housing Grants Construction and Regeneration Act 1996; and
 - (ii) approve Discretionary DFG for other works up to £3,000 when in conjunction with a Mandatory DFG, in consultation with the Leader.

Terms of Reference

Ostensible Authority Standing Panel

- 1. The Council will appoint an Ostensible Authority Standing Panel (the Panel) comprising:-
 - The Chief Executive;
 - The Monitoring Officer;
 - The Chief Finance Officer;
 - The Leader of the Council; and
 - Two Members of the Council appointed by invitation of the Leader of the Council.
- 2. Each Member of the Panel shall appoint a substitute with the necessary authority to act in the name of the Member.
- 3. The Panel may meet in person, by email or by telephone either at one time or over a period provided each Member has been provided with the information under consideration in advance of the meeting.
- 4. The Panel will be quorate when all Members, or their substitutes, are present or all Members, or their substitutes, have been consulted.
- 5. The Chief Executive may determine the inclusion of additional consultees in appropriate circumstances.
- 6. The Panel will consider all cases of the use of Ostensible Authority in accordance with the Council's Constitution where, in the view of the person exercising that authority, it gives rise or is likely to give rise to the Council incurring expenditure, or a liability (when quantified), in excess of £100,000.
- 7. The views of the Panel will be recorded in a formal minute and the Officer exercising Ostensible Authority must have regard to the views of the Panel.
- 8. When the Officer exercises his/her Ostensible Authority in accordance with the Council's Constitution having taken into account the consultation with the Panel, a report shall be submitted to the next meeting of the Executive to enable the decision to be formally recorded.

WOKING BOROUGH COUNCIL

CONSTITUTION

Part 4 Council Procedure Rules

- Standing Orders
- Conventions
- Budget and Policy Framework Procedure Rules
- Executive Procedure Rules
- Overview and Scrutiny Procedure Rules
- Access to Information Procedure Rules
- Public Participation at Planning Committee
- Guidance on Submission and Consideration of Petitions

Standing Orders

1. MEETINGS OF THE COUNCIL

- 1.1 Unless the Council otherwise directs, all meetings of the Council shall be held in the Council Chamber, Civic Offices, Gloucester Square, Woking on a Thursday commencing at 7 pm.
- 1.2 The date of the annual meeting and those of ordinary meetings shall be fixed by the Council in, or about, December of the preceding municipal year. The annual meeting shall be on a day fixed in accordance with the provisions of the Local Government Act 1972.
- 1.3 Any power or duty of the Mayor in relation to the conduct of a meeting shall, in his/her absence, be exercised by the Deputy Mayor or, in his/her absence, the person presiding at the meeting.

2. QUORUM FOR COUNCIL MEETINGS

- 2.1 No business may be transacted at a Council meeting unless at least one-quarter of Councillors (eight) are present.
- 2.2 If there is no quorum present at the beginning of a meeting, there shall be a wait of up to fifteen minutes. If there is still no quorum at the end of fifteen minutes, the Chief Executive shall record the fact in the Minute Book and the names of the members then present.
- 2.3 During the course of a meeting, the Mayor, or any member, may call for a count. If there is no quorum, there shall be a wait of up to five minutes. If there is still no quorum at the end of five minutes, the Chief Executive shall record the fact in the Minute Book and the names of the members then present.
- 2.4 If there is no quorum at the end of the wait referred to in Standing Orders 2.2 or 2.3, any business not dealt with shall stand adjourned to the next ordinary meeting, or to an extraordinary meeting, of Council.
- 2.5 It shall not be necessary for the wait to run its course if, in the meantime, a quorum is present.

3. COUNCIL MEETINGS - ORDER OF BUSINESS

- 3.1 Subject to Standing Order 3.2, the order of business at every meeting of the Council shall be:
 - 1. To choose a person to preside if the Mayor and Deputy Mayor are absent.
 - 2. To approve the Minutes of the last Council meeting.
 - 3. To receive apologies for absence.
 - 4. To receive the Mayor's communications.
 - 5. To consider any urgent business.
 - 6. To receive declarations of interest.

- 7. Written questions under Standing Order 8.1.
- 8. To receive, and consider, recommendations or other matters referred to Council by the Leader/Executive, Overview and Scrutiny Committee, Standards and Audit Committee, Planning Committee, or Licensing Committee.
- 9. To receive and consider reports from Council officers.
- 10. To deal with notices of motion under Standing Order 5 in the order in which they were received.
- 11. Any other business of which notice has been given in the summons.
- 3.2 With the exception of items 1, 2 and 3 in Standing Order 3.1, the Mayor may vary the order of business if he/she considers it desirable to do so.

4. MOTIONS AT COUNCIL MEETINGS

4.1 Motions may be made either with notice under Standing Order 5 or without notice under Standing Order 6, but not otherwise.

5. NOTICES OF MOTION

- 5.1 Any member may move a motion at a meeting of the Council if notice has been given under this Standing Order.
- 5.2 The subject matter of such a motion shall be relevant to the Borough and/or its residents.
- 5.3 Notices of motion under this Standing Order shall be in writing and delivered to the Chief Executive's office by noon on the day, seven days before the meeting of the Council at which the motion is intended to be moved.
- A notice of motion may not be given by a Member with a disclosable pecuniary interest in the subject matter of the motion. If the disclosable pecuniary interest arises after a notice of motion has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice or the motion under Standing Order 5.
- 5.5 Notices delivered in accordance with Standing Order 5.3 shall be dated and numbered in the order in which they were received. The record of receipt shall be open to inspection by any member of the Council.
- 5.6 Every valid notice of motion shall be included in the summons for the next meeting of the Council unless:
 - a) the member who gave it has indicated that it is to be moved at some later meeting; or
 - b) it is withdrawn in writing.
- 5.7 If the member who gave the notice, or some other member on his/her behalf, does not move the motion when called to do so, then unless the Council otherwise directs, the motion shall fail. The motion may be moved at a later meeting if fresh notice is given under this Standing Order.
- 5.8 After a motion under this Standing Order has been moved and seconded, it shall, unless Standing Order 5.9 is applied, be referred without debate to a meeting of the Executive falling before the next ordinary meeting of Council for consideration and report.

- Notwithstanding Standing Order 5.8, the Mayor may allow a motion under this Standing Order to be debated and determined at the meeting at which it is first moved, if that would be convenient and conducive to the despatch of business. Council may also proceed to debate and determine a motion if it considers (on a motion to that effect moved and seconded and (without debate) carried by a majority of the members present and voting) that it would be convenient and conducive to the despatch of business.
- 5.10 If a motion is referred to the Executive for consideration and report, the member who moved it shall (if he/she is not a member of the Executive) be entitled to receive notice of the meeting when the motion is to be considered, and to attend and speak on it (but not to vote).
- 5.11 The Executive shall report back to the Council and shall recommend the Council either to adopt the motion as originally moved or subject to some amendment or otherwise as it thinks fit. A motion may be referred by the Executive to another Committee for consideration.
- 5.12 If a motion is recommended for adoption with amendments, or is recommended to have no action taken on it, the member who gave the notice may, at the meeting of the Council at which it is considered, pursue his/her motion in its original form (provided it is moved and seconded). The member who gave the notice may speak twice; once to move his/her original motion, and secondly to have the right of reply to the debate. The Leader/member in charge of the Executive recommendation may only speak once (immediately before the member who gave the notice).

6. MOTIONS WITHOUT NOTICE

- 6.1 The following motions may be moved without notice: that the Council:
 - 1. Appoint a Chairman for the meeting.
 - 2. Correct the Minutes.
 - Proceed to next business.
 - 4. Adjourn further consideration of the matter.
 - 5. Alter the order of business.
 - 6. Refer the matter to a Committee.
 - 7. Appoint a Committee, or representatives, where this arises from an item in the Summons or from a Committee report.
 - 8. Adopt the report of a Committee or of an officer.
 - 9. Give leave to withdraw a motion.
 - 10. Amend a motion.
 - Seal a document.
 - 12. Extend the time limit for speeches.
 - 13. Suspend Standing Orders.
 - 14. Exclude press and public (subject to the provisions of sections 100A-100K of the Local Government Act 1972).

- 15. Approve a motion under Standing Order 13.20 (closure).
- 16. Approve a motion under Standing Order 13.28 (misconduct).
- 17. Give consent where consent is required by any Standing Order.

7. PETITIONS

7.1 Petitions to the Council shall be dealt with in accordance with the Scheme for Petitions (see Part 4 of the Constitution).

8. COUNCIL MEETINGS - QUESTIONS BY MEMBERS

- 8.1 A member may ask the Leader any question relating to the business of the Council provided written notice of the question is given to the Chief Executive's office not later than 12 noon two working days before the meeting of the Council at which the question is due to be asked.
- 8.2 The procedure for dealing with written questions shall be as follows:
 - The questions and draft replies shall be tabled at the Council meeting;
 - Each question shall be dealt with serially and taken as read;
 - The draft reply shall (without further comment) be taken to be the reply to the question unless the Leader (or member answering on his/her behalf) indicates otherwise.
 - A member may ask one supplementary question.
 - The total time for written questions shall be 15 minutes, or such longer time as the Mayor may allow.
- 8.3 A question and answer shall not be the subject of discussion or debate.
- 8.4 The person to whom a question, or a supplementary question, is put may:
 - 1. decline to answer.
 - 2. refer the questioner to a Council document or publication where the answer may be found.
 - 3. undertake to supply an answer (either to the questioner or to all the members of the Council) if an answer cannot conveniently by given when it is asked.
 - 4. refer the question for answer to another member of the Executive.
- 8.5 Notice of a question may not be given by a Member with a disclosable pecuniary interest in the subject matter of the question. If the disclosable pecuniary interest arises after notice has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice or the question under Standing Order 8.

9. COUNCIL MEETINGS - MINUTES

9.1 The Minutes of the last meeting of the Council shall be taken as read if a copy has been circulated to each member of the Council not later than the day the summons to attend is issued.

- 9.2 As soon as the Minutes have been read or taken as read (as the case may be), the Mayor shall seek the authority of the Council to sign them as a correct record.
- 9.3 There shall be no debate or discussion on the Minutes except on their accuracy. Any question of accuracy shall be raised by motion to correct them.
- 9.4 If there is no such question, or as soon as any such question is disposed of, the Mayor shall sign the Minutes.
- 9.5 Where, in relation to a meeting of Council ("Meeting A"), the next meeting is an extraordinary meeting ("Meeting B"), the minutes of Meeting A shall be signed at the next ordinary or special meeting of Council, not at Meeting B.

10. METHOD OF VOTING

10.1 **Show of Hands**

Unless a named vote is taken, voting at Council meetings shall be by a show of hands, or by such electronic system as the Council may approve.

10.2 Named Vote

A named vote shall be taken if:

- (a) The Mayor considers one is necessary, or
- (b) A member requests one before a "show of hands" vote is taken.

The names of members voting for and against the motion, and abstaining from voting on it ("present but not voting"), will be recorded when there is a named vote.

A named vote shall be taken at a meeting of the Council on business to approve the Budget or set Council Tax. In such matters, there shall be recorded in the minutes of the meeting, the names of members who cast a vote for the decision or against the decision or who abstained from voting ("present but not voting").

10.3 Result of Votes

The Mayor shall ascertain the number of votes for and against any motion, and declare the result. The Mayor's declaration shall be final provided that, in the case of a named vote, the number of names and of votes for and against, and abstentions, must tally

10.4 Recording of Individual Vote

Immediately after a vote is taken, any member may require that the Minutes record how they cast their vote, or that they abstained from voting ("present but not voting").

10.5 Casting Vote

In the case of an equality of votes, the Mayor may, provided he/she has cast a first vote, cast a second or casting vote. Where there is an equality of votes, and the Mayor has not exercised a second or casting vote, the motion is not carried.

11. CONSIDERATION OF RECOMMENDATIONS

11.1 The Council shall receive and consider such recommendations or other matters of report as may be referred to it by the Leader/Executive, the Overview and Scrutiny Committee,

- Standards and Audit Committee, Planning Committee, Licensing Committee, or by an officer.
- 11.2 The Mayor shall call for a motion in respect of any Committee whose recommendation or report is submitted starting with the Executive and continuing with other Committees in date order.
- 11.3 The person to be called to move a report or recommendation of the Executive or Committee must have been present at the Executive or Committee meeting and shall be the Leader or Chairman of the Committee or failing him/her, the Vice Chairman or failing him/her, such other member as the Leader or Chairman may select. Recommendations and reports from the Leader or an officer shall, for the purposes of debate, be deemed moved and seconded when the Mayor calls the item.
- 11.4 The person moving the recommendation or report shall so state, and that motion shall operate (without further words being necessary) as a motion
 - 1. to approve any recommendation of the Executive or Committee, and/or
 - 2. to receive and adopt the report.
- 11.5 The motion shall be seconded by any other member of the Executive or the Committee.
- An amendment to the motion may be moved, unless the item relates to delegated business and it has been acted upon. No questions, discussion, amendment or debate shall take place on an item after the next item is called unless the Mayor exceptionally agrees.
- 11.7 The mover of a motion under Standing Order 11.4 with the consent of the Council may:
 - 1. except any items from his/her motion in order that it may be further considered by the Executive/Committee; and
 - 2. alter, amend or correct an item when it is called.
- 11.8 Where an amendment has been moved and seconded to a motion under Standing Order 11.4, the person in charge of the report shall (whether or not he/she exercises his/her right of reply to the debate) inform the Council of the reasons for the Executive's or Committee's decision or recommendation (unless they are evident from the item itself). The person in charge of the report may call upon a member of the Corporate Management Group or a statutory Chief Officer (or their nominees) to provide such information or advice as may assist the Council in the consideration of the matter.
- 11.9 After every item in a report has been sufficiently discussed or debated, the Mayor shall put the report to the vote, subject to such amendments or exceptions or exclusions as may have occurred.

12. CONFLICTING RECOMMENDATIONS

- 12.1 Where the reports of the Leader/Executive and/or one or more Committees contain conflicting recommendations on the same subject matter, all such recommendations shall be dealt with together when the first recommendation is reached.
- 12.2 The Mayor shall call for a motion or motions in respect of the second and any later recommendation(s). These motion(s), when seconded, shall operate as motion(s) to amend the recommendation in the first report.

- 12.3 No member shall speak more than once in the debate except on successive amendments, or to exercise a right of reply under Standing Order 12.4.
- 12.4 Where the recommendation of the Executive is under consideration, the Leader shall have the right of reply at the close of the debate. In other cases, the Chairman of the second (or last) Committee (or the member having charge of that Committee's report) shall have the right of reply at the close of the debate, with the Chairman or Chairmen (or other member in charge) of the first or preceding Committee having the right to speak immediately before.

13. COUNCIL MEETINGS - RULES OF DEBATE

13.1 <u>Motions and Amendments</u>

- 13.1.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 13.1.2 The Mayor shall satisfy himself/herself that Council understands the terms of a motion or amendment before it is discussed or voted on.

13.2 Seconder's Speech

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

13.3 Speeches

- 13.3.1 A member may indicate his/her wish to speak, but the Mayor has an absolute discretion as to whether, and when, to call that member (except when a member is exercising a right of reply).
- 13.3.2 A member shall stand when speaking and shall address the Mayor.
- 13.3.3 A member shall direct his/her speech to the matter under discussion.
- 13.3.4 Unless the Mayor agrees otherwise, no speech shall exceed:
 - (i) Moving a motion or amendment: ten minutes;
 - (ii) Right of reply: such reasonable period of time as is necessary for a sufficient reply to be given to the matters raised in the debate.
 - (iii) All other speeches: five minutes

13.4 Content and Sequence of Amendments

- 13.4.1 At any time after the original motion has been moved and seconded, a member may move an amendment to the original motion. On being seconded, the amendment shall then be the subject for discussion.
- 13.4.2 An amendment shall be either:
 - 1. to leave out words;
 - to leave out words and insert or add others:
 - to insert or add words;

An amendment shall not have the effect of merely negating the motion before the Council.

- 13.4.3 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 13.4.4 A further amendment shall not be moved until the Council has disposed of every amendment previously moved, but before an amendment is put to the meeting a member, if he/she so desires, may give notice to the Mayor that he/she proposes to move a further amendment.
- 13.4.5 The original or substantive motion, or any recommendation before the Council, shall at the close of debate be put to the vote. No amendment may be moved after the original or substantive motion has been voted upon and no further discussion may then take place.

13.5 When a Member May Speak Again

- 13.5.1 A member shall not speak more than once on any motion or amendment except:
 - 1. to exercise a right of reply; or
 - 2. on a point of order; or
 - 3. by way of personal explanation; or
 - 4. to move or second any of the motions mentioned in Standing Order 13.9; or
 - 5. being the Leader or a Chairman of a Committee, who intends to exercise his/her right of reply under Standing Order 13.11, to answer any specific question addressed to him/her during the course of debate on a motion or an amendment.

13.6 **Points of Order and Personal Explanation**

- 13.6.1 A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.
- 13.6.2 The ruling of the Mayor on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

13.7 Respect for Chairman

Whenever the Mayor rises during a debate, a member then speaking or standing shall resume his/her seat and the Council shall be silent.

13.8 Alteration and Withdrawal of Motions

- 13.8.1 A member may with the consent of his/her seconder and of the Council, which shall be signified without discussion, alter a motion which he/she has proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment.
- 13.8.2 A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the proposer has asked and been given permission for its withdrawal.

13.9 Motions which may be moved during debate

When a motion is under debate, no other motion shall be moved except the following:

- 1. to amend the motion;
- 2. to adjourn the meeting;
- 3. to adjourn the debate;
- 4. to proceed to the next business;
- 5. that the question be now put;
- 6. that a member be not further heard;
- 5. that a member leave the meeting:
- 6. to exclude the public, under Section 100A of the Local Government Act 1972

13.10 Adjournment and Next Business

- 13.10.1 A member may move without comment at the conclusion of a speech of another member "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn", on the seconding of which the Mayor shall proceed as follows:
 - 1. on a motion to proceed to next business; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion a right of reply to the motion to proceed to next business (but not to the preceding debate) and then put to the vote the motion to proceed to next business; if the motion is carried, the subject of debate shall be deemed to be disposed of for that day. If the motion to proceed to next business is not carried the debate shall be resumed.
 - 2. <u>on a motion that the question be now put</u>; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and if it is passed then give the member entitled his/her right of reply under Standing Order 13.11 before putting the matter to the vote;
 - on a motion to adjourn the debate or the meeting; if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.
- 13.10.2 None of the three motions the subject of Standing Order 13.20 shall be deemed carried, except by a two-thirds majority of members voting.
- 13.10.3 A second motion that the Council do now adjourn, or that the Council do now proceed to the next business, or that the debate be now adjourned, shall not be made within a period of half an hour except by leave of the Mayor.
- 13.10.4 The Mayor may, at his/her discretion, adjourn the meeting, at any time, for such period of time that he/she considers reasonable and conducive to the dispatch of business.

13.11 Right of Reply

- 13.11.1 The person moving an Executive or Committee recommendation or report, and the proposer of any other motion, shall have a right to reply at the close of the debate upon such motion immediately before it is put to the vote.
- 13.11.2 If the motion is deemed moved under Standing Order 11.3 (Leader's report/officer's recommendation), the right of reply shall be with the Leader or Chairman of the Committee (as the case may be), or some other member of the Executive/Committee nominated by him/her.
- 13.11.3 If the motion is to amend a recommendation or report of the Executive or a Committee, the right of reply remains with the Leader or Chairman of the Committee (as the case may be), or some other member of the Executive/Committee nominated by him/her.
- 13.11.4 A member exercising a right of reply shall confine himself/herself to dealing with matters raised in the debate.
- 13.11.5 A decision shall be taken immediately after the right of reply has been exercised.

13.12 Rescission of Preceding Resolution ("Six Months' Rule")

- 13.12.1 No motion to rescind any resolution of the Council passed within the preceding six months, and no motion or amendment to the same effect as one which has been negated within the preceding six months, shall be proposed unless notice is given under Standing Order 5 and bears the names of at least ten members of the Council.
- 13.12.2 This Standing Order shall not apply to:
 - (i) motions to receive and adopt the report or recommendation of the Executive or a Committee, or
 - (ii) motions arising from a recommendation or report from a Statutory Officer.

13.13 Misconduct by a Member

If at a meeting, any member of the Council misconducts himself/herself by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly, or offensively or by wilfully obstructing the business of the Council, the Mayor may name him/her and the Mayor or any other member may move "That the member named be not further heard". The motion, if seconded, shall be put and determined without discussion.

13.14 Continuing Misconduct By A Named Member

If the member named continues his/her misconduct after a motion under Standing Order 13.13 has been carried the Mayor shall:

- EITHER move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);
- OR adjourn the meeting of the Council for such period as he/she, in his/her discretion, shall consider expedient.

13.15 **General Disturbance**

In the event of general disturbance which, in the opinion of the Mayor renders the due and orderly despatch of business impossible, the Mayor (in addition to any other power vested

in him/her0 may, without question, adjourn the meeting of the Council for such period as he/she, in his/her discretion, shall consider expedient.

13.16 <u>Disturbance by Members of the Public</u>

If a member of the public interrupts the proceedings at any meeting, the Mayor may warn him/her. If he/she continues the interruption after the warning, the Mayor may order his/her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Mayor may order that part to be cleared.

13.17 <u>Motions Affecting Persons Employed by the Council</u>

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, it shall be dealt with following a motion to exclude the press and public under Section 100A(4) of the Local Government Act 1972 on the grounds that otherwise there would be disclosure of exempt information within the meaning of paragraph 1, Schedule 12A of that Act.

14. SEALING OF DOCUMENTS

- 14.1 The Common Seal of the Council may be affixed to any document to give effect to a decision of the Council, Executive, Committee or an officer exercising delegated powers.
- 14.2 The Seal shall be attested by (i) the Mayor or Deputy Mayor of the Council or other appointed member of the Council, and (ii) the Head of Democratic and Legal Services or an officer designated by him/her.
- An entry of every sealing of a document shall be made and consecutively numbered in a book kept for that purpose. The entry shall be signed by the persons who have attested the Seal. The authority for the sealing shall be recorded in every case.

15. LEGAL PROCEEDINGS/AUTHENTICATION OF DOCUMENTS

- 15.1 Where any document will be a necessary step in legal proceedings, or shall otherwise need to be authenticated, on behalf of the Council, it shall, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Head of Democratic and Legal Services or some person authorised by him/her.
- There shall be delegated to the Head of Democratic and Legal Services, or some person authorised by him/her, power to institute, carry on, defend, compromise or settle legal proceedings (civil or criminal) or other disputes in connection with any of the Council's functions, including the enforcement of any judgement or order obtained.
- 15.3 There shall be delegated to the Head of Democratic and Legal Services, or an officer authorised by him/her, power to authorise officers to appear in Court for the Council.

16. LANDS, PREMISES - INSPECTION ETC

A member of the Council, unless specifically authorised to do so by the Council or the Leader/Executive or the Committee concerned, shall not inspect any lands or premises which the Council has the right or duty to inspect, or enter upon any such lands or premises or issue any orders respecting any works which are being carried out by or on behalf of the Council.

17. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

A member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a member from giving a written testimonial of the candidate's ability, experience, or character for submission to the Council with an application for appointment.

18. RELATIVES OF MEMBERS OR OFFICERS

- 18.1 Every Member and every member of the Corporate Management Group of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council.
- 18.2 A disclosure by the Chief Executive shall be made to the Monitoring Officer.
- 18.3 The Chief Executive/Monitoring Officer (as the case may be) shall report any disclosure to the Leader/Executive.
- 18.4 For the purpose of this Standing Order, persons shall be deemed to be related if they are husband, wife (and where a person is one of an unmarried couple, the other member of that couple), mother, father, son, daughter, grandson, granddaughter, brother, sister, nephew, niece of the member or member of the Corporate Management Group (or his or her spouse).

19. DECLARATIONS OF INTEREST

Members shall declare interests, and withdraw from the meeting, in accordance with the requirements of the Members' Code of Conduct set out in Part 5 of the Constitution.

20. APPOINTMENT, COMPOSITION AND CONDUCT OF COMMITTEES

- 20.1 The Council shall, at its first ordinary meeting following the annual meeting, appoint the following Committees:
 - Appeals Committee
 - Licensing Committee
 - Planning Committee
 - Standards and Audit Committee
 - Overview & Scrutiny Committee
- 20.2 All such Committees shall be continued in office until immediately before the first meeting of their successors after the annual meeting of the Council.
- 20.3 If any Committee is not re-appointed, it shall not continue in office beyond the annual meeting of the Council.
- 20.4 Any Committee may be dissolved, or its membership altered, at any time by the Council.
- Unless the Council otherwise directs, the first meetings of the Committees in each municipal year shall take place on the rising of the first ordinary meeting of the Council. The meetings shall take place serially in the order indicated in Standing Order 20.1. The business to be transacted shall be limited to the appointment of Chairman and Vice-Chairman (and any Sub-Committees).

20.6 Committees - Composition

- 20.6.1 Except where otherwise provided by statute, the Mayor shall be an ex-officio non-voting member of every Committee appointed by the Council.
- 20.6.2 The Mayor and Deputy Mayor shall not be appointed to the Executive.
- 20.6.3 Members of the Executive may be appointed to the Planning and Licensing Committees, but no other Committee.
- 20.6.4 The membership of a Committee shall not exceed thirteen members (excluding ex-officio members and co-optees).

20.7 **Confidentiality of Business**

- 20.7.1 All agendas, reports and other documents circulated to a Committee, but not made available to members of the public under Section 100B(2) of the Local Government Act 1972 and marked "Not for Publication" under section 100B(5) shall not be disclosed to any persons, but may be communicated after the meeting to members of the Council.
- 20.7.2 The proceedings of Committees shall be open to the press and public, subject to the right of any Committee to exclude the press and public pursuant to the Local Government Act 1972.

20.8 **Convening of Committees**

- 20.8.1 The summons, agenda paper, reports and documents prepared for a Committee shall be circulated to the Committee members as long before as reasonably possible, and not less than the statutory minimum period before the meeting.
- 20.8.2 The Chairman of a Committee, or in his/her absence the Vice-Chairman, shall be authorised, after consultation with the Chief Executive, to cancel a meeting of a Committee in cases where he/she is satisfied that the amount of business to be conducted at the meeting is such that it could conveniently be left over until the next ordinary meeting of the Committee.

20.9 **Committees - Election of Chairmen**

- 20.9.1 Every Committee shall, at its first meeting, before proceeding to any other business, elect a Chairman and if it so desires may elect a Vice-Chairman or such number of Vice-Chairman as they think fit for the year. In the absence at a meeting of both Chairman and Vice-Chairman, a Chairman for that meeting shall be appointed.
- 20.9.2 Subject to Standing Orders 20.2, 20.3, and 20.4, the Chairman of a Committee shall, provided he/she remains a member thereof, continue to act as such until immediately before the commencement of the first meeting of the Committee after the annual meeting of the Council.

20.10 Committees - Quorum

20.10.1 The quorum for meetings shall be one-third of the number of members of the Committee, or two members, whichever is the greater (with such rounding-up as may be necessary to achieve whole numbers) present throughout the duration of the meeting.

21. COMMITTEE MEETINGS - RULES OF DEBATE

21.1 Motions and Amendments

- 21.1.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 21.1.2 Where a Committee has before it a recommendation, whether contained in a report or in a minute, the recommendation shall formally for the purposes of debate be deemed moved and seconded when the Chairman calls the item in question.
- 21.1.3 The Chairman shall satisfy himself/herself that the Committee understands the terms of a motion or amendment before it is discussed or voted on.

21.2 Seconder's Speech

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

21.3 Speeches

- 21.3.1 A member may indicate his/her wish to speak, but the Chairman has an absolute discretion as to whether, and when, to call that member.
- 21.3.2 A member shall direct his/her speech to the matter under discussion.

21.4 Content and Sequence of Amendments

- 21.4.1 At any time after the original motion has been moved and seconded, a member may move an amendment to the original motion. On being seconded, the amendment shall then be the subject for discussion.
- 21.4.2 An amendment shall be either:
 - 1. to leave out words;
 - to leave out words and insert or add others;
 - 3. to insert or add words:

An amendment shall not have the effect of merely negating the motion before the Committee.

- 21.4.3 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 21.4.4 A further amendment shall not be moved until the Committee has disposed of every amendment previously moved, but before an amendment is put to the meeting a member, if he/she so desires, may give notice to the Chairman that he/she proposes to move a further amendment.
- 21.4.5 The original or substantive motion, or any recommendation before the Committee, shall at the close of debate be put to the vote. No amendment may be moved after the original or substantive motion has been voted upon and no further discussion may then take place.

21.5 **Points of Order and Personal Explanation**

- 21.5.1 A member may indicate that he/she wishes raise a point of order or make a personal explanation, but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood. A member so indicating shall be entitled to be heard forthwith.
- 21.5.2 The ruling of the Chairman on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

21.6 Respect for Chairman

Whenever the Chairman speaks during a debate, any member then speaking, and the Committee, shall be silent.

21.7 <u>Alteration and Withdrawal of Motions</u>

- 21.7.1 A member may with the consent of his/her seconder and of the Committee, which shall be signified without discussion, alter a motion which he/she has proposed if the alteration is one which could have been moved as an amendment.
- 21.7.2 A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Committee, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the proposer has asked and been given permission for its withdrawal.

21.8 Motions which may be moved during debate

When a motion is under debate, no other motion shall be moved except the following:

- 1. to amend the motion;
- 2. to adjourn the meeting;
- 3. to adjourn the debate;
- 4. to proceed to the next business:
- 5. that the question be now put;
- 6. that a member be not further heard;
- 7. that a member leave the meeting;
- 8. to exclude the public, under Section 100A of the Local Government Act 1972

21.9 Adjournment and Next Business

- 21.9.1 A member may move without comment at the conclusion of a speech of another member "That the Committee proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Committee do now adjourn", on the seconding of which the Chairman shall proceed as follows:
 - 1. on a motion to proceed to next business; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion to proceed to next business; if the motion is carried, the subject of debate shall be deemed to be disposed of for that day. If the motion to proceed to next business is not carried the debate shall be resumed.

- 2. <u>on a motion that the question be now put</u>; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put, and if it is passed then put the matter to the vote;
- 3. on a motion to adjourn the debate or the meeting; if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote.
- 21.9.2 None of the three motions the subject of Standing Order 21.9 shall be deemed carried, except by a two-thirds majority of members voting.
- 21.9.3 A second motion that the Committee do now adjourn, or that the Committee do now proceed to the next business, or that the debate be now adjourned, shall not be made within a period of half an hour except by leave of the Chairman.
- 21.9.4 The Chairman may, at his/her discretion, adjourn the meeting, at any time, for such period of time that he/she considers reasonable and conducive to the dispatch of business.

21.10 Misconduct by a Member

If at a meeting, any member of the Committee misconducts himself/herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively or by wilfully obstructing the business of the Committee, the Chairman may name him/her and the Chairman or any other member may move "That the member named be not further heard". The motion, if seconded, shall be put and determined without discussion.

21.11 Continuing Misconduct By A Named Member

If the member named continues his/her misconduct after a motion under Standing Order 21.10 has been carried the Chairman shall:

EITHER move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

OR adjourn the meeting of the Committee for such period as he/she, in his/her discretion, shall consider expedient.

21.12 **General Disturbance**

In the event of general disturbance which, in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman (in addition to any other power vested in him/her0 may, without question, adjourn the meeting of the Committee for such period as he/she, in his/her discretion, shall consider expedient.

21.13 <u>Disturbance by Members of the Public</u>

If a member of the public interrupts the proceedings at any meeting, the Chairman may warn him/her. If he/she continues the interruption after the warning, the Chairman may order his/her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Chairman may order that part to be cleared.

21.14 Matters Affecting Persons Employed by the Council

If any question arises at a meeting of the Committee as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any

person employed by the Council, it shall be dealt with following a motion to exclude the press and public under Section 100A(4) of the Local Government Act 1972 on the grounds that otherwise there would be disclosure of exempt information within the meaning of paragraph 1, Schedule 12A of that Act.

22. COMMITTEES - METHOD OF VOTING

22.1 Show of Hands

Unless a named vote is taken, voting at Committee meetings shall be by a show of hands, or by such electronic system as the Council may approve.

22.2 Named Vote

- 22.2.1 A named vote shall be taken if:
 - (a) The Chairman considers one is necessary, or
 - (b) A member requests one before a "show of hands" vote is taken.
- 22.2.2 The names of members voting for and against the motion, and abstaining from voting on it ("present but not voting"), will be recorded when there is a named vote.

22.3 Result of Votes

The Chairman shall ascertain the number of votes for and against any motion, and declare the result. The Chairman's declaration shall be final provided that, in the case of a named vote, the number of names and of votes for and against, and abstentions, must tally

22.4 Recording of Individual Vote

Immediately after a vote is taken, any member may require that the Minutes record how they cast their vote, or that they abstained from voting ("present but not voting").

22.5 Casting Vote

In the case of an equality of votes, the Chairman may, provided he/she has cast a first vote, cast a second or casting vote. Where there is an equality of votes, and the Chairman has not exercised a second or casting vote, the motion is not carried.

23 COMMITTEES – SPECIAL MEETINGS

The Chairman of a Committee, or the Mayor, may summon a special meeting of the Committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no business other than that set out shall be considered at that meeting. Provided that such a special meeting, except by permission of the Chairman of the Committee, shall not be called to deal with any matter which has within the previous six months been considered or in respect of which consideration has been adjourned by the Committee.

24. POWERS, DUTIES AND RESPONSIBILITY FOR FUNCTIONS

- 24.1 The powers, duties and responsibility for functions of the Council, the Executive and the Council's Committees shall be as set out in the Articles and in Part 3 of the Constitution.
- In the exercise of their powers or duties or tasks the Leader/Executive, an individual Member exercising delegated powers and every Committee shall:
 - 1. formulate and keep under review objectives and standards for the provision of services within its terms of reference:
 - 2. monitor and keep under review the economy, efficiency and effectiveness with which those services are provided and the functions of the Council are discharged; and
 - 3. take such action or make such recommendations as may be necessary or appropriate.
- 24.3 The powers and duties which may be delegated to any Special Committee shall be at large and may include any matter already the subject of delegated authority to another Committee.

25. STANDING ORDERS

25.1 Variation and Revocation

The Leader/Executive may make recommendations to vary or revoke these Standing Orders. Any other motion to do so shall, when proposed and seconded, stand adjourned without discussion to the Leader/Executive for report to the next ordinary meeting of the Council.

25.2 <u>Copies for Members</u>

The Chief Executive shall give a printed copy of this Constitution to each member of the Council upon that member being elected.

25.3 Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved, if the Council is satisfied that it is conducive to the effective despatch of business.

25.4 Interpretation of Standing Orders

The ruling of the Mayor as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall be final.

25.5 Construction of Standing Orders

Reference in these Standing Orders to the masculine gender shall include the feminine; and the singular shall include the plural, and vice versa.

Save where specified to the contrary in this Constitution, the expression "clear days" means that the time is to be reckoned exclusive both of the day on which the notice is given and of the day of the meeting. A Saturday, Sunday or public holiday will not count as one of the clear days.

26. APPOINTMENTS TO OUTSIDE BODIES

In any case where the Council is entitled to nominate representatives to outside bodies, any contested appointments shall be decided by election. The election shall be conducted by ascertaining the number of votes in favour of each candidate. Each member shall have a maximum number of votes equal to the number of vacancies.

Conventions

There are areas of Council and Committee practice where the basis of dealing with business is wellestablished and agreed between the political groups but where formal regulation by Rule of Procedure is not appropriate.

These conventions which are set out in this section will generally govern the way things are done. Departures from the conventions do not attract a legal or formal sanction.

Conventions do not have to be included in this section but if they are they will continue to apply unless specifically varied; any variations to conventions should be approved by Council as revisions to the Constitution and not approved solely by the political groups.

- 1. The Mayor is the civic head of the Borough and performs a role that is non-political and non-executive (see Article 5 of the Constitution). Although the Mayor does not normally vote at meetings at which he/she presides, this convention does not displace the right for the Mayor to do so when this would be consistent with his/her role under Article 5 of the Constitution (i.e. to ensure the proper conduct of the Council's business).
- 2. Notices of Motion should relate to some matter of public, local or general concern or interest, and should normally reflect in their wording the extent to which the Borough Council has either the statutory powers or the responsibility to take action.
- 3. Members of the Council may seek the permission of the Chairman of a Committee (or the Leader, so far as the Executive is concerned) of which they are not a member to speak at meetings of the Committee at which business is to be discussed in which they have a particular interest.

In exercising this discretion, the Chairman of the Planning Committee will have regard to the following criteria:

- (i) Ward Councillors, who are not members of the Planning Committee, will be allowed to speak at the Planning Committee, regardless of Party;
- (ii) Ward Councillors, who are not members of the Planning Committee, will only be allowed to speak once after any Objector/Applicant and before the debate of the Planning Committee commences, and
- (iii) Ward Councillors, who are not members of the Planning Committee, will be restricted to a time limit, considered appropriate by the Chairman, in which they can speak.

(Note: This convention does not displace the right of any member to attend any meeting as a member of the public.)

- 4. Members are entitled to look to the officers for information, advice and guidance on any matter of Council business on a confidential basis. The officers will deal with each of the political groups equally, separately and confidentially and such dealings shall not be disclosed in any circumstances to any member of another group, except, with the prior knowledge of the Group concerned, to the Leader or a Chairman of a Committee if in the opinion of the Chief Officer or Business Manager concerned the Leader/Chairman needs to know it in order to discharge his/her duties as such.
- 5. The principles of proportionality set out in the Terms of Reference of the Selection Panel shall apply to the constitution and membership of any Working Group.

- 6. The Leader's Statement at the first ordinary Council meeting of the Municipal Year and his/her annual Budget speech, and Group Leaders' responses, are not subject to a time limit.
- 7. Members and Officers shall dress appropriately at meetings of the Council, Executive and Committees. This means that Members and Officers should wear "business dress".
- 8. When the Chairman/Vice-Chairman of the Woking Joint Committee is a Borough Councillor, he/she should be the Leader of the Council or his/her nominee (who shall be a member of the Executive).

Budget and Policy Framework Procedure Rules

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Leader/Executive to implement it.

2. Process for Developing the Framework

- (a) The Leader/Executive will publicise by including in the forward plan a timetable in accordance with which it will make proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. Within this timetable the Overview and Scrutiny Committee will conduct such research, consultation with stakeholders and investigations as are necessary to enable it to develop proposals for a budget and policy framework for the forthcoming year.
- (b) The Overview and Scrutiny Committee will present its recommendations for the policy and budget framework to the Leader/Executive. The Leader/Executive will finalise their proposals for the Council to consider having taken into account the proposals from the Overview and Scrutiny Committee. The Leader's/Executive's report to Council will show their response to those proposals.
- (c) The Council will consider the proposals of the Leader/Executive and may adopt them, amend them, refer them back to the Leader/Executive for further consideration, or substitute its own proposals in their place.
- (d) The Council's decision will be publicised within five working days and a copy shall be given to the Leader/Executive. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Leader's/Executive's proposal without amendment) or (if the Leader's/Executive's proposal is not accepted without amendment), that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader/Executive formally objects to it in that period.
- (e) If the Leader/Executive objects to the decision of the Council, then the Leader/Executive shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Proper Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (f) The Council meeting must take place within five working days of the receipt of the Leader's/Executive's written objection. At that Council meeting, the previous decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- (g) The Council's decision, if not in accordance with the recommendation of the Leader/Executive, shall require a simple majority of those voting at the meeting.
- (h) The decision shall then be made public and shall be implemented immediately.

3. Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of Financial Regulations as they apply to virement, the Leader/Executive, Committees of the Executive, individual members and any officers discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Leader/Executive, Committees of the Executive, individual members and any officers discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent Decisions Outside the Budget or Policy Framework

- (a) The Leader/Executive, a Committee of the Executive, an individual member or officers discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. Decisions to commit urgent expenditure may be taken in cases of civil emergency or where there is a compelling and urgent need for immediate action. In all other cases, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the Full Council; and
 - ii) if the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and the Chairman of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Mayor and in the absence of both the Deputy Mayor will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. In-Year Changes to Policy Framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Leader/Executive, a Committee of the Executive, an individual member or officers discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes necessary to ensure compliance with the law, ministerial direction or government guidance.

6. Call-In of Decisions Outside the Budget or Policy Framework

- (a) Where the Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Leader/Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Leader/Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Leader/Executive must decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within five days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Leader/Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

7. Financial Regulations

The Council shall make, and from time to time review, financial regulations to determine the responsibilities of members and officers in the administration of its financial affairs, and there shall be delegated to the Chief Finance Officer authority to exercise the functions described in the regulations.

8. Investment Programme

1. Each year, the Leader/Executive shall prepare a five year Investment Programme and shall consider the aggregate effect of the Investment Programme on the Council's financial resources and make recommendations thereon to the Council.

2. Any scheme proposed to be included in an Investment Programme which was not contained in the preceding approved Investment Programme shall be considered by the Leader/Executive having received a report from the appropriate officer on the financial implications of the proposal.

9. Revenue Estimates

- The Leader/Executive shall keep the Council's financial strategy under review and shall consider and determine annual revenue estimates for submission by way of recommendation to Council having received a report thereon from the Chief Finance Officer.
- 2. Any proposal to incur expenditure which is not provided for in the previously approved revenue estimates and which cannot be financed by way of virement in accordance with financial regulation 5.3 shall be considered and determined by the Leader/Executive for submission by way of recommendation to Council having received a report thereon from the appropriate officer on the financial implications of the proposal.

10. Expenditure - Exceptional

Any motion which is moved at a Council meeting otherwise than in pursuance of a recommendation or report of the Leader/Executive and if carried would, by the lesser of 5% or £5000, increase the expenditure upon or reduce the revenue of any service or would involve capital expenditure, shall when proposed or seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and the Leader/Executive shall report on the financial implications of the proposal.

Executive Procedure Rules

1. EXECUTIVE DECISIONS

- **1.1** The Leader shall be responsible for the Executive functions listed in Part 3 of this Constitution (Responsibility for Functions).
- **1.2** The Leader may provide for Executive functions to be discharged by:
 - (a) The Leader him/herself;
 - (b) The Executive;
 - (c) a Committee of the Executive;
 - (d) an individual Member of the Executive;
 - (e) an individual Member of the Council who may exercise powers in relation to his/her ward;
 - (f) an Officer;
 - (g) another local authority, or
 - (h) under joint arrangements.

1.3. Allocation of Political Accountabilities by Leader

The Leader may allocate to individual members of the Executive particular areas of political accountability. Any such individual will take responsibility for the explanation of identified areas of policy or service themes, but will not exercise executive functions in that respect.

1.4 Sub-Delegation of Executive Functions

The Executive, Committee of the Executive or an individual Member of the Executive may further delegate functions to an officer, in which case the Responsibility for Functions in Part 3 of the Constitution and the Scheme of Delegations to Officers shall be amended accordingly.

1.5 Conflicts of Interest

Conflicts of interest affecting the Leader or any member of the Executive shall be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Executive Meetings

The Executive will meet at such times as the Leader shall determine. The Executive shall meet at the Civic Offices or another location to be agreed by the Leader.

1.7 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be one-third of the number of members of the Executive (with such rounding-up as may be necessary to achieve whole numbers) or two (whichever is the greater).

1.8 Taking Decisions

Executive decisions which have been delegated to the Executive will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

2. CONDUCT OF EXECUTIVE MEETINGS

2.1 If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. In the absence of the Leader and the Deputy Leader, a person appointed to do so by those present shall preside.

2.2 Order of Business

At each meeting of the Executive, the following business will be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from the Overview and Scrutiny Committee; and
- v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.3 Consultation

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.4 Agenda Management

The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a Committee of it or any member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of the Council may ask the Leader to arrange that an item is placed on the agenda of the next available meeting of the Executive for consideration. The Leader is not obliged to comply with such requests.

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where the Overview and Scrutiny Committee or the Full Council have resolved that an item be considered by the Executive.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties.

3. QUESTIONS BY THE PUBLIC

3.1 Members of the public, which for these purposes shall mean persons living or working in the Borough, may ask questions of members of the Executive at meetings of the Executive.

3.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Leader may group together similar questions.

3.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 12 noon, seven days before the day of the meeting. Each question must give the name and address of the questioner and should specify the member to whom the question is to be put.

3.4 Number of Questions

At any one meeting no person may submit more than three questions and no more than three questions may be asked on behalf of one organisation.

3.5 Scope of Questions

The Chief Executive may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- o requires the disclosure of confidential or exempt information.

3.6 Record of Questions

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the Leader and the member to whom the question is to be put. If no particular member has been specified as the person to whom the question is to be put, the question shall be put to the Leader. Rejected questions will include reasons for rejection.

Copies of all questions and the draft replies shall be prepared, laid round the table and made available to the public attending the meeting.

3.7 Asking the Question at the Meeting

The Leader will invite the questioner to put the question to himself/herself or the specified member. If a questioner who has submitted a written question is unable to be present, they may ask the Leader to put the question on their behalf. The Leader may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

The Leader or the specified member may state that his/her reply is in the terms of the draft or otherwise as he/she thinks fit.

The total time for public question-time shall be 30 minutes or such longer time as the Leader shall in his/her discretion allow.

3.8 Supplementary Questions

A questioner who has put a question in person may also put one supplementary question without notice. A supplementary question must arise directly out of the original question or reply. The Leader may reject a supplementary question on any of the grounds in Rule 3.5 above.

The Leader or the specified member may reply to the supplementary question as he/she thinks fit.

3.9 Written Answers

Any question which cannot be dealt with during public question-time through lack of time will be dealt with by a written answer.

3.10 Reference Elsewhere

Unless the Leader decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to another Committee. Once seconded, such a motion will be voted on without discussion.

4 INDIVIDUAL DECISION MAKING

- 4.1 The Leader, or an individual Member, taking a decision on a matter shall comply with the following parts of the Executive Procedure Rules.
- 4.2 A clear audit trail of decision-making must be maintained for future reference.

4.3 Forward Plan

4.4 Subject to the provisions of Access to Information Procedure Rules 15 (General Exception) and 16 (Special Urgency), a <u>key</u> decision shall not be taken by an individual Member unless details have been included in the Forward Plan.

4.5 Requirement for a Written Report

- 4.6 A written report on the proposed decision shall be prepared by the relevant officer on his or her own initiative, or at the request of the Member.
- 4.7 The officer's report shall set out the following:
 - (a) The date of the proposed decision.
 - (b) Whether a key decision is to be taken.
 - (c) Whether the report contains confidential or exempt information.
 - (d) A description of the issue to be decided.
 - (e) Any consultations undertaken, the method of consultation and a summary of any representations received.
 - (f) The officer's recommendations and the reasons for them.
 - (g) Implications arsing from the decision.

- (h) A list of background papers.
- 4.8 Subject to the provisions on confidential and exempt information and special urgency set out in the Council's Access to Information Procedure Rules, the Proper Officer shall at least five clear days prior to the date that the proposed decision is scheduled to be taken:
 - (a) forward a copy of the report by e-mail to the relevant Member and all other councillors; and
 - (b) make the report publicly available.

4.9 Taking the Decision

- 4.10 The decision shall be taken by the Member on the scheduled date in the presence of the relevant officers (which shall always include a Democratic Services Officer).
- 4.11 Prior to taking the decision, the Member will be required to disclose any personal and/or prejudicial interests in the matter under consideration.

4.12. Record of Decision

- 4.13 After a decision has been taken by the Member, the Democratic Services Officer will prepare a record, including details of:
 - (i) whether it was a key or non-key decision;
 - (ii) the title of the item;
 - (iii) the name of the decision-maker;
 - (iv) the date on which the decision was made:
 - (v) the date on which the decision will be implemented;
 - (vi) any declarations of interest;
 - (vii) the decision;
 - (viii) the reasons for the decision;
 - (ix) details of any alternative options considered and rejected by the Member when making the decision;
 - (x) a record of any conflict of interest declared by any Executive member who is consulted by the Member making the decision which relates to that decision;
 - (xi) a note of any dispensation granted in respect of any declared conflict of interest; and
 - (xii) a list of the documents taken into account by the decision-maker, including the report of the relevant officer.
- 4.14 The decision shall be published by the Democratic Services Officer in draft form electronically, and shall otherwise be available at the Civic Offices, within 24 hours of the decision being made. All members of the Council shall receive electronic notification of such decision within the same timescale. This will enable Councillors to consider whether they wish to "call-in" the decision in accordance with Overview and Scrutiny Procedure Rules.

4.15	reports and bac Procedure Rules	cer will maintain kground papers, s.	in accordance	with the	Council's A	ccess to	associated Information

Overview and Scrutiny Procedure Rules

1. General Arrangements

The Council will have the Overview and Scrutiny Committee set out in Article 6 and will appoint to it at its first ordinary meeting in accordance with Standing Order 20.

The terms of reference of the Overview and Scrutiny Committee will be as provided in Article 6 and in the Responsibility for Functions in Part 3 of this Constitution and shall include the functions of a crime and disorder committee under Section 19 Police and Justice Act 2006.

2. Membership

The membership shall comprise ten elected councillors. All councillors except members of the Executive may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. Meetings

There shall be between eight and ten ordinary meetings of the Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5. Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in Standing Order 20.10, i.e. one-third of the number of members of the Committee (with such rounding-up as may be necessary to achieve whole numbers).

6. Work Programme

The Overview and Scrutiny Committee will be responsible for setting its own work programme. An annual meeting of the Committee shall be held to set the work programme for the coming year, and the Committee shall have particular regard to the time and resources (including officer time) needed to deliver the programme. The Committee shall be assisted in its work by sight of the Leader's draft Forward Plan for the whole year.

7. Agenda Items

Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda. This provision shall not have effect in relation to the Councillor Call for Action. The Chairman of the Overview & Scrutiny Committee shall determine whether or not a Councillor Call for Action should be accepted in accordance with the adopted procedures. In the event that a Councillor Call for Action is submitted by the Chairman, the Vice-Chairman will determine whether or not it

should be accepted and reported to the Committee in accordance with the adopted procedures.

8. Task Groups

Task Groups shall be established as follows. The Committee shall receive draft terms of reference for consideration. These shall be debated and agreed as necessary. The Committee shall also consider the number of persons to be appointed to the Task Group and its political balance; usually the composition of the Task Group shall take into account proportionality without applying it inflexibly. Nominations to the Task Group shall be agreed by the Committee and, if necessary, determined by voting.

Subject to the above and to applying the guidance of the Toolkit when commissioning work, the Committee may appoint such Task Groups as it thinks fit. Task Groups shall make report to the Committee or direct to the Executive as required, and Task Group members shall be entitled to attend and speak at Committee meetings where the work of their Group is under consideration.

Task Groups shall meet in public and may co-opt councillors and non-councillors as may assist them in their work (including councillors who do not sit on the Overview and Scrutiny Committee). Non-councillors shall be eligible for the reimbursement of their expenses.

A permanent Task Group shall consider the financial aspects of the Council's business. The establishment of other standing Task Groups shall be considered.

A dedicated officer resource shall be made available from within Democratic Services to assist, support and coordinate the work of the Overview and Scrutiny Committee and its Task Groups.

9. Policy Review and Development

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Leader/Executive for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

10. Reports from Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Leader/Executive if the proposals are consistent with the existing budgetary and policy framework, or to the Council as appropriate. The Overview and Scrutiny Committee may publish its report or recommendations.
- (b) If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Leader/Executive as appropriate, then up to one minority report may be

- prepared and submitted for consideration by the Council or Leader/Executive with the majority report.
- (c) The Overview and Scrutiny Committee shall by notice in writing require the Council or the Leader/Executive:-
 - (i) to consider the report or recommendations,
 - (ii) to respond to the Overview and Scrutiny Committee indicating what action (if any) the Council or the Leader/Executive proposes to take,
 - (iii) if the Overview and Scrutiny Committee has published the report or recommendations, to publish a response,
 - (iv) if the Overview and Scrutiny Committee provided a copy of the report or recommendations to a member of the Council under section 21A(8) of the Local Government Act 2000, to provide the member with a copy of the response.

and to do so within two months beginning with the date on which the Council or the Leader/Executive received the report or recommendations or (if later) the notice.

(d) The Council or Leader/Executive shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Proper Officer.

11. Overview and Scrutiny Reports: Consideration by the Executive

- (a) Once an overview and scrutiny report on any matter which is the responsibility of the Leader/Executive has been completed, it shall be referred to the Leader/included on the agenda of the next available meeting of the Executive unless the matter which is the subject of the report is already scheduled to be considered by the Leader/Executive on an agreed date.
- (b) The Overview and Scrutiny Committee will in any event have access to the forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee may respond in the course of the Leader/Executive's consultation process in relation to any key decision.

12. Rights of Overview and Scrutiny Committee Members to Documents

- (a) In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Leader/Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13. Members and Officers Giving Account

(a) The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require the Leader, any member of the Executive allocated particular political accountability, or any councillor exercising functions of the Council in relation to their ward, or any senior officer, to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions;
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance.

and it is the duty of those persons to attend if so required.

(b) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

14. Attendance by Others

The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The Committee shall have rights under Section 22A Local Government Act 2000 and regulations made thereunder to call for information from partner authorities.

15. Call-In

- (a) When a decision is made by the Leader, the Executive or it's Committee, an Executive member, a Councillor exercising powers in relation to their ward, or a key decision is made by an officer with delegated authority from the Leader, the decision shall be published in draft form electronically, and shall otherwise be available at the main offices of the Council, within 24 hours of the decision being made. All members of the Council shall receive electronic notification of such decisions within the same timescale by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the Overview and Scrutiny Committee objects to it and calls it in. Urgent decisions shall be dealt with as provided for in paragraph (h) below.
- (c) During that period, the Proper Officer shall call-in a decision for scrutiny by the Committee if so requested by the Chair or any three members of the Committee, and shall then notify the decision-taker of the call-in. The notice to the Proper Officer shall state the reasons for the call-in, and these reasons shall be made available to all members of the Council. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within five working days of the decision to call-in.
- (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to take action it may refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to the next ordinary meeting of Full Council. If referred back to the Executive, it shall be reconsidered at the next ordinary meeting of the Executive's Committee or earlier if the Leader determines. Where the decision was made by an individual, the individual will reconsider within five working days of the request. The decision-making person or body shall reconsider the decision, amending the decision or not as the case may be, before adopting a final decision.

- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of the five day period, whichever is the earlier.
- (f) If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive or by its Committee of it, a meeting will be convened to reconsider within five working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (h) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would be seriously prejudicial to the Council's or the public's interests. The notice by which the decision or proposed decision is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The notice shall state that the decision, if agreed, shall take immediate effect. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

16. Questions

- (a) Members of the Council may ask questions of the Chairman of the Overview and Scrutiny Committee at meetings of the Committee regarding matters that come within the remit of the Committee.
- (b) Notice of Questions

Notice of a question must be given by delivering it in writing or by electronic mail to the Chief Executive no later than 5.00pm, five days before the day of the meeting (e.g. 5.00pm Wednesday for a meeting on the following Monday). Each question must give the name of the Councillor.

(c) Number of Questions and Length of Question-Time

At any one meeting, no Councillor may submit more than three questions. The total time for question-time shall be 30 minutes or such longer time as the Chairman shall in his/her discretion allow.

(d) Scope of Questions

The Chairman may reject a question if it:-

- is not about a matter for which the Council has a responsibility or which affects the Borough;
- o is defamatory, frivolous or offensive; or
- o requires the disclosure of confidential or exempt information

(e) Procedure at the Meeting

Copies of all questions and the draft replies shall be prepared, laid round the table and made available to the public attending the meeting. The Chairman shall ask the Councillor if he/she is satisfied with the answer. A Councillor who has put a question in person may put one supplementary question without notice. It will be at the Chairman's discretion whether supplementary questions may be put by other members of the Committee or whether a discussion on the topic takes place.

(f) Written Answers

Any question which cannot be dealt with during question-time through lack of time will be dealt with by a written answer.

(g) Reference Elsewhere

Any member may move that a matter raised by a question be referred to another Committee. Once seconded, such a motion shall be voted on without discussion.

17. Crime and Disorder

- (a) The Overview and Scrutiny Committee shall have power:
 - to review or scrutinise decisions made, or action taken, in connection with the discharge by the Council, Surrey Police and Surrey County Council ("responsible authorities") of their crime and disorder functions
 - to make reports or recommendations to the Council with respect to the discharge of those functions
- (b) If the Overview and Scrutiny Committee makes a report or recommendations, it shall provide a copy:
 - o to each of the responsible authorities; and
 - to each of the persons with whom the responsible authorities have a duty to cooperate under Section 5(2) of the Crime and Disorder Act 1998 ("the cooperating persons")
- (c) Where a member of the Council is asked to consider a crime and disorder matter by a person who lives or works in the area that the member represents:
 - the member shall consider the matter and respond to the person who asked him/her to consider it, indicating what (if any) action he/she proposes to take;
 - the member may refer the matter to the Overview and Scrutiny Committee
- (d) Where a member of the Council declines to refer a matter to the Overview and Scrutiny Committee, the person who asked him/her to consider it may refer the matter to the Leader/Executive.

- (e) Where a matter is referred to the Leader/Executive under (d) above:
 - the Leader/Executive shall consider the matter and respond to the person who referred the matter to it, indicating what (if any) action he/she/it proposes to take:
 - the Leader/Executive may refer the matter to the Overview and Scrutiny Committee
- (f) The Overview and Scrutiny Committee shall consider any crime and disorder matter:
 - o referred to it by a member of the Council (whether under (c) above or not) or
 - referred to it by the Leader/Executive under (e) above

and may make a report or recommendations to the Council with respect to it.

- (g) Where the Overview and Scrutiny Committee makes a report or recommendations under (f) above, it shall provide a copy to such of the responsible authorities and to such of the cooperating persons as it thinks appropriate.
- (h) An authority or person to whom a copy of a report or recommendations is provided under (b) or (g) above shall:-
 - consider the report or recommendations;
 - respond to the Overview and Scrutiny Committee indicating what (if any) action it proposes to take;
 - o have regard to the report or recommendations in exercising its functions

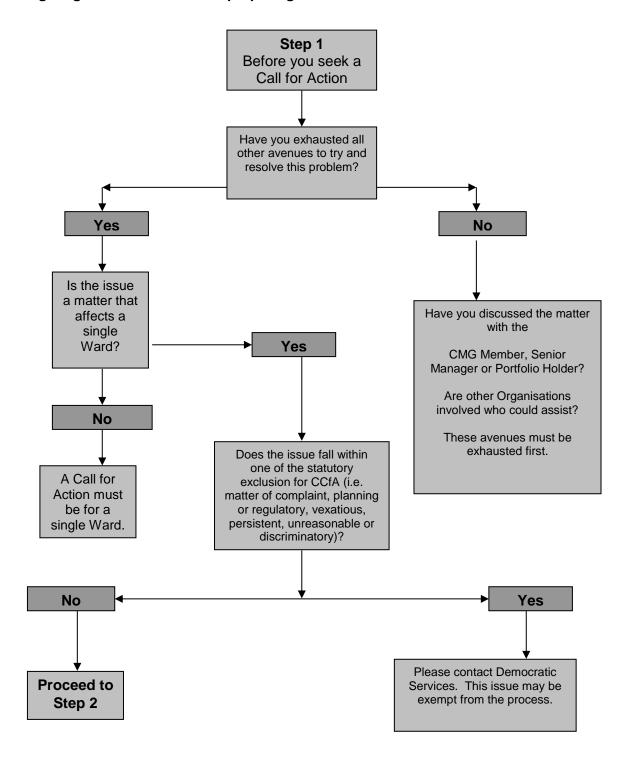
18. Councillor Call for Action

- (a) The Overview and Scrutiny Committee will consider a Councillor Call for Action (CCfA) that:
 - has been submitted in relation to a matter that affects a single Ward;
 - has been submitted by a Councillor from the Ward affected;
 - o is in relation to a Local Government matter (including the "well-being" powers under the Local Government Act 2000);
 - demonstrates that all existing avenues have been exhausted and that it is a matter of a "last resort";
 - has been submitted on the CCfA Request Form;
 - o adheres to the process set out in the steps documented in the flowchart at Annex 1 attached; and
 - o states:
 - the nature of the issue;
 - what action has been taken to resolve the issue;
 - an outline of the resolution to the problem being sought; and

- an indication of any other organisations involved in the CCfA.
- (b) The Overview and Scrutiny Committee will not consider a CCfA that:
 - o is a vexatious, persistent, unreasonable or discriminatory request, or
 - o is in relation to a planning, licensing or regulatory application
- (c) Details of requests for a CCfA which have been rejected by the Chairman will be reported to the Overview and Scrutiny Committee. The Committee will consider any representations by the Member responsible for the request and determine whether to uphold the Chairman's decision or agree that the CCfA be taken forward to step 4 Initial Report to the Committee.

The following is a step process for the operation of a Councillor Call for Action. A Councillor Call for Action is a 'last resort' option for Councillors to have a matter reviewed by the Overview and Scrutiny Committee. It is a process to assist in tackling Ward based community problems on behalf of constituents.

The following diagram should assist in preparing a Councillor Call for Action:



Step 2 Call for Action Form

Step 3 Chairman's consideration of

the CCfA Form

Step 4 Overview and Scrutiny Committee

Step 5 Overview and Scrutiny Committee

Step 6 Seeking a resolution

Step 7 Monitoring of Recommendation

In completing the form you should:

- State what the issue is:
- State what action has been taken to resolve the issue;
- Include an outline of the resolution being sought;
- Indicate any other organisations that are involved in the CCfA
- Send your completed form to Democratic Services.

The Chairman of the Overview and Scrutiny Committee determines whether or not to accept the CCfA for consideration

In doing so he will ask if:

- All existing options to resolve the problem have been exhausted;
- There are potential resource implications in the Committee's work programme to accommodate the CCfA; and
- The statutory exclusions have been considered eg subject of a complaint, vexatious, persistent, unreasonable or discriminatory.

In the event a Call for Action is submitted by the Chairman, the Vice-Chairman will determine whether or not the Call for Action is considered.

The Initial Report allows the Committee to determine the appropriate priority in its work programme for the CCfA.

It will include information on:

- What the Councillor is requesting as the proposed outcome (with an opportunity to speak on the item);
- Action taken prior to the Call for Action being made;
- Any other known information;
- Exclusions process information;
- Which organisation/ Business Managers would be affected;
- · Potential resource implications; and
- Whether and when to include CCfA into the work programme.

Details of requests for a Call For Action which have been rejected by the Chairman will be reported to the Overview and Scrutiny Committee. The Committee will consider any representations by the Member responsible for the request and determine whether to uphold the Chairman's decision or agree that the Call for Action be taken forward.

Once the CCfA is in the Committee's work programme it will receive:

- a report including the background to the CCfA;
- · comments from partner organisations;
- other information submitted for consideration by the Committee; and
- evidence from appropriate experts.

The Committee will seek to recommend a resolution to the CCfA.

The Overview and Scrutiny Committee makes recommendations to the Executive if it is a Council matter or to other partners.

CCfAs may be about matters that cut across the remit of partner organisations. The Committee will send its recommendations direct to the organisation concerned.

The Committee might say that there is no action to be taken.

The Overview and Scrutiny Committee will monitor the implementation of its 'recommendations'.

Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, the Executive and Committees (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Civic Offices, Gloucester Square, Woking (the designated office). Where the meeting is convened at shorter notice, the notice shall be given at the time the meeting is convened.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will, as soon as reasonably practicable, arrange for electronic publication and make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record:

- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of Background Papers

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

This written summary of the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential Information – Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

10.2 Exempt Information – Discretion to Exclude Public

The public may be excluded from meetings or parts thereof whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of Exempt Information

Exempt information means information falling within the following 7 categories (subject to any qualification):

(1) Information relating to any individual.

- (2) Information which is likely to reveal the identity of an individual.
- (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (5) Information in respect of which a claim to professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications

- (1) Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts of 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.
- (2) Information falling within any of paragraphs 1-7 is not exempt by virtue of those paragraphs if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- (3) Information which (a) falls within any of paragraphs 1-7 above and (b) is not prevented from being exempt by virtue of qualifications 1 or 2 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 – 22 apply to the Executive and its Committees (in addition to Rules 1-11).

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision, as defined in Article 11.03 of this Constitution, may not be taken unless:

- (a) a document (called a "forward plan") has been published in connection with the matter in question; and
- (b) at least twenty-eight clear days (which may include Saturdays, Sundays and public holidays) have elapsed since the publication of the forward plan and the date of the meeting at which the key decision is to be made.

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward plans will be prepared to cover a period of four months, beginning with the first day of any month. A forward plan will be prepared in respect of each meeting of the Executive.

14.2 Contents of Forward Plan

The forward plan will contain matters which the Proper Officer has reason to believe will be subject of a key decision to be taken by the Leader/Executive, a Committee of the Executive, individual members of the Executive, officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, his/her name and title, if any and where the decision taker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made:
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

Exempt information and confidential information may not be included in a forward plan.

15. GENERAL EXCEPTION

Where the publication of a forward plan in respect of a key decision is impracticable, that decision may only be made:

- (a) where the Proper Officer has informed the Chairman of the Overview and Scrutiny Committee or, if there is no such person, each member of the Overview and Scrutiny Committee, by notice in writing of the matter about which the decision is to be made;
- (b) where the Proper Officer has made available at the Civic Offices for inspection by the public, and published on the Council's website, a copy of the notice given under subparagraph (a) above; and
- (c) after five clear days have elapsed following the day on which the Proper Officer made available the notice referred to in sub-paragraph (b) above.

As soon as reasonably practicable after complying with sub-paragraphs (a) and (b) above, the Proper Officer shall make available at the Civic Offices for inspection by the public, and publish on the Council's website, a notice setting out the reasons why it was impracticable to include the item in a forward plan.

16. SPECIAL URGENCY

Where the date by which a key decision must be made makes compliance with Rule 15 (General Exception) impracticable, the decision may only be made where the decision maker has obtained agreement from:

- (a) the Chairman of the Overview and Scrutiny Committee; or
- (b) if there is no such person, or the Chairman of the Overview and Scrutiny Committee is unable to act, the Mayor; or
- (c) where there is no Chairman of the Overview and Scrutiny Committee or Mayor, the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the decision maker has obtained agreement under the applicable sub-paragraph above, the Proper Officer shall make available at the Civic Offices for inspection by the public, and publish on the Council's website, a notice setting out the reasons why the meeting was urgent and could not reasonably be deferred.

17. REPORT TO COUNCIL

17.1 When an Overview and Scrutiny Committee Can Require a Report

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure under Rule 15; or
- (c) the subject of the special urgency procedure under Rule 16;

the Committee may require the Leader/Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

17.2 Executive's Report to Council

The Leader/Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader/Executive is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Annual Reports on Special Urgency Decisions

In any event, the Leader/Executive will submit annual reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding year. The report will include the number of decisions so taken, particulars of each decision made and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Executive or any of its Committees, the Proper Officer will produce a record of every decision taken at that meeting as soon as reasonably practicable. The record will include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting;
- (d) a record of any conflict of interest relating to the matter decided which is declared at the meeting by any Member of the Executive or any of its Committees; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted in respect of it.

19. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE/INDIVIDUAL MEMBERS EXERCISING POWERS IN RELATION TO THEIR WARDS

Decisions by individual Members shall comply with the relevant provisions of the Executive Procedure Rules.

20. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

20.1 Rights to Copies

Subject to Rule 20.2 below, the Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to:

- (a) any business transacted at a meeting of the Executive or its Committees;
- (b) any decision taken by an individual member; or
- (c) any executive decision by an Officer acting under powers delegated by the Leader/Executive.

20.2 Limit on Rights

The Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form, or
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to (i) an action or decision they are reviewing or scrutinising or intend to scrutinise or (ii) any review contained in any programme of work of the Overview and Scrutiny Committee.

21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

21.1 Rights to Copies

Subject to Rule 21.2 below, all Members will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to:

- (a) any business transacted at a meeting of the Executive or its Committees;
- (b) any decision taken by an individual member; or
- (c) any executive decision by an Officer acting under powers delegated by the Leader/Executive.

21.2 Limit on Rights

Members will not be entitled to:

- (a) any document that is in draft form; or
- (b) any document that contains exempt information as defined in paragraphs 10.4(1), (2)
 (3) to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, (4), (5) and (7) of these Access to Information Procedure Rules.

21.3 Nature of Rights

These rights of a Member are additional to any other right he/she may have.

22. PART II MEETINGS OF THE EXECUTIVE

- 22.1 At least twenty-eight clear days' notice (which may include Saturdays, Sundays and public holidays) must be given before the Executive meets in private (i.e. on a Part II basis). Such notice shall give the reasons for the meeting being held in private, and shall be available for public inspection at the Civic Offices and on the Council's website.
- 22.2 At least five clear days before the private meeting of the Executive, a further notice of the intention to hold a private meeting shall be published at the Civic Offices and on the Council's website. Such notice shall give the reasons for the meeting being held in private, details of any representations received about why the meeting should be open to the public and a statement in response to any such representations.
- Where the date by which a meeting must be held makes compliance with paragraphs 22.1 and 22.2 impracticable, the meeting may only be held in private if agreement has been obtained from:
 - (a) the Chairman of the Overview and Scrutiny Committee; or

- (b) if there is no such person, or the Chairman of the Overview and Scrutiny Committee is unable to act, the Mayor; or
- (c) where there is no Chairman of the Overview and Scrutiny Committee or Mayor, the Deputy Mayor,

that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the agreement required under paragraph 22.3 has been obtained, the Proper Officer shall make available at the Civic Offices for inspection by the public, and publish on the Council's website, a notice setting out the reasons why the meeting was urgent and could not reasonably be deferred.

Public Participation at Planning Committee

(Fourth Edition)

1.0. PRINCIPLES

- 1.1. The Council resolved to introduce public participation at Development Control Sub-Committee which was brought into operation on 25 February 1997. The principles now apply to the Planning Committee which was established in May 2000 as a result of the introduction of new Council democratic structures at that time.
- 1.2. It is first necessary to clarify the criteria which will determine which planning applications should be the subject of representations to be made in person.
- 1.3. The number of objectors required before a planning application qualifies for public speaking at the Planning Committee is 10.

2.0. DEFINITIONS

2.1. Applications on Which the Public May Speak:

The public speaking scheme applies only to planning applications. It does not include Certificates of Lawful Use and Development or applications for work to trees covered by Tree Preservation Orders.

Any application which attracts 10 (see paragraph 1.3. above) or more individual objections (a petition will be regarded as one objection) prior to the designated cut-off date which will be **14 DAYS** prior to the meeting or, if later, the expiry of the 21 day period for receipt of representations.

<u>In addition</u> the public will have the right to address the Committee on any of the following types of applications (see (i) - (iv)) irrespective of the number of objections made:

- (i) Any application which in the opinion of the Borough Planning Officer raises major policy issues which is at variance with approved planning policies, or is of such a magnitude that significant planning issues are raised.
- (ii) Any application for development requiring an Environmental Statement under the provisions of Schedule I and II of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and any subsequent amending regulations.
- (iii) Applications for major commercial (retail, industrial or business development) development with a floor space exceeding 2500 sq. metres (outline or detailed applications), but not reserved matters.
- (iv) Applications for residential developments of over 50 dwellings (outline or detailed applications), but not reserved matters.

(**NOTE**: Council applications are also subject to the same criteria set out above.)

2.2. Applications which officers will normally give a presentation to the Committee

This category will be of the type currently included on Section A and B of the Planning Committee agenda which would include:

- (i) developments proposing in excess of one dwelling;
- (ii) certain applications for change of use;
- (iii) non-controversial business or industrial/warehouse or retail proposals;
- (iv) all development proposals (including Minor applications) submitted by the Council;
- (v) applications involving a Member of the Council or staff.

NOTE: Presentation will also be given on any application where the public exercise a right to speak.

2.3. <u>Applications which will not be formally presented to the Committee unless specifically requested by Members on which the public will not be invited to speak</u>

This will normally be other minor applications which have been referred to the Committee at the request of Borough Planning Officer which would normally be dealt with under delegated powers.

Also minor applications where enforcement action is being recommended will <u>not</u> normally be presented by officers but will be included on this section of the Planning Committee agenda.

3.0. PROCEDURES

3.1. <u>Informing the Public</u>

The letters which are sent to persons identified under the Council's neighbour notification procedure will also include advice that objectors <u>may</u> have a right to speak at Committee meetings, and will enclose an information leaflet explaining what happens at the Committee meeting.

- 3.2. The agenda is normally published by the Tuesday evening prior to the Committee meeting and sent out to Councillors. The 'cut-off' point for receipt of letters which would fall into the criteria of allowing public speaking shall be 14 days prior to the meeting or, if later, the expiry of the 21 day period for receipt of representations.
- 3.3. At the end of the working day, 14 days prior to the meeting at which the application is to be considered or later (as the case may be), the case officers/team leaders will advise the Borough Planning Officer of those applications intended for inclusion on the agenda which have attracted 10 (see paragraph 1.3. above) or more objections (and, of course, those applications which the right to speak arises irrespective of the number of objections).
- 3.4. If the representations received exceed 10 (see paragraph 1.3. above) individual letters (a petition would count as one objection but standardised letters will be treated as individual letters) then notification will be sent to all those persons advising them of their right to speak (in the case of a petition the first named person). The letter will be sent first class no later than the Wednesday following the dispatch of the agenda which is normally received by Councillors on the Tuesday evening preceding (also letters need to be sent to any objectors to major applications with less than 10 (see paragraph 1.3. above) objections which are to be included on the first part of the agenda).
- 3.5. The current letter sent to applicants or agents has been revised advising them of the date of the meeting and that they also have the right to make an oral presentation if objectors have given notice that they wish to make representations.

- 3.6. A list of the objectors (in all the categories where the right to speak exists) will be advised to the Democratic Services Officer together with details (and a contact number if known) of the agent or applicant.
- 3.7. In the letter advising the representors that they may speak at the meeting they will be required to register an interest no later than 4.00 p.m. on the Monday prior to the day of the Committee meeting (or 9.00 a.m. on the Tuesday following Bank Holidays). Representors will be required to leave their details on a 24hr answerphone which will be open from 9.00 a.m. on the day after the agenda goes out. Democratic Services will have responsibility for monitoring and actioning calls.
- 3.8. The enquirer will be advised of the arrangements for the procedure at the Committee and the agent or applicant will be contacted and advised that representations are to be made.
- 3.9. Only one representor of the objectors will be allowed to make an oral representation. This should be done on a 'first come first served' basis, i.e. the first person to register on the dedicated answerphone. Any subsequent representors wishing to speak will be advised by the Democratic Services Officer to contact the person who will be appearing so that representations can be combined if necessary.

4.0. PROCEDURE AT COMMITTEE

4.1. All speakers will be required to report to the Democratic Services Officer in the Council Chamber no later than 6.45 p.m. on the night of the Committee. The Democratic Services Officer will meet the speakers and explain procedures and also give directions as to where to sit in the Chamber. If the objector fails to appear then the applicant/agent will not be entitled to speak.

(**NOTE:** Where more than one person has registered an interest to speak the second named representor will be entitled to speak if the first named speaker is not in attendance five minutes before the start of the meeting.)

- 4.2. Officers will introduce the application and advise Members on the recommendations.
- 4.3. Representors views will then be heard in the following order: representative of the objectors and agent/applicant. Each speaker will be allocated three minutes.
- 4.4. Whilst objectors and the agent have a right to speak, applications will not be deferred because one side is unable or does not wish to be present.
- 4.5. Members will <u>not</u> ask questions of the representatives at the end of the address. The representor will then be asked to move back to an allocated seating area behind the press bench.
- 4.6. Officers will then be asked by the Chairman whether they have anything to add by way of clarification.
- 4.7. The Committee will then debate the application (no more representors' views will be taken once the debate has started).
- 4.8. Representors will <u>not</u> have the right to speak or question the Members or Officers once they have made their submission.
- 4.9. Members will have the opportunity of asking further questions of the Officers and if necessary ask Officers to make a brief summary of the planning issues, at the end of the debate.

- 4.10. If the speakers wish to present documentary material this should be made available to the Democratic Services Officer before 12.00 noon on the day of the Committee.
- 4.11. The right to speak will only be exercised at the first Council meeting at which the application is considered and will not normally be the subject of further representors presentations at any subsequent meeting.
 - Exceptionally, where significant changes have taken place after a deferral by the Committee then a further presentation may be allowed.
- 4.12. In the event that a representor does not get the opportunity to speak as a result of the deferral of an application (either by the Borough Planning Officer or at the request of the applicant) before it is presented to the Committee, their chance to speak when the application is referred back to the Committee for consideration will be protected (i.e. they will be offered the opportunity first).

NOTES:

- (1) Representors will be allocated space behind the area normally occupied by the Press and come forward to the end of the outer horseshoe' (nearest to where the Democratic Services Officer sits) when speaking. A lectern will be placed in this position prior to the meeting.
- (2) The format of the revised agenda will include the following headings:

<u>Section A</u>: Applications on which the public are eligible to speak.

<u>Section B</u>: Applications which will be the subject of a presentation by Officers.

Section C: Other applications where no presentations will be made unless

requested by a Member of the Council.

Guidance on the Submission and Consideration of Petitions

1. Introduction

This document sets out Woking Borough Council's arrangements for submitting and considering petitions.

A petition must either relate to a function of the Council or to an improvement in the economic, social or environmental well-being of the Borough to which any of the Council's partner authorities could contribute.

Petitions can be submitted to Woking Borough Council either on-line through the Council's e-petitions facility or on paper. If you wish to submit a paper petition, or have any questions relating to the Borough Council's Petitions Scheme, please contact Democratic Services as follows:

Democratic Services Civic Offices Gloucester Square Woking, Surrey GU21 6YL

Tel: 01483 743863

E-mail: memberservices@woking.gov.uk

Website: www.woking.gov.uk

2. Guidelines for Drawing Up a Petition

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take; and
- o the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. The petition organiser can be anyone who lives, works or studies in Woking. This includes anyone under the age of 18. This is the person the Council will contact to explain how it will respond to the petition.

The contact details of the petition organiser will not be placed on the website. In the event that the petition does not identify a petition organiser, the Council will contact the signatories to the petition to agree who should act as the petition organiser.

In the period immediately before an election or referendum, the Council may need to deal with a petition differently – if this is the case, the Council will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In such cases, the Council will write to the petition organiser to explain the reasons. A copy of the notification will be published on the Council's website.

3. Exclusion of Petitions

The Council will not take action on any petition which is considered to be vexatious, abusive or otherwise inappropriate. The petition organiser will be advised of the reasons for the Council's decision in such situations, and a copy of the notification will be published on the Council's website.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

Where a petition is received on the same or similar topic as one the Council has received in the last six months, it will not be treated as a new petition. The Council will acknowledge receipt of the petition within fourteen days and include details of its response to the previous petition on the topic.

Where the Council is still considering a petition on the same or similar topic, the new petition will be amalgamated with the first received petition.

4. Acknowledgement of Receipt of a Petition

The Council will acknowledge the receipt of a petition within fourteen days of receiving it. The acknowledgement will indicate what the authority has done or proposes to do in response to the petition and associated timescale. It will also be published on the Council's website, except in cases where this would be inappropriate.

The Council will write to the petition organiser at each stage of the petition's consideration. If the petition has been submitted online, all information will be sent to the petition organiser's e-mail account. The Council will only contact the petition organiser in matters relating to the petition.

5. The Council's Response

The Borough Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- o Giving effect to the request in the petition ('taking the action requested').
- Considering the petition at a meeting of the Overview and Scrutiny Committee, Executive or Council.
- Holding an inquiry into the matter.
- Holding a public meeting.
- Undertaking research.
- O Giving a written response to the petition organiser setting out the Council's views about the request in the petition.
- Referring the petition to the Council's Overview and Scrutiny Committee for consideration.
- Holding a consultation.
- Holding a meeting with petitioners.
- Calling a referendum.

The relevant local Ward Councillors will be advised when a petition has been received and will be consulted on the appropriate response. The type of response the Council provides

may be dependent on the number of signatories to the petition. The table below summarises the Council's approach:

Number of signatories	Response
less than 10	Response from Officer (treated as standard correspondence).
10 – 99	Response to be decided by Chief Executive in consultation with Leader of the Council.
At least 100	Referred to the Executive.
At least 200	Officer(s) called to provide evidence at a meeting of the Overview and Scrutiny Committee. This threshold only applies where such action is requested in the petition.
At least 400	Debated at a meeting of full Council.

If the Council is able to take the action requested in the petition, the acknowledgement may confirm that the action requested has been undertaken and that the petition will be closed. If the petition has enough signatures to trigger a debate at a meeting of the Council, or a senior Officer giving evidence, then the acknowledgment will confirm this, setting out when and where the meeting will take place. If the petition needs more investigation, the acknowledgement will outline the intended steps.

Where the petition is referred to the relevant Portfolio Holder for a response, the petition organiser will be invited to make a written statement in support of the petition.

Where the petition is referred to a meeting of the Council, the petition organiser will be allowed three minutes to present the petition, following which the petition will be discussed by Councillors.

If a petition is about something over which the Council has no direct control, consideration will be given to making representations on behalf of the community to the relevant body. The Council works with a large number of partner organisations and where possible will work with these partners to respond to a petition. If the Council is not able to do this for any reason, notification will be sent to the petition organiser setting out the Authority's reasons.

If a petition relates to a service or responsibility of a different Council, Woking Borough Council will give consideration to what the best method is for responding to it. This may consist of simply forwarding the petition to the other Council, but could involve other steps. The petition organiser will again be notified of the action taken by the Council.

6. Presenting at a Meeting of the Council

If a petition contains between 100 and 400 signatures it will be referred to a meeting of the Executive for consideration. If more than 400 signatures have been added to the petition, it will automatically be referred to a meeting of the full Council for debate. The only exception would be in those cases where the petition asks for a senior Council Officer to give evidence at the Overview and Scrutiny Committee.

The Council will contact the petition organiser before the meeting and if the organiser or their nominee wishes to present the petition at the meeting, confirmation must be given at least ten working days before the meeting.

The presentation of a petition is limited to not more than three minutes, and should be confined to reading out, or summarising, the purpose of the petition, indicating the number and description of signatories, and making supporting remarks relevant to the petition. Councillors may then proceed to ask questions of the petition organiser.

At a meeting of an Overview and Scrutiny Committee, the Chairman may permit the petition organiser to participate in the Committee's consideration or debate of the issues raised by the petition.

The Council will consider all the specific actions it can potentially take on the issues highlighted in a petition and the Councillors will decide how to respond to the petition at this meeting. They may decide to support the action the petition requests, or not, or refer the matter to another meeting, such as the Executive or Overview and Scrutiny Committee, for further consideration. The petition organiser will receive written confirmation of this decision.

7. Deputations or Lobby Groups

Associations or groups who wish to present a petition to the Council about a Council service or initiative or about an issue which affects the Borough can do so as a deputation. The request must be made at least ten working days before the meeting at which the petition will be presented and should include all details of the issue, the number of people forming the deputation (no more than five) and their names and addresses and names of the people who will speak about the petition.

The Chairman will ask the members of the deputation who are presenting the petition to speak about it for up to five minutes. Councillors may then ask members of the deputation questions about the petition.

8. Petitions Asking Senior Officers to Provide Evidence

A petition may ask for a senior Council Officer to give evidence at a meeting of the Overview and Scrutiny Committee about something for which the Officer is responsible as part of their job. For example, a petition may ask a senior Council Officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If a petition requests such action and contains at least 200 signatures, the relevant senior Officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. Only Officers of the Council's Corporate Management Group can be petitioned to give evidence. However, the Overview and Scrutiny Committee may decide that it would be more appropriate for another Officer to give evidence instead of any Officer named in the petition – for instance if the named Officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting.

The Members of the Committee will ask the questions at the meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee. These questions must be received by Democratic Services at least ten working days before the meeting.

9. E-petitions

An e-petition facility will be available on the Council's website through which residents of the Borough can create petitions for submission to the Council. The same guidelines apply to e-petitions as to paper petitions.

Under the scheme, the petition organiser will need to provide their name, postal address and email address. Furthermore, the petition organiser needs to decide how long they would like the petition to be open for signatures, up to a maximum of 12 months.

When an e-petition is created, it may take up to five working days before it is published online. During this time, the Council will check that the content of the petition is suitable before it is made available for signature.

If it is felt that the Council cannot publish a petition for some reason, the petition organiser will be advised of the reasons. Petition organisers will be able to change and resubmit a petition. If this is not done within 10 working days, a summary of the petition and the reason why it has not been accepted will be published on the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as with a paper petition, the petition organiser will receive an acknowledgement within fourteen working days of receipt of the petition. A copy of the petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on the Council's website.

10. Signing an e-Petition

Details of all the e-petitions currently available for signature will be available on the Council's website. Those wishing to add their support to a petition will be asked to provide their name, postcode and valid email address. Once the information has been added, an email will be sent to the email address provided which contains a link which must be clicked on in order to confirm that the email address is valid. Once this has been done, the 'signature' will be added to the petition. People visiting the e-petition will be able to see all 'signatures' but will not have access to the contact details.

11. Requesting a Review of the Council's Actions in response to a Petition.

The petition organiser has the right to request that the Council's Overview and Scrutiny Committee reviews the steps that the Council has taken in response to their petition. The petition organiser will be asked to provide a short explanation of the reasons why the Council's response is not considered to be adequate.

The Overview and Scrutiny Committee will endeavour to consider such requests at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine that the Council has not dealt with a petition adequately, it may investigate the matter, make recommendations to the Executive or arrange for the matter to be considered at a meeting of full Council.

Once the Committee has completed its review the petition organiser will be informed of the results within five working days. The results of the review will also be published on the Council's website.

CONSTITUTION

Part 5 Codes and Protocols

- Members' Code of Conduct
- Arrangements for Dealing with Standards
 Allegations under the Localism Act 2011
- Members' Allowances Scheme
- Officer Employment Procedure Rules
- Financial Regulations
- Contract Standing Orders

Members' Code Of Conduct

1. Introduction and Interpretation

- 1.1 This Code applies to you as a Member of Woking Borough Council ("the Council") when you act in your role as a Member.
- 1.2 This Code is based on, and is consistent with, the principles of public life set out in Section 28 of the Localism Act 2011: -



- 1.3 These principles define the standards that Members should uphold, and serve as a reminder of the purpose of the Code of Conduct. The principles can be defined as follows:
 - Selflessness: Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - o Integrity: Members should not place themselves in situations where their integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
 - Objectivity: Members should take decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
 - Accountability: Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
 - Openness: Members should be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.
 - Honesty: Members should not place themselves in situations where their honesty may be questioned.
 - Leadership: Members should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.
- 1.4 It is your responsibility to comply with the provisions of this Code.
- 1.5 In this Code -

"meeting" means any meeting of

- (a) the Council;
- (b) the Executive;
- (c) any of the Council's or the Executive's committees, sub-committees, joint sub-committees, or area committees;

"Member" includes a co-opted member.

2. General Obligations

- 2.1 **Do** treat others with respect. In particular, you should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. You should also respect the impartiality and integrity of the Council's statutory officers and its other employees.
- 2.2 **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members or the principles contained in Section 28 of the Localism Act 2011 (see paragraphs 1.2 and 1.3 above).
- 2.3 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (a) reasonable and in the public interest;
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (c) you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.
- 2.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- 2.5 **Do not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
- 2.6 **Do** comply with any Member Protocols that the Council has resolved should be the subject of this paragraph.

3 Gifts and Hospitality

3.1 **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

- 3.2 **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- 3.3 **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

4 Registration of Interests

- 4.1 **Do** notify the Monitoring Officer of your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of being elected or appointed to office.
- 4.2 **Do** notify the Monitoring Officer of any change in your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of the change taking effect.
- 4.3 **Do** notify the Monitoring Officer of any disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, not already registered within 28 days of your re-election or re-appointment to office.
- 4.4 **Do** be aware that disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person.
- 4.5 **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of, or your occupation of a position of general control or management in, the following bodies:
 - (i) bodies to which you have been appointed or nominated by the Council;
 - (ii) bodies exercising functions of a public nature;
 - (iii) bodies directed to charitable purposes;
 - (iv) bodies one of whose principal purposes includes the influence of public opinion or policy.

Note: "Disclosable pecuniary interests" means interests defined as such in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (copy attached).

5 Disclosure of Interests and Participation

- 5.1 **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or (save for membership of another local authority) other interest which the Council has decided is appropriate for registration.
- 5.2 **Do** notify the Monitoring Officer of any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for registration, not already registered that is disclosed to a meeting under paragraph 6(1) above within 28 days of the disclosure.
- 5.3 **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter.

5.4 Applications for a dispensation under Section 33 of the Localism Act 2011 (allowing a Member to participate in an item in which he/she has a disclosable pecuniary interest) shall be made to, and determined by, the Monitoring Officer.

Adopted by Woking Borough Council on 28 June 2012 with effect from 1 July 2012.

Amended by Woking Borough Council on 24 October 2013.

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Made - - - - 6th June 2012

Laid before Parliament 8th June 2012

Coming into force - - 1st July 2012

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(1), makes the following Regulations.

Citation, commencement and interpretation

- **1.—** (1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.
 - (2) In these regulations—

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income:

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(2) and other securities of any description, other than money deposited with a building society.

^{(1) 2011} c.20.

^{(2) 2000} c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State
Department for Communities and Local Government

6th June 2012

SCHEDULE

Regulation 2

Subject	Prescribed description			
Employment, office, trade, profession or vacation	y employment, office, trade, profession or vocation carried on for profit gain.			
Sponsorship	y payment or provision of any other financial benefit (other than from relevant authority) made or provided within the relevant period in pect of any expenses incurred by M in carrying out duties as a member, towards the election expenses of M.			
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3).			
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—			
	(a) under which goods or services are to be provided or works are to be executed; and			
	(b) which has not been fully discharged.			
Land	Any beneficial interest in land which is within the area of the relevant authority.			
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.			
Corporate tenancies	Any tenancy where (to M's knowledge)—			
	(a) the landlord is the relevant authority; and			
	(b) the tenant is a body in which the relevant person has a beneficial interest.			
Securities	Any beneficial interest in securities of a body where—			
	(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and			
	(b) either—			
	(i) the total nominal value of the securities exceeds £25,000 or one			

⁽**3**) 1992 c. 52.

hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

Arrangements for dealing with Standards Allegations under the Localism Act 2011

1 Context

- 1.1 Under Sections 28(6) and (7) of the Localism Act 2011, the Council must have "arrangements" under which allegations that a Member, or co-opted Member, has failed to comply with the Council's Code of Conduct can be investigated, and decisions made on such allegations.
- 1.2 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated. The Independent Person's views can also be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

2 The Code of Conduct

2.1 The Council has adopted a Code of Conduct for Members. This is available for inspection on the Council's website (www.woking.gov.uk) and on request from the Council's Monitoring Officer (see paragraph 3 below for contact details).

3 Making a complaint

3.1 If you wish to make a complaint, please write or email to –

The Monitoring Officer,
Woking Borough Council,
Civic Offices,
Gloucester Square,
Woking,
Surrey,
GU21 6YL
legal@woking.gov.uk

- 3.2 The Monitoring Officer is a statutory officer of the Council who has responsibility for maintaining the Register of Members' Interests, and who is responsible for administering the system in respect of complaints of Member misconduct.
- 3.3 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please say so and we will not disclose your name and address to the Member against whom you make the complaint without your prior consent. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.4 The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.5 The Monitoring Officer will, within five working days of receipt, normally advise the Member against whom the complaint is made that a complaint has been received (together with brief details of the complaint). The Member shall not make any representations to the Monitoring Officer at this stage of the process. The Monitoring Officer will, within the same timescale, normally advise all Group Leaders of the receipt of the complaint (together with brief details of the complaint). Group Leaders shall not make any representations to the Monitoring

Officer at any stage of the process. The Monitoring Officer may decide not to advise the Member, or Group Leaders, of the receipt of the complaint if this might prejudice a subsequent investigation. The Monitoring Officer shall have the discretion to notify other persons of the receipt of the complaint as he/she considers appropriate.

4 Will your complaint be investigated?

- 4.1 The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. The Monitoring Officer may consult the Independent Person before making this decision. This decision will normally be taken within ten working days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you, the Independent Person, the Chairman of the Standards and Audit Committee, all Group Leaders, the Chief Executive and the Member, of his/her decision and the reasons for that decision. The Monitoring Officer shall have the discretion to notify other persons of his/her decision (and the reasons for that decision) as he/she considers appropriate.
- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the Member against whom your complaint is directed.
- 4.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the Member, or the Council, makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 4.4 If your complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer may refer the complaint to the Police and/or other regulatory authorities. The Monitoring Officer should ensure that nothing is done under these arrangements which could prejudice possible action to be taken by the Police and/or other regulatory authorities.
- 4.5 Vexatious or frivolous complaints will not be formally investigated.

5 How is the investigation conducted?

- 5.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint, and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.
- 5.2 The Investigating Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.
- 5.3 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to you and to the Member concerned, to give you both an opportunity to identify any matter in the draft report which you disagree with or which you

consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

- Having received and taken account of any comments that may be made on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.
- What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?
- 6.1 The Monitoring Officer will review the Investigating Officer's report and, if satisfied (after consulting the Independent Person) that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned notifying you that he/she is satisfied that no further action is required. The Monitoring Officer will give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.
- What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?
- 7.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Hearings Sub-Committee or, after consulting the Independent Person, seek local resolution.

7.2 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you, as complainant, and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards and Audit Committee for information, but will otherwise take no further action.

7.3 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the Member concerned is not prepared to undertake any proposed remedial action, the Monitoring Officer will report the Investigating Officer's report to the Standards Hearings Sub-Committee which will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Standards Hearings Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Hearings Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Standards Hearings Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of

Conduct, and so dismiss the complaint. If the Standards Hearings Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Standards Hearings Sub-Committee will then consider what action, if any, it should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Standards Hearings Sub-Committee will give the Member an opportunity to make representations to it and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

What action can the Standards Hearings Sub-Committee take where a Member has failed to comply with the Code of Conduct?

- 8.1 The Standards and Audit Committee has delegated to the Standards Hearings Sub-Committee power to take action in respect of individual Members who have breached the Code of Conduct. Accordingly the Standards Hearings Sub-Committee may
 - (a) Publish its findings in respect of the Member's conduct. This might comprise issuing a press release and/or inserting a public notice in the local newspaper(s);
 - (b) Report its findings to Council for information;
 - (c) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council for such period as the Sub-Committee considers appropriate;
 - (d) Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities for such period as the Sub-Committee considers appropriate;
 - (e) Instruct the Monitoring Officer to arrange training for the Member;
 - (f) Recommend to the Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council for such period as the Sub-Committee considers appropriate;
 - (g) Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access for such period as the Sub-Committee considers appropriate; or
 - (h) Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as are necessary for attending Council, Committee and Sub-Committee meetings for such period as the Sub-Committee considers appropriate.
- 8.2 The Standards Hearings Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' allowances.

9 What happens at the end of the hearing?

- 9.1 At the end of the hearing, the Chairman will state the decision of the Standards Hearings Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which it resolves to take.
- 9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Standards Hearings Sub-Committee, and send a copy to the complainant and to the Member. The decision notice shall include reasons for the decision. The Monitoring Officer will also make the decision

notice available for public inspection and report the decision to the next convenient meeting of the Standards and Audit Committee.

10 What is the Standards Hearings Sub-Committee?

10.1 The Standards Hearings Sub-Committee is a sub-committee of the Council's Standards and Audit Committee. The Independent Person is invited to attend all meetings of the Standards Hearings Sub-Committee and his/her views are sought and taken into consideration before it takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

12 Departure from these arrangements

12.1 The Chairman of the Standards Hearings Sub-Committee may depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

- 13.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or the Standards Hearings Sub-Committee.
- 13.2 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

14 Annual Report

14.1 The Monitoring Officer shall submit an annual report to the Standards and Audit Committee. The report should include appropriate details of all complaints received (including those where no breach was found).

Adopted by Woking Borough Council on 28 June 2012. Amended by Woking Borough Council on 24 October 2013.

Members' Allowances Scheme

Made pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003

CONTENTS

2. **Basic Allowance Special Responsibility Allowance** 3. **Loss Allowance** 4. **Travelling and Subsistence** 5. Dependant' Carers' Allowance 6. 7. **ICT Services Co-optees** 8. **Pensions** 9. 10. Indexing

11. General Provisions

12. Records and Publicity

1.

Introduction

1. INTRODUCTION

- 1.1 This is a scheme for members' allowances made by the Council pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003 having regard to the recommendations of the Independent Remuneration Panel established for the purpose. The 2003 Regulations put in place a consolidated and simplified regime for allowances and all references in this scheme to regulations should be construed as references to the 2003 Regulations.
- 1.2 This scheme was initially approved by the Council on 17 July 2003, and is reviewed by Council from time to time.

2. BASIC ALLOWANCE

- 2.1 The Basic Allowance is an amount paid to all members of the Council in respect of the year to which it relates (defined in the Regulations as being a period ending on 31 March in each year). The amount of the allowance is the same for all members.
- The amount of entitlement to Basic Allowance for each member in respect of the 2016/17 Municipal Year is £7,200.
- 2.3 Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during his/her term of office as member subsists bears to the number of days in that year.
- 2.4 Where a member is suspended or partially suspended from his/her responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of Basic Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Council.

3. SPECIAL RESPONSIBILITY ALLOWANCE

- 3.1 This is an allowance that may be paid to such members as have special responsibilities in relation to their Council duties.
- 3.2 Special Responsibility Allowances for 2016/17 and future years be allocated as follows: Leader of the Council £5,000, Leader of the Opposition £1,000, Deputy Leader of the Council £1,500, other Executive Members £750, Planning Committee Chairman £750, Overview and Scrutiny Committee Chairman £500, Licensing Committee Chairman £500.

4. LOSS ALLOWANCE

A Member is eligible to apply for a Loss Allowance where he/she has been appointed by the Council or a Committee to attend a Conference or Seminar or any other approved duty necessitating absence from the Members normal employment. An allowance of £100 (one hundred pounds) per twenty four hour period will be payable provided, upon the submission of necessary documentary evidence, to take unpaid leave, or use paid leave entitlement. In cases where the Member's employer permits "public service days" the Member will need to provide evidence that the days allowed by his/her employer have been utilised before claiming Loss Allowance.

5. TRAVELLING AND SUBSISTENCE

5.1 Allowances and amounts as set out below shall be paid to members in respect of travelling and subsistence, including an allowance in respect of travelling by bicycle, undertaken in

connection with such duties as may fall within the categories prescribed in Regulation 8(1). Receipts in respect of actual expenditure shall be produced where appropriate.

Travelling Expenses

Payable for approved duties inside or outside the Borough:-

- 1. Public Transport (reimbursement of cost)
- 2. Members' own private vehicles:-

Motor car (or tricar) - 35.0p per mile

These rates shall be increased:-

- (a) for each passenger carried (not exceeding 4) who would otherwise have been paid a travelling allowance:-
 - 1.0p per mile where any other rate is payable;
- (b) by the amount of any expenditure on tolls or parking fees.
- 3. Taxis the rate of travel by taxi-cab or cab shall not exceed:-
 - (a) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (b) in any other case, the amount of the fare for travel by appropriate public transport.
- 4. As a general rule, for journeys outside the Borough, where public transport is a reasonable alternative to the use of a car.
- 5. Expenses can be claimed for travelling to enable the undertaking of any approved duty from anywhere in the United Kingdom on the basis that the first 75 miles will be paid at the 35.0p per mile and all subsequent miles at the rate of 14.0p per mile.

Bicycle Allowance

There is available to members a monthly allowance of £11.52 if, during the month in question, the member used a bicycle to carry out a duty approved by the Council or a duty otherwise falling within the categories prescribed in Regulation 8(1) on at least three separate occasions.

Subsistence Expenses

5.3 Payable on production of receipts and in respect of ACTUAL EXPENDITURE incurred for approved duties.

The rate of subsistence allowance shall not exceed:

- (a) in the case of an absence, not involving an absence overnight, from the usual place of residence:
 - (i) of more than 4 hours, before 11am, (breakfast allowance), £5.46;
 - (ii) of more than 4 hours, including the period between 12 noon and 2 pm, (lunch allowance), £7.46;

- (iii) of more than 4 hours, including the period 3 pm to 6 pm, (tea allowance), £2.98; and
- (iv) of more than 4 hours, ending after 7 pm, (evening meal allowance), £9.32.
- (b) in the case of an absence overnight from the usual place of residence £75.11 and for such an absence overnight in London, or for the purposes of attendance at an annual conference (including or not including an annual meeting) of the Local Government Association or such other association or bodies as the Secretaries of State may for the time being approve of the purpose, £85.66.
- 5.5 For the purposes of paragraph 5.4 (b), London means the City of London and the London boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.
- Any rate determined under paragraph 1 (b) above shall be deemed to cover a continuous period of absence of 24 hours.
- 5.7 The rates specified above shall be reduced by an appropriate amount in respect of any **meal provided free of charge** by an authority or body in respect of the meal or the period to which the allowance relates.
- The attention of members is drawn to declaration (b) on the claim form, to the effect that entitlement to subsistence allowance can only arise to the extent that actual expenditure has been incurred, and that the sums shown on the previous page are maxima i.e. only actual expenditure incurred can be reclaimed and any expenses in excess of those shown on the previous page CANNOT be reclaimed.

Members Surgeries

5.9 Members are entitled to claim reimbursement for surgery accommodation to enable them to perform approved duties as a Member of Woking Borough Council.

Meals on Trains

- Where main meals (i.e. breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full on production of the appropriate receipt, within the limits specified below. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.
- 5.11 The limitations on reimbursement are:
 - (a) for breakfast, an absence of more than 4 hours, or where the authority permits, a lesser period, before 11am;
 - (b) for lunch, an absence of more than 4 hours, or where the authority permits, a lesser period, including the period between 12 noon and 2 pm;
 - (c) for dinner, an absence of more than 4 hours, or where the authority permits, a lesser period, ending after 7 pm.

6. <u>DEPENDANTS' CARERS' ALLOWANCE</u>

- 6.1 The scheme may provide for the payment to members of an allowance in respect of the expenses of arranging for the care of children or dependants as necessarily incurred in attending meetings or carrying out official duties, within the categories set out in Regulation 7(1).
- 6.2 Payment of the allowance will normally be made at a rate of up to £7.50 per hour. However, in special circumstances, e.g. where specialist nursing skills are required, consideration may be given to the payment of a higher rate, subject to presentation of proof of expense.
- For members with sole responsibility for children or a dependant relative, payments will be made up to a level of £675 per annum (i.e. the equivalent of 30 x 3 hour meetings, allowing for travelling time). However, where responsibility is shared with a spouse or other adult member of the household, or where there are children in the household aged over 16 years, it would be expected that the need to pay for cover would be reduced. In these circumstances, members will be allowed to claim up to a total of £338 per annum.

7. <u>ICT SERVICES</u>

- 7.1 Members are provided with PC facilities for business use and a monthly allowance of £28 which incorporates telephone line rental and Broadband connection costs.
- 7.2 Members will be issued with an annual supply of consumables by the Council. The annual supply from the Council will be:
 - One Box (5 reams) White A4 Paper
 - Up to Three Black Printer Cartridges
 - Up to Two Colour Printer Cartridges
- 7.3 The Chief Executive is authorised to adjust the ICT allowance appropriately when the Council moves to "paperless" meetings.

8. CO-OPTEES

- 8.1 The Council may pay co-optees' allowances in respect of their attendance at conferences and meetings. "Co-optees" for these purposes are persons who are not members of the authority but are members of a committee or sub-committee of the authority. The person who qualifies at the present time as a co-optee is the co-opted (independent) member who sits on the Standards and Audit Committee.
- The amount of entitlement to co-optees' allowance for a co-optee in respect of the Municipal Year 2016-2017 is a sum equal to 5% of the Basic Allowance (£360 in 2016-2017).
- 8.3 Where the term of office of a co-optee begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the co-optees' allowance as bears to the whole the same proportion as the number of days during his/her term of office as co-optee subsists bears to the number of days in that year.
- Where a co-optee is suspended or partially suspended from his/her responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of co-optees' allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Council.

9. PENSIONS

9.1 With effect from 1 April 2014 a councillor's eligibility for membership of the Local Government Pension Scheme within the Surrey Pension Fund (administered by Surrey County Council) was ended (Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014). A councillor who was a member of the Pension Scheme on 31 March 2014 will continue to accrue rights until the end of the term of office which that councillor was serving on 1 April 2014.

10. INDEXING

- 10.1 Regulation 10(4) permits a scheme to make provision for an annual adjustment of allowances by reference to an index. The Council may not rely on that index for longer than four years before seeking a further recommendation from the Independent Remuneration Panel. Annual adjustments to allowances by reference to the index do not count as amendments to the scheme, although Regulation 16(2) requires advertisement in a local newspaper of the main features of the scheme every twelve months, whether amended or not.
- The level of Basic Allowance shall be adjusted annually by reference to an index. The scheme shall identify that index as the annual cost of living salary increase for officers. The Basic Allowance shall be so indexed for a period of up to four years, after which it shall no longer be used without the further recommendation of the Independent Remuneration Panel.
- 10.3 On 11 February 2016, the Council resolved that the Basic Allowance and the Child Care and Dependant Carers' Allowances should be increased annually by the Chief Executive in line with the agreed pay award for the Council's staff.
- On 11 February 2016, the Council resolved that the Chief Executive be authorised to determine Members' Allowances and Special Responsibility Allowances annually in consultation with the Independent Remuneration Panel and in accordance with an aggregate Member Allowances budget set annually by the Council. The Special Responsibility Allowances for future years should be increased in line with the balance of uplift in the total budget for Members' Allowances after deducting the uplift in Basic Allowance from the set basis in the 2016/17 Municipal Year.

11. GENERAL PROVISIONS

Elections to Forgo Allowances

11.1 A person may, by notice in writing to the Chief Executive of the Council, elect to forgo his/her entitlement to the whole or part of any allowance.

Time-limits

11.2 Claims for payment for dependants' carers' allowance, travelling and subsistence allowance, and co-optees' allowance must be made within six months from the date on which entitlement arises, although the Council may make payment where the allowance has not been claimed within the specified period.

Membership of other relevant authorities

11.3 A member of the Council who is also the member of another relevant authority (as defined in Regulation 3) shall not be paid an allowance from more than one authority in respect of the same duties.

Amendments to Scheme

11.4 Where an amendment is made which affects an allowance payable for the year in which the amendment is made, the entitlement to the allowance as amended will apply with effect from the beginning of the year in which the amendment is made.

Repayments

11.5 Where a member is suspended or partially suspended from responsibilities or duties as a member in accordance with Part III of the Local Government Act 2000 or regulations made thereunder, or ceases to be a member of the Council, or is any other way not entitled to receive an allowance, the Council may require that such part of an allowance paid in respect of a period of non-entitlement shall be repaid to the Council.

Taxation

11.6 Allowances other than travelling and subsistence are subject to income tax and national insurance contributions (where applicable). Deduction at the appropriate rate shall be made at source.

Claims

11.7 Allowances shall be paid automatically. Claims for expenses should be made on the Members' Expenses Application Form. Claims will be processed monthly and if received by the first working day of the month, will be paid on the 15th day of that month, or at longer intervals, if the member wishes.

12. RECORDS AND PUBLICITY

Records of Allowances

- 12.1 The Council shall keep a record of the payments made by it in accordance with this scheme. The record shall:-
 - specify the name of the recipient of the payment and the amount and nature of each payment;
 - o be available, at all reasonable times, for inspection and at no charge by any local government elector for the area of the Council; and
 - be supplied in copy to any person who requests such a copy and on payment of a reasonable fee.

Publication of total sums paid

- 12.2 As soon as reasonably practicable after the end of a year to which the scheme relates, the Council shall make arrangements for the publication of the total sum paid by it in the year to each recipient in respect of each of the following:
 - o basic allowance
 - special responsibility allowance
 - o dependants' carers' allowance
 - travelling and subsistence allowance; and
 - o co-optees' allowance

Publicising the scheme

- 12.3 As soon as reasonably practicable after making or amending a scheme, the Council shall make arrangements for its publication by:
 - o ensuring that copies of the scheme are available for inspection by members of the public at the Council's principal office at all reasonable hours; and
 - publishing in a local newspaper a notice advertising the scheme and providing the information required by Regulation 16(1)(b).
- 12.4 The newspaper notice referred to above shall be published in a local newspaper as soon as possible after the expiration of twelve months after its previous publication, irrespective of whether the scheme has been amended during that twelve-month period.
- 12.5 The Council shall provide a copy of this scheme to any person who requests a copy and on payment of a reasonable fee.

Publicity for Independent Remuneration Panel Reports

- 12.6 As soon as reasonably practicable after receiving the report of its Independent Remuneration Panel, the Council shall:
 - o ensure that copies of the report are available for inspection by members of the public at the Council's principal office at all reasonable hours; and
 - o publish in a local newspaper a notice advertising the report and providing the information required by Regulation 22(1)(b).
- 12.7 The Council shall provide a copy of the report of the Independent Remuneration Panel to any person who requests a copy and on payment of a reasonable fee.

WOKING BOROUGH COUNCIL MEMBERS CLAIM

Name

Signature of Member Services Officer



Number			Exact CC's	Petrol / Diesel (delete as applicable)				
Date	Place & Time of Departure	Place & Time of Return	Duties	Mileage	Fares / Tolls Parking	Subsistence	Loss Allowance	Care Allowance
						i		
			Please Enter Totals					
				MTRA	MSUB	MAPT	MCON Please	MCRE Turn Over
	I declare th	(ii) I have no perform: (iii) I have account the amount (iv) my insur	eccessary incurred expenditure on approved duties as a member of Wo stually paid the fares and expenses a unts claimed are strictly in accordance policy contains an endorsem expended in the control of	and made the ce with the rat ent indemnify	Council; other paymentes determined from the Council;	nts shown in t	the relevant of	column; uncil; and
		s Allowance fo	or the performance of appoval duties		_	_		oloim undor
			ents above are correct. Except as si ng or subsistence expenses, or for I				ities specifie	
	Signature of Men	iber			Date			

Officer Employment Procedure Rules

1.0 RELATIVES OF MEMBERS OR OFFICERS

- 1.1 Every member, and every member of the Corporate Management Group (CMG), of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council. The Chief Executive shall make disclosures to the Monitoring Officer The Chief Executive/Monitoring Officer (as the case may be) shall report any disclosure to the Executive.
- 1.2 For the purpose of this Rule persons shall be deemed to be related if they are husband, wife (and where a person is one of an unmarried couple, the other member of that couple), mother, father, son, daughter, grandson, granddaughter, brother, sister, nephew, niece of the member of the CMG (or his or her spouse).
- 1.3 For the purposes of these Rules the CMG of the Council shall be the Chief Executive, the Deputy Chief Executive, two Strategic Directors, the Chief Finance Officer/Section 151 Officer and the Monitoring Officer or such other composition as the Council may from time to time determine.

2.0 APPOINTMENT OF STAFF

- 2.1 Canvassing of members of the Council or of any officer of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate for such appointment. The existence of this Rule shall be included in every advertisement inviting applications for appointments or in the form of application.
- 2.2 Where there are more than two persons nominated and seconded for appointment as a member of the Council's staff (in cases to which Rule 2.4 applies) and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.
- 2.3 Where there are more than two persons nominated and seconded for any other position to be filled by the Council, the names of the nominees shall be put to the Council and a count taken of the votes in favour of each and the person (or in the case of several vacancies on the same body the equivalent number of persons) for whom the highest number of votes is given shall be declared to have been appointed.
- 2.4 The appointment of the Head of Paid Service or any member of the CMG shall be made by the Council and shall comply with Rules 2.10-2.11 below.
- 2.5 The appointment of Senior Officers shall be made by a member of the CMG acting as the nominee of the Head of Paid Service.
- 2.6 The appointment of officers to posts graded below Senior Officer shall be made by the Senior Officer (or his or her nominee) acting as the nominee of the Head of Paid Services.
- 2.7 It shall be a matter for Council or the person making a staff appointment whether the appointment is to be by promotion or transfer, or following public advertisement but regard shall be had to the need to secure the best possible appointment in the circumstances of the case.

- 2.8 All appointments shall be conditional on the disclosure in writing of any relationship known to the person to be appointed between himself/herself and any member of the CMG or member of the Council. For the purpose of this Rule 'relationship' has the same meaning as in Rule 1. All such disclosures shall be reported by the Chief Executive to the Executive.
- 2.9 No officer shall appoint a person as a member of the Council's staff where a relationship between them (as defined in Rule 1) exists. Where an officer intending to make an appointment first becomes aware that a candidate for appointment is a relative as defined, he/she shall report that fact to the Chief Executive.

Appointment of CMG

- 2.10 Where the Council proposes to appoint a member of the CMG and it is not proposed that the appointment be made exclusively from among its existing officers, the Chief Executive (or, in the case of the appointment of the Chief Executive, the Executive) shall:
 - (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed.
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- 2.11 (1) Where a post has been advertised as provided in Rule 2.10 above, the Executive or an Appointments Panel established for the purpose shall:
 - (a) interview all qualified applicants for the post; or
 - (b) select a shortlist of such qualified applicants and interview those included on the shortlist.
 - (2) Where no qualified person has applied, the Chief Executive or the Executive shall make further arrangements for advertisement in accordance with Rule 2.10.

<u>Appointments and Dismissals – Executive Consultation</u>

- 2.12 The following provisions for Executive consultation apply to appointments and dismissals of the Head of Paid Service or a member of the CMG.
- 2.13 "Appointor" means, for the purposes of the following paragraph, in relation to the appointment of a person as an officer of the Council, the Council or, where a Committee or officer is discharging the function of appointment on behalf of the Council, that Committee or officer, as the case may be.
- 2.14 An offer of an appointment must not be made by the appointor until:
 - (a) the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the Proper Officer has notified every member of the Executive of:
 - (i) the name of the person to whom the appointor wishes to make the offer;

- (ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
- (iii) the period of two working days within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Executive to the Proper Officer; and

(c) either:

- the Leader of the Council has, within the specified period, notified the appointor that neither he/she nor any other member of the Executive has any objection to the making of the offer;
- (ii) the Proper Officer has notified the appointor that no objection was received by him/her within the specified period from the Leader of the Council; or
- (iii) the appointor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.
- 2.15 "Dismissor" means, for the purposes of the following paragraph, in relation to the dismissal of a person as an officer of the Council, the Council or, where a committee or officer is discharging the function of dismissal on behalf of the Council, that committee or officer, as the case may be.
- 2.16 Notice of dismissal must not be given by the dismissor until:
 - (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the Proper Officer has notified every member of the Executive of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) the period of two working days within which any objection is to be made by the Leader of the Council on behalf of the Executive to the Proper Officer; and

(c) either:

- the Leader of the Council has within the specified period notified the dismissor that neither he/she nor any member of the Executive has any objection to the dismissal;
- (ii) the Proper Officer has notified the dismissor that no objection was received by him/her within the specified period from the Leader of the Council; or
- (iii) the dismissor is satisfied that any objection received from the Leader of the Council is not material or is not well-founded.
- 2.17 The dismissal of a Statutory Officer (Head of Paid Service, Chief Finance Officer/Section 151 Officer and Monitoring Officer), or other member of the CMG, shall be made by the Council, and shall comply with Rule 4 below.

3.0 DISCIPLINARY ACTION

- 3.1 Except for action described in Rule 3.2 below, any disciplinary action (within the meaning of regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) against the Head of Paid Service, Monitoring Officer, Chief Finance Officer/Section 151 Officer or other member of CMG shall be approved by the Council.
- 3.2 The action mentioned in Rule 3.1 above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 3.3 Any dismissal of the Head of Paid Service, Monitoring Officer, Chief Finance Officer/Section 151 Officer must comply with the requirements of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("Schedule 3 to the Regulations"), a copy of which is appended to these Rules.
- 3.4 Any member of the CMG who is not a Statutory Officer shall be deemed to be a "relevant officer" for the purposes of Schedule 3 to the Regulations, and subject to the provisions of Rule 4.3 above.

4.0 INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

(Local Government Act 1972 - Section 117)

- 4.1 In addition to his/her duty under section 117 of the 1972 Act, if it comes to the knowledge of any officer of the Council that he/she has a disclosable personal interest in any contract which has been, or is proposed to be, entered into by the Council, or in some other matter which is to be considered by the Council or any Committee, and which (in either case) is not:
 - (a) the contract of employment (if any) under which he/she serves the Council; or
 - (b) the tenancy of a dwelling provided by the Council.

he/she shall as soon as practicable give notice in writing to the Head of Democratic and Legal Services of the fact that he/she is interested therein.

- 4.2 For the purposes of this Rule, a disclosable personal interest is
 - (a) an interest that, if the officer were a member of the Council, and if the contract or other matter were to be considered at a meeting of the Council at which he/she were present, he/she would have to disclose under section 94 of the 1972 Act, as a pecuniary interest, and
 - (b) an interest of a type that if the officer were a member of the Council, he/she would have to disclose under the Members' Code of Conduct, whether the contract or other matter is to be considered at a Council or Committee meeting or not.
- 4.3 The Head of Democratic and Legal Services shall record in a book or electronic record to be kept for the purpose particulars of any notice of a personal interest given by an officer of the Council under section 117 of the 1972 Act or Rule 4.1. The book or electronic record shall, during the ordinary office hours of the Council, be open for inspection by any member of the Council.

- 4.4 Where an officer submits a report to a meeting of a matter in which he/she has declared an interest under section 117 of the 1972 Act or Rule 4.1 he/she shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- 4.5 Where any officer advises orally a meeting of the Council or a Committee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of section 117 of the 1972 Act, or Rule 4.1, he/she shall remind the meeting orally of that interest.

Appendix to Officer Employment Procedure Rules Schedule 3 to the Regulations

- 1 In the following paragraphs--
 - (a) "the 2011 Act" means the Localism Act 2011;
 - (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
 - (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
 - (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (g) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.
- A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
- The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- In paragraph 3 "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- 5 Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order--
 - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
- 7 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- **8** Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular--

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.
- Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

Financial Regulations

Note: Financial Regulations are to be reviewed by the Chief Finance Officer/Monitoring Officer during the 2016/17 Municipal Year. In the meantime, reference to "Business Managers" shall be construed as meaning the Senior Officers identified by the Corporate Management Group as being responsible for, and heading, the relevant service or services.

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1. FINANCIAL ADMINISTRATION

- 1.1 For the purposes of Section 151 of the Local Government Act 1972 the Council shall designate an officer who shall be responsible for the administration of the Council's financial affairs and for the purpose of these Financial Regulations this officer shall be referred to as the Chief Finance Officer or person authorised by him/her to act on his/her behalf.
- 1.2 The Chief Finance Officer shall be responsible for compliance with the requirements of the current Accounts and Audit Regulations.
- 1.3 The Corporate Management Group comprises the Chief Executive and four Executive or Strategic Directors or such other composition as the Council may from time to time determine. For the purpose of these Financial Regulations, the Chief Executive shall be regarded as an Executive or Strategic Director.
- 1.4 Each Business Manager shall, in consultation with the Chief Finance Officer, prepare instructions detailing the action to be taken within his/her business areas to ensure compliance with Standing Orders and Financial Regulations, and to implement procedures contained in Accounting Manuals.
- 1.5 It shall be the responsibility of each Business Manager to ensure that all staff within his/her service areas comply with the requirements of Financial Regulations.
- 1.6 Each Business Manager shall consult the Chief Finance Officer with respect to any change in circumstances within his/her responsibility which is likely to affect the finances of the Council before a commitment is made.
- 1.7 No report having financial or Value Added Tax implications shall be submitted to the Executive without prior consultation with the Chief Finance Officer on the financial or Value Added Tax implications.
- 1.8 The provision of these Regulations shall also apply to services carried out under agency arrangements for any other Authority or organisation, except where it is otherwise required by that Authority or the Chief Finance Officer.
- 1.9 These Financial Regulations shall be read in conjunction with Contract Standing Orders.

2. INTERNAL AUDIT

- 2.1 A continuous internal audit shall be maintained under the independent control and direction of the Chief Finance Officer, for the examination of accounting, financial and other operations of the Council to include examination of internal control and checks and the achievement of economy, efficiency and effectiveness.
- 2.2 The Chief Finance Officer shall have authority:
 - (a) To enter all establishments of the Council;
 - (b)To have access to all records, documents and correspondence relating to any financial and other transactions of the Council;
 - (c) To require and receive such explanations as he/she considers necessary for any matter under consideration; and
 - (d)To require any employee of the Council to produce cash, stores or any other Council property under his/her control.

- 2.3 Immediately an Executive Director or a Business Manager becomes aware of any possible irregularity affecting income, expenditure, cash, stores, or any of the resources of the Council, the Chief Finance Officer shall be informed in order that an independent investigation of the alleged irregularity may be undertaken. Such independent investigation will be undertaken by the Chief Finance Officer, who will have the authority to issue instructions in order to bring the investigation to a conclusion.
- 2.4 Where a fraud, theft or major irregularity is suspected the Chief Finance Officer:
 - (a) may remove and provide safe custody of books, records, vouchers or any other material where they may be used as evidence in an investigation; and
 - (b) shall be entitled to require the exclusion of staff from their normal place of work for a limited period.
- 2.5 Where, upon investigation, the Chief Finance Officer believes that reasonable grounds exist for suspecting that a loss may have occurred as a result of misappropriation, irregular expenditure or fraud, the Chief Finance Officer shall in consultation with the Monitoring Officer consider whether the circumstances require further investigation by the Police.
- 2.6 Where, upon investigation, the Chief Finance Officer believes that a loss may have occurred as a result of waste, extravagance or maladministration, the Chief Finance Officer shall report the matter to the Corporate Management Group.
- 2.7 In all cases, following a report on an investigation, the Chief Finance Officer, together with the Corporate Management Group shall consider the matter so that any possible breach of internal discipline may be dealt with according to the agreed procedure.
- 2.8 The Chief Finance Officer shall report twice a year to the Standards and Audit Committee on the work undertaken by Internal Audit.

3. ACCOUNTING

- 3.1 The Chief Finance Officer shall prepare the Council's annual financial statements and accounts for publication in accordance with statutory requirements.
- 3.2 The Chief Finance Officer shall be responsible for the timely submission of all grant claims for sums due to the Council.
- 3.3 All accounting procedures and records of the Council and its officers shall be subject to the approval and control of the Chief Finance Officer and shall be periodically reviewed. The Chief Finance Officer shall, in consultation with the Corporate Management Group, prepare Accounting Manuals to document all accounting procedures.
- 3.4 No change shall be made in existing accounting procedures without the approval of the Chief Finance Officer.
- 3.5 As soon as practicable after the end of each financial year the Chief Finance Officer shall report to the Executive on the annual accounts.
- 3.6 The following principles shall be observed in the allocation of accounting duties:
 - (a) The duty of providing information regarding sums due to or from the Council, and of calculating, checking and recording these sums shall be separated as completely as possible from the duty of collecting or disbursing them;

(b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

4. INVESTMENT PROGRAMME

- 4.1 The Corporate Management Group, in liaison with the relevant Business Managers, shall prepare and annually review a five-year Investment Programme, to include all projects or service development proposals irrespective of the method of finance, and report thereon to the Executive.
- 4.2 Any scheme proposed to be included in an Investment Programme which was not contained in the preceding approved Investment Programme, shall be the subject of a business case which should be submitted to the Executive for approval. Approval of the business case will enable a full appraisal to be carried out prior to the release of funding.
- 4.3 Before tenders or quotes are invited for any work, the relevant Business Manager shall prepare an estimate of the cost of the work, and submit it to the Chief Finance Officer advising whether or not it is within the approved budgetary provision for the works, or if not, from where the additional cost is to be financed. The Chief Finance Officer shall assess whether the new estimate and proposed financing is within the available budgetary provisions to enable the project to proceed to the invitation of quotations or tenders or whether it needs to be referred to Corporate Management Group and where appropriate to the Executive for approval.
- 4.4 The Chief Finance Officer shall report on the proposed financing of the Investment Programme to the Executive.

5. REVENUE ESTIMATES

- 5.1 The Chief Finance Officer shall prepare the annual Revenue Estimates in consultation with Budget Managers, Business Managers and the Corporate Management Group to be submitted to the Executive in accordance with any guidelines set by the Council.
- 5.2 Scales of charges for goods and services shall be kept under review by the appropriate Business Manager and agreed with the Corporate Management Group before submission to the Executive for consideration and approval. Such charges shall be reviewed not less frequently than once a year.
- Virement up to £10,000 of a budgeted item of expenditure shall be delegated to the relevant Budget Manager in consultation with his/her Business Manager, with notification to the Chief Finance Officer, provided that:
 - (a) The proposed reduction to the appropriate estimate expenditure head has not been caused by abandonment or reduction in the level of a service/item following a change in Council or national policy;
 - (b) No net increase in total expenditure will arise in the initial or any subsequent years directly from the virement;
 - (c) The nature of any transfer shall be consistent with current accounting practice;
 - (d) Virement from budget heads for staffing costs may only be made with the prior agreement of the Corporate Management Group;
 - (e) The total fund (i.e. General Fund or Housing Revenue Account) budget, within which the transfer will be made, is and will remain, within the total budgetary provision for that fund.

- 5.4 Virement other than in accordance with the above shall be subject to the approval of the Executive following a report by the relevant Business Manager.
- 5.5 Expenditure shall not be incurred nor a reduction of income authorised unless it is covered by special financial provisions or by the annual estimates.

6. BUDGETARY CONTROL

- 6.1 Each Business Manager subject to the approval of the Chief Finance Officer and the Corporate Management Group shall nominate Budget Managers and one or more Support Officers to deputise or provide management support on the Budget Manager's behalf for all services/functions under his/her control which incur expenditure and/or receive income.
- 6.2 Budget Managers shall monitor and control those budgets for which they have been given responsibility.
- 6.3 Approval by the Council of a Revised Estimate shall have the effect of substituting that Revised Estimate for the Original Estimate.
- 6.4 The Chief Finance Officer shall make available to each Budget Manager information relating to expenditure and income within the relevant cost centres to enable comparison with the provisions included in the annual estimates.
- Where it appears that the amount of any head of estimate of approved expenditure may be exceeded or the amount of any head of approved income may not be reached, by the greater of £10,000 or 5% of the budget provision it shall be the responsibility of the Business Manager concerned, after consultation with the Chief Finance Officer, to report the matter to the Corporate Management Group and the Executive giving explanation for and the means of financing of the variation.

7. ORDERS FOR WORK, GOODS AND SERVICES

- 7.1 Official Orders shall be in a form approved by the Chief Finance Officer and are to be authorised only by the nominated officers. The names of officers nominated to authorise such records shall be notified to the Chief Finance Officer by each Business Manager and shall be amended on the occasion of any change. Official Orders generated via a computerised system shall be subject to procedures approved in advance by the Chief Finance Officer.
- 7.2 Official Orders shall be promptly issued or written contracts made, for all work, goods or services to be supplied to the Council except for supplies for public utility services, for periodical payments such as rent or rates, ad-hoc purchases using the Council's Procurement Card, for petty cash purchases or such other exceptions as the Chief Finance Officer may approve.
- 7.3 Each Order shall comply with the Standing Orders of the Council, and in particular those relating to contracts.
- 7.4 Official Orders shall not be issued for works, goods or services unless the cost is covered by an approved annual estimate or by special financial provisions.
- 7.5 Official Orders, shall indicate clearly the nature and quantity of the work or services required, a contractual, quoted or estimated price, and, where material, the time for completion of the Order.
- 7.6 Telephoned or verbal Orders shall be confirmed on the same day by official Orders, such Orders indicating that they are to confirm instructions previously issued.

- 7.7 Where a general authority, which must be in writing or in an electronic form approved in advance by the Chief Finance Officer, has been given by the Council to perform specified works or services of an emergency nature in the absence of an official Order from the Council, an official Order shall be issued, within one working day of receipt of notification that action has been required under that authority, confirming the action.
- 7.8 Official Orders or the Council's Procurement Card may not be used for the procurement of goods, materials or services for the personal use of an employee. An Order once authorised should be despatched direct to the supplier and not returned or made available to the officer originating the Order.
- 7.9 On receipt of the goods, the authorising officer shall ensure that, without delay, appropriate entries are made against the relevant order and in inventories, stores records or stock books as required and that the Chief Finance Officer is informed, where relevant, for insurance purposes.

8. PAYMENT OF ACCOUNTS

- 8.1 The Chief Finance Officer shall make proper arrangements for the payment of accounts as duly authorised.
- 8.2 The methods of payment of money due from the Council shall only be as agreed by the Chief Finance Officer.
- 8.3 An invoice received electronically in accordance with the procedures approved by the Chief Finance Officer shall be paid without further reference back to the budget manager responsible for issuing the relevant order provided the receipt of the goods or services has been recorded electronically against the order, and the invoice matches the order.
- 8.4 Paper invoices, electronic invoices that do not match the relevant order, and electronic invoices not subject to an official order, shall be examined, verified and certified for payment by the officer who authorised the order. Any other payments, vouchers or accounts arising within the officer's responsibility shall be similarly examined, verified and certified before payment is made.
- 8.5 Before certifying an account (where manual certification is required) the certifying officer shall, save to the extent that the Chief Finance Officer may otherwise determine, have satisfied himself that:
 - (a) It conforms with the order;
 - (b) The work, goods or services to which the account relates have been received, carried out, examined and approved;
 - (c) The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
 - (d) The relevant expenditure has been properly incurred, is within the relevant estimate provision, and is in accordance with the Council's Standing Orders and Financial Regulations; and
 - (e) The account has not been previously passed for payment and is a proper liability of the Council.
- 8.6 Where manual certification of accounts for payment is required, certification shall be carried out as soon as possible after receipt and processed under arrangements specified by the Chief Finance Officer.

- 8.7 Statements shall not be paid.
- 8.8 Business Managers shall ensure that proper arrangements are in place in their service areas for the certification of invoices. The Chief Finance Officer is responsible for making safe and efficient arrangements for payment.
- 8.9 Accounts for payment in respect of purchases of land or property must be supported by particulars of the land or property, the location, the name of the Vendor and the amount of the purchase money and expenses.
- 8.10 The Chief Finance Officer shall be supplied by Business Managers with all documents for noting particulars of all monies payable by the Council under contracts, leases or other agreements and shall register such particulars in the Council's financial records.
- 8.11 Each Budget Manager shall, as required and as soon as possible after 31 March in each year, give to the Chief Finance Officer schedules of all accounts within his/her responsibility that require manual certification and are outstanding for the previous financial year. When such accounts are subsequently certified for payment, budget managers shall identify them accordingly as directed. Outstanding electronic invoices shall be accrued into the previous financial year by the Chief Finance Officer provided goods received notes have been recorded electronically against the relevant orders.

9. ADVANCE ACCOUNTS AND PETTY CASH PAYMENTS

- 9.1 The Chief Finance Officer shall provide such advance accounts, as he/she considers appropriate, for such officers of the Council as may need them for the purpose of defraying petty cash and other expenses. Such accounts shall be maintained on the imprest system.
- 9.2 No income received on behalf of the Council may be paid into an advance account but must be banked or paid into the Council as provided elsewhere in these regulations.
- 9.3 Payments from Petty Cash Accounts shall be limited to minor items of expenditure and, except with the prior approval of the Chief Finance Officer no single item shall exceed £30 in amount. Payments shall not include sums due to any tradesman, for goods etc supplied, with whom the Council has a current account or contract and must be supported where possible by a receipt and certified by the appropriate Budget Manager.
- 9.4 All items of expenditure from petty cash shall be entered on the appropriate claim form when reimbursement is required and at least at the end of each month the imprest account shall be reconciled and the actual cash in hand agreed with the balance shown on the account. The total petty cash expenditure for reimbursement shall be certified by the designated responsible officer as properly due and receipted and passed to the Chief Finance Officer for reimbursement.
- 9.5 The Chief Finance Officer shall ensure that safe and efficient arrangements are operated in respect of all petty cash, postage, floats or other cash in hand and the advance accounts shall be open to inspection and verification by Internal Audit.
- 9.6 An officer responsible for an advance account shall, when so requested, give the Chief Finance Officer a certificate as to the state of his/her imprest advance. On leaving the employment of the Council or otherwise ceasing to hold an imprest advance, an officer shall account to the Chief Finance Officer for the amount advanced to him.

10. MANAGEMENT OF CONTRACTS UNDER SEAL

10.1 For the purpose of this section of Financial Regulations, the term 'contract' shall refer to 'any arrangement for the provision of services, execution of works of maintenance, repair or construction or for the engagement of the services of any architect, engineer, surveyor, or other consultant in connection with any contract as defined above for which the sum exceeds the higher amount quoted in Contract Standing Order C.5.1.'

- 10.2 All contracts on behalf of the Council shall be subject to the Council's Standing Orders.
- 10.3 No contract shall be entered into unless the relevant Business Manager has satisfied himself, in consultation with other Service Heads as appropriate, as to the tenderer's ability to satisfactorily fulfil the contract. Enquiries as to the financial status of tenderers shall be made by the Chief Finance Officer as requested to do so. Financial and Technical Appraisals and the take-up of previous client references to be undertaken for all contractors.
- 10.4 The Chief Finance Officer shall be informed as soon as possible of all contracts, agreements, awards or other instruments involving the payment or receipt of money on behalf of the Council.
- 10.5 Where contracts provide for payments to be made by instalments the relevant Business Manager shall arrange for the keeping of a contract register to show the state of account on each contract between the Council and the Contractor, together with any other payments and related professional fees. The form of contract registers shall be determined by the Chief Finance Officer.
- 10.6 Payment to contractors on account of contracts shall be authorised only on a certificate signed by the Business Manager or other duly authorised officer of the appropriate department, showing in addition to the normal certification, the Committee reference authorising the project, the total amount of the contract, the value of work executed to date, Value Added Tax and other taxes, fluctuations, retention money, amount paid to date and the amount now certified. Documents in support of each payment shall be forwarded to the Payments Section with the payment request, as soon as they can be obtained. The payment of electronic invoices and the use of electronic contract certificates shall be in accordance with procedures approved in advance by the Chief Finance Officer.
- 10.7 Every variation on a contract for building, engineering, or other constructional works shall be authorised in writing, or electronically in accordance with arrangements approved by the Chief Finance Officer, before works commence, unless in an emergency.
- 10.8 Any variation or addition to the original specification, the estimated cost of which exceeds the greater of either £10,000 or 5% of the total budget provision, will require a report to the Corporate Management Group and the Executive on reasons, and proposals, for financing the variations and seeking approval for additional expenditure and the financing thereof.
- 10.9 Quotations shall be obtained, in the same manner as is laid down in the Council's Standing Orders with respect to contracts, in respect of prime cost items and provisional sums.
- 10.10 The Chief Finance Officer shall be consulted as to the extent of insurance cover required to be provided by Contractors to the Council.
- 10.11 The final certificate on a contract or accepted estimate shall not be issued by the appropriate Business Manager, or other duly authorised officer of the appropriate service area, until he/she has produced a detailed statement of account together with such vouchers and documents as the Chief Finance Officer may require relating to prime cost items and particulars of additions and omissions, and the Chief Finance Officer shall have approved the amount to be certified or sought the instructions of the Executive.
- 10.12 In the case of contracts for works entered into by the Council and supervised and managed by Architects or persons other than the Council's own officers, the agreement with those

persons must provide that they shall furnish to the Council for inspection by the Officers all vouchers and documents, including those relating to prime cost and provisional sums, and that the final Certificate shall not be issued nor the balance under such contract paid until:

- (a) the Chief Finance Officer (with the assistance of any other Officer necessary) has examined the accounts, vouchers and documents; and
- (b) if any question of propriety of payment arises, the Council has directed payment.
- 10.13 Provision shall be made, if possible, in such agreements as are mentioned in the foregoing regulations, that the Council shall be entitled to retain all accounts, vouchers and documents relating to the contract until after the accounts of the Council have been audited by the Council's Auditors.
- 10.14 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Chief Finance Officer and the Monitoring Officer for consideration of the Council's legal and financial liabilities before a settlement is reached.
- 10.15 Where completion of a contract is delayed such as to give rise to a claim for liquidated damages on behalf of the Council, it shall be the duty of the technical officer concerned to take the appropriate action in respect of such a claim and to report thereon to the Corporate Management Group
- 10.16 After the final account has been agreed by the Chief Finance Officer the relevant Business Manager, or other duly authorised officer of the appropriate business area, shall report completion of the contract:
 - (a) as a matter for information in those circumstances where the final cost is within the contract sum plus any approved variations;
 - (b) to the Corporate Management Group in those circumstances where the final cost exceeds the original sum plus approved variations detailing in full the final cost and the reason for variations from those approved.

11. SALARIES AND WAGES

- 11.1 Business Managers shall notify the Chief Finance Officer and the Chief Executive as early as possible of all appointments, dismissals, resignations, absences from duty other than annual leave, transfers and changes in remuneration of officers.
- 11.2 The Chief Finance Officer shall be provided by the Business Manager concerned with all information necessary to maintain records of service, superannuation, income tax and national insurance liability, and, in the case of officers leaving the Council's employment, total leave granted during the year.
- 11.3 Timesheets shall be certified by a Business Manager or other duly authorised officer of the appropriate business area and passed to the Chief Finance Officer for preparation of the payroll. Timesheets generated by computer systems shall be subject to procedures approved in advance by the Chief Finance Officer. The names of officers authorised to certify salaries and wages shall be supplied to the Chief Finance Officer and amended on the occasion of any change. Certifying officers must not sign their own claims; subordinate officers must not sign claims of senior officers except that any Executive Director may sign claims submitted by the Chief Executive.
- 11.4 The payment of all salaries, wages, pensions, compensation or other emoluments to employees or former employees shall be made under the control of the Chief Finance

- Officer. Unclaimed wages shall be retained by the Chief Finance Officer for seven days and then paid into the Council's account at the bank.
- 11.5 The maintenance and control of National Insurance records shall be the responsibility of the Chief Finance Officer.
- 11.6 Any variation from national, provincial, or local agreements, awards and rates of pay shall be submitted to the Executive for approval.

12. INCOME - COLLECTION AND BANKING

- 12.1 The collection of, and issue of receipts for, all accounts and monies due to or received by the Council shall be under the direction of the Chief Finance Officer.
- 12.2 The records of each department with regard to items of income shall be in the form approved by the Chief Finance Officer.
- 12.3 Each Business Manager shall promptly furnish the Chief Finance Officer with such particulars in connection with work done, goods supplied or services rendered and all other amounts due to the Council to ensure prompt rendering of accounts for the recovery of income due.
- 12.4 The Chief Finance Officer shall, as early as possible, be supplied by each Business Manager with particulars of all monies due to the Council under contracts, leases, tenancy agreements, conveyances, transfers of property and any other agreements entered into which involve the receipt of money by the Council and shall register such particulars in the records of his/her department.
- 12.5 All monies received on behalf of the Council shall, without delay, either be paid to the Chief Finance Officer or, subject to his/her instructions, be banked in the Council's name. No deduction may be made from such money except by specific authorisation of the Chief Finance Officer.
- 12.6 Each officer of the Council who receives money on behalf of the Council shall be accountable for that money and shall keep such records in connection therewith as are approved by the Chief Finance Officer including an accurate and chronological account of all receipts and deposits either with the Chief Finance Officer or the Council's Bankers.
- 12.7 Each officer who banks money shall ensure that the paying-in slip contains in respect of each transaction a reference to the related debt or source of money or otherwise indicates the origins of any cheques.
- 12.8 Arrangements for the control, issue and custody of all official receipt forms, books, tickets and other documents representing money or monetary value shall be subject to approval by the Chief Finance Officer. A register shall be kept of all receipts and issues of such documents and each issue shall be acknowledged by the signature of the officer to whom the issue is made, the quantity issued to be governed by ascertained needs.
- 12.9 All cheques and payable orders shall be crossed to the account of the Council immediately on receipt in the department receiving them.
- 12.10 Cheques shall not be cashed out of money held on behalf of the Council.
- 12.11 If any discrepancy is revealed between the amount deposited and the amount shown as received by a collector it shall be recorded and investigated. If in excess of £10, Internal Audit shall be immediately notified. If not corrected any deficiency shall be made good at a subsequent deposit subject to the discretion of the Chief Finance Officer who shall report to

- the Corporate Management Group on any deficiency of £1,000 or greater which has not been corrected.
- 12.12 Every transfer of official money from one member of staff to another will be evidenced in the records of the departments concerned by the signature of the receiving officer.
- 12.13 Any proposal involving new sources of income or amendments to existing sources of income (unless part of a series of transactions comprised within a previous report to the Executive) shall be considered by the Executive, the Executive having received a report from the appropriate officer on the financial aspects of the proposal.
- 12.14 Any debt due to the Council may only be written-off with the authorisation of the Executive except, insofar as an individual debt does not exceed £10,000, the initial authority may be given by the Chief Finance Officer who shall be required to publish periodically reports of the debts that have been written off in accordance with the delegated authority.

13. BANKING ARRANGEMENTS AND CHEQUES

- 13.1 All arrangements with the Council's bankers concerning the Council's banking accounts and the issue of cheques shall be made through the Chief Finance Officer. All bank accounts shall be in the name of the Council.
- 13.2 The Chief Finance Officer shall be authorised to operate such subsidiary banking accounts, including National Giro, as he/she considers necessary, except that applications made to banks to open new accounts shall be countersigned by the Chief Executive.
- 13.3 All cheques, including National Giro payment forms, shall be ordered only on the authority of the Chief Finance Officer, who shall make proper arrangements for their safe custody.
- All cheques drawn on behalf of the Council shall bear the facsimile signature of the Chief Finance Officer or be signed by the Chief Finance Officer or other authorised signatory. Cheques for values over £10,000 shall be countersigned by an authorised signatory.
- 13.5 Payments made from the Council's bank account other than by cheque shall be subject to arrangements approved in advance by the Chief Finance Officer. Payments other than by cheque for values over £50,000 shall require authorisation by an authorised signatory.
- 13.6 The Chief Finance Officer shall maintain a list of authorised signatories, which may differentiate between different types of financial instruments and payment values, and shall report all changes in the monthly Business Briefing.

14. BORROWING, INVESTMENTS, LEASING AND PROPERTY

- 14.1 All borrowings and leasings shall be effected in the name of the Council.
- 14.2 The Chief Finance Officer shall arrange all borrowing and leasing to meet the Council's requirements within statutory controls, shall maintain records of all borrowing, leasing and lending of money by the Council, and shall publish details thereof monthly.
- 14.3 All investment of monies under the control of the Council shall be made by the Chief Finance Officer who shall publish details thereof monthly.
- 14.4 The Asset Manager shall maintain a terrier of all properties owned by the Council, recording the statutory or other purpose for which they are held, their location and extent, and particulars and nature of any interest or tenancies granted.

14.5 The decision and authority to opt to tax on Council property, for the purposes of VAT, shall be made by any one of the following officers:

Chief Finance Officer Financial Services Manager Asset Manager

14.6 All securities the property of or in the name of the Council or its nominees, and the title deeds of all property in its ownership shall be held in the custody of the Corporate Services Manager .

(See Appendix to Part 4 for extract from the CIPFA Code of Practice for Treasury Management in Local Authorities which has been adopted by the Council (58/ResMan/3.2.97/614).)

15. STOCKS AND STORES

- 15.1 Each Business Manager shall be responsible for the care and custody of stocks and stores in his/her business area.
- 15.2 Stocks shall not be held in excess of agreed maximum requirements.
- 15.3 Stocks and stores records shall be kept in a form to be approved by the Chief Finance Officer.
- Business Managers shall arrange for periodical test examination of stocks by persons other than those directly controlling the stocks, and shall ensure that all stocks are checked at least once in every year.
- The Chief Finance Officer shall be entitled to check stocks and stores and be supplied with such information relating thereto as may be required for the accounting, costing and financial records of the Council and shall be entitled to attend stocktakes. This is in addition to, and not substitution for, the Business Managers' responsibilities in 15.4.
- 15.6 Adjustments to write-off deficiencies, or to bring surpluses into charge, shall be authorised by the Chief Finance Officer, except that in the case of adjustments exceeding £10,000, the relevant Business Manager shall report to the Corporate Management Group who shall seek the approval of the Executive.
- 15.7 Business Managers shall be responsible for maintaining records of all vehicles and mobile equipment which are under their control and the Chief Finance Officer shall be entitled to examine such records.
- 15.8 Surplus materials, stores or equipment shall be subject to disposal by competitive tender, public auction or in such other reasonable manner at the discretion of the Chief Finance Officer.

16. INSURANCES

- 16.1 Each Business Manager shall give prompt notification to the Chief Finance Officer of all new risks or properties which require to be insured and of any alterations affecting existing risks or insurances.
- 16.2 The Chief Finance Officer shall ensure that adequate insurance cover is effected in respect of all mortgaged properties, including those where the mortgagor has exercised the option to provide such cover with a company other than the Council's own insurers.

- The Chief Finance Officer shall notify appropriate officers of the requirements of the insurer as to security precautions and other relevant conditions of policies. These officers shall be responsible for ensuring compliance with all such requirements. Before any contract is made, the Chief Finance Officer shall examine the insurance cover to be furnished by the contractor in respect of any act or default and be satisfied as to the insurance company and extent and nature of coverage before approving it.
- Where any Council-owned land/property is let for use by private parties for any function whatsoever, the Business Manager shall inform the hirer that they are responsible for insuring such functions in respect of third party claims. Evidence of such insurance must be produced for inspection by the Chief Finance Officer. The sum insured to be such sum as may from time to time be approved by the Chief Finance Officer.
- 16.5 Each Business Manager shall keep records of all plant, vehicles, furniture and equipment under his/her control and such records shall be available for inspection by the Chief Finance Officer.
- 16.6 The Chief Finance Officer shall effect all insurance cover and negotiate all claims in consultation with appropriate officers.
- 16.7 The Chief Finance Officer shall keep appropriate records containing particulars of all insurances effected by the Council and shall give Business Managers all necessary information thereon.
- 16.8 The Business Manager concerned shall give prompt notification in writing to the Chief Finance Officer, who shall inform the police where appropriate, of any liability, loss or other damage in respect of Council property or of any other known circumstances likely to lead to a claim under any of the Council's insurances.
- 16.9 All officials charged with or authorised to participate in the receipt, custody and/or disbursement of monies and property of the Council shall be included in a Fidelity Guarantee Insurance Policy of the Council.
- 16.10 The Chief Finance Officer shall annually or at such other time as he/she may consider necessary, review insurances in consultation with the Corporate Management Group and other officers as appropriate.
- 16.11 Business Managers shall consult the Chief Finance Officer in respect of the terms of any indemnity which the Council requests or is requested to give.

17. SECURITY

- 17.1 Each Business Manager is responsible for maintaining proper security at all times for all buildings, stocks, stores, equipment, cash, documents and other assets under his/her control. He/she shall consult the Chief Finance Officer in any case where security is thought to be inadequate or where he/she considers that special security arrangements may be needed.
- 17.2 Maximum limits for cash holdings shall be agreed with the Chief Finance Officer and shall not be exceeded without his/her express permission.
- 17.3 Keys to safes and similar receptacles used for security of cash or cheques are to be carried on the person of those responsible at all times whilst on Council business. The loss of any such keys must be reported to the Chief Finance Officer forthwith. No new keys in respect of the above are to be cut without the agreement of the Chief Finance Officer.

17.4 All officers shall be responsible for maintaining proper security and privacy with respect to any information held and for ensuring compliance with the Data Protection legislation.

18. PROTECTION OF PRIVATE PROPERTY

18.1 Each Business Manager shall notify the Chief Finance Officer in writing of any case known to him where steps are necessary to prevent or mitigate loss or damage to moveable private property and shall forward to the Chief Finance Officer an itemised inventory in each case prepared in the presence of two officers.

19. INVENTORIES

- 19.1 Inventories shall be maintained by all departments recording an adequate description of furniture, fittings and equipment, plant and machinery in such form as may be agreed between the appropriate Business Manager and the Chief Finance Officer. A current copy of each inventory shall be supplied to the Chief Finance Officer.
- 19.2 Each Business Manager shall be responsible for the care and custody of all equipment held within his/her department (including computer equipment).
- 19.3 Each Business Manager shall be responsible for maintaining an annual check on the inventory. The Chief Finance Officer should be notified and deficiencies treated as irregularities.
- 19.4 Council property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes, except in accordance with specific directions issued by a Business Manager and subject to the approval of the Corporate Management Group.
- 19.5 The disposal of any items considered being obsolete or surplus to requirements shall be in consultation with the Chief Finance Officer.

20. TRAVELLING, SUBSISTENCE AND OTHER SUCH PAYMENTS

- 20.1 All claims for payment of car allowance, subsistence allowances, travelling and incidental expenses shall be submitted to the Chief Finance Officer duly certified by a Business Manager or other duly authorised officer of the appropriate business area. The names of officers authorised to certify such records shall be notified to the Chief Finance Officer and amended on the occasion of any change. Certifying Officers must not sign their own claims, subordinate officers must not sign claims of senior officers except that any Executive Director may sign claims submitted by the Chief Executive.
- 20.2 The certification shall be taken to mean that the certifying officer is satisfied that the journeys were justified and authorised, the expenses properly and necessarily incurred and that the allowances are properly payable. Claims generated by computer systems shall be subject to procedures approved in advance by the Chief Finance Officer.
- 20.3 Officers' claims submitted more than six months after the expenses were incurred will be paid only with the express approval of the Chief Finance Officer.
- 20.4 The allowances payable to Members of the Council shall be paid by the Chief Finance Officer or under arrangements approved by the Chief Finance Officer.
- 20.5 Claims for the payment of allowances shall be submitted in a form approved by the Chief Finance Officer and shall comply with statutory requirements. All claims for a financial year should be submitted within one month of 31 March.

20.6	The Chief Finance Officer shall maintain the statutory records required in respect of Members' allowances and make such records available for inspection, and provide such information about them as may be required by law.

APPENDIX (Mentioned in Financial Regulations 14)

CIPFA Code of Practice for Treasury Management in Local Authorities

- 1. This Council adopts CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 2. A treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities shall be adopted by the Council and thereafter its implementation and monitoring be delegated to the Executive.
- 3. All money in the hands of the Council shall be under the control of the Chief Finance Officer.
- 4. At or before the start of each financial year the Chief Finance Officer shall report to the Executive on the strategy for treasury management it is proposed to adopt for the coming financial year.
- 5. All executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer who shall be required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 6. The Chief Finance Officer shall report to each meeting of the Executive on the activities of the treasury management operation and on the delegated exercise of treasury management powers. One such report shall comprise an annual report on treasury management presented as soon as practicable after the end of the financial year.
- 7. Should the Chief Finance Officer wish to depart in any material respect from the main principles of the Code, the reasons should be disclosed in a report to the Executive.

Contract Standing Orders

C.1.0 General Rules and Interpretation

- C.1.1 Every contract made by the Council shall, subject to the exceptions in C.12 below, comply with:
 - (a) Contract Standing Orders and Financial Regulations;
 - (b) The EU Treaty;
 - (c) Any relevant operative EU directive and regulations enacting the same;
 - (d) The Local Authorities (Functions and Responsibilities) (England)Regulations 2000 (as amended from time to time); and
 - (e) The Council's Procurement Strategy.
- C.1.2 Every officer of the Council engaged in contract work shall, where relevant, consider:
 - (a) the scope for innovation or added value, whether in sub-dividing or aggregating work or services, or in the adoption of alternative vehicles of service provision, including collaborating with others and the use of Framework Agreements;
 - (b) the need to secure continuous improvement in the economy, efficiency and effectiveness of the Council's functions and adherence to the principles of Best Value contained in the Local Government Act 1999;
 - (c) the adoption of good practice recommended in the CIPFA Code of Practice "Commissioning Local Authority Work and Services" as may be updated from time to time ("the CIPFA Code"), or in any other applicable guidance; and
 - (d) the scope for furthering the Council's objectives regarding sustainability.
- C.1.3 Any reference in Contract Standing Orders to the Corporate Management Group (CMG) of the Council means the Chief Executive, the Deputy Chief Executive, two Strategic Directors, the Chief Finance Officer and the Monitoring Officer, or such other composition as the Council may from time to time determine.
- C.1.4 Any reference in Contract Standing Orders to Senior Officer means the officer (which may be a member of CMG) identified by CMG from time to time as being responsible for, and heading, the relevant service or services.
- C.1.5 Any reference in Contract Standing Orders to a contract value means an amount exclusive of VAT.
- C.1.6 These Standing Orders are made under section 135 Local Government Act 1972 and apply to the making of contracts in the course of the discharge of the Council's functions, including those functions which are the responsibility of the Executive.

C.2.0 Pre-Contract Considerations

C.2.1 Every officer shall, before commencing a contractual process, consider:

- (a) the matters specified in C.1.2 above;
- (b) whether the type and value of the works, supplies or services are such that the European procurement regime and/or other provisions of the Public Contracts Regulations apply to them; and
- (c) whether, having regard to estimated value and all other considerations, the works, supplies or services should be procured by official order, by competitive quotation or by competitive tender or by using an appropriate Framework Agreement complying with Section 4 to Part 2 of the Public Contract Regulations 2015.
- C.2.2 If the works, supplies or services are subject to the European procurement regime, the rules set out in C.3 below shall apply.
- C.2.3 If the works, supplies or services are of a value enabling procurement by official order, the rules set out in C.4 below shall apply.
- C.2.4 If the works, supplies or services are of a value enabling procurement by competitive quotation, the rules set out in C.5 below shall apply.
- C.2.5 If the works, supplies or services are of a value requiring procurement by competitive tender, the rules set out in C.6-C.8 below shall apply.
- C.2.6 Works, supplies or services may be procured/called-off utilising an appropriate Framework Agreement or other Technique or Instrument, in accordance with Section 4 to Part 2 of the Public Contract Regulations 2015.
- C.2.7 Save for a contract which has not otherwise been the subject of an advertisement inviting expressions of interest, quotation or tender, every contract, the estimated value of which exceeds £25,000, shall be advertised on Contracts Finder.

C.3.0 <u>European Procurement</u>

- C.3.1 Contracts for the carrying out of works, the provision of supplies and of services shall be tendered in accordance with relevant regulations and any relevant procedural guidance PROVIDED THAT such tendering procedures shall only apply in respect of contracts, the estimated values of which exceed the thresholds in force at the relevant time (as advised to Senior Officers by the Head of Democratic and Legal Services from time to time). In particular:
 - (a) Works contracts (currently applying to those exceeding £4,104,394) shall comply with the Public Contracts Regulations 2015 ("the Regulations");
 - (b) Supply contracts (currently over £164,176) shall comply with the Regulations; and
 - (c) Services contracts (currently over £164,176) shall comply with the Regulations.
- C3.2 EU Statistical Returns: All Senior Officers shall, in respect of each calendar year, record details of contracts advertised and/or awarded pursuant to the above procurement regime. The following details shall be recorded:
 - (a) the value (estimated if necessary) of the consideration given or payable under the contract;
 - (b) whether the open, restricted or negotiated procedure was used;

- (c) if the negotiated procedure was used, pursuant to which provision of the relevant regulation that procedure was invoked:
- (d) the type of goods purchased or hired, services provided, or works carried out; and
- (e) the nationality of the person to whom the contract was awarded.

C.4.0 <u>Lower Value Contracts</u>

- C.4.1 Where the estimated amount or value of the contract does not exceed £5,000, the works, supplies or services may be procured by official order provided that:
 - (a) the expenditure is within approved estimates;
 - (b) an officer duly authorised by a member of the CMG or by a Senior Officer shall have authorised the order; and
 - (c) the appropriate member of the CMG or Senior Officer is satisfied that the contract represents value for money.

C.5.0 <u>Inviting Quotations</u>

- C.5.1 Subject to the provisions relating to electronic processes (see C.12.1(k)), where the estimated amount or value of the contract exceeds £5,000 but is under £50,000 including nominated sub-contracts, the works, supplies or services may be procured by competitive quotation provided that:
 - (a) at least three written quotations are sought;
 - (b) quotations are opened at one time in the presence of two officers, both duly authorised by the appropriate member of the CMG or Senior Officer, one of whom shall record in writing details of the quotations, provided that for the purposes of this rule the authorisation of officers by the member of the CMG or Senior Officer shall be recorded in writing and notified to the Head of Democratic and Legal Services for entering in a register;
 - (c) no quotation other than the lowest or most economically advantageous of at least two received is accepted (subject in the case of the acceptance of the most economically advantageous quotation to the application of any relevant criteria recommended in the CIPFA Code);
 - (d) the contract is evidenced in writing (which may consist of a true copy of an official order authorised (by an officer duly authorised by the appropriate member of the CMG or Senior Officer) and the order is retained for six years in paper or electronic form;
 - (e) the expenditure is within approved estimates; and
 - (f) the appropriate member of the CMG or Senior Officer is satisfied that the quotation represents value for money.
- C.5.2 Invitations to quote should require quotations to be returned in a plain sealed envelope identifying the subject to which they relate but not the sender.
- C.5.3 Owing to the statutory prohibition on Pre-Qualification Questionnaires being used for contracts below the EU threshold, the pre-qualification questionnaire process is only for use where estimated contract values would exceed that threshold.

C.6.0 Inviting Tenders

C.6.1 All contracts including nominated sub-contracts that are required to be the subject of competitive tender shall be invited in accordance with one of the three procedures set out below.

Ad Hoc List

- C.6.2 This Procedure shall apply in circumstances where the use of the Standing List is considered inappropriate and where the Council or a Committee or an authorised officer have decided that invitations to tender are to be made to persons who have replied to a public notice which shall be given as follows:
 - (a) on the Council's website, South East Business Portal web-site, Contracts Finder and/or equivalent EU-approved portal websites; and
 - (b) in the Official Journal of the European Union (OJEU), where thresholds do or may apply; or
 - (c) where EU thresholds do not apply, in at least one newspaper or journal circulating among persons who undertake such contracts where appropriate to the type of work and likely supply market this media may be used in addition to a notice in OJEU.

C.6.3 The public notice shall:

- (a) specify details of the proposed contract;
- (b) invite applications for permission to tender; and
- (c) specify a time limit of at least 14 days, to submit applications.
- C.6.4 After the expiration of the period specified in the public notice, the Senior Officer, seeking such assistance as may be necessary, will undertake a financial and technical appraisal of the persons who applied for permission to tender, applying such guidance as to evaluation contained in the CIPFA Code as may be relevant.
- C.6.5 Invitations to tender for the contract shall then be sent to not less than four persons who applied for permission to tender or, if fewer than four persons have applied and are considered suitable, to all such persons.

Standing List

- C.6.6 A Standing List shall be used where a member of the CMG or a Senior Officer decides that invitations to tender for a contract are to be limited to those persons or bodies who replied to a public notice, and whose names shall be included in a list compiled and maintained for that purpose by the Senior Officer. The Senior Officer shall apply such guidance as to evaluation contained in the CIPFA Code as may be relevant.
- C.6.7 At least four weeks before a list is compiled, notices inviting applications for inclusion in it shall be published as follows:
 - (a) on the Council's website, South East Business Portal web-site, Contracts Finder and/or equivalent EU-approved portal websites; and
 - (b) in the Official Journal of the European Union (OJEU), where thresholds do or may apply; or

- (c) where EU thresholds do not apply, in at least one newspaper or journal circulating among persons who undertake such contracts where appropriate to the type of work and likely supply market this media may be used in addition to a notice in OJEU.
- C.6.8 The list shall be amended as required and reviewed at regular intervals not exceeding three years by the Senior Officer.
- C.6.9 At the time of a review each person whose name appears on the list shall be asked whether they wish to remain so, in which case retention on the list or otherwise shall follow the consideration by the Senior Officer of a performance report on tenders submitted and work performed by the applicant in the preceding twelve months.
- C.6.10 Tenders shall be invited from:
 - (a) at least four persons selected from the list by the Senior Officer in rotation; or
 - (b) where fewer than four persons are approved as mentioned above, all those persons.

Open Tendering

- C.6.11 This procedure shall apply where the Council or a Committee or an authorised officer have decided that tenders for a contract are to be obtained by open competition.
 - (a) At least 14 days public notice, describing and inviting submission of tenders by a stated date and time, as follows; on the Council's website, South East Business Portal web-site, Contracts Finder and/or equivalent EU-approved portal websites; and
 - (b) in the Official Journal of the European Union (OJEU), where thresholds do or may apply; or
 - (c) where EU thresholds do not apply, in at least one newspaper or journal circulating among persons who undertake such contracts where appropriate to the type of work and likely supply market this media may be used in addition to a notice in OJEU.

C.7.0 Submission of Tenders

- C.7.1 Subject to the provisions relating to electronic processes (see C.12.1(k)), every invitation to tender shall state:
 - (a) that all tenders shall be enclosed in a plain sealed envelope bearing the word "Tender" followed by the subject to which it relates (but no other names or mark identifying the sender); and
 - (b) that it must be received in accordance with arrangements made by the Head of Democratic and Legal Services by a stated date and time.
- C.7.2 An officer receiving tenders shall write on the envelope the date and time of its receipt.
- C.7.3 No tender shall be accepted unless it complies with the requirements of C7.1 above. Any tender received after the date and time indicated for receipt shall not be considered but shall be retained unopened by the Head of Democratic and Legal Services Manager until after the list of tenders received has been made available and then be returned to the sender.

- C.7.4 Tenders shall be kept in the custody of the Head of Democratic and Legal Services or in accordance with arrangements made by him until the time and date specified for their opening.
- C.7.5 Each tenderer shall be required to give an undertaking which shall become a condition of the contract that the amount of the tender has not been calculated by agreement or arrangement with any other person other than the Council; that the amount of the tender has not been communicated to any other person other than the Council and that they have not entered into any agreement or arrangement with any person which would result in that other person refraining from tendering.
- C.7.6 Where tenderers are required to submit priced bills of quantities with their tenders, failure to do so will result in the tender being disqualified.

C.8.0 Opening and Acceptance of Tenders

- C.8.1 Subject to the provisions relating to electronic processes (see C.12.1(k)), tenders shall be opened at one time and in the presence of:
 - (a) the Head of Democratic and Legal Services or his/her duly authorised representative; and
 - (b) a duly authorised representative of the appropriate Senior Officer.
- C.8.2 The following details shall be recorded in writing:
 - (a) the nature of the goods or materials to be supplied or the work to be executed;
 - (b) the name of each person by or on whose behalf a tender was submitted;
 - (c) the amount of each tender;
 - (d) the date and time of opening of the tenders; and
 - (e) the names of all the persons present at the time of opening the tenders.
- C.8.3 A Senior Officer may accept the lowest tender (if payment is to be made by the Council) or the highest tender (if payment is to be made to the Council) or the most economically advantageous tender (subject in this case to the application of criteria prescribed in the relevant regulations or recommended in the CIPFA Code) provided in all cases that at least two tenders are received. In the event of only one tender being received the Senior Officer may seek a direction from the CMG or invite fresh tenders.
 - (Note: C.8.3 does not obviate the need to accord with Financial Regulation 10.9 as it may relate to proposed contracts).
- C.8.4 In all cases where the Senior Officer is of the opinion that the lowest tender (or the highest with respect to income) or the most economically advantageous tender should not be accepted then approval of the CMG shall be obtained before acceptance of another tender.
- C.8.5 No alternative to the tender sum shall be permitted except where:
 - (a) there is an obvious arithmetical error in the priced bill of quantities or schedule of rates, in which case the tender sum shall be corrected accordingly and the contractor notified in order to facilitate withdrawal of the submitted tender if the contractor so determines; or

(b) any change to the tender sum is the result of post-tender negotiation carried out strictly in accordance with the CIPFA Code.

As an alternative to amending the contract sum in (a) above, the tenderer may be given details of such error or errors and afforded an opportunity of confirming or withdrawing his/her offer.

- C.8.6 Prior to accepting a tender and entering into a contract the Senior Officer must be satisfied that the cost of the tender and the overall cost of the project are within approved estimates. This must be evidenced in a formal 'tender acceptance report' which clearly sets out the delegation allowing the officer in question to enter into the contract. If the tender or project is not within approved estimates the Senior Officer must seek a direction from the CMG.
- C.8.7 The Head of Democratic and Legal Services shall ensure that a register (which may be in an electronic format) is kept of all contracts over £50,000 in value specifying the name of the contractor, the works to be executed or the goods to be supplied and the contract value. The register shall be open to inspection by any member of the Council.

C.9.0 Nominated Sub-Contractors and Suppliers

- C.9.1 Where a sub-contractor or supplier is to be nominated to a main contractor and the estimated amount or value of the sub-contract exceeds £50,000, tenders shall be invited in accordance with C.6 above unless the Council or a Committee or an authorised officer decide in a particular case that competitive tenders cannot reasonably be obtained or are unnecessary.
- C.9.2 C.6, C.7 and C.8 above shall apply to submitted tenders.

C.10.0 Contract Conditions

- C.10.1 Every contract exceeding £5,000 in value shall:
 - specify the goods, materials or services to be supplied and work to be executed; the price to be paid together with a statement as to the amount of any discount or other deduction and the time for performance of the contract;
 - (b) where appropriate provide for the contractor to pay liquidated damages upon failure to complete the contract by the specified completion date; and
 - (c) contain such other conditions and terms as may be agreed between the parties, including where necessary provision as to adequate insurance.
- C.10.2 Every contract exceeding £50,000 in value shall be in writing and under seal, except contracts to supply motor vehicles, plant, equipment and furnishing goods and materials, which shall be in writing and signed by the appropriate Senior Officer.
- C.10.3 Every contract the estimated value of which exceeds £500,000 shall require the contractor to give sufficient security for the due performance of the contract. Where the estimated value of the contract is less than £500,000 such security shall not be required unless considered necessary.
- C.10.4 Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution or International Equivalent Acceptable Standard, current at the date of the tender, every contract shall require that all goods and material used or supplied, and all the workmanship shall be of at least such a standard or European equivalent.

- C.10.5 Assignment or underletting of contracts shall not be permitted except at the discretion of the appropriate Senior Officer and only where a satisfactory vetting procedure has been carried out.
- C.10.6 Every contract shall contain a clause empowering the Council to cancel the contract and to recover any loss resulting from such cancellation, in circumstances where any party to the contract or any person acting on their behalf or in their employ shall have offered, given or agreed to give any officer of the Council any gift or consideration of any kind as an inducement or reward with respect to the contract, or shall have committed any offence under the Bribery Act 2010 or Section 117(2) and (3) of the Local Government Act 1972.
- C.10.7 Every contract shall require compliance with current legislation with respect to health and safety at work and sexual and racial equality.
- C.10.8 Where a member or officer of the Council has an interest pecuniary or otherwise in a company, firm or partnership and is also involved in the process of contract acceptance this shall be reported to the Chief Executive in the case of an officer and to the Standards and Audit Committee in the case of a member.
- C.10.9 Except with the prior approval of the Chief Executive, no contract shall be commenced until a contractual relationship with the contractor exists, the appropriate Senior Officer has indicated readiness to proceed and all other procedures have been completed to the satisfaction of the appropriate member of the CMG and the Head of Democratic and Legal Services.
- C.10.10 Those contracts of the value and description specified in C.10.2 above shall have the Seal attested by the Mayor or Deputy Mayor of the Council or other appointed member of the Council and by the Head of Democratic and Legal Services or an officer designated by him.

C.11.0 Persons Engaged to Supervise Contracts

- C.11.1 Persons engaged to supervise or arrange contracts shall be required:
 - (a) to comply with Contract Standing Orders provided that the procedure to be followed in inviting and opening quotations or tenders shall be approved in advance by the appropriate Senior Officer; and
 - (b) at any time during the performance of the contract, to produce, on request, all records maintained by him or her in relation to the contract and on completion of the contract, to transmit all such records to the appropriate Senior Officer.

C.12.0 Exceptions

- C.12.1 The following are the only permitted exceptions from all or part of Contract Standing Orders:
 - (a) where a member of the CMG is required to act in an emergency or other case of urgency, with the reason for the exception being fully documented and reported to the Head of Democratic and Legal Services;
 - (b) where the Executive so directs;
 - (c) where the Council is acting solely as an agent for another body in compliance with the contract standing orders of that other body OR where the Council participates in a joint procurement led by another body in compliance with the contract standing orders of that body. The Council may enter into a contract with a person approved for the purpose of such contract by the principal authority. In such cases, contracts shall be

- sealed either at the request of the principal authority or if the Senior Officer so requires (and C.10.1(a) above shall be varied accordingly). In all other respects Contract Standing Orders shall apply;
- (d) where a Committee or a member of the CMG or a Senior Officer is satisfied that the number of tenders or quotations required by Contract Standing Orders cannot be obtained due to insufficient sources of supply or expertise, or where the need for standardisation or compatibility makes it necessary to obtain supplies or services from a particular source or to employ a particular contractor to carry out the work. Tenders or quotations shall be obtained from the sole or all available suppliers/persons who possess sufficient expertise or suitability;
- (e) where the contract is one of employment;
- (f) where the contract is for works carried out by statutory undertakers in circumstances where they have monopoly status, or where no genuine competition would exist, for example, because of fixed prices or prices controlled by trade organisations;
- (g) the extension of an existing contract (or the execution of work or materials necessary for maintenance repairs to existing machinery or plant) provided that the price for each item supplied or unit of work carried out is no higher than in the original contract and the value of the original contract is not increased by more than one third by the aggregate of extensions made under this exception; and one and two unit ad hoc refurbishment contracts may be extended by additional units up to a maximum of two, provided that the new works are at the same rates as for the original tender;
- (h) where the contract is to appoint legal advisers, provided that the Head of Democratic and Legal Services shall be satisfied that the contract represents value for money;
- (i) where the contract is for the disposal or acquisition of land or property;
- (j) where the contract relates to a financing transaction, and
- (k) the paper processes and requirements relating to the invitation, submission and opening of tenders and quotations (Standing Orders C.5.0, C.7.0 and C.8.0), shall not apply to the operation of electronic processes, provided that those processes are undertaken within a system whose use has been authorised by the Chief Finance Officer and which includes secure e-mail and document management environment to nationally approved standards and in compliance with recognised protocols.

Note: The use of Delta Esourcing has been authorised, by the Chief Finance Officer, for all tenders with an estimated value of £50,000 or more.

C.12.2 Exceptions shall be recorded as follows:

- (b) a direction of the Executive shall be reported to Council; and
- (c) exceptions made under C.12.1 (a), (d) and (g) shall be reported to the Head of Democratic and Legal Services who shall maintain a record of all such exceptions.

The Constitution

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