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TO THE CHAIRMAN AND MEMBERS OF THE **EXECUTIVE**

You are hereby summoned to attend a meeting of the Executive to be held on Thursday, 23 March 2023 at 7.00 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. Generally, the public seating areas are not filmed. However, by entering the meeting room and using the public seating area, you are consenting to being filmed.

The Chairman of the meeting has the discretion to terminate or suspend filming, if in his/her opinion continuing to do so would prejudice the proceedings of the meeting or, on advice, considers that continued filming might infringe the rights of any individual.

As cameras are linked to the microphones, could Members ensure they switch their microphones on before they start to speak and off when finished and do not remove the cards which are in the microphones.

The agenda for the meeting is set out below.

JULIE FISHER
Chief Executive

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Minutes

To approve the minutes of the meeting of the Executive held on 2 February 2023 as published.

2. Apologies for Absence

3. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

4. Declarations of Interest (Pages 5 - 6)

- (i) To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.
- (ii) In accordance with the Officer Employment Procedure Rules, the Chief Executive, Julie Fisher, declares a disclosable personal interest (non-pecuniary) in any items concerning the companies of which she is a Council-appointed director. The companies are listed in the attached schedule. The interests are such that Mrs Fisher may advise on those items.
- (iii) In accordance with the Officer Employment Procedure Rules, the Strategic Director - Corporate Resources, Kevin Foster declares a disclosable personal interest (non-pecuniary) in any items concerning the companies of which he is a Council-appointed director. The companies are listed in the attached schedule. The interests are such that Mr Foster may advise on those items.
- (iv) In accordance with the Officer Employment Procedure Rules, the Strategic Director - Place, Giorgio Framalitto, declares a disclosable personal interest (non-pecuniary) in any items concerning the companies of which he is a Council-appointed director. The companies are listed in the attached schedule. The interests are such that Mr Framalitto may advise on those items.
- (v) In accordance with the Officer Employment Procedure Rules, the Strategic Director - Communities, Louise Strongitharm, declares a disclosable personal interest (non-pecuniary) in any items concerning the companies of which she is a Council-appointed director. The companies are listed in the attached schedule. The interests are such that Mrs Strongitharm may advise on those items.

Questions

5. To deal with any written questions submitted under Section 3 of the Executive Procedure Rules. Copies of the questions and draft replies will be laid upon the table.

Matters for Recommendation

6. Medium Term Financial Strategy (MTFS) EXE23-016 (Pages 7 - 32)
Reporting Person – Brendan Arnold
7. Review of the Constitution EXE23-033 (Pages 33 - 504)
Reporting Person – Joanne McIntosh
8. Affordable Housing Delivery Supplementary Planning Document (SPD) EXE23-008 (Pages 505 - 576)
Reporting Person – Giorgio Framalitto

Matters for Determination

9. Climate Change Strategy Review EXE23-009 (Pages 577 - 662)
Reporting Person – Giorgio Framalitto

10. Recommendation from Overview and Scrutiny Committee following WEAAct Presentation EXE23-044 (Pages 663 - 666)
Reporting Person – Giorgio Framaliccio
11. Climate Change Supplementary Planning Document (SPD) EXE23-011 (Pages 667 - 768)
Reporting Person – Giorgio Framaliccio
12. Cost of Living Crisis Update EXE23-014 (Pages 769 - 782)
Reporting Person – Louise Strongitharm
13. Revocation of the Air Quality Management Area (AQMA) at Anchor Hill, Knaphill EXE23-029 (Pages 783 - 796)
Reporting Person – Giorgio Framaliccio
14. Appointment of Independent Directors to Council Companies EXE23-042 (Pages 797 - 804)
Reporting Person – Joanne McIntosh
15. Regulation of Investigatory Powers Act 2000 – Annual Monitoring Report EXE23-006 (Pages 805 - 808)
Reporting Person – Joanne McIntosh
16. Write off of Irrecoverable Debt EXE23-007 (Pages 809 - 812)
Reporting Person – Brendan Arnold

Performance Management

17. Performance and Financial Monitoring Information
Please bring to the meeting your copy of the latest Performance and Financial Monitoring Information (Green Book).
18. Monitoring Reports - Projects EXE23-030 (Pages 813 - 822)
Reporting Person – Kevin Foster

AGENDA ENDS

Date Published - 15 March 2023

For further information regarding this agenda and arrangements for the meeting, please contact Julie Northcote on 01483 743053 or email julie.northcote@woking.gov.uk



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Agenda Item 4.

Schedule Referred to in Declaration of Interests

Council-appointed directorships

Julie Fisher, Chief Executive	
Brookwood Cemetery Limited	Thameswey Guest Houses Limited
Brookwood Park Limited	Thameswey Housing Limited
Energy Centre for Sustainable Communities Ltd	Thameswey Limited
Rutland Woking (Carthouse Lane) Limited	Thameswey Maintenance Services Limited
Rutland Woking (Residential) Limited	Thameswey Solar Limited
Rutland (Woking) Limited	Thameswey Sustainable Communities Limited
Thameswey Central Milton Keynes Limited	VSW Hotel Limited
Thameswey Developments Limited	Victoria Square Residential Limited
Thameswey Energy Limited	Victoria Square Woking Limited
Woking Necropolis and Mausoleum Limited	

Kevin Foster, Strategic Director – Corporate Resource	
Brookwood Cemetery Limited	Thameswey Housing Limited
Brookwood Park Limited	Thameswey Limited
Energy Centre for Sustainable Communities Ltd	Thameswey Maintenance Services Limited
Thameswey Central Milton Keynes Limited	VSW Hotel Limited
Thameswey Energy Limited	Victoria Square Residential Limited
Thameswey Guest Houses Limited	Victoria Square Woking Limited
Woking Necropolis and Mausoleum Limited	

Giorgio Framallico, Strategic Director - Place	
Brookwood Cemetery Limited	Thameswey Developments Limited
Brookwood Park Limited	Thameswey Energy Limited
Export House Limited	Thameswey Limited
LAC 2021 Limited (Dormant)	Thameswey Solar Limited
Kingfield Community Sports Centre Limited	Thameswey Sustainable Communities Limited
Thameswey Central Milton Keynes Limited	Woking Necropolis and Mausoleum Limited
Woking Shopping Limited	

Louise Strongitharm, Strategic Director – Communities	
Rutland Woking (Carthouse Lane) Limited	Thameswey Developments Limited
Rutland Woking (Residential) Limited	Thameswey Guest Houses Limited
Rutland (Woking) Limited	Thameswey Housing Limited
Thameswey Limited	

EXECUTIVE – 23 MARCH 2023

MEDIUM TERM FINANCIAL STRATEGY (MTFS)

Report of the Section 151 Officer

Executive Summary

This report presents the updated Medium Term Financial Strategy ('MTFS') for the period 2023/24 to 2025/26. This document incorporates an update on initiatives cited as needing further work in the Budget report to Council on 23 February 2023 and - moving forward - sets out for Members a timetable with clear milestones for a further update of the MTFS in July 2023.

Following the July update a revised forecast will be available on which to gauge further steps on the Council's journey to resolving the financial challenges which were set down in the recent Budget report and this will include a review by the Section 151 Officer to set down how the prospects for issuance of a Section 114 Notice are to be understood over the ensuing period.

For purposes of this present update, the economic picture set out in the Budget report received by Full Council on 23 February 2023 is unchanged.

With regard to financial challenges that lie ahead the Council is already committed to a suite of headline initiatives in order to pursue financial resilience and to constrain expenditure within the Budget totals in 2023/24 and the forecasts in years thereafter.

These initiatives are explained in the report and the associated reporting timetable is set down in the Timetable at Appendix 2.

These initiatives include:

- a. Restrictions on expenditure.
- b. The maximisation of the Flexible Use of Capital Receipts.
- c. Delivery of the recommendations from stakeholder reports including those by Surrey County Council and that led by the Panel which is set to report to the Department of Levelling Up Housing and Communities (DLUHC) on the financial affairs of the Council.
- d. Progression and delivery of the Fit for the Future Programme (FFtF) which is designed to reduce the cost base of the Council through a systematic and cohesive approach to cost reduction.
- e. Further reductions to the non-statutory service costs currently incurred by the Council.

That said, the Executive needs to be aware that further cost reductions will need to be taken over and above the initiatives already adopted in setting the 2023/24 Budget. This is because the Budget shortfall for 2024/25 is currently forecast as £9.5m.

Accordingly, it would be reasonable and proportionate to expect that initiatives to further constrain both revenue and capital expenditure streams will be brought forward as part of the process of balancing the budget in 2024/25. Further, there may be opportunities to take some savings early in financial year 2023/24 thus returning additional savings to the Council. This report discusses the general prospects for the character of the next set of reductions although proposals for taking such savings are not made at this juncture.

Medium Term Financial Strategy (MTFS)

In addition to the *usual business* (described above) of seeking to ensure that the activities of the Council (in their financial impact) reflect the resources available from available funding sources there are further and compelling risks that the Council will need to investigate and if necessary seek solutions to address.

These have sometimes been referred to within the Council as issues relating to the 'Minimum Revenue Provision' a requirement that the Council must set aside on an annual basis sufficient resources to constrain the overall cost of borrowing within the affordability measures set down in the *Prudential Code*. The Code is the framework within which Councils are required to set financial targets to ensure that the cost of borrowing at a strategic level remains affordable in relation to those available funding sources.

The term 'Minimum Revenue Provision' (MRP) embraces three classes of issues which may result in very significant costs flowing through to the Council's financial bottom line. It is these three areas which comprise the greater part of the financial risks which - as referred in the recent Budget report to Council - place the Council 'in the Section 114 area'. As explained in this report the risk of a S114 Notice also exists from a 'business as usual' perspective in balancing the annual budget; these additional issues are:

- a. The extent, if any, to which assets (generally investment assets) acquired by the Council for purposes of investment have reduced in value compared with the carrying value in the Council's balance sheet.
- b. The extent to which the Council has applied the Minimum Revenue Provision policy appropriately to all asset classes for which this is needed (chiefly assets held for regeneration purposes) in the Council's financial statements; and
- c. The extent to which loans made – principally to companies in which the Council has a financial and/or controlling interest - have been suitably reviewed to provide assurance that risks of default have been properly gauged and appropriate adjustments made to the financial statements of the Council.

All of these strands are currently the subject of detailed technical work which is being commissioned at the present time by specialists in the field. The resulting advice and the actions that the Council proposes to take (if any are needed) will form part of the July 2023 update to the MTFS.

Other Financial Matters

The Executive and Council are asked to approve two matters relating to the Thamesway Group. These are (i) a request from the gas supplier to Thamesway Central Milton Keynes Limited that the Council will act as guarantor for the Company's liabilities under a gas supply contract and (ii) a recommendation that the Council's future loans to Thamesway Central Milton Keynes Limited are supplied without margin. This means that the financial burden on the company would be moderated.

The Flexible Use of Capital Receipts

The Council needs to make use of the facility afforded by Government to apply capital receipts to fund transformational activities that would otherwise be funded from other sources in the Revenue Budget. The Executive is asked to recommend such an approach to Council as part of the 2023/24 Revenue Budget and delegates approval and dispatch of same to the Strategic Director - Corporate Resources, in consultation with the Finance Portfolio Holder.

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the approach set out in this report for commencement of the process to balance budget year 2024/25 be noted; and

RECOMMEND TO COUNCIL That

- (ii) **the latest iteration of the Medium Term Financial Strategy be approved;**
- (iii) **approval of the proposed Flexible Use of Capital Receipts in 2023/24 and submission of a plan to DLUHC be delegated to the Strategic Director – Corporate Resources, in consultation with the Finance Portfolio Holder;**
- (iv) **the Parent Company Guarantee (PCG) be extended by delegation to the Section 151 Officer, in consultation with the Finance Portfolio Holder, for the provision of Gas to Thamesway Central Milton Keynes Ltd (TCMK); and**
- (v) **from 1 April 2023 loans advanced to Thamesway Central Milton Keynes Ltd. (TCMK) to be at the relevant PWLB interest rate with no margin be approved.**

Reasons for Decision

Reason: The decision is sought to ensure open and transparent governance in the financial affairs of the Council in balancing the 2024/25 Budget and the achievement of attaining financial resilience and to comply with the process for Flexible Use of Capital Receipts as determined by Government. In addition, to enable Thamesway Central Milton Keynes Limited to acquire energy for onward sale and moderate the cost burden sustained by Thamesway Central Milton Keynes Limited in its business operations

<p>The Executive has authority to determine recommendation (i) above, (ii) to (v) will need to be dealt with by way of a recommendation to Council.</p>

Medium Term Financial Strategy (MTFS)

Background Papers: [Budget Report agreed by Council on 23 February 2023](#)

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Shadow Portfolio Holder: Councillor Kevin Davis
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Date Published: 15 March 2023

1.0 Introduction

- 1.1 On 23 February 2023 Full Council approved the Council Budget for 2023/24. The balancing of the Budget on this occasion was challenging for the Council because of the ongoing behavioural and economic impacts of the Pandemic which for Woking Borough Council were manifest through (i) additional cost pressures driven by levels of inflation in the national economy (ii) reduced parking revenues and (iii) higher than expected costs of borrowing.
- 1.2 These factors were important locally and continue to be so. This is because following the Council's decisions in earlier years to invest heavily in parking, retail and commercial assets in the Borough the Council has become more than usually dependent on the receipt of parking and commercial rental income to offset the inevitable debt service costs that resulted.
- 1.3 In the Budget Report prepared by the former Director of Finance and endorsed by the Council's Corporate Leadership Team and subsequently by Full Council on 23 February 2023 the challenges involved in balancing the Budget were neatly and appropriately summarised as follows (See Agenda Item 6a for that Meeting):

“At a headline level the Council is able to set a balanced budget for 2023/24 with the use of £8.3m one off reserves and has made arrangements:

- *To operate a cost control framework and discipline.*
- *To establish further savings over the MTFS period through developing a minimum viable position for all services.*
- *To comprehensively track savings and establish full financial variance monitoring in a timely way.*
- *For a Fit for the Future programme that has to balance implementing a strong programme discipline for delivery critical savings plans alongside establishing the future state of the Council.*
- *For reviewing the prudent position on the amounts set aside for debt.*
- *To stabilise reserves.*
- *To review company business plans and investments.*

It is not evident at this stage, however, how the Council will establish a balanced budget for 2024/25 and the MTFS period. The Council is in the territory of S114 but as of the date of this report [i.e. 23 February 2023] a S114 Notice is not required. This report however may lead to the issuing of a S114 Notice in 2023/24 as work on the 2024/25 budget progresses.”

- 1.4 Henceforward the bullet points set out above will be referred to as ‘the Principles’. They will be extended and delivered through a range of initiatives that are referred to later in this report.
- 1.5 On the day, having considered these matters, Council approved on 23 February a Budget for 2023/24 and - alongside a portfolio of savings - agreed a Council Tax increase of 2.99% in order to achieve a balanced position in that year. The approved Budget appears at Appendix 1 to this report.

2.0 Future Reporting

- 2.1 Progress in delivering and improving (i.e. demonstrating the ability to balance) the Medium Term Financial Plan will be reported periodically to the Executive, to the Finance Task Group and to Full Council. The timetable for this reporting appears at Appendix 2 to this report.
- 2.2 The workstreams referred to above in paragraph 1.3 of this report have either commenced or are commencing. The next report on the MTFS will be presented in the July reporting cycle and the Meeting of Council on 20th July 2023.

3.0 Balancing the Budget 2024/25

3.1 At the date of this report the Budget shortfall in 2024/25 is £9.5m. This is shown in Table 1 below and a more detailed statement appears at Appendix 3:

Table 1: The MTFS 2023/24 to 2025/26

Column	(A)	(B)	(C)
Budget	2023/24 £'000	2024/25 £'000	2025/26 £'000
Service Expenditure	44,015	45,881	48,208
Total Fees and Charges and other Income	-38,295	-39,342	-39,542
Savings (2024/25 onwards)	0	-1,448	-1,639
Financing Costs	62,036	64,894	66,135
Interest and Investment Income	-43,281	-45,788	-47,647
Net Expenditure	24,475	24,197	25,515
Funded by:			
NNDR	-3,280	-2,682	-2,682
Council Tax	-11,448	-11,628	-11,941
Government Grants	-1,400	-410	-410
Reserves	-8,347	0	0
Total Funding	-24,475	-14,720	-15,033
Shortfall(+)/Surplus(-) for 'Business As Usual'	0	9,477	10,482
<i>Impact of the MRP issues:</i>			
Impairment of Investment Asset Values	To be ascertained	To be ascertained	To be ascertained
Application of the MRP policy to relevant Asset Classes	To be ascertained	To be ascertained	To be ascertained
Provision for Impairment of Debt	To be ascertained	To be ascertained	To be ascertained
Shortfall (+)/Surplus(-) for All Adjustments	To be ascertained	To be ascertained	To be ascertained

4.0 Points to Note

- 4.1 It should be noted that if the shortfall at the bottom of Column (A) is balanced successfully that adjustment has a commensurate beneficial impact on the shortfalls in the following years.
- 4.2 The Council needs to make use of the facility agreed by DLUHC to allow local authorities to use specified capital receipts flexibly to fund transformational expenditure in 2023/24. The Plan – amounting to £3.5m of such expenditure – appears at Appendix 7 to this report and approval is sought from the Executive and Council to submit the Plan to DLUHC in line with the guidelines as they are presently understood.
- 4.3 The above Table refers only to the General Fund which is used to provide all services outside of the Housing Revenue Account. The Housing Revenue Account has separate financial challenges which will be the subject of a separate report looking forward.
- 4.4 As rehearsed earlier in this report the Council needs to ensure that it takes all possible steps to balance the ‘Business As Usual’ shortfalls in the General Fund in order to ensure that the Budget can be balanced lawfully in 2024/25 and thereafter. Should this not prove possible then it is possible that a S114 Notice may need to be issued on the journey. At the present time a S114 Notice has not been laid although as referred in the Budget Report presented to Council on 23 February ‘the Council is in the territory of S114’; this remains the case at the date of this report.
- 4.5 If the review of the Council’s MRP issues indicates after consideration that further charges are attributable to the Revenue Budget, it is difficult to imagine that such additional charges will be affordable. In this case and for the avoidance of doubt it is likely (a) that a S114 Notice would need to be issued and (b) that the Council would need to seek financial support from the Department of Levelling Up Housing and Communities (DLUHC). At the present time, the existence of such additional charges has not been confirmed and such support has not been sought. As referred above ‘the Council is in the territory of S114’ on this issue also.

5.0 Future Savings

- 5.1 The Council needs to be aware that in delivering its statutory duty to set a lawful Budget in 2024/24 there will be very little, if any, choice in terms of making savings to non-statutory services and that in most cases these decisions will be very challenging to make. Nonetheless, if the Council is to fulfil its statutory obligations as it must, these future decisions cannot be avoided.
- 5.2 Where services are regarded as ‘statutory’ there are likely to be choices around the specification to which services are delivered and this may result in additional cost savings.

6.0 The Principles

- 6.1 Paragraphs 1.3 and 1.4 of this report refer to ‘the Principles’ which the Council is now seeking to explore and deliver to inform balancing the 2024/25 Budget. The paragraphs below in Table 2 describe how work is proceeding to deliver the specified information. Three further Principles have been added to the suite to cover (a) the work needed on MRP, (b) the possible implementation of recommendations flowing from reports prepared by External Stakeholders and (c) constraining and/or deferring the scope and value of the Capital Programme; making Ten Principles overall.

Table 2: the Ten Principles

Principle	Topic	Delivery
No. 1	<i>To operate a cost control framework and discipline</i>	-Recruitment freeze (except positions critical to balancing the Budget) -Restrictions on agency staff -Eliminate non-essential expenditure - Controls on ordering
No. 2	<i>To establish further savings over the MTFS period through developing a minimum viable position for all services.</i>	-Fit for the Future Programme Rounds 1 & 2 -Flexible Use of Capital Receipts (FCR) -Fit for the Future Programme Round 3 to bring forward additional savings
No. 3	<i>To comprehensively track savings and establish full financial variance monitoring in a timely way.</i>	-Implementation and ongoing monitoring of the Working Benefits Dashboard (BensDB)
No. 4	<i>For a Fit for the Future programme that has to balance implementing a strong programme discipline for delivery critical savings plans alongside establishing the future state of the Council.</i>	-The Fit for the Future Programme (FFtF) - Reviews into Asset and Property Management; Commissioning & Procurement; Service Re-designs & Channel Shift; Organisational Design; Partnership & Inward Investment
No. 5	<i>For reviewing the prudent position on the amounts set aside for debt.</i>	-Specialist advice and decision of the Section 151 Officer
No. 6	<i>To stabilise reserves</i>	-Review of present balances to restrict deployment moving forward
No. 7	<i>To review company business plans and investments.</i>	-Start date to be confirmed. -Linked to Principle 10 - Review of Sheerwater proposals to be reported to Council in July cycle
No. 8 (New)	<i>To obtain advice on the Impairment of Loans</i>	-External advice and internal consideration of that advice when received
No. 9 (New)	<i>To consider implementation of the recommendations of reports and schema recommended by External Stakeholders</i>	-see the Surrey County Council report -see the CIPFA VFM Toolkit - the CIPFA Financial Resilience Model
No. 10 (New)	<i>To consider constraining and/or deferring the scope and value of the Capital Programme</i>	-Start date to be confirmed

7.0 The Principles: Progress and Timelines

7.1 The current progress and expected timelines for delivery of the initiatives underpinning the Ten Principles are set out at Appendix 4.

8.0 Conclusions

8.1 This report concludes as follows:

- i. The Council faces significant financial challenges in balancing 2024/25 in relation to 'Business as Usual' pressures and issues; these will be challenging to overcome and the attainment of a balanced Budget in 2024/25 will require further savings over and above those already taken.

Medium Term Financial Strategy (MTFS)

- ii. Further, the Council faces the prospect of expensing further items (MRP) to its Medium Term Financial Plan; if necessary, these charges will not be able to be accommodated within the forecast funding available to the Council and there is the compelling prospect that a S114 Notice may be needed and that reference will need to be made for financial assistance to Government. However, at the date of this report specialist advice is being obtained to clarify the position.
- iii. The Ten Principles have been established to allow the Council to proceed on its journey to balance 2024/25 and ensuing years in a coherent fashion. The Principles and the initiatives delivering and supporting them have been set down in this report.
- iv. The Reporting Timetable for reporting to the Overview and Scrutiny Finance Task Group, to the Executive and to Council has been set down in this report.
- v. The next report on the MTFS will be presented in the July Committee cycle.

9.0 Corporate Strategy

- 9.1 The MTFS sets out the resources available to support the Working for All Strategy. The priorities within the Strategy will be reviewed to reflect available resources and an update provided for the Executive in July 2023.

10.0 Implications

Finance and Risk

- 10.1 The financial implications and risks are explicit in this report. The MTFS includes an assessment of the likely financial forecast and the report comments on the actions which will need to be taken to mitigate these and establish a sustainable budget position.

Equalities and Human Resources

- 10.2 There are no specific human resources or equalities implications resulting from this report.

Legal

- 10.3 Section 151 of the Local Government Act 1972 places a general duty on local authorities to make arrangements for 'the proper administration of their financial affairs'. The Local Government Act 2003 places a duty on the Council's Chief Finance Officer to advise on the robustness of the proposed budget and the adequacy of reserves.
- 10.4 The MTFS is a fundamental element of the Council's strategic financial management arrangements. The MTFS is a policy framework document that is required by law to be adopted by Council.
- 10.5 The Council is required by statute to set a balanced budget. Members have a duty to seek to ensure that the Council acts lawfully. They are under an obligation to produce a balanced budget. Members must not come to a decision which no reasonable authority could come to; balancing the nature, quality, and level of services which they consider should be provided against the costs of providing such services.
- 10.6 The MTFS ought to be consistent with the Council's work plans and strategies, particularly the Corporate Strategy.
- 10.7 The Council is required to obtain approval by Full Council of its MTFS.

Medium Term Financial Strategy (MTFS)

- 10.8 If the Finance Director considers that the Council is unable to set or maintain a balanced budget, after all routes have been explored, then she is under a statutory duty to make a Section 114 report.
- 10.9 Section 114 (3) Local Government Finance Act 1988, states that: “The chief finance officer of a relevant authority shall make a report under this section if it appears to him that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure”.

11.0 Engagement and Consultation

- 11.1 The 2023/24 budget was prepared to incorporate the savings and efficiencies identified through the two programmes of budget savings completed during 2021 and 2022. As set out in this report further savings will be required. An update to the MTFS recognising, where appropriate, financial constraints will be prepared for July 2023. Where service changes are required to deliver savings the necessary engagement and consultation will be undertaken.

REPORT ENDS

List of Appendices

1	The Approved Budget 2023/24
2	Reporting Timetable
3	The MTFS 2023/24 to 2026/27
4	The Ten Principles: Delivery & Timelines
5	Outline of the Fit For the Future Programme
6	Fit for the Future 2 Savings (as approved by Council 23 February 2023)
7	Flexible Use of Capital Receipts: Outline

<u>GENERAL FUND SUMMARY</u>		
	ESTIMATE 2022/23 £	ESTIMATE 2023/24 £
TOTAL PROGRAMME REQUIREMENTS	4,046,406	8,872,205
Provision for lost income due to Covid-19 (2022/23 only)	1,818,000	
MTFS savings requirement	-100,000	
PROGRAMME REQUIREMENTS AND SAVINGS TARGETS	5,764,406	8,872,205
Management of Change	250,000	250,000
Risk Contingency	250,000	250,000
PFI Unitary Charge and management	175,000	175,000
Investment Programme items funded from revenue	134,000	120,000
NET COST OF SERVICES	6,573,406	9,667,205
<u>INTEREST AND OTHER ITEMS</u>		
- Interest costs	55,520,055	62,036,006
- Interest and Investment Income	-38,503,475	-43,281,301
NET OPERATING EXPENDITURE	23,589,986	28,421,910
<u>USE OF RESERVES/BALANCES</u>		
- Net Use of Revenue Reserves	-4,033,535	-8,346,609
- Contribution from Wolsey Place reserve	-1,003,347	
- Contribution from Capital Reserves (Depreciation)	-4,006,238	-3,947,271
- Contribution from Reserves - Management of Change	-250,000	
- Contribution from Reserves - IP items funded from revenue	-134,000	
AMOUNTS TO BE MET FROM LOCAL TAXATION AND GOVERNMENT GRANTS	14,162,866	16,128,030
EXTERNAL FINANCE - SETTLEMENT FUNDING ASSESSMENT	-2,134,965	-2,214,507
- Revenue Support Grant	0	-92,845
- Lower Tier Services Grant	-95,753	0
- Services Grant (New 2022/23)	-147,156	-86,333
New Homes Bonus	-230,905	-1,221,134
Business Rates Surrey Pool	-935,000	-1,065,000
PRECEPT ON COLLECTION FUND	10,619,087	11,448,211
<u>FORECAST COUNCIL TAX LEVEL</u>		
Precept on Collection Fund (from above)	10,619,087	11,448,211
Working share of Collection Fund Surplus(-)/Deficit	-80,527	-304,284
Working share of 2020/21 Collection Fund Deficit	68,041	68,041
	10,606,601	11,211,968
Council Tax Taxbase	41,519	42,611
Council Tax Requirement (£)	£255.46	£263.12
Year on year increase (£)	£5.00	£7.66
Year on year increase (%)	2.00%	3.00%

Meeting	July Update	September Update
Overview & Scrutiny Finance Task Group	5 July 2023	27 September 2023
The Executive	13 July 2023	5 October 2023
Full Council	20 July 2023	12 October 2023

	2023/24 £'000	2024/25 £'000	2025/26 £'000
1 Total Service Budgets	8,872	8,872	8,872
Less: Depreciation	-3,947	-3,947	-3,947
2 Management of Change	250	250	250
3 Risk Contingency	250	250	250
4 PFI Unitary Charge	175	175	175
5 Investment Programme Revenue Projects	120	120	120
6 Interest Costs and MRP	62,036	64,894	66,135
7 Interest and Investment Income	-43,281	-45,788	-47,647
	24,475	24,826	24,208
Provision to meet future cost increases			
8 Contractual Inflation	-	1,066	1,527
9 Pay Inflation	-	800	1,200
11 Car Park Management Fee	-	-	1,466
	0	1,866	4,193
Fit for the Future and Income			
12 Increase in Parking Income		-1,047	-1,247
13 FFF1 (Autumn 2021)		-440	-440
14 FFF2 (Autumn 2022)		-1,008	-1,199
	0	-2,495	-2,886
TOTAL Budget Requirement	24,475	24,197	25,515
FUNDED By:			
15 Baseline Business Rates	-2,215	-2,215	-2,215
16 Revenue Support Grant	-93	-93	-93
17 Services Grant	-86	-86	-86
18 New Homes Bonus	-1,221	-231	-231
19 Business Rates Growth/Surrey Pool	-1,065	-467	-467
Total Government Funding	-4,680	-3,092	-3,092
20 Council Tax Requirement	-11,212	-11,628	-11,941
21 Council Tax Surplus	-236	0	0
22 Use of Reserves	-8,347	0	0
TOTAL Grant/Income	-24,475	-14,720	-15,033
Funding Shortfall (+)/surplus(-)	0	9,477	10,482

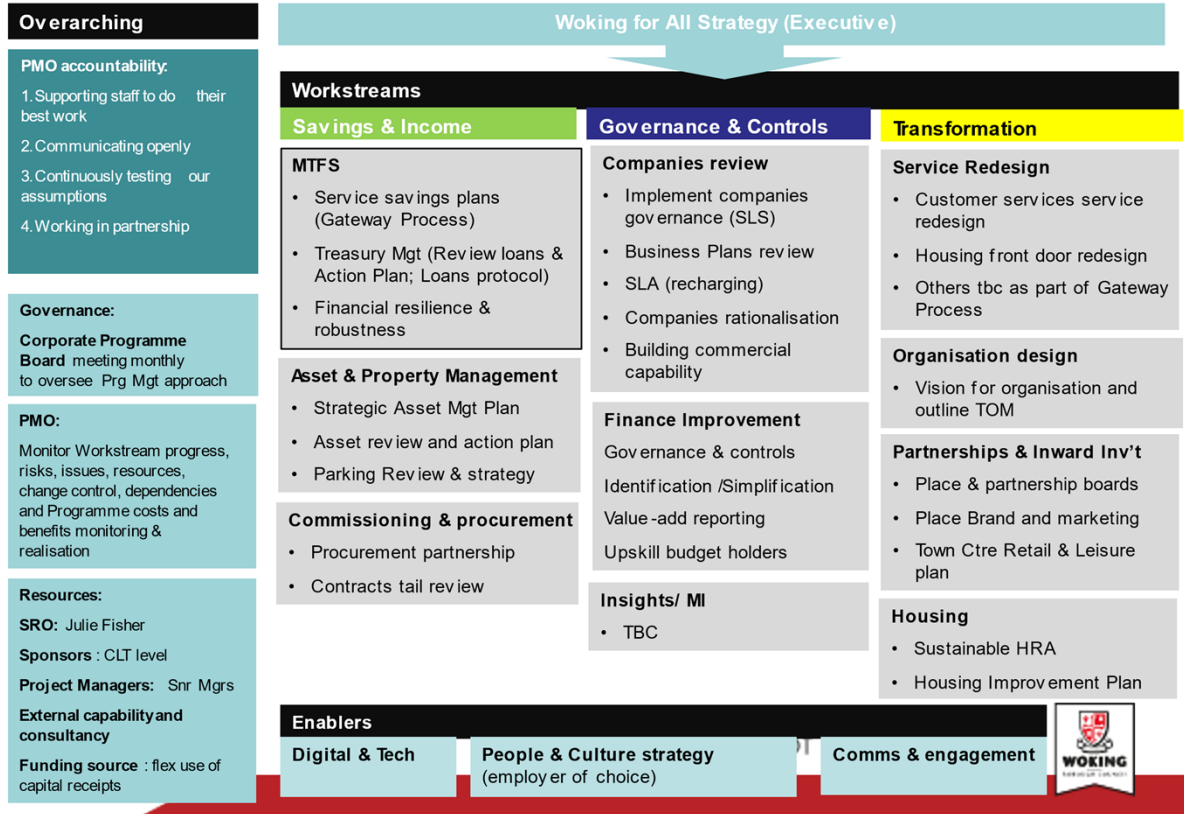
Principle	Topic	Delivery	Time
No. 1	<i>To operate a cost control framework and discipline</i>	<ol style="list-style-type: none"> 1. Recruitment freeze (except positions critical to balancing the Budget e.g., the FFtF Programme or externally funded): 2. Restrictions on agency staff: 3. Eliminate non-essential expenditure: Controls are being tested and refined 4. Controls on ordering: In development 	<p>Immediate</p> <p>Immediate</p> <p>Fully operating by end April 2023</p> <p>Fully operating by end April 2023 to be reported at July update</p>
No. 2	<i>To establish further savings over the MTFS period through developing a minimum viable position for all services.</i>	<ol style="list-style-type: none"> 1. The Fit for the Future Programme (FFtF): 2. Flexible Use of Capital Receipts (FCR): 3. FFtF stream 3 to bring forward additional savings: 	<p>Ongoing to December 2023</p> <p>Funding plan complete</p> <p>Ongoing to December 2023</p>
No. 3	<i>To comprehensively track savings and establish full financial variance monitoring in a timely way.</i>	<ol style="list-style-type: none"> 1. Design and implementation of the Working Benefits Dashboard (WBensDB) 	<p>Complete</p>
No. 4	<i>For a Fit for the Future programme that has to balance implementing a strong programme discipline for delivery critical savings plans alongside establishing the future state of the Council.</i>	<ol style="list-style-type: none"> 1. The Fit for the Future Programme (FFtF) 	<p>Ongoing from March 2023 to December 2023</p>
No. 5	<i>For reviewing the prudent position on the amounts set aside for debt.</i>	<ol style="list-style-type: none"> 1. Specialist advice and decision of the Section 151 Officer: 	<p>July 2023</p>

Medium Term Financial Strategy (MTFS)

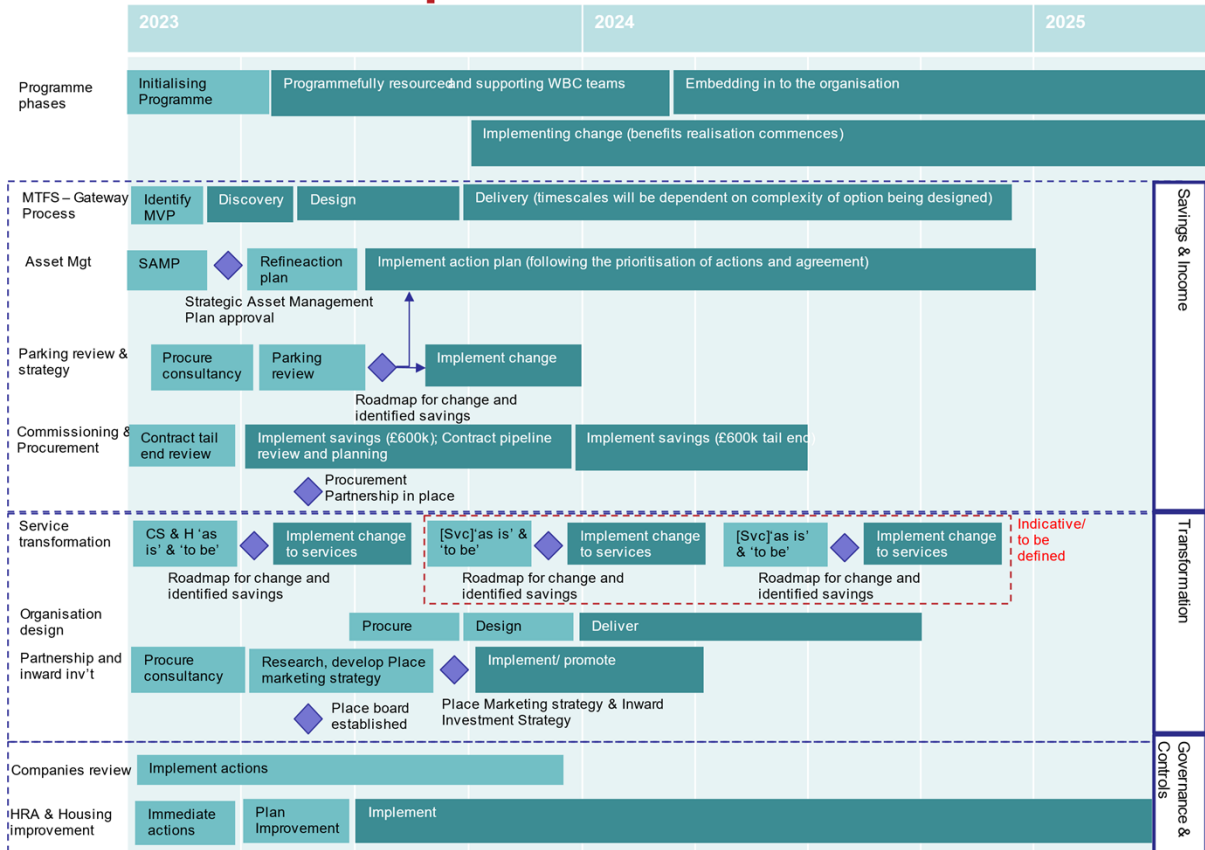
No. 6	<i>To stabilise reserves</i>	1. Review of present balances to restrict deployment moving forward:	April 2023
No. 7	<i>To review company business plans and investments.</i>	1. Officer team to be re-confirmed 2. Review of Sheerwater	Timeline to be confirmed July 2023
No. 8 (New)	<i>To obtain advice on MRP issues: Asset Value impairment, application of the MRP Policy and Impairment of Loans</i>	1. External advice and internal consideration of that advice when received:	Advice currently in procurement; timeline not yet adopted
No. 9 (New)	<i>To consider implementation the recommendations of reports by External Stakeholders</i>	1. See the Surrey County Council report 2. Other stakeholder reports as received	Review by Corporate Leadership Team to commence April 2023. Final timeline not yet adopted
No. 10 (New)	<i>To consider constraining and/or deferring the scope and value of the Capital Programme</i>	1. Officer Group to be formed	Timeline not yet adopted

FFTF programme 'on a page'

Aim: Ensuring financial and commercial sustainability to deliver key services



Overall roadmap



Directorate	Service Area	Details of the proposal for saving; additional income or efficiency	2022/23	2023/24	2024/25	2025/26	TOTAL	Savings Category
Communities	Arts Heritage & Events	Reduce grant funding to Rhoda Theatre	44000	31000	0	0	75000	Grant Reduction
Communities	Arts Heritage & Events	Withdraw Council funding to Bandstand event	0	1500	0	0	1500	3rd Party Spend
Communities	Arts Heritage & Events	Reduce Council contribution to Lightbox	0	113000	55000	0	168000	Grant Reduction
Communities	Leisure Services	Reconfigure services at Pool in the Park inc. closure of Heatwaves to reduce energy consumption	22500	65500	0	0	88000	Service Redesign
Communities	Leisure Services	Reduce sports consultancy budget	3000	0	3000	0	6000	3rd Party Spend
Communities	Leisure Services	Reduce Lakeview Cycle station budget	2500	0	0	0	2500	3rd Party Spend
Communities	Leisure Services	Remove funding to LinkAble & WABF (Woking Asian Business Forum)	8000	10000	0	0	18000	Grant Reduction
Communities	Community Centres	Community centre staff restructure	0	25000	0	0	25000	Staff Costs
Communities	Volunteer	Cease contribution & membership to Community Matters People Partnership (CMPP)	16000	0	0	0	16000	3rd Party Spend
Communities	Community Development	Remove funding for vacant posts in Community Development	239000	0	0	0	239000	Staff Costs
Communities	Youth Development	Restructure of youth development service	0	47000	0	0	47000	Staff Costs
Communities	Family Support	Reduced family support training costs	0	10000	0	0	10000	3rd Party Spend
Communities	Housing Services	Remove funding for vacant posts in Housing Strategy & Housing Standards	51000	0	0	0	51000	Staff Costs
Communities	Extra Care	Staffing restructure of Brockhill	20000	65000	0	0	85000	Staff Costs
Communities	Community Meals	Remove funding for vacant posts in Community Meals	42000	15000	0	0	57000	Staff Costs
Communities	Community Meals	Remove diesel vans for community meals delivery & reduce number of rounds	6000	6000	25000	0	37000	Service Redesign
COMMUNITIES TOTAL			454000	389000	83000	0	926000	
Place	Environmental Health	Withdraw from Out of Hours Environmental Health contract	0	30000	0	0	30000	3rd Party Spend
Place	Environmental Maintenance	Cease planting & irrigation of bedding plants, hanging baskets, troughs & trees	0	95000	0	0	95000	Service Redesign
Place	Environmental Maintenance	Service efficiencies on emptying dog bins	0	3000	0	0	3000	Service Redesign
Place	Environmental Maintenance	Withdraw placement of solar Christmas trees	0	5000	0	0	5000	3rd Party Spend
Place	Environmental Maintenance	Remove funding for vacant post in Environmental Maintenance	0	42000	0	0	42000	Staff Costs
Place	Green Infrastructure	Reduce grant funding of Basingstoke Canal	0	0	27000	0	27000	Grant Reduction
Place	Waste & Recycling	Reduce excess budget for contaminated mixed recycling	0	14000	0	0	14000	
Place	Waste & Recycling	Reduce advertising, signage frames & repairs budget	0	25000	0	0	25000	3rd Party Spend
Place	Waste & Recycling	Reduce budget for assisted collections within Waste & Recycling	0	3000	3000	0	6000	3rd Party Spend
	Building Services	Deliver facilities management savings in Civic Offices (vending, plants, layout)	3000	39000	0	0	42000	3rd Party Spend
Place	Building Services	Reduce cleaning costs in out of town car parks	0	2000	0	0	2000	3rd Party Spend
Place	Building Services	Generate advertising income by installing digital screen in Victoria Place	0	0	50000	0	50000	Income Generation
Place	Building Services	Reduce Council funding of seasonal events	0	15000	0	0	15000	3rd Party Spend
Place	Building Services	Victoria Way Car Park - Close 4 floors to reduce energy consumption.	6000	19000	0	0	25000	Service Redesign
Place	Building Services	Close down absorption chiller at the leisure centre for the winter.	20000	0	0	0	20000	Service Redesign
Place	Development Management	Introduce a charge for dropped kerb enquiries	0	5000	0	0	5000	Income Generation
Place	Development Management	Reduce the number of planning committee meetings	0	2000	0	0	2000	Staff Costs
Place	Estate Management	Change the use of Goldsworth Trading Estate to incorporate residential use	0	0	0	100000	100000	Income Generation
Place	Estate Management	Reduce security budget for 10 Acre Farm	5000	0	0	0	5000	3rd Party Spend
Place	Estate Management	Reduce land management budget for Havering Farm	0	10000	10000	0	20000	3rd Party Spend
Place	Estate Management	Manage estates to mitigate business rates liabilities	0	25000	0	0	25000	Financing
PLACE TOTAL			34000	334000	90000	100000	558000	

Medium Term Financial Strategy (MTFS)

Corporate Resources	Member Services	Change frequency of Peace Garden event	0	0	5000	0	5000	Service Redesign
Corporate Resources	Member Services	Removal of budget for Civic Services, Receptions & Events	0	44000	0	0	44000	3rd Party Spend
Corporate Resources	Member Services	Reduce Mayoral Allowance	0	9000	0	0	9000	Staff Costs
Corporate Resources	Member Services	Reduce use of Mayoral Car	0	35000	0	0	35000	3rd Party Spend
Corporate Resources	Member Services	Civic functions restructure	0	0	27000	0	27000	Staff Costs
Corporate Resources	Member Services	Remove Members IT Allowance & Training Budget	0	17580	0	0	17580	Staff Costs
Corporate Resources	Member Services	Reduce O&S budget for external commissioned support	0	10000	0	0	10000	Service Redesign
Corporate Resources	Member Services	Reduce courier, postage & refreshment budget	11000	24000	15000	0	50000	3rd Party Spend
Corporate Resources	Member Services	Reduce annual canvas costs	5000	0	0	0	5000	Service Redesign
Corporate Resources	Member Services	Reduce costs of election preparation & cancel election lunch provision	17000	1000	0	0	18000	Service Redesign
Corporate Resources	Member Services	Reduce funding for Town Twinning Association	0	1000	0	0	1000	3rd Party Spend
Corporate Resources	Licensing	Restructure of Licensing team	0	30000	0	0	30000	Staff Costs
Corporate Resources	Marketing	Stop production & distribution of Woking magazine	0	53000	0	0	53000	Service Redesign
Corporate Resources	Marketing	Downgrade social media software, cancel engagement & media monitoring software	0	21000	0	0	21000	3rd Party Spend
Corporate Resources	Legal	Cancel Lexcel Accreditation and associated costs	35000	0	0	0	35000	3rd Party Spend
Corporate Resources	Legal	Restructure of post room service	0	11000	0	0	11000	Staff Costs
Corporate Resources	HR	Reduction of Training budgets	17000	15000	13000	0	45000	3rd Party Spend
Corporate Resources	ICT	Remove funding for vacant ICT posts and align charging to projects	0	70000	0	0	70000	Staff Costs
Corporate Resources	ICT	Remove Disabledgo survey, cancel Syncpoint & Bang the Table engagement tool	0	33000	0	0	33000	3rd Party Spend
Corporate Resources	Customer Services	Customer Service redesign & efficiencies	0	0	30000	0	30000	Service Redesign
Corporate Resources	Customer Services	Remove funding for vacant customer services post	25000	25000	0	0	50000	Staff Costs
Corporate Resources	Finance	Lower lump sum pension contribution due to improved fund valuation	0	146000	146000	135000	427000	Financing
Corporate Resources	Finance	Appeal Valuation of Car Parks for Business Rates	0	160000	0	0	160000	Financing
Corporate Resources	Finance	Reduce discretionary Business Rates Relief	0	0	250000	0	250000	Financing
Corporate Resources	Cross-cutting	Reduction of off-contract spend	0	550000	550000	0	1100000	3rd Party Spend
CORPORATE RESOURCES TOTAL			110000	1255580	1036000	135000	2536580	
SAVINGS TOTAL			598000	1978580	1209000	235000	4020580	

Summary

This Flexible Use of Capital Receipts is important for the Council in 2023/24 and 2024/25. This paper outlines how capital receipts will be used to fund an organisation wide transformation programme and sets out the background and guidance that underpins it.

Background and guidance

Capital receipts can only be used for specific purposes, and these are set out in Regulation 23 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 made under Section 11 of the Local Government Act 2003. The main permitted purpose is to fund capital expenditure, and the use of capital receipts to support revenue expenditure is not allowed by the regulations. However, the Secretary of State is empowered to issue Directions allowing expenditure incurred by local authorities to be treated as capital expenditure.

In February 2021, the Secretary of State announced, alongside the local government finance settlement, the continuation of the capital receipts flexibility programme for a further three years, 2022/23, 2023/24 and 2024/25 to give local authorities the continued freedom to use capital receipts from the sale of their own assets (excluding Right to Buy receipts) to help fund the revenue costs of transformation projects and release savings.

This document provides for flexible use of capital receipts in both 2023/24 and 2024/25.

Powers

The Secretary of State directs, in exercise of his powers under sections 16(2)(b) and 20 of the Local Government Act 2003 (“the Act”), that:

The expenditure for which the flexibility can be applied and treated as capital expenditure (known as ‘Qualifying Expenditure’), should be:

- Expenditure properly incurred by the authorities for the financial years that begin on 1 April 2022, 1 April 2023 and 1 April 2024
- Expenditure for which local authorities cannot borrow, for example revenue costs of the service reforms.
- Up-front (set up or implementation) costs for a proposal that is designed to generate future ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs or the demand for services in future years for any of the public sector delivery partners; and
- The expenditure for which the flexibility cannot be applied (Non-Qualifying Expenditure), should be:
 - o The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure.
 - o Cost incurred with respect to redundancy payments, except where such redundancy costs are necessarily incurred and limited to the amounts available as statutory redundancy payments

The key determining criteria to use when deciding whether expenditure can be funded by the new capital receipts flexibility is that it is forecast to generate ongoing savings to an authority’s net service expenditure and examples of qualifying expenditure is outlined in Annex 2 of this strategy.

Objectives and purpose

The Woking for All Strategy sets out the council's vision for Woking and a set of strategic objectives between 2022 and 2027 that give clear direction to residents, businesses, partner organisations and council staff, based around four community-based themes. These are:

- Healthier Communities
- Engaged Communities
- Greener Communities
- Prospering Communities.

Underpinning these community-based themes is an overarching 'High Performing Council' theme which ensures the council delivers the best outcomes from its funds and assets. This flexible use of capital receipts strategy is intended to support the council in delivering its objectives outlined against the themes and take advantage of the extension of the flexibility where appropriate to use capital receipts to fund transformation projects with qualifying criteria.

Future Use of Capital Receipts Flexibility 2023/24 to 2024/25

This document assumes £3.5 million for transformative change during 2023/24 and 2024/25. The value of expenditure capitalised must not exceed the amount set out in the plan, including any updated plans, provided to the Secretary of State. If capital receipts generated are insufficient to meet these commitments, other funding sources will need to be identified or expenditure reduced.

The projects in Annex 1 have been included in this approach as being potentially eligible for capital receipts funding to support their delivery (subject to its availability and their approval), with a description of the project, project objectives, and potential planned use of receipts.

The proposals in the table (subject to their approval) will directly or indirectly support the release of net financial benefits committed to in the budget. This list is not definitive and subject to availability of this value of receipts. Should further projects with qualifying expenditure be identified during the course of the year, further revisions may be undertaken.

Impact of 2023/24 strategy on Prudential Indicators

The guidance requires that the impact on the council's Prudential Indicators should be considered when preparing a Flexible Use of Capital Receipts Strategy. These capital receipts have not been factored into the council's Capital Financing Requirement (CFR) by way of either reducing debt or financing capital expenditure. Accordingly, there is no adverse impact on the adopted Prudential Indicators.

Examples of Qualifying Expenditure

There are a wide range of projects that could generate qualifying expenditure and the list below is not prescriptive. Examples of projects include:

- Sharing back-office and administrative services with one or more other council or public sector body;
- Investment in service reform feasibility work, e.g., setting up pilot schemes;
- Collaboration between local authorities and central government departments to free up land for economic use;

Medium Term Financial Strategy (MTFS)

- Funding the cost of service reconfiguration, restructuring or rationalisation (staff or non-staff), where this leads to ongoing efficiency savings or service transformation;
- Sharing Chief-Executives, management teams or staffing structures;
- Driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible;
- Aggregating procurement on common goods and services where possible, either as part of local arrangements or using Crown Commercial Services or regional procurement hubs or Professional Buying Organisations;
- Improving systems and processes to tackle fraud and corruption in line with the Local Government Fraud and Corruption Strategy – this could include an element of staff training;
- Setting up commercial or alternative delivery models to deliver services more efficiently and bring in revenue (for example, through selling services to others);

Integrating public facing services across two or more public sector bodies (for example children’s social care, trading standards) to generate savings or to transform service delivery

Products & Deliverables

To address the £8m budget gap, a transformation programme (Fit for the Future Programme) has been developed. This programme will address this gap and increase the councils reserves level to deal with fluctuations over the 5-year period. More detail regarding the quantum of return on investment will be presented at the July Executive.

A summary of projects that form the Transformation programme, and therefore in this Strategy as being potentially eligible for capital receipts funding is summarised below, with a description of the project, project objectives, and potential planned use of receipts. This list is not definitive and further potentially eligible projects could be identified during the course of the year – if this is the case, further revisions will be made to the Strategy.

	Project	Description & current stage	Return	Lead Team	Planned use of capital receipts 2023/24 and 2024/25 £
1	Asset and Property Management	Develop a Strategic Asset Management Strategy with prioritised actions for all assets to ensure the councils estate is fit for purpose, efficient and performing well. Progress – Design stage	Income (capital and revenue) Efficiency savings and reduction in operating costs	Property	250,000

Medium Term Financial Strategy (MTFS)

2	Parking review and strategy	Comprehensive review of carparking to ensure assets are fully utilised and customer satisfaction. Action Plan to set out recommended approach for all car parks to optimise revenue Progress – Discovery stage	Income Efficiency savings and reduction in operating costs	Parking	50,000
3	Companies' transformation	Implement the Shareholder Liaison Service to support and advise the Shareholder Advisory Group to improve governance and controls, increasing commercial capability to ensure vfm, security and confidence in decision making. Progress – Implementation stage	Value for money, Income	Legal	415,000
4	Service transformation	Over-arching programme to oversee channel shift - the movement of traditional forms of contact and processes to digital means, freeing up vital resources to assist those who cannot use digital channels or have more complex enquiries. This includes online services such as	Reduction in demand, efficiencies, savings	Transformation	845,000

Medium Term Financial Strategy (MTFS)

		self-service portals, e-forms, payments and also other means of communication. Progress – Discovery stage			
5	Organisation business change	Programme to right size and shape how the organisation works to make it more effective, streamline processes and deliver operational efficiencies, which were reduced from net expenditure. Includes the People and Culture strategy to increase productivity of workforce Progress – Discovery stage	Savings, demand reduction	Transformation, HR	100,000
6	Transformation team	Programme and project management, finance, HR capacity to support the implementation of the savings programme, delivery of specific savings and the drive forward the transformation programme as a whole. Progress – Implementation	Enabler	Transformation, HR	800,000
7	Procurement & commissioning	Transform how the authority procures and commissions goods and services,	Savings	Procurement	300,000

Medium Term Financial Strategy (MTFS)

		improving governance and controls ensuring vfm. Specific savings implemented through reviewing tail end spend Progress – Design			
8	Inward investment	Engaging new business to invest in the town, including inward investment; business relocation; and start-up growth to increase value of commercial and real estate. Progress – Design	Increased income	Economic Development	440,000
9	Contingency	These are indicative costs, there will be additional funding required to deliver actions identified as part of discovery stages – e.g., Asset management system implementation	Enabler	All	300,000
Indicative total					£3,500,000

EXECUTIVE – 23 MARCH 2023

REVIEW OF THE CONSTITUTION

Executive Summary

This report seeks the adoption of the Council's new Constitution coming into effect at the start of the new Municipal year.

The overall objectives of the recommended changes to the Constitution are to:

- streamline and improve efficiency of decision-making;
- simplify the Constitution;
- make the Constitution simple and easy to navigate; and
- make the decision-making process easier to understand for Officers, Councillors and members of the public.

The recommended Constitution is attached as an appendix for consideration and approval and consists of the following:

- Part 1 – Summary and Explanation
- Part 2 – Articles of the Constitution
- Part 3 – Responsibility for Functions
- Part 4 – Rules of Procedure
- Part 5 – Codes and Protocols
- Part 6 – Group Company

The Constitution has been updated to reflect the objectives above as well as other more routine changes, such as updating Officer titles and removing duplication. The establishment of the Corporate Governance Working Group shall ensure Member engagement and oversight of Constitution.

Recommendations

The Executive is requested to:

RECOMMEND TO COUNCIL That

- (i) the Constitution and all the provisions contained within it be adopted with effect from 5 May 2023; and**
- (ii) the Corporate Governance Working Group be formally established in accordance with the Terms of Reference included within the body of the Constitution.**

Reasons for Decision

Reason: The revised Constitution will ensure that the Council's policies and procedures are consistent with delivering good governance.

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

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Date Published: 15 March 2023

1.0 Introduction

- 1.1 The Council is required to maintain and publish a Constitution, in accordance with Section 9P of the Local Government Act 2000, setting out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 The Constitution Review is addressing concerns that the Council's governance and decision-making processes are not easily understandable to Officers, Councillors and members of the public.

2.0 Review

- 2.1 The review has sought to make changes in the interests of simplification and improving understanding of the Constitution. The new Constitution has been developed through an engagement process with Councillors and Officers.
- 2.2 Councillor engagement sessions were held on several dates in November 2022. These informal feedback and discussion sessions were well attended and provided a welcome insight from Councillors, both new and old, together with suggested areas for future change.
- 2.3 The Monitoring Officer grouped together themes which have arisen throughout the sessions with Councillors and Council Officers. These themes have been incorporated into the revised Constitution which has been reviewed by the Leader, Corporate Leadership Team and Chair of the Standards and Audit Committee. The revised Constitution, both as a clean copy and one marked with tracked changes has been considered by the Overview and Scrutiny Committee, the Standards and Audit Committee, and now the Executive prior to adoption by Full Council. The Monitoring Officer has offered to have individual meetings with any Councillor who wishes to discuss the amendments. Comments and feedback received throughout this process have been considered and incorporated into the revised Constitution now attached to this report.
- 2.4 The main focus of debate at the engagement sessions was the procedures followed at meetings of Full Council. It was agreed that the procedures can be confusing to residents watching from home and to those involved in the meetings themselves. Streamlining and modernising procedures is a priority area for consideration. The inclusion of flowcharts within the Constitution shall assist to explain matters such as proposed amendments on the evening. It was acknowledged that Full Council is an important business meeting of the Council and should be transacted in an appropriate manner however it was considered that some traditions such as standing to speak may no longer reflect practice of a modern council. The benefits of remaining seated being that Councillors can easily use the audio devices positioned within the chamber and consult notes.
- 2.5 It was suggested that a mechanism should be implemented to allow questions from the public to be put to Full Council and that clarity as to how petitions be received at Full Council be included within the revised procedures.
- 2.6 Councillors reflected that Notices of Motions can often be subject to a lengthy procedure; starting at Full Council before being considered by the Executive and then back to Full Council. It has been proposed to "turn this procedure on its head" in that the Notice of Motion shall be dealt with on the night at Full Council unless the Monitoring Officer or s151 Officer advises that there is a legal, policy or financial reason which need to be addressed before the matter is considered. If this is the case, the Notice of Motion shall revert to the Executive and then Full Council.

Review of the Constitution

- 2.7 It was agreed that some matters shall not be subject to this review. These include the current Code of Conduct and Arrangements for Dealing with Standards Allegations which have recently been reviewed and adopted. These arrangements remain up to date and in line with best practice. It is not considered that they need any further amendment at the moment.
- 2.8 At Review of the Constitution Full Council in July 2022, it was agreed to amend the Thamesway Group Protocols and create a separate section in the Constitution. Again, given the recent review of this section it shall not be reviewed again.
- 2.9 Further to the above, it is considered that a review should be undertaken of the Council's Financial Regulations following the appointment of the new s151 Officer. This would form a part of the work programme for the below mentioned Corporate Governance Working Group.

3.0 Documents

- 3.1 Councillors shall find the following appendices attached to this report to assist with their decision-making:
- 3.2 Appendix 1 – A summary report of changes made to the Constitution.
Appendix 2 – Constitution with amendments marked using tracked changes.
Appendix 3 – The new Constitution

4.0 Establishment of Corporate Governance Working Group

- 4.1 It is proposed to establish a Corporate Governance Working Group reporting to the Standards and Audit Committee bi-annually. The Group's primary focus would be to ensure the continuous review of the Constitution to ensure that it remains fit for purpose and in line with best practice. Terms of Reference have been drafted and are included in the updated Constitution. The Group shall be established with the view to commence in the next Municipal year; with appointments being made through the Selection Panel. It shall initially monitor implementation of the new Constitution and discuss those items which have been scheduled for future consideration.

5.0 Adoption and Commencement of New Constitution

- 5.1 The new Constitution is recommended for adoption at Full Council on 30 March. It is proposed that it comes into effect on the start of the next Municipal year. This shall enable Councillors and Officer time to familiarise themselves with the new provisions.
- 5.2 Following the adoption of the Constitution, the Constitution shall be finalised prior to it being published on the Council's website. The Contents and Index page shall be completed, page numbers added and any formatting or stylist amendments shall be finalised.
- 5.3 The Monitoring Officer has authority to make any minor amendments to the Constitution an example being minor changes to reflect organisational structure changes. This authority extends to the inclusion of any further flowcharts, diagrams or pictorial additions which do not change the content of the Constitution itself but simply provide clarity on process or ease interpretation.

6.0 Conclusion

- 6.1 The new Constitution has been developed with Member and Officer feedback. Feedback has been considered and the revised Constitution has been warmly received. It is recommended that the Constitution be adopted.

7.0 Corporate Strategy

7.1 The new Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Therefore, the Constitution supports delivery of all the priorities described in the Corporate Strategy.

8.0 Implications

Finance and Risk

8.1 Nothing arising specifically from the body of this report save as for robust governance arrangements ensure that the Council is making informed and documented decision reducing risk to the Council.

Equalities and Human Resources

8.2 Nothing arising specifically from the body of this report.

Legal

8.3 Under Section 9P of the Local Government Act 2000 (the 2000 Act), local authorities must prepare and keep up to date a Constitution, which must also be made available to the public.

8.4 The Council's Constitution follows a standard format as recommended by the former Department of the Environment, Transport and the Regions (DETR) in 2001, as part of the implementation of the 2000 Act.

8.5 Changes to the Constitution are matters reserved to the Council to determine. As a result, the adoption of a new Constitution must be agreed by Council.

9.0 Engagement and Consultation

9.1 Councillors and Officers have been fully engaged and involved in the review process.

9.2 This report contributes by improving clarity to the Council's decision-making processes. This will enable Councillors to fulfil their roles more effectively and make procedures and processes more transparent.

REPORT ENDS

Appendix 1 – Summary of Changes

Below is a summary of changes made to the Constitution. This summary has been prepared as an overview for Councillors and the list below should not be taken to be an exhaustive list of all amendments.

Part 1 – Introduction

The introduction has been updated and modernised to provide a more user-friendly overview of the Council and how it works. There are no substantial changes in law or practice.

Part 2 – Articles of the Constitution

The Articles of the Constitution have been updated and expanded upon. Parts have been changed to represent a more modern, simplified style of drafting. The Articles have also been reordered to place them in a more logical order.

Article 10 has been updated to include a provision in respect of a four-year term of office (followed by one further four year period) for the Independent Chair of Standards and Audit. This shall ensure that the Chair remains independent.

I am sure all Councillors shall agree that our current Independent Member, Claire Storey, has been a real asset to the Council and has served as an excellent Chair of the Standards and Audit Committee. She has been consulted in respect of the review of the Constitution and is supportive of this proposal. She has agreed to continue in her role for the time being to support a smooth transition.

The Terms of Reference for the Council's existing working/task groups are currently being formatted into a template document. Once this has been completed (prior to adoption at Full Council) they shall be inserted into the Part of the Constitution.

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

This section now includes an introduction which explains in general legal terms responsibility of functions.

The existing table outlining responsibility is to remain the same however be landscape rather than portrait.

The current Joint Committee section is due to cease in April and be replaced with Partnership Boards. As such this section shall be removed from the Constitution and ultimately replaced.

The management arrangements section remains as drafted save as for a structure chart to be inserted to aid understanding.

The explanation of the operation of the scheme of delegations has been redrafted in a more modern and simplistic manner. The principles however remain the same. Notably, reference to ostensible authority and the ostensible authority panel has been removed and disbanded. This has been replaced with the ability to act in an emergency "to take all necessary actions including incurring expenditure with regards to any emergency involving serious danger to life, property and public welfare".

This part shall also include a Proper Officer section. Proper Officers carry out functions in relation to statutory provisions. It is commonplace to have such a section in the Constitution.

Part 4 – Council Procedure Rules

Council Standing Orders have been redrafted; the use of track changes makes the changes appear more significant than they actually are. The sections have been placed into a more logical order.

The provisions in respect of Notices of Motion have been redrafted. These propose that Notice of Motions shall now be dealt with at the first meeting of Full Council and only go to the Executive if the legal director or the finance director considers it appropriate i.e. there are legal, policy and/or budgetary reasons which need to be addressed in an Officers report to enable the Council to make an informed decision.

The process for dealing with amendments has been updated and to avoid confusion has been depicted in a flowchart which is to be appended to the Constitution. It is intended that this clarification shall ensure that the debate is concise and focused upon the topic at hand. The flowchart shall ensure that Officers, Members and residents understand the process of the meeting.

A matter which arose in the feedback sessions was the length of meetings. Historically, some meetings have continued for several hours. A 3.5 hour optional cut off point to the meeting has now been included.

Following significant feedback in respect of this area of consideration. The new Constitution provides for Members to remain seated to speak and to continue to wear business dress (dress code shall be managed by Group Leaders).

It is proposed that all speeches are to be no more than five minutes long (at the Mayors discretion). This would make managing the meeting easier for Officers but would also focus debate. It is rare that moving a motion/amendment or a right of reply extends longer than five minutes.

There are also a number of drafting/modernising changes which have been included. One of which is to simply state which provisions of Full Council apply to its Committee and which do not.

The conventions section has been removed from the Constitution. These sections can now be found in other areas of the Constitution. It is considered that having conventions which are not rules provides a level of uncertainty and as such they should be avoided.

The Budget and Policy Framework document has been reviewed and minor amendments proposed.

The Council is currently considering the development of its procurement service, it is proposed that the Council's Contract Standing Orders are reviewed as part of the service redesign to ensure they remain fit for purpose.

The Executive Procedure Rules and Access to Information Rules have been reviewed and minor changes have been made.

The Council's Scrutiny Officer and Kuldip Channa, Legal Adviser to the Overview and Scrutiny Committee, have reviewed the Overview and Scrutiny Committee Procedures Rules. The proposed changes are marked as tracked changes.

Part 5 – Codes of Protocols

The Members Code of Conduct, Standards Protocols, and Arrangements for Dealing with Allegations of Misconduct have not been considered as part of this review as these have been recently updated and remain consistent with best practice.

It is proposed that the Members Allowance Scheme is considered separately, and the Financial Regulations be reviewed once the new s151 Officer has been appointed.

Review of the Constitution

The Code of Corporate Governance which accompanied the Annual Governance Statement shall be inserted into this section. It is commonplace to have an agreed protocol in respect of Councillor and Officer relations. As such a protocol has been drafted to be adopted and included as part of the new Constitution.

The employment procedures and code of conduct for employees have been reviewed with HR colleagues. There are no significant changes however they propose the establishment of an Appointments Committee to recruitment of Members of the Corporate Leadership Team, referring appointments of Statutory Officers to Full Council for ratification. The Terms of Reference can be found in the new Constitution.

The confidentiality protocol shall be removed from the Constitution and the provisions shall no longer apply. On an operational level the protocol is impractical and overly burdensome. It also stipulates the duties which form part of the statutory Monitoring Officer role. It is proposed to introduce a Monitoring Officer Protocol to explain the role of the Monitoring Officer which would provide some clarity of the role but be less restrictive than the protocol. It is commonplace to have a Monitoring Officer protocol included in the Constitution.

Part 6 – Group Company

This section was recently introduced following the review of Company Governance and as such I have not revisited it.

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.

CONSTITUTION

Summary and Explanation

The Council's Constitution

This Constitution sets out how the Council operates, how decisions are made and the procedures followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are a matter for the Council to choose. A copy of the Constitution is on the Council's website and a paper copy can be inspected in the Council's main Reception. This summary is a guide to how the Council and its meetings work.

How the Council Operates

The Council comprises 30 councillors elected by thirds for a period of four years. The regular election of councillors will normally be held on the first Thursday in May during an election year. The Council operates a system of election by "thirds" meaning it elects one third (10) of local Councillors every year for three years and hold no elections in the fourth year. Councillors are democratically accountable to residents of their ward to whom they have a special duty, including those who did not vote for them. However, the overriding duty of councillors is to the whole community. Councillors observe a code of conduct to ensure high standards in the way they undertake their duties. The Council's adopted code of conduct is set out in Part 5 of this Constitution. The Monitoring Officer is responsible for giving advice and training to councillors on matters relating to the code of conduct. If a Member of the public or another Councillor considers a councillor has acted inappropriately and in breach of the Code of Conduct, then they can make a complaint to the Monitoring Officer who will determine whether it merits formal investigation. The procedure for this is set out in Part 5.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here, councillors decide the Council's policy framework and set the budget each year. The Council has a Leader and Executive model of governance. This means the Council elects a Leader. He or she then appoints up to six other Councillors to form the Executive, one of whom will be the Deputy Leader. The Leader and Deputy Leader will act as Chairman and Vice-Chairman respectively of the Executive. As a balance the Council's Overview and Scrutiny Committee holds the Executive to account.

Councillors also make some decisions in relation to Regulatory functions, for example determination of planning applications and licensing matters. The Council appoints committees of councillors to make decisions on these matters. The meetings of these committees are normally held in public.

Public notice of all meetings is given on the Council's website and also on the notice board at the Council's main Reception. The Council also routinely webcasts meetings of the full Council, the Executive and other committees.

Decisions made at Council and Committee meetings become the decision of the Council as a whole.

How Decisions are Made

The Leader of the Council (the Leader) is responsible for most day-to-day decisions. These decisions can lawfully be delegated to the Executive, committees of the Executive, individual lead councillors on the Executive, individual local ward councillors, or officers. When major decisions

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are to be discussed or made, these are published in the Council's forward plan in so far as they can be anticipated. If these major decisions are to be made at a meeting of the Executive, this will be open for the public to attend except where personal or confidential matters are being discussed.

Decisions have to be made in accordance with the Council's overall policies and budget and may be informed by recommendations from the Overview and Scrutiny Committee. If a decision which is outside the budget or policy framework is required, this must be referred to the Council as a whole to decide.

How Council Meetings Work

Meetings of the full Council, which are chaired by the Mayor, are more formal than Executive and committee meetings. Decisions are taken following a debate by councillors in which motions setting out recommended action are discussed. Amendments to these motions may also be discussed as part of the debate.

Overview and Scrutiny Committee

The Overview and Scrutiny Committee supports the work of the Leader/Executive and the Council as a whole. The committee allows residents to have a greater say in Council matters by investigating matters of local concern. It leads to reports and recommendations which advise the Leader/Executive and the Council on its policies, budget and service delivery. The Committee also monitors the decisions taken by the Leader/Executive. The Committee can 'call-in' a decision which has been made by the Leader/Executive, but not yet implemented. This enables it to consider, for example, whether the decision is consistent with the budget and policy framework and it may recommend that the Leader/Executive reconsiders the decision.

Councillors have up to five working days after a decision has been made to call it in. In these circumstances, decisions cannot be implemented until any issues have been considered by the Committee. The Committee may also be consulted by the Leader/Executive or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and councillors (see Part 5 of this Constitution).

The Public's Rights

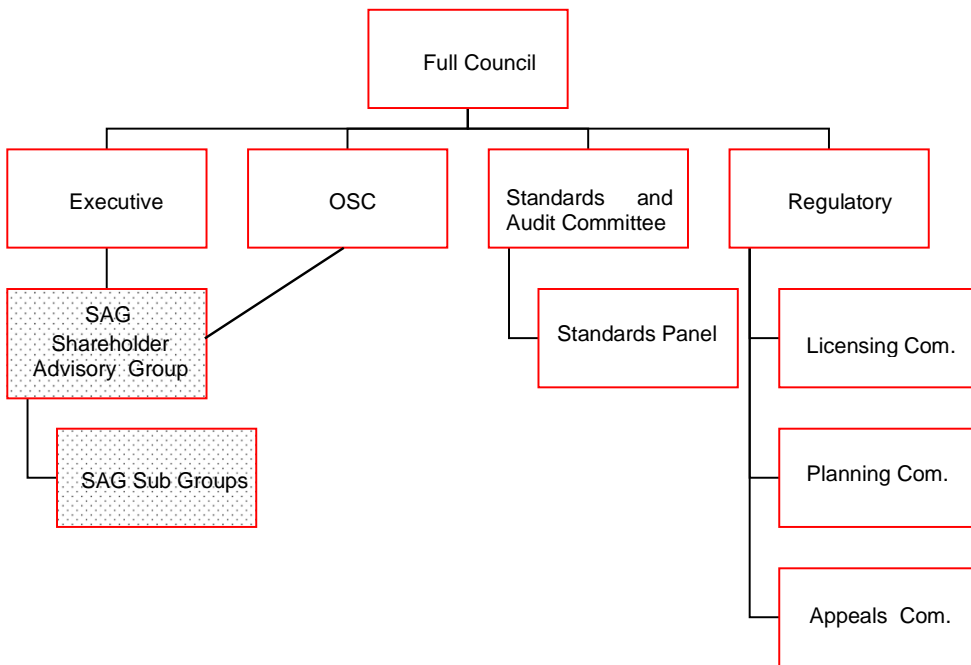
The public have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens Advice can advise on individuals' legal rights. Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

The public have the right to:

- > vote at local elections if they are registered;
- > contact their local councillor about any matters of concern to them;
- > obtain a copy of the Constitution, which can be viewed on the Council's website;
- > attend meetings of the Council and its Executive and committees except where, for example, personal or confidential matters are being discussed;
- > present petitions to the Council in accordance with the adopted Petition Scheme
- > ask questions or address meetings of the Council, Executive and committees;
- > find out from the Forward Plan what major decisions are to be discussed and decided by the Leader/Executive and when;
- > see reports and background papers and any record of decisions made by the Council, the Leader, lead councillors, the Executive and committees in relation to matters considered in public;
- > complain to the Council about any aspect of its services;

- > complain to the Ombudsman if they think the Council has not followed its procedures properly; however, they should only do this after using the Council's own complaints procedure;
- > complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Councillors' Code of Conduct; and
- > inspect the Council's accounts and make their views known to the external auditor during the 20 working days statutory period prior to the external auditor giving their opinion.

The Council welcomes participation by the public in its work and strives to be transparent and open in all its work.



Further details about the Council, Councillors and Committees can be found on the Council's website using the following link:

[Councillors and committees | Woking Borough Council](#)

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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 Eligibility

The eligibility criteria for a person to be qualified to be elected and be a councillor are set out in Section 79 of the Local Government Act 1972.

2.03 Election and Terms of Councillors

The regular election of councillors will normally be held on the first Thursday in May during an election year. The Council operates a system of election by “thirds” meaning it elects one third (10) of local Councillors every year for three years and hold no elections in the fourth year.

2.05 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.
- (vi) be involved in decision-making;
- (vii) be available to represent the Council on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

2.063 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 and in accordance with the law.

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 – The Public Citizens and the Council

3.01 The Public's Rights

The public's rights to information and to participate in the decision-making process are explained in more detail in the Access to Information Procedure Rules and Public Speaking Procedure Rules in Part 4 of this Constitution.

3.02 Petitions

The Council is committed to responding to petitions. Anyone who lives, works or studies in the Borough may sign or organise a petition and trigger a response from the Council. Details of the Council's adopted (non statutory) petition scheme are set out in Part 4 of this Constitution.

3.03 The Public's Citizens' rights

(a) Information.

The Public 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. The Forward Plan is no longer a statutory requirement but the Council has decided to retain it for effective operation of the Council's activities;-
- (iii) See public reports and background papers, and any public records of decisions made by the Council, Executive and Committees except where confidential or exempt information is likely to be disclosed.; and
- (iv) inspect the Council's accounts, and make their views known to the external auditor during the statutory period of 20 working days prior to the external auditor giving their opinion;-

(b) Participation.

The Public 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 and Council.

(c) Complaints.

The Public 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.

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3.042 The Public's Citizens' Responsibilities

The Public Citizens must not be violent, abusing or threatening to councillors, officers or persons carrying out work for the Council and -

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

The public are entitled to attend public meetings of the Council, Executive and committees, but must comply with the rulings of the chairman. They may not disrupt the meeting or cause undue disturbance or they may be removed from the meeting.

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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 Leadership Team 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;
- (l) 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.

(g) Neither the Mayor nor the Deputy Mayor shall be members of the Executive.

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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 Leadership Team 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:~~

- ~~i) — 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;~~
- ~~iii) — 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 Leadership Team 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 67 – The Leader

7.01 Role

The Leader of the Council will be a councillor elected to the position of Leader by the full Council. 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

before that day.

During their term of office as Leader, the Leader shall continue to hold office as a councillor.

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If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on on the day the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor, subject to (a) to (d) above.

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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, and
- ~~(c) allocation of areas of responsibility (portfolios) to lead councillors.~~

The Leader may at any time:

- (a) remove lead councillors from the Executive, or
- (b) change lead councillors' areas of responsibility

The Leader shall report to the next appropriate meeting of the full Council on all appointments and changes to the Executive.

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7.03 Deputy Leader

The Leader shall appoint one of the lead councillors to be the Deputy Leader.

The Deputy Leader shall normally hold office until the end of the Leader's term of office unless that person:

- a) is removed from office by decision of the Leader; or
- b) is disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or
- c) resigns as Deputy Leader; or
- d) ceases to be a councillor.

before that day.

In the event of any of the above occurring, the Leader shall appoint another lead councillor as Deputy Leader at the earliest opportunity.

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7.04 Role of the Deputy Leader

The Deputy Leader will be Vice-Chairman of the Executive and if, for any reason, the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in his/her place and shall be entitled to exercise all functions reserved to the Leader until such time as the Leader is able to act or until a new Leader is elected by the Council.

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 must either act collectively in the Leader's place or they must arrange for a lead councillor to act in the place of the Leader.

7.03 Removal of the Leader

The Council may remove the Leader by way of resolution by a simple majority. **At any meeting of the full Council, a councillor may propose that "the Council has no confidence in the Leader". The question shall, after debate, be put and, if carried by a simple majority of those councillors present, the Leader shall be removed from office.**

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.

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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 who shall be known as Portfolio Holders. –

8.03 Portfolio Holders/Executive Members

Executive Members shall be appointed by the Leader. The Leader shall appoint councillors to specified areas of the Council's work known as their Portfolio. 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 before that date.

The Leader may at any time alter the responsibilities of an Executive Member or discontinue their appointment and elect a replacement. Lead councillors shall be entitled to be consulted by the Corporate Management Team and service leaders when exercising delegated powers requiring such consultation. A lead councillor shall not be a member of the Overview and Scrutiny Committee.

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.

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Article 6 – Overview and Scrutiny Committee

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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.

The work of the Overview and Scrutiny Committee should focus on the Council's principles, practice, procedures and performance (rather than politics and personalities); the work will be informed by the following principles:

- (i) Constructive "critical friend" challenge
- (ii) Amplifies the voices and concerns of the Public
- (iii) Led by independent people who take responsibility for their role; and
- (iv) Drives improvement in public services

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 Leadership Team 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:

- i) 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;
- iii) 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 Leadership Team 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:

- o Petitions requiring a Senior Officer to give evidence to the Overview and Scrutiny Committee;
- o Appeals from Petitioners who are not satisfied with the response to a petition, and
- o 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 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:

- o 5 councillors;
- o 1 ~~Independent co-opted (independent) M~~member;

(b) ~~Independent Co-opted (independent) M~~ember.

~~The Independent Members shall be appointed by the Council for an initial term of office of four years with serving independent members being eligible for re-appointment one further time.~~

~~At the end of the term of office, the Council will invite applications from the general public via its website for appointment as co-opted independent members of the Standards and Audit Committee.~~

~~To be eligible for appointment candidates must not be engaged in party political activity, or have been at any time in the preceding five years, a councillor or officer of Woking Borough Council or be a relative or close friend of a councillor or officer of the Council.~~

~~Ideally candidates will have significant experience of working at a senior level in a large, complex organisation and have a very good understanding of strategic or financial management or have sat previously on an Audit Committee.~~

~~The Monitoring Officer shall short-list candidates and invite them for interview by a panel comprising two members of the Standards and Audit Committee, the Monitoring Officer and Chief Finance Officer. The panel's recommendations as to appointment of co-opted independent members will be referred to full Council for approval.~~

~~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

~~The 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.

Commented [JM5]: For discussion – CS to take role on SAG

10.03 Role and Function

The Committee has a dual purpose both as an audit committee and a standards committee.

The Committee is a key component of the authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent assurance to councillors of the adequacy of the risk management framework and the internal control environment. It provides independent review of the authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.

It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. With regard to standards, the Committee promotes high standards of conduct by councillors and co-opted members and oversees the arrangements for dealing with allegations of misconduct.

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;
 - o receive the Annual Audit and Inspection letter from External Audit;
 - o 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 Panel

The Committee will establish the Standards Panel. The Panel will comprise four councillors and the ~~Independent co-opted (independent) M~~member.

A substitute for each councillor member of the Panel shall be appointed. A substitute member may attend any meeting of the Panel, 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 Panel will be chaired by the ~~Independent co-opted (independent) M~~member (unless he/she is absent, in which case the Vice-Chairman will chair the meeting). The ~~Independent co-opted (independent) M~~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 Panel 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 Leadership Team.

The Council’s Corporate Leadership Team will comprise the Chief Executive, the Monitoring Officer (Director of Legal and Democratic Services), the Chief Finance Officer (Director of Finance), Strategic Director of Corporate Resources, Strategic Director of Place and Strategic Director of Communities ~~Director of Housing, Director of Neighbourhood Services and Director of Planning~~ or such other composition as the Council may from time to time determine.

(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) Maintaining the Constitution.

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) Proper Officer for access to information.

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) Budget and Policy Framework.

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

(g) Providing advice.

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) Administration of financial affairs.

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) Providing advice.

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 5 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:

- o 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:

- o ~~to result in significant expenditure or savings of £250,000 or more; and/or 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
- o 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.

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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~~

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~~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~~ and Legal Matters

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.

13.03 Legal Proceedings

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.

13.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him or her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract (excluding contracts for property disposals and acquisitions) which amounts to or exceeds £100,000 in value must, unless the Monitoring Officer otherwise be sealed with the common seal of the Council. In exceptional cases where the Monitoring Officer that a contract which amounts to or exceeds £100,000 in value does not require the common seal, it must be signed, subject to compliance with the Council's Financial Procedure Rules, by two Strategic Directors or the Monitoring Officer.

Contracts less than £100,000 in value must be signed by the relevant Strategic Director, Director, or service leader or, subject to compliance with the Council's Financial Procedure Rules, their nominee.

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13.05 Common Seal of the Council

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The common seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

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The common seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the common seal will be attested by a Member of the Corporate Leadership Team, or some other persons authorised by the Monitoring Officer. An entry of every sealing of a document will be made and consecutively numbered in a book kept by the Monitoring Officer for the purpose and shall be signed by the persons who have attested the seal.

13.06 Land, Premises – Inspection

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.

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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.

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- (a) observe meetings of different parts of the councillor and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised by councillors, officers, the public and other relevant stakeholders; and
- (d) compare practices in this Council with those in other comparable authorities, or national examples of best practice.

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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) Proposals.

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 Leadership Team, 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) Limit to suspension.

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) Procedure to suspend.

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 Monitoring Officer will ensure that where a councillor so wishes a printed copy of this Constitution is delivered to him or her following their election to the Council. ~~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.

(c) The Monitoring Officer will ensure that a copy of this Constitution is available for inspection at the Council Offices and can be purchased on payment of a reasonable fee

Commented [JM8]: Reflect modern ways of working

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

- (a) Article [86](#) (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
- (b) Article [67](#) (The Leader);
- (c) Article [78](#) (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

Commented [JM1]: Explanation

RESPONSIBILITY FOR FUNCTIONS

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the structure of the Council must be responsible for certain decisions. The Regulations specify:

(a) functions which are not to be the responsibility of the Council's Executive;

(b) functions which may but need not be the responsibility of the Executive ("local choice functions"); and

(c) functions which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive.

Responsibility for Council (Non Executive) Functions

These functions, which are listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), may not be the responsibility of the Council's Executive. In accordance with legislation, certain decisions on these matters must be taken by the full Council, whilst others may be taken by the full Council, a committee appointed by the Council, officers, or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.

Responsibility for Executive Functions

"Executive functions" are all the statutory functions of the Borough Council except those listed as Non Executive functions. In accordance with the Local Government Act 2000, decisions on these matters may be taken by the Leader, the Executive collectively, an individual lead councillor, committee of the Executive, individual local ward councillors, officers or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.

Responsibilities Delegated to Officers

The extent to which the functions described above have been delegated to officers is shown in the Council's scheme of delegation in this Part of the Constitution

Who is responsible	Membership	Functions
Full Council	30 members of the authority	<p>Council will:</p> <p>i) Approve:</p> <ul style="list-style-type: none"> o Accounts o Borrowing Limits o Budget o Codes of Conduct o Community Strategy o Constitution o Council Tax o Electoral Arrangements o Financial Strategy o Housing Strategy o Housing rents etc o Housing Investment Programme o Housing Revenue Account Budget o Investment Programme o Local Agenda 21 Strategy o Local Plan o Local Transport Plan o Programme of Best Value Reviews o Service and Performance Plan o Standing Orders/Financial Regulations o Treasury Management Strategy <p>ii) Adopt new policy and new strategy</p> <p>iii) Approve material departures from policy</p> <p>iv) Consider recommendations of action from</p> <ul style="list-style-type: none"> o Executive o Standards and Audit Committee <p>v) Determine notices of motion</p> <p>vi) Deal with Corporate Leadership Team appointments</p> <p>vii) Receive reports of action taken by Executive</p>

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Who is responsible	Membership	Functions
Page 103		viii) Carry out miscellaneous functions which are not the responsibility of the Leader: <ul style="list-style-type: none"> o making, amending, revoking or re-enacting by-laws o functions relating to health and safety at work o names and status of areas and individuals o promoting or opposing local or personal Bills o functions relating to local government pensions o disputed/significant payments in cases of mal-administration ix) Determine Members' allowances x) Designate Head of Paid Service xi) Designate Monitoring Officer xii) Designate Chief Finance Officer 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 and up to five other Members	The Leader has appointed the Executive and delegated the following executive functions to it: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> o all the items under (i) to (iii) of the Council list above; and o 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

Who is responsible	Membership	Functions
		<p>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:</p> <ul style="list-style-type: none"> o any functions conferred by local Acts; o functions relating to contaminated land; o functions relating to control of pollution or management of air quality; and o functions relating to statutory nuisances. <p>viii) Responsibility for Risk Management Responsibility for the implementation and regular monitoring of Treasury Management policies and practices</p>

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Who is responsible	Membership	Functions
Standards and Audit Committee	6 members (including 1 independent co-opted member).	<p>Committee responsible for:</p> <ul style="list-style-type: none">i) promoting and maintaining high standards of conduct by councillors and co-opted members;ii) assisting councillors and co-opted members to observe the Members' Code of Conduct;iii) advising the Council on the adoption or revision of the Members' Code of Conduct;iv) monitoring the operation of the Members' Code of Conduct;v) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;vi) determining allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council;vii) act as the Council's Audit Committee. In performing this task the Standards and Audit Committee will:<ul style="list-style-type: none">o approve the plans of Internal Audit and consider the External Audit plan;o receive the Annual Audit and Inspection letter from External Audit;o 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; ando ensure that there are effective relationships between internal and external audit and promote the value of the audit process;viii) overseeing the Council's Risk Management, Anti Fraud and Whistleblowing strategies, and Health and Safety policies and strategies;ix) the receipt of the Annual Governance Statement, andix) 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	910 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: <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> ○ 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, ear-piercing 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

Who is responsible	Membership	Functions
		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.
Appeals Committee	3 members	Housing appeals.
Overview and Scrutiny Committee Page 107	<u>109</u> 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 in-depth 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 Leadership Team 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 Leadership Team 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

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Who is responsible	Membership	Functions
		<p>the scrutiny process;</p> <ul style="list-style-type: none"> 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 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. . <p>c) Discharge the functions of a crime and disorder committee under Section 19 Police and Justice Act 2006.</p>
<p>Joint Committee for the Oversight of Delivery of Surrey Public Authority Services ("Surrey First")</p>	<p>One Member appointed by Woking Borough Council to Joint Committee comprising the Surrey local authorities and the Surrey Police Authority</p>	<p>The governance arrangements for the Joint Committee are appended.</p>
<p>Woking Joint Committee</p>	<p>7 Members appointed by Woking Borough Council and 7 Members appointed by Surrey County Council.</p>	<p>The governance arrangements for the Joint Committee are appended.</p>
<p>Joint Waste Services Collection</p>	<p>One Member appointed by Woking Borough</p>	<p>The governance arrangements for the Joint Committee are appended</p>

Who is responsible	Membership	Functions
Committee	Council to Joint Committee, comprising Elmbridge Borough, Mole Valley District, Rushmoor Borough, Surrey County, Surrey Heath Borough and Woking Borough Council.	

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Management Arrangements

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

MANAGEMENT STRUCTURE

1. CORPORATE LEADERSHIP TEAM

- 1.1 The Council's Corporate Leadership Team comprises the Chief Executive, the Monitoring Officer (Director of Legal and Democratic Services), the Chief Finance Officer (Director of Finance), Strategic Director – Corporate Resource, Strategic Director-Communities, and Strategic Director or Place or such other composition as the Council may from time to time determine.
- 1.2 The Corporate Leadership Team will:
 - provide policy advice and support to the Council;
 - act as the interface between the Council and its staff;
 - lead, direct and support the staff, and
 - deliver the agenda set by the Council.
- 1.3 The Corporate Leadership Team performs a strategic and service role with senior managers responsible for day-to-day operations. Individual members of the Corporate Leadership Team will contribute to the effective collective work and responsibility of the Corporate Leadership Team; 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 Leadership Team are accountable for ensuring that the fullest empowerment possible, including self-service by members of the public/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);
 - Monitoring Officer (Section 5 Local Government and Housing Act 1989), and
 - 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 Leadership Team 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 Leadership Team);
- Contribute to papers for Corporate Leadership Team 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 Leadership Team), and
- Advise, consult with or report to the Chief Executive, the Corporate Leadership Team 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:-

- 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 Under section 101 of the Local Government Act 1972 the Council may delegate its functions to a committee of the Council or to a member of staff, other than those matters reserved to the full Council meeting.~~

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~~1.2 This document sets out the functions which have been delegated to members of staff.~~

~~1.3 The references to members of staff are to the posts as currently titled but these will equally apply to the holder of an equivalent post in the future.~~

~~1.4 This document deals only with the standard delegations made by the Council and Committees and does not cover temporary delegations for a particular purpose. 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.~~

Commented [JM2]: Ostensible authority to be removed and clarified in 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. GENERAL CONDITIONS AND LIMITATIONS

~~2.1 The functions, powers and duties in this scheme are delegated to staff as set out. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions.~~

~~2.2 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.~~

~~2.3 All staff exercising these delegations are to act in accordance with the Council's Constitution, Contract Standing Orders, Financial Regulations and any other protocols or other arrangements approved in pursuance to them.~~

~~2.4 The following are not delegated to any member of staff:~~

~~a. Any matter reserved to Council, or any Committee or a member body having decision making powers.;~~

~~b. Any function which by law cannot be delegated to a member of staff; and~~

~~c. The adoption of new policy or significant variation to existing policies and any matter which is contrary to the policy framework and budget of the Council.~~

- 2.5 The Council, relevant committee or other member body with decision making powers may at any time resume responsibility for the function and may therefore exercise the function despite the delegation.
- 2.6 A member of staff may decide not to exercise any function in relation to a particular matter and invite the Council, or relevant Committee or sub Committee having decision making powers, as appropriate, to do so instead. It is open to a member of staff to consult with appropriate councillors on the exercise of delegated powers or in deciding whether or not to exercise any delegated powers where the matter is likely to be controversial or contentious.
- 2.7 A member of staff with line management responsibility for the member of staff named in the delegation may exercise the power instead of the member of staff so designated and may direct or negate any course of action proposed.
- 2.8 A decision delegated to a member of staff by Council or Committee can be taken by a staff member with line management responsibility for that staff member in his/her absence.
- 2.9 A member of staff to whom a power, duty or function is delegated may nominate or authorise another member of staff to exercise that power, duty or function, provided provided that officer reports to or is responsible to the delegator. Any such delegation must be recorded in writing and a copy provided to the Monitoring Officer.
- 2.10 With respect to any reference to a delegation being exercised following consultation with any councillor, the decision is vested with the member of staff so delegated who shall be responsible and accountable for the decision. The member of staff so delegated is required to bring independent judgement to bear on the decision and the decision shall be his/hers alone and not the members being consulted. If those councillors disagree with the member of staff, the matter should be referred to the Leader/ Executive for agreement to exercise such delegated power if lawful and so allowed under this Constitution.
- 2.11 In exercising any delegated powers, officers must ensure that their decisions are consistent with Council policy, within approved spending limits and in the best interests of residents and the Council as a whole. Relevant councillors should also be informed/consulted as appropriate depending on the nature and sensitivity of the decision.
- 2.12 Each officer is responsible for ensuring that decisions which they take are adequately recorded, and that the record of that decision is available to other Officers, to councillors and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment. Every officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.
- 2.12 Every officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other officer, councillors and statutory regulators.
- 2.13 The Chief Executive may remove from an Officer at any time a power to take delegated decisions and upon doing so in writing shall within 24 hours notify the Monitoring Officer. If appropriate, the Chief Executive shall also notify the Council of this removal of powers.

2.14 The Director of Legal and Democratic Services shall have the power to amend delegations to reflect re-organisations, changes in job titles and vacancies, where the changes result in redistributing existing delegations and not the creation of new ones.

2.15 The Director of Legal and Democratic Services shall have the power to amend delegations to reflect changes in legislation, or references to legislation where such changes do not alter the nature of the existing delegation.

3. INTERPRETATION

3.1 All enquiries about this scheme of delegations should be made to the Director of Legal and Democratic Services and all matters of interpretation will also be determined by the Director of Legal and Democratic Services

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3.2 Any reference to a statute or statutory instrument shall be deemed to include and be construed as if it contained a reference to any subsequent statute or statutory instrument for the time being replacing, amending or extending the same or containing related provisions.

3.3 The expressions 'officer', 'staff' or 'employee' includes any person employed by the Council irrespective of the particular scheme under which they are employed.

The expression Chief Officer shall mean any member of the Corporate Leadership Team.

4. General Delegations to Chief Officers

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Subject to all specific delegations contained in this scheme, Chief Officers may take action on behalf of the Council where the proposed action conforms to any policy, strategy or development plan approved by the Council or one of its committees and there is a budget provision.

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To delegate further, in writing, all or any of their delegated functions to other members of staff to exercise in their own name.

To advise on policy development and formulation. Emergencies

In order to enable an urgent decision to be made, the Chief Executive has delegated power to take any decision which is so urgent that it cannot wait until the next scheduled meeting of the Council or relevant Committee and where the decision is not in contravention of established policies.

In following this procedure, the Chief Executive is required to consult with the relevant Portfolio Holder.

The use of such urgent action must be reported to the next relevant Committee meeting.

The Chief Executive and all Chief Officers have power to take all necessary actions including incurring expenditure with regards to any emergency involving serious danger to life, property and public welfare.

Any action taken under this provision shall be reported as soon as practicable to the Council or relevant Committee as appropriate. If necessary and where legally possible

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Contract Standing Orders and Financial Regulations shall be suspended during such emergencies. All expenditure incurred should be reported to the Chief Finance Officer who will report such expenditure to the Council or relevant Committee where necessary under Financial Regulations. **OPERATING PRINCIPLES**

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- ~~2.1 The Director of Legal and Democratic 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 Director of Legal and Democratic 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 Leadership Group ("CLT"), 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 Director of Legal and Democratic Services (who shall maintain a written record of all such nominations).~~
- ~~2.4 Any power, duty or function delegated to an Officer below CLT level may, in the absence of that Officer, be exercised by the CLT 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;~~
 - ~~○ 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~~
 - ~~○ 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 Director of Legal and Democratic Services before exercising the delegation.~~

~~2.10 The Director of Legal and Democratic 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.~~

~~53.~~ **RECORDING OF DECISIONS**

~~53.1 All delegated decisions shall be a matter of public record unless containing exempt information under Schedule 12A to the Local Government Act 1972 and, in respect of executive decisions taken by officers under delegated powers, shall be available for inspection on the Council's website and at the Council's offices (including by access to the Council's website at the Council's offices) in accordance with Regulation 14 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.~~

~~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:~~

- ~~○ 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.~~

~~53.2 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:~~

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- (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:

- o 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
- o 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.

53.3 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.

53.4 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.

53.5 These requirements do not extend to confidential or exempt information.

PROPER OFFICERS OF THE COUNCIL

The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.

Subject to the proper officer appointments set out below, the Chief Executive be authorised to act as the proper officer for the statutory responsibilities which fall within their area.

In any case where an officer is appointed or authorised, he or she may delegate such authorisations to such officer as he or she may determine and may make such arrangements for the carrying out of functions in the event of his or her absence or otherwise being unable to act by any other officer of the Council as he or she considers appropriate, subject to such arrangements being made in written form indicating the officers in power to exercise the functions and the functions involved.

Any reference in this document to an enactment is to be taken as including a reference to any enactment for the time being amending or replacing it.

Statute	Function	Proper Officer
Local Government Act 1972		
Section 83	To witness, and to receive, declarations of acceptance of office.	Chief Executive or the Monitoring Officer
Section 84	To receive notices from Members of resignation from office.	Chief Executive
Section 86	To declare any vacancy in any office under this section	Chief Executive
Section 87	To publish a notice of vacancy	Chief Executive
Section 88	To convene if necessary a meeting of the Council when the office of Mayor is vacant.	Chief Executive
Section 89	To receive notice by local government electors of a casual vacancy in the office of Borough Councillor.	Chief Executive
Section 100B	To take decisions as to whether information is likely to be "exempt" when coming before the Council, the Cabinet or a Committee. To decide if other copy documents supplied to councillors should be supplied to the press	Director of Democratic and Legal Services
Section 100C	To produce a written summary of proceedings	Director of Democratic and Legal Services

	taken by the Council, the Cabinet or a Committee in private (i.e. Minute)	
Section 100D	To compile a list of background papers for a Cabinet or a Committee report.	Director of Democratic and Legal Services
Section 100F	To decide if a requested document appears to contain exempt information	Director of Democratic and Legal Services
Section 115	To receive money due from Officers.	Finance Director
Section 146	To sign declarations and certificates with regard to securities.	Finance Director
Section 191	To receive applications made by the Ordnance Survey Office for assistance in determining boundaries	Chief Executive
Section 210	To exercise any power with respect to a charity exercisable by any officer of a former authority.	Chief Executive
Section 223	Authorising officers to attend court and appear on behalf of the Council under the Local Government Act 1972 and County Courts Act 1984	Director of Democratic and Legal Services
Section 225	To receive and retain any document deposited with the Council for custody.	Director of Democratic and Legal Services
Section 228	To keep accounts open for inspection by any member of the Authority.	Finance Director
Section 229	To certify, for the purpose of any legal proceedings, photographic copies of documents.	Director of Democratic and Legal Services
Section 233	The officer to receive documents required to be served on the authority	Director of Democratic and Legal Services
Section 234	To authenticate notices, orders or other documents on behalf of the Council.	Director of Democratic and Legal Services
Section 236	To send copies of confirmed byelaws made by the Council to the County Council.	Director of Democratic and Legal Services
Section 238	To certify copies of bye-laws.	Director of Democratic and Legal Services

Section 248	To keep the rolls of Honorary Aldermen and Honorary Freemen.	Chief Executive
Schedule 12(4)	To sign, and send to all Members of the Council, the summons to attend meetings of the Council.	Chief Executive
Schedule 14(25)	To certify resolutions under this paragraph for the purpose of legal proceedings.	Director of Democratic and Legal Services
Local Land Charges Act 1975		
Section 9	To act as local registrar for the registration of local land charges and the issue of official certificates of search.	Finance Director
Representation of the People Act 1983		
Section 8	To be the Electoral Registration Officer for the purpose of the registration of electors	Chief Executive
Section 24	To be the Acting Returning Officer for the conduct of Parliamentary Elections.	Chief Executive
Section 35	To be the Returning Officer for the conduct of Local Elections.	Chief Executive
Section 67	To receive appointments of Election Agents	Chief Executive
Section 67	To publish a notice of Election Agents	Chief Executive
Local Government And Housing Act 1989		
Section 2	To retain on deposit a list of politically restricted posts.	Head of Human Resources
Section 3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
Section 4	Designation as the Head of Paid Service	Chief Executive
Section 5	Designation as the Council's Monitoring Officer	Director of Democratic and Legal Services
Section 9, 15, 16 and 17	To undertake all matters relating to the formal establishment of political groups within the membership of the	Chief Executive

	Council.	
Local Authorities (Executive Arrangements)(Meeting and Access to Information) (England) Regulations 2012		
Section 12	To produce a written statement of Cabinet decisions made at Meetings.	Director of Democratic and Legal Services
Section 13	To record executive decision made by individuals	Director of Democratic and Legal Services
Section 14	To make available for inspection by the public a copy of written statements of Cabinet decisions and associated reports.	Director of Democratic and Legal Services
Section 15	To make available for inspection a list of background papers	Director of Democratic and Legal Services
Section 9	To publish key decisions of the Authority	Director of Democratic and Legal Services
Local Government Finance Act 1988		
Section 116	Notification to the Council's auditor of any meeting held under section 115 if the 1988 Act	Finance Director
Section 139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Finance Director
Other Miscellaneous Proper Officer Functions		
Any other miscellaneous proper or statutory officer functions not otherwise delegated by the authority		Chief Executive or his/her nominee
Any references to designations in legislation predating the 1971/1972 Session of Parliament, other than the Local Government Act 1972, and in Statutory Instruments made prior to 26th October, 1972.		The Chief Executive or the Finance Director, whichever is most appropriate to their departmental responsibilities.

Standing Orders

1. MEETINGS OF THE COUNCIL

1.1 Time and Place

~~Unless the Council otherwise directs, a~~All meetings of the Council shall be held in the Council Chamber, Civic Offices, Gloucester Square, Woking on a Thursday commencing at 7 pm ~~unless otherwise notified by the proper officer in the summons to the meeting.~~

Commented [JM1]: Modernisation

1.2 Notice and Summons

~~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.~~

Commented [JM2]:

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1.3 ~~The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons signed by him/her to every councillor giving the date, time and place of the meeting and specifying the business to be transacted and will be accompanied by any reports which are available.~~

1.4 ~~The Chief Executive may cancel a meeting of the Council or its Committees where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor or the Committee Chair (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.~~

2. CHAIRING THE MEETINGS

~~The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the councillors present will elect a councillor to take the Chair for the meeting. The person presiding at the meeting may exercise any power of duty of the Mayor. 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.~~

Commented [JM4]: Modernisation

3. QUORUM FOR COUNCIL MEETINGS

3.1 ~~The quorum of the Council is one quarter of the total number of councillors and no business shall be considered unless a quorum is present. For the avoidance of doubt the quorum for Council meetings shall be rounded up to 8 Councillors. No business may be transacted at a Council meeting unless at least one-quarter of Councillors (eight) are present.~~

Commented [JM5]: Modernisation

3.2 ~~If there is no quorum present at the beginning of a meeting, there shall be a wait of up to thirty fifteen minutes. If there is still no quorum at the end of thirty fifteen minutes, the Chief Executive shall record the fact in the Minute Book and the names of the members then present. The meeting will stand adjourned to another day.~~

Commented [JM6]: Increase in time – aligned with other Councils. Maybe helpful in respect of train delays or traffic issues.

3.3 ~~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. The meeting will stand adjourned to another day.~~

Commented [JM7]: Clarification on process

32.4 Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council. 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.

Commented [JM8]: Modernisation

32.5 It shall not be necessary for the wait to run its course if, in the meantime, a quorum is present.

43. DURATION OF MEETING

4.1 The Chief Executive or her representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3.5 hours.

Commented [JM9]: Proposal raised at Cllr feedback session. Objective to focus the debate and ensure that everyone is comfortable continuing given the time and length of the meeting.

4.2 Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meet

5. ORDINARY COUNCIL MEETINGS

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.

Order of Business

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5.1 Subject to Standing Order 4.2, 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 declarations of interest.

4. To receive apologies for absence.

Commented [JM10]: To ensure interests are dealt with at the earliest possibility

5. Receive any announcements from the Mayor, Leader (or his nominated spokesperson), Committee Chairs and/or the Chief Executive.

Commented [JM11]: To allow opportunity for announcements from the Leader, Chairs and Chief Executive if necessary. Commonplace amongst other authorities.

6. To consider any urgent business.

Commented [JM12]: Inserted above

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.

5.2 With the exception of items 1, 2, 3 and 4 in Standing Order 4.1, the Mayor may vary the order of business if he/she considers it desirable to do so.

Commented [JM13]: Re-ordered

6. EXTRAORDINARY MEETINGS

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Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:

- (a) The Council by resolution
- (b) The Mayor; and
- (c) The Monitoring Officer;

7. ANNUAL MEETING

Commented [JM14]: Clarification of procedure

7.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

7.2 The Annual meeting will:

- (a) Elect a person to preside if the Mayor is not present
- (b) Elect a councillor to be the Mayor of the Council
- (c) Elect a councillor to be Deputy Mayor of the Council
- (d) Approve the minutes of the last ordinary meeting
- (e) Receive any declarations of interest
- (f) Receive any announcements from the Mayor
- (g) Elect councillors to be the Leader and Deputy Leader for the next municipal year
 - (h) Approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- (i) Consider any business set out in the notice convening the meeting

Selection of Councillors on Committees and Outside Bodies

At the Annual meeting, the Council will:

- (a) Decide which committees to establish for the municipal year
- (b) Decide the size and terms of reference for those committees
- (c) Decide the allocation of seats to political groups in accordance with the political balance regulations
- (d) Appoint the Chairs and Vice-Chairs committees on a politically proportionate basis, and where feasible these positions on any one Committee being filled by members from different political groups
- (e) Appoint the Chairs and Vice-Chairs of sub-committees, where necessary

(f) Appoint to such outside bodies not delegated to a Committee, that require a Council decision

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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.~~

Commented [JM15]: Inserted above

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84. DECLARATIONS OF INTEREST

Where in relation to an item on the agenda, a councillor has a Disclosable Pecuniary Interest, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.

The councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.

Where in relation to an item on the agenda, a councillor has

(a) a Non-Pecuniary interest arising under paragraph 9 and detailed in Appendix B of the Code of Conduct for Councillors and Co-opted Members (the "Members' Code of Conduct") (membership of outside bodies etc.), or,

(a) any other Conflict of Interest then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.

A councillor is not required to leave the room when the item is debated but may do so if, in the opinion of the councillor concerned, it is advisable in all the circumstances of the case. A councillor with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

9. COUNCIL MINUTES

11.1 Signing the Minutes

The Mayor shall sign the minutes of a meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be conformed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

11.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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 paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

MOTIONS AT COUNCIL MEETINGS

54.1 Motions may be made either with notice under Standing Order 65 or without notice under Standing Order 76, but not otherwise.

65. NOTICES OF MOTION ON NOTICE

65.1 Any member may move a motion at a meeting of the Council if notice has been given under this Standing Order. Any councillor may give notice of a motion for consideration at any ordinary meeting of the Council.

65.2 The subject matter of such a motion shall be relevant to the Borough and/or its residents. Every Motion must relate to some matter of public, local or general concern or interest and should be about something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be in the opinion of the Chief Executive (or Monitoring Officer in her absence) defamatory, frivolous, offensive or otherwise out of order.

Commented [JM17]: Expanded for clarification – reordered. To be included earlier in the standing orders for better drafting and reflection of importance.

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~~65.3~~ Notices of motion under this Standing Order shall be in writing and delivered to the Chief Executive's office by noon on the day, ~~nine seven~~ days before the meeting of the Council at which the motion is intended to be moved. ~~No motion shall exceed 250 words in length.~~

Commented [JM21]: Allows time for the NoM to be received and considered before publication of the agenda.

~~65.4~~ 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.

Commented [JM22]: Common provision to encourage precise NoM

~~65.5~~ Notices delivered in accordance with Standing Order ~~65.3~~ 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.

~~65.6~~ 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.

~~65.7~~ ~~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. If a motion set out in the summons is not moved, either by the councillor who gave notice or by some other councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.~~

Commented [JM23]: Moderisation

~~65.8~~ After a motion under this Standing Order has been moved and seconded, it shall, ~~be dealt with at the meeting of the Council to which it is brought, unless the Monitoring Officer and/or S151 Officer considers that it would be conducive to the despatch of business to Standing Order 5.9 is applied, be referred the motion~~ without debate to a meeting of the Executive ~~falling before the next ordinary meeting of Council for consideration and report.~~

Commented [JM24]: As discussed in the feedback sessions, the Motions shall automatically be debated unless referred to the Executive for comment by the MO or FD

~~65.9~~ ~~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.~~

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~~65.10~~ 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).

~~65.11~~ 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.

~~56.12~~ 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).

76. MOTIONS WITHOUT NOTICE

76.1 ~~The following motions may be moved without notice and will then be followed by no more than the number of speakers in brackets. The following motions may be moved without notice: that the Council:~~

Commented [JM25]: Clarification

1. Appoint a Chairman for the meeting (none).
2. Correct the Minutes (no limit).
3. ~~Proceed to next business.~~
4. ~~Adjourn further consideration of the matter.~~
5. Alter the order of business (none).
6. Refer the matter to a Committee (no limit).
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 (none).
10. Amend a motion (no limit).
11. ~~Seal a document.~~
12. Extend the time limit for speeches (none).
13. Suspend Standing Orders (two).
14. Exclude press and public (subject to the provisions of sections 100A-100K of the Local Government Act 1972) (two).
15. Approve a Closure Motion under Standing Order 13.20 (closure) (none).
16. ~~Approve a motion under Standing Order 13.28 (misconduct).~~
17. Give consent where consent is required by any Standing Order (no limit).
17. To continue the meeting beyond 3 hours (none)

87. PETITIONS

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

98. PUBLIC INVOLVEMENT IN COUNCIL – QUESTIONS

9.1 General

Meetings of the Council will allow for a period not exceeding 15 minutes during which time members of the public may ask the questions relating to matters over which the Council has powers or duties or which affect the Borough. The relevant portfolio holder or chairman shall response to the questions raised.

Commented [JM26]: Public participation was raised and debate during feedback sessions. This allows questions to be submitted in advance of a meeting.

9.2 **Order of Questions**

Questions will be asked in the order received, except that the Mayor may group together similar questions. If more than two questions are submitted by the same person, the third and subsequent questions shall be moved to the end of the agenda item.

9.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon eight working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the councillor to whom it is to be put.

9.4 **Length of Questions**

a) No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question within the time allotted as stipulated at 9.1. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the question. The statement of context and the question will be included in the agenda of the meeting.

b) The Chief Executive, or her representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, within one working day of the request being made.

c) Any question that fails to be re-submitted in accordance with 9.4 b) will receive a written response only, within 5 working days of the Council meeting for which it was submitted.

9.5 **Number of Questions**

A member of the public may not submit more than 3 questions for any Council meeting.

9.6 **Scope of Questions**

The Chief Executive (or representative) may reject a question if it:

(a) Is not about a matter for which the Council has a responsibility or which affects the Borough;

(b) Is defamatory, frivolous or offensive; or

(c) Requires the disclosure of confidential or exempt information.

9.7 **Record of Questions**

The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Councillor to who it is to be put. Rejected questions will include reasons for rejection. Questions, (and statements of context) including those dealt with under Standing Order 9.4c), and the answers given will be recorded in the minutes of the meeting.

9.8 **Asking the Question at the Meeting**

The Mayor will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. 9.9 Supplementary Question No supplementary questions will be allowed.

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9.10 Written Answers

Any question which cannot be dealt with during public question time, either due to lack of time, or the non-attendance of the councillor to whom it was to be put, or because not all the information was available, will be dealt with by a written answer.

COUNCIL MEETINGS - QUESTIONS BY MEMBERS

108.1 Provided that the Chief Executive has received a copy of the question to be asked before 12 noon seven working days prior to the day of the Council meeting, a councillor may:

(a) ask the Leader or the relevant Chair of any Committee or Sub Committee, about an issue in the councillor's ward; or

(b) ask the Leader or the relevant Chair of any Committee or Sub Committee about some issue in which the Council has powers or duties or which affects the Borough; or

(c) ask the Chair of a Committee about something for which their Committee has responsibility. 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.

108.2 The procedure for dealing with written questions shall be as follows:

- o The questions and draft replies shall be tabled at the Council meeting;
- o All first questions submitted by Members will be taken serially and taken as read first. Second questions will follow, then third questions and so on. Each question shall be dealt with serially and taken as read;
- o 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.
- o A member may ask one supplementary question. The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer.
- o The total time for written questions shall be 15 minutes, or such longer time as the Mayor may allow.

108.3 A question and answer shall not be the subject of discussion or debate.

108.4 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 be given when it is asked and circulate within 7 working days.
4. refer the question for answer to another member of the Executive.

108.5 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

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Commented [JM27]: Clarity in drafting

Commented [JM28]: Extension in time to allow officers and councillor time for consideration. It is understood that the time was originally short to allow group meetings to be held after the publication of the agenda. However, questions should not be submitted on agenda items which can be debated at the appropriate point later in the meeting.

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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 98.

9. COUNCIL MEETINGS - MINUTES

Commented [JM32]: Reorder for clarity

~~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.~~

1210. METHOD OF VOTING

12.1 Majority

~~Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.~~

Commented [JM33]: For clarification

10.112.2 Show of Hands

Unless a named vote is taken, voting at Council meetings shall be by a show of hands, or ~~if there is no dissent, affirmation at the meeting, by such electronic system as the Council may approve.~~

Commented [JM34]: For clarification

10.212.3 Named Vote

A named vote shall be taken if:

~~(a)~~(b) The Mayor considers one is necessary, or

~~(b)~~(c) 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").

10.312.4 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

10.412.5 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").

120.5 **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 ~~Where the Executive or Committee is reporting a matter which is reserved to Council the relevant Portfolio Holder or Committee Chair (or a member of the relevant committee nominated by the chair of that committee) will introduce the report. The recommendation of the Executive or Committee in the report is deemed to be moved and seconded and the motion shall operate (without further words being necessary) as a motion. The normal rules of debate will apply to any debate on the recommendations.~~

Commented [JM35]: Simplify procedure

~~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.~~

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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.~~

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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.~~

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11.5 ~~The motion shall be seconded by any other member of the Executive or the Committee.~~

11.6 ~~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:~~

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~~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.~~

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~~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 Leadership Team 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.~~

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~~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.~~

Commented [JM36]: New section below re officers

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**.

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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 Motions and Amendments

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 Secunder'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 **five minutes**.

Commented [JM37]: Proposal to revert to five minutes for all speeches. Ease of administering the meeting and ensure efficiency of the meeting.

- (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~~

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.

When a Member May Speak Again

~~A councillor who has spoken on a motion or an amendment may not speak again whilst it is the subject of debate, except:~~

- (a) In exercise of a right of reply
- (b) On a point of order, or
- (c) By way of personal explanation.

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13.4 Content and Sequence of Amendments

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13.4.1 Amendments to Motions

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An amendment shall be relevant to the motion and will either be:

- (i) to refer the matter to the Leader/Executive, an appropriate committee or other body for consideration or reconsideration: (
- (ii) ii) to leave out words;
- (iii) (to leave out words and insert or add others: or
- (iv) to insert or add words: as long at the effect of (ii) to (iv) above is not to negate the motion.

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The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed. If he or she deems it necessary, the Mayor shall read out the amended motion before the amendment is put.

Only one amendment may be moved and discussed at any one time and no further amendment shall be moved until the amendment under discussion has been disposed of, provided that the Mayor may permit multiple amendments to be discussed together if he/she thinks that this will facilitate the proper conduct of business, subject to separate votes being taken in respect of each amendment .

If an amendment is lost, other amendments to the original motion may be moved.

If an amendment is lost, no other amendment having a similar effect may be moved at the same meeting of the Council.

If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendments may be moved.

~~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.~~

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13.4.2 — An amendment shall be either:

1. — to leave out words;
2. — 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 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.~~

~~A diagram showing how decisions can be made is at Appendix 1.~~

Right of Reply

- ~~(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.~~
- ~~(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.~~
- ~~(c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.~~
- ~~(d) The mover of an amendment has no right of reply to the debate on his or her amendment~~

~~A councillor exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this shall be final and not open to discussion.~~

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.~~

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Right of Reply

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.

(d) The mover of an amendment has no right of reply to the debate on his or her amendment

A councillor exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this shall be final and not open to discussion.

A decision shall be taken immediately after the right of reply has been exercised.

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

13.5 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 **Point of Order**

~~A councillor may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The councillor must indicate the Standing Order or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final. 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.~~

Personal Explanation

~~A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.~~

- 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;~~

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6. to exclude the public, under Section 100A of the Local Government Act 1972

13.10 Closure Motions **Adjournment and Next Business**

13.10.1 ~~A councillor may move, without comment, the following Closure Motions at the end of a speech of another councillor:~~

~~(a) To proceed to the next business;~~

~~(b) That the question be now put;~~

~~(c) To adjourn a debate; or~~

~~(d) To adjourn a meeting. — 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. on a motion that the question be now put; 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;~~
- ~~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 without giving the mover of the original motion his/her right of reply on that occasion.~~

13.10.2 ~~If a Closure Motion is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote~~

~~None of the three motions the subject of Standing Order 13.10 shall be deemed carried, except by a two-thirds majority of members voting.~~

13.10.3 A second ~~Closure M~~otion ~~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.

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~~13.11 **Right of Reply**~~

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~~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.~~

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~~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.~~

OFFICERS SPEAKING DURING DEBATES

Any member of the Corporate Leadership Team or his representative may signify his/her wish to speak.

The Mayor shall then use his discretion to call upon the Officer at an appropriate point during the debate.

The subject matter on which an Officer may speak shall be confined to:

- i) providing relevant information; or
- ii) explanation or interpretation of any law, regulation, protocol or procedure

The Mayor may, at his discretion, permit a councillor to seek, through the Chair, the opinion of any Officer present at the meeting on a particular point.

Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.

Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply, in relation to the presentation.

14. Councillor Conduct

14.1 Role of Mayor

The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.

14.2 Remaining Seated to Speak

When councillors speak at Council they may remain seated and address the meeting through the Mayor.

Attire

14.4 Members and Officers shall dress appropriately at meetings of the Council, Executive and Committees. This should be business dress. Any comments in respect of dress at meetings shall be raised with Group Leaders.

14.3 Mayor Standing

When the Mayor stands during a debate, any councillor speaking at the time must stop immediately. The meeting must be silent.

13.13 Misconduct by a Member

If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion. 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 councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

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

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary. 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/her may, without question, adjourn the meeting of the Council for such period as he/she, in his/her discretion, shall consider expedient.

13.16 Disturbance by Members of the Public

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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.

20.7 Confidentiality of Business

20.7.1 All agendas, reports and other documents circulated to Council, 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 Council 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.

14. APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES

All of these Standing Orders apply to meetings of Council.

Standing Orders 2-5, 9 and 16-27 (but not 19 and 24.1) apply to meetings of Committees and to meetings of the Cabinet.

15. PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS

The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.

Any councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.

16. LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS

Any councillor may attend meetings of the Licensing Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.

17. STANDARDS AND AUDIT COMMITTEE – ATTENDANCE BY NON COMMITTEE COUNCILLORS

Any councillor may attend meetings of the Standards and Audit Committee of which he/she is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

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~~Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.~~

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18. EXCLUSION OF PUBLIC

~~Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or under Standing Order 24 (Disturbance by public).~~

19. PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS

~~Audio/visual recording at Council meetings is permitted in accordance with the Openness of Local Government Bodies Regulations 2014.~~

20.313.17 Motions Affecting Persons Employed by the Council

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

Commented [JM47]: Not applicable to this section. Now in Part 2 – Articles.

~~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 Director of Legal and Democratic Services or an officer designated by him/her and (ii) another member of the Corporate Leadership Team.~~

~~14.3 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

Commented [JM48]: Not applicable to this section. Now in Part 2 – Articles – redrafted.

~~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 Director of Legal and Democratic Services or some person authorised by him/her.~~

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~~15.2 There shall be delegated to the Director of Legal and Democratic 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.~~

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~~15.3 There shall be delegated to the Director of Legal and Democratic Services, or an officer authorised by him/her, power to authorise officers to appear in Court for the Council.~~

16. LANDS, PREMISES – INSPECTION ETC

Commented [JM49]: Not applicable to this section

~~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~~

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~~premises or issue any orders respecting any works which are being carried out by or on behalf of the Council.~~

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17. ~~CANVASSING OF AND RECOMMENDATIONS BY MEMBERS~~

Commented [JM51]: No applicable to this section

~~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~~

Commented [JM52]: Not applicable to this section

~~18.1 Every Member and every member of the Corporate Leadership Team 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 Leadership Team (or his or her spouse).~~

19. ~~DECLARATIONS OF INTEREST~~

Commented [JM53]: Expanded for clarification and reordered. To be included earlier in the standing orders for better drafting and reflection of importance.

~~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.~~

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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:~~

- ~~o Appeals Committee~~
- ~~o Licensing Committee~~
- ~~o Planning Committee~~
- ~~o Standards and Audit Committee~~
- ~~o 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.~~

~~20.5 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.

~~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.~~

~~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-Chairmen 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.~~

~~2~~

~~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.~~

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~~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. Secunder'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;~~
- ~~2. 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 — **Alteration and Withdrawal of Motions**~~

~~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. on a motion that the question be now put; 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/her) may, without question, adjourn the meeting of the Committee for such period as he/she, in his/her discretion, shall consider expedient.~~

~~21.13 **Disturbance by Members of the Public**~~

~~———— 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.
- 24.2 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 Copies for Members

~~If requested,~~ the Chief Executive shall give a printed copy of this Constitution to each member of the Council upon that member being elected. Otherwise the Constitution shall be available online.

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 well-established 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;~~

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~~(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 Working 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).~~

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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

The process by which the budget and policy framework shall be developed is:

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- (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:
 - i) 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

1. 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.

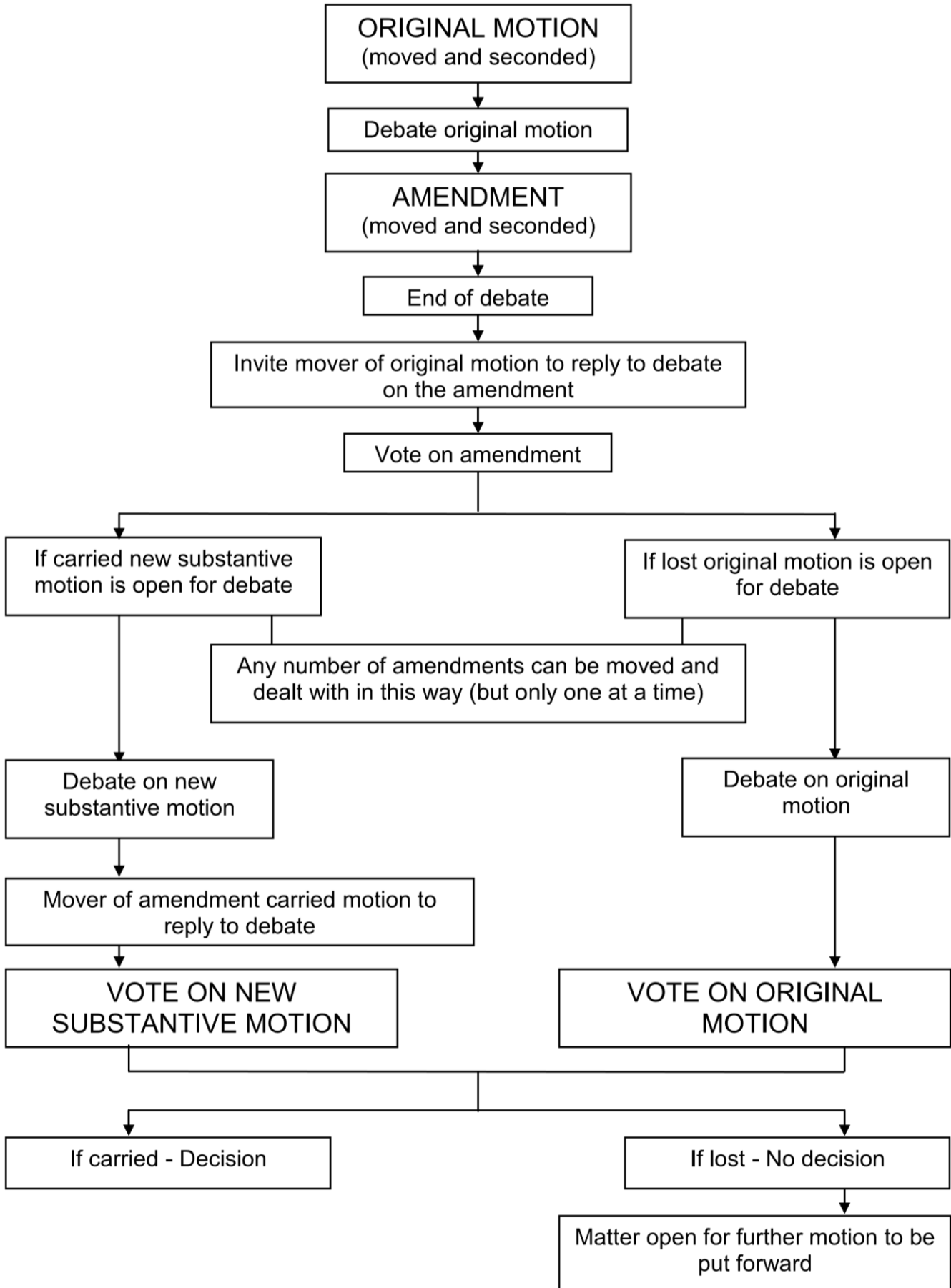
10. Expenditure - Exceptional

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.

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RULES OF DEBATE

(Diagram showing how decisions can be made)



Executive Procedure Rules

How does the Executive operate?

Who may make executive decisions?

1.1 The Leader ~~shall be responsible for the Executive functions listed in Part 3 of this Constitution (Responsibility for Functions).~~ The Leader has responsibility for the discharge of all executive functions and may delegate any or all of these functions to:

~~1.2 The Leader may provide for Executive functions to be discharged by:~~

- (b) The Executive as a whole;
- (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.

1.23. 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. These individuals become known as Portfolio Holders.

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 How are decisions to be taken by the Executive?

~~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. How are Executive Meetings Conducted? CONDUCT OF EXECUTIVE MEETINGS

2.1 Who presides?

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 Who may attend?

Meetings of the Executive will be held in accordance with the Access to Information Rules in Part 4 of this Constitution

2.3 What is the 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 Who sets the 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. **Can members of the public ask questions?**

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 **What is the procedure for asking questions? 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 **How do I raise a question? 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 **How many questions can I raise? 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 **What questions can I ask the Executive?**

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;
- requires the disclosure of confidential or exempt information.

3.6 **How are the questions recorded? 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 **Can I ask my 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 Can I raise a Supplementary Question?

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 How are individual decisions made and documented?

~~INDIVIDUAL DECISION MAKING~~

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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 key 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 arising 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. How is the decision recorded? 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 The Proper Officer will maintain records of all decisions made, together with associated reports and background papers, in accordance with the Council's Access to Information Procedure Rules.

Overview and Scrutiny Procedure Rules

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy.

1. 4. — General Arrangements

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

1.2 — The terms of reference of the 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. 2. — Membership

2.1 — The membership shall comprise ten elected councillors.

2.2 — All councillors except members of the Executive may be members of the Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. 3. — Co-optees

3.1 — The Committee shall be entitled to recommend to Council the appointment of a number of people-individuals as non-voting co-optees.

4. 4. — Meetings

4.1 — There shall be between eight and ten ordinary meetings of the Committee in each year.

4.2 — In addition, extraordinary meetings may be called from time to time as and when appropriate.

4.3 — A meeting of the Committee may be called by the Chairman of the Overview and Scrutiny Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5. 5. — Quorum

5.1 The quorum for the Committee shall be as set out 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).

— Chairman

5.2 The Committee shall normally be chaired by a councillor who is not a member of the largest political party group on the council.

5.3 —The Vice-Chairman shall not be from the same political group as the Chair.

5.4 —The appointment of the Chairman and Vice-Chairman of the Committee shall in accordance with ~~Standing Order 20.9xxx~~.

6. 6. —Work Programme

6.1 —The Overview and Scrutiny Committee shall be responsible for setting its own work programme, 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.

~~Members wishing to suggest items for the work programme shall refer to and complete the a Scrutiny Topic Proposal form Preforma referencing the Scrutiny Topic Selection Flowchart in the Toolkit. The form must then be and submitted it to the Chair/Proper Officer for inclusion consideration to their draft work programme. If the item is agreed by OSC Membership of the Committee agrees, then the item shall be added to the work programme.~~

6.2

Pre-decision Scrutiny

6.3 As part of its ordinary process, the Committee will consider upcoming decisions of the Executive by way of pre-decision scrutiny.

~~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. 7. —Agenda Items

7.1 —The usual method for requesting inclusion of Agenda items for the Committee will be via the ~~Work Programme~~. However, Any member of the Council shall be entitled to give written 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~~. The written notice must specify the reasons for the proposed item, reasons why it cannot be progressed as a part of the work programme and the outcome sought by the member from ~~Committee~~. On receipt of such a valid request the Proper Officer will ensure that it is included on the next available agenda.

8. Task and Finish Groups and Standing Working Groups

8.1 The Committee work programme and/or the development of a pertinent/relevant theme/topic during the year may require the establishment of a group to undertake detailed work for a specific item. The Committee will determine the membership, terms of reference, timescales and reporting by the Task and Finish Group ("Task Group").

8.2 A Task and Finish Group shall be established as follows:

- i) ~~The Committee may appoint any Task and Finish Group at its own discretion. The Committee must have regard to the Toolkit when commissioning work for Task and Finish Group.~~
- ii) ~~The Committee shall define the broad theme for the work of the Task and Finish Group. The Task and Finish Group shall define the detailed focus of the agreed item and create its terms of reference.~~
- iii) ~~The Committee shall receive draft terms of reference for consideration. These shall be debated and agreed as necessary at the Committee.~~

Membership

8.3 ~~The Committee~~ ~~The Committee~~ shall ~~also~~ consider the number of persons to be appointed ~~to~~ the Task ~~and Finish~~ Group and its political balance; usually the composition of the Task ~~and Finish~~ Group shall take into account proportionality ~~however flexibility needs to be applied as necessary, without applying it inflexibly.~~ Nominations to the Task ~~and Finish~~ Group shall be agreed ~~by~~ ~~the Committee~~ ~~the Committee~~ and, if necessary, determined by voting.

8.4 ~~Subject to approval by the Committee, Task and Finish Groups may co-opt councillors and non-councillors as may assist them in their work. Non-councillors shall be eligible for the reimbursement of their expenses.~~

~~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.~~

Meetings:

~~Task and Finish Groups shall meet in public.~~

8.5 ~~The anticipated recommended number of meetings for a Task and Finish Group is between one and three (inclusive), unless otherwise directed by the Committee 2-3 meetings. Any additional meetings will require the approval from OSC.~~

Reporting:

8.6 ~~Task and Finish Groups shall make submit a report to the Committee the Committee or direct to the Executive as required.~~

8.7 ~~Task and Finish Group members shall be entitled to attend and speak at Committee meetings where the work of their Group is under consideration.~~

~~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.~~

—Officer resource:

~~8.8~~ Subject to availability of officer resources, ~~an~~ A dedicated Officer from within Democratic Services resource may shall be made available ~~(from within Democratic Services to assist, support and coordinate the work of the Task and Finish Group set up by the Committee, Overview and Scrutiny Committee and its Task Groups.~~

—Standing TaskWorking Groups:

~~8.9~~ A permanentStanding WorkingTask Group (“Working Group”) shall consider the financial aspects of the Council’s business.

—The establishment of other standingTaskWorking Groups shall be considered by the Committee as necessary.

Terms of Reference

—Terms of Reference will be made for any Group that is deemed necessary to be formed.

~~8.10~~

9. 9. — Policy Review and Development

~~9.1 (a)~~ The role of ~~the Committee, 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.

~~9.2 (b)~~ In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, ~~the Committee, 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.

~~9.3~~ ~~The Committee, 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~~ the Members in this process. ~~They~~ The Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that ~~they~~ it reasonably considers necessary to inform ~~its~~ their deliberations. ~~The Committee~~ They may ask witnesses to attend to address ~~them~~ it on any matter under consideration.

10. 10. — Reports from Overview and Scrutiny Committee

~~10.1 (a)~~ Once it has formed recommendations on proposals for development, ~~the Committee, 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 Committee, Overview and Scrutiny Committee~~ may publish its report or recommendations.

~~10.2(b)~~— If ~~the Committee~~~~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.

~~10.3~~ ~~The Committee~~~~overview and Scrutiny Committee~~ shall by notice in writing require the Council or the Leader/Executive:-

- ~~i) (i)~~ — to consider the report or recommendations,
- ~~ii) (ii)~~ — to respond to ~~the Committee~~~~overview and Scrutiny Committee~~ indicating what action (if any) the Council or the Leader/Executive proposes to take,
- ~~iii) (iii)~~ — if ~~the Committee~~~~overview and Scrutiny Committee~~ has published the report or recommendations, to publish a response,
- ~~iv) (iv)~~ — if ~~the Committee~~ ~~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 OSC~~~~overview and Scrutiny Committee~~ ~~within one month~~ of it being submitted to the Proper Officer.

~~11. 44.~~ — **Overview and Scrutiny Reports: Consideration by the Executive**

~~11.1(a)~~— Once a ~~n OSC~~~~overview and scrutiny~~ report of ~~the Committee~~ 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.

~~11.2~~ ~~The Committee~~~~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 a ~~Committee meeting~~ ~~overview and Scrutiny Committee~~ following a consideration of possible policy/service developments, ~~the Committee~~~~the Committee~~ may respond in the course of the Leader/Executive's consultation process in relation to any key decision.

~~12. 42.~~ — **Rights of Overview and Scrutiny Committee Members to Documents**

~~12.1(a)~~— In addition to their rights as councillors, members of the ~~Overview and Scrutiny Committee~~~~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.

~~12.2(b)~~— Nothing in this paragraph prevents more detailed liaison between the Leader/Executive and ~~OSC~~~~overview and Scrutiny Committee~~~~Chairman of the~~

Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13. 13. — Members and Officers Giving Account

~~13.1(a)~~—The ~~Overview and Scrutiny Committee~~ ~~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:

—
—

~~13.2(i)~~—any particular decision or series of decisions;

- ~~i) ii)~~—the extent to which the actions taken implement Council policy; and/or
- ~~ii) iii)~~—their performance.

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

~~13.3(b)~~—Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then ~~the Committee~~ overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

14. 14. — Attendance by Others

~~14.1~~ ~~The Committee~~ overview and Scrutiny Committee may invite people other than those people referred to in ~~paragraph 13~~ ~~the~~ above section, 'Members and Officers Giving Account', 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.

~~14.2~~—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

15. (a) —

~~15.1~~ When a decision is made by the Leader, the Executive, or its Committee, an Executive member, a Councillor exercising powers in relation to their ward, or a key decision is made by an ~~O~~ 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~~ the person responsible for publishing the decision.

~~15.2 Non-key decisions and recommendations to Council from the Executive may not be called in.~~

~~15.3(b) That notice will bear the date on which it is published and will specify that the decision will come into force, subject to urgency provisions as detailed in paragraph (15.9), and may then be implemented:~~

~~i) on the expiry of five working days after the publication of the decision in the case of decisions taken by the Leader, individual lead councillors or key decisions taken by an officer with delegated authority from the Leader or Executive; or~~

~~ii) on the expiry of five working days after the date of the meeting in the case of decisions taken by the Executive collectively;~~

~~unless the Committee ~~verview and Scrutiny Committee~~ objects to it and calls it in.~~

~~Urgent decisions shall be dealt with as provided for in paragraph (h) below.~~

~~15.4(e) During the call-in period, as referred in (15.3), the Proper Officer shall call in a decision for scrutiny by the Committee if so requested by the Chairman or any three members of the Committee. The Committee may request in writing to the Proper Officer and who shall then notify the decision-taker of the call-in.~~

Commented [TN1]: Consider changing to three elected members of the Council

~~i) The notice to the ~~Proper~~ Proper Officer shall state the reasons for the call-in, and these reasons shall be made available to all members of the Council. The call-in must meet one of the following criteria:~~

~~o that there was insufficient, misleading, or inaccurate information available to the decision-maker;~~

~~o that all the relevant facts had not been taken into account and/or properly assessed;~~

~~o that the decision is contrary to the budget and policy framework and is not covered by urgency provisions; or~~

~~o that the decision is not in accordance with the decision-making principles set out in the Constitution.~~

~~ii) He/she The Proper Officer shall call a meeting of the Committee on such date as he/she may may be determined, where possible after consultation with the Chairman of the ~~Committee~~ Overview and Scrutiny Committee, and in any case within ~~five-five~~ working days of the decision to call-in.~~

Commented [TN2]: Suggest increase to ten working days

~~15.5(d) If, having considered the decision, the ~~Committee~~ ~~verview 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.~~

~~15.6(e)~~—If following an objection to the decision, ~~the Committee~~ ~~verview 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 Committee~~ ~~verview and Scrutiny~~ meeting, or the expiry of the five day period, whichever is the earlier.

~~15.7(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~~ ~~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.

Commented [TN3]: Consider extending as with above

~~15.8(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.

~~15.9(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~~ ~~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~~ ~~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. 16.~~ Questions

~~16.1(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

~~16.2~~ 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.

~~(e)~~ Number of Questions and Length of Question-Time

~~16.3~~ 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**

16.4 The Chairman may reject a question if it:-

- ⇒i) is not about a matter for which the Council has a ~~responsibility~~responsibility, or which affects the Borough;
- ⇒ii) is defamatory, ~~frivolous~~frivolous, or offensive; or
- ⇒iii) requires the disclosure of confidential or exempt information

~~(e)~~ **Procedure at the Meeting**

16.5 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**

16.6 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**

16.7 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. Councillor Call for Action

17.1 The Committee will consider a Councillor Call for Action (CCfA) that:

- i) has been submitted in relation to a matter that affects a single Ward;
- ii) has been submitted by a Councillor from the Ward affected;
- iii) is in relation to a Local Government matter (including the "well-being" powers under the Local Government Act 2000);
- iv) demonstrates that all existing avenues have been exhausted and that it is a matter of a "last resort";
- v) has been submitted on the CCfA Request Form; and
- vi) 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.

17.2 The Committee will not consider a CCfA that:

- i) is a vexatious, persistent, unreasonable or discriminatory request, or
- ii) is in relation to a planning, licensing or regulatory application

17.3 Details of requests for a CCfA which have been rejected by the Chairman will be reported to the 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.

18. 47. — Crime and Disorder

18.1 The Committee shall have power:-

- ⇒i) 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
- ⇒ii) to make reports or recommendations to the Council with respect to the discharge of those functions

18.2 ~~(b)~~ If the Committee makes a report or recommendations, it shall provide a copy:-

- ⇒i) to each of the responsible authorities; and
- ⇒ii) 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”)

18.3 ~~(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:-

- ⇒i) 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;
- ⇒ii) the member may refer the matter to the Committee

18.4 ~~(d)~~ Where a member of the Council declines to refer a matter to the Committee the person who asked him/her to consider it may refer the matter to the Leader/Executive.

18.5 ~~(e)~~ Where a matter is referred to the Leader/Executive under (d) above:-

- ⇒i) 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;
- ⇒ii) the Leader/Executive may refer the matter to the Committee

18.6 The Committee shall consider any crime and disorder matter:-

⇒i) referred to it by a member of the Council (whether under (c) above or not) or

⇒ii) referred to it by the Leader/Executive under (e) above

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

18.7 ~~(g)~~—Where the 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.

18.8 ~~(h)~~—An authority or person to whom a copy of a report or recommendations is provided under (b) or (g) above shall:-

⇒i) consider the report or recommendations;

⇒ii) respond to the Committee indicating what (if any) action it proposes to take;

⇒iii) have regard to the report or recommendations in exercising its functions

18. — Councillor Call for Action

Access to Information Procedure Rules

1. SCOPE

These Procedure Rules allow the public rights of access to meetings and information to reflect the Council's commitment to its residents of being open and accountable. These rules apply to all meetings of the Council, the Executive and Committees (together called meetings)- unless otherwise specified in this Constitution or by legislation.

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) and on its website. 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 sub-paragraph (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.

22.3 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.

22.4 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.

~~Guidance on the Submission and Consideration of Petitions~~

1. Introduction

~~The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in the Borough may sign or organise a petition and trigger a response. This includes anyone under the age of 18.~~

~~All petitions submitted to the Council will receive a written acknowledgement from the Council within ten working days of receipt. This acknowledgement will set out what we plan to do with the petition.~~

~~E-petitions must be created, signed and submitted online through the Council's e petitions facility~~

~~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. What are the 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
- 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.

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If a petition does not follow the guidelines set out above, the [Chief Executive Officer](#) ~~shall 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. **What types of petitions are excluded? 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. **What will the Council do when it receives my petition? 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. **How will the Council respond? 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:

- 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.
- 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
Fewer than 50 less than 10	Response from Officer (treated as standard correspondence).
50 – 150 10 – 99	Response from relevant Portfolio Holder to be decided by Chief Executive in consultation with Leader of the Council.
At least 2 100	Referred to the Executive <u>for a response</u> .
At least 2 200	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 4 400	Debated at a meeting of full Council.

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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 acknowledgment 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. **Full Presenting at a Meeting of the Council Debates**

If a petition contains ~~between at least 150 and 400~~ signatures it will be referred to a meeting of the Executive for consideration. If more than ~~4~~ 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 refer the petition to the next available meeting of Full Council. No more than two petitions shall be presented at any one Council meeting. If this is the case, the petition shall be referred to the next meeting thereafter. The Council may not hear petition in the Pre-Election Period. If this is the case, the Council shall contact you to discuss the matter.

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.

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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. A motion suggesting a formal response to the petition shall be proposed and seconded at the meeting and dealt with under the normal rules of debate, provided that any such motion must respond explicitly to the request in the petition i.e. that part of the petition which asks the Council to take some form of action. 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 about a petition, that is already being considered by 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 ~~22~~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 Leadership Team 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. How do I sign 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 e-mail 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. What can I do if I feel my petition was not handled correctly? 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 petition organiser must exercise this right within 21 days of receipt of the Council's formal response to the petition

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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.

The procedure for conducting the review at the meeting shall be as follows:

(a) The petition organiser (or any person authorised by them) shall be invited to address the Committee for no more than five minutes in respect of their request for review.

(b) Councillors to ask the petition organiser any questions relevant to the review arising from their statement to the Committee.

(c) The Committee to review the steps taken by the Council in responding to the petition and to consider whether the Council has dealt with the petition adequately.

Dependent on whether the formal response to the petition was given by:

- A strategic director or senior manager
- a lead councillor, or
- full Council

this may include asking the relevant strategic director/senior manager or relevant lead councillor to attend and answer questions from the Committee.

(d) Prior to making a decision on the review, the petition organiser (or any person authorised by them) shall have a right of reply on the debate, for which they will be given five minutes.

(e) The Committee to formally determine the review – deciding either that the Council has dealt with the petition adequately or that it has not. If the latter, the Committee must then decide one of the following options:

(i) to investigate the matter further;

(ii) to make recommendations to the Leader/Executive; or

(iii) to arrange for the matter to be considered at a meeting of full Council.

The question as to whether implementation of any decisions pertinent to a petition under review by overview and scrutiny should be deferred pending completion of the review process shall be dealt with by the Chief Executive on a case-by-case basis including, where necessary, convening special meetings of the Overview and Scrutiny Committee and/or full Council for this purpose.

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.

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12. What happens to my petition or e-petition following a formal response by the Council?

Following a period of 21 days after the Council has responded formally, a paper petition will be destroyed, and all e-signatories on an e-petition will be erased, unless during that period, the petition organiser requests a review in which case it shall be destroyed 21 days after the review has been completed.

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Officer Employment Procedure Rules

1. RECRUITMENT AND APPOINTMENT

(a) Declarations

• The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, aunt, nephew or niece of an existing Member or officer of the Council; or of the partner of such persons.

• No candidate so related to a Member or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment

• Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

• Subject to paragraph (iii), no Member will seek support for any person for any appointment with the Council.

• Nothing in paragraphs (i) and (ii) preclude a Member from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service and Members of the Corporate Leadership Team

2.1 Where the Council proposes to appoint a member of the Corporate Leadership Team and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) Draw up a statement specifying:

• the duties of the officer concerned; and

• 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.

3. APPOINTMENT OF STATUTORY OFFICERS (CHIEF EXECUTIVE, MONITORING OFFICER AND S151 OFFICER)

(a) The Council will approve the appointment of Statutory Officers following the recommendation of such an appointment by the Appointment Committee of the Council. That committee must include at least one member of the Executive

(b) The Council may only make or approve the appointment of Statutory Officers where no material or well-founded objection has been made by any member of the Executive.

4. Appointment Of members of the Corporate Leadership Team

- > The Appointment Committee of the Council will appoint Chief Officers to any posts within the Corporate Leadership Team (salary level W10 and below). That Committee must include at least one member of the Executive. All other senior officers will be appointed by members of the Corporate Leadership Team on behalf of the Head of Paid Service.
- > An offer of employment as a member of the Corporate Leadership Team shall only be made where no well-founded objection from any member of the Executive has been received.

5. Other Appointments

- > Officers below the Corporate Leadership Team. Appointment of officers to positions below the Corporate Leadership Team (W10 or above) (other than any assistants to political groups) is the responsibility of the Head of Paid service and his/her nominee, and may not be made by Members.

(b) Assistants to political groups. Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. DISCIPLINARY ACTION

The Council will follow the Model Discipline Procedure and Guidance for dealing with matters of discipline, capability, redundancy and other dismissals against the Chief Executive, as specified in the latest edition of the Chief Executives of Local Authorities Handbook and any subsequent updates. This procedure will also be used as the framework for dealing with matters of discipline against other statutory officers within the Council.

7. EQUAL OPPORTUNITIES

The Council will publish and follow Equal Opportunities policies in relation to the recruitment of all staff.

4.0 RELATIVES OF MEMBERS OR OFFICERS

4.1

~~Every member, and every member of the Corporate Leadership Team (CLT), 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.~~

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4.2

~~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 CLT (or his or her spouse).~~

4.31.1

~~or the purposes of these Rules the CLT of the Council shall be the Chief Executive, the Monitoring Officer (Director of Legal and Democratic Services), the Chief Finance Officer (Director of Finance), Director of Housing, Director of Neighbourhood Services and Director of Planning or such other composition as the Council may from time to time determine.~~

2.0 APPOINTMENT OF STAFF

~~2.1 anavassing 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.~~ C

~~2.2 here 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.~~ W

~~2.3 here 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.~~ W

~~2.4 he appointment of the Head of Paid Service or any member of the CLT shall be made by the Council and shall comply with Rules 2.10-2.11 below.~~ T

~~2.5 he appointment of Senior Officers shall be made by a member of the CLT acting as the nominee of the Head of Paid Service.~~ T

~~2.6 he 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.~~ T

~~2.7 t 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.~~ I

~~2.8 ll 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 CLT 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.~~ A

~~2.9 o 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.~~ N

Appointment of CLT

~~2.10 Where the Council proposes to appoint a member of the CLT 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:~~

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- ~~(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.~~

Appointments and Dismissals — Executive Consultation

~~2.12 — The following provisions for Executive consultation apply to appointments and dismissals of the Head of Paid Service or a member of the CLT.~~

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~~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.—~~

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~~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~~~~

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~~(c) — either:~~

- ~~(i) — 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.~~

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~~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~~ ~~N~~

~~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:~~

~~(i) 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~~ ~~T~~

~~the dismissal of a Statutory Officer (Head of Paid Service, Chief Finance Officer/Section 151 Officer and Monitoring Officer), or other member of the CLT, shall be made by the Council, and shall comply with Rule 3 below.~~

~~3.0 DISCIPLINARY ACTION~~

~~3.1~~ ~~E~~

~~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 CLT shall be approved by the Council.~~

~~3.2~~ ~~T~~

~~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~~ ~~A~~

~~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~~ ~~ny member of the CLT 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 3.3 above.~~ A

4.02.0 INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

(Local Government Act 1972 - Section 117)

4.12.1 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: I

- (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 Director of Legal and Democratic Services of the fact that he/she is interested therein.

4.22.2 or the purposes of this Rule, a disclosable personal interest is F

- (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.

4.32.3 The Director of Legal and Democratic 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 84.1. The book or electronic record shall, during the ordinary office hours of the Council, be open for inspection by any member of the Council. T

4.42.4 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 84.1 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. W

4.52.5 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 84.1, he/she shall remind the meeting orally of that interest. W

Code of Conduct for Employees Policy

1.0 Introduction

- 1.1 The Council's employees are responsible to the Council for carrying out its work. Their jobs are paid, and paid employment brings with it certain obligations. These obligations may be statutory; for instance, if an employee knows that a contract in which he/she has a financial interest is being considered by the Council, notice of that interest must be given.
- 1.2 Employees should never do anything that is incapable of being justified to the public. It is the responsibility of local government employees to give the highest possible standard of service to the public. This means that employees must do nothing that might give rise to suspicion, however ill-founded, that they are in any way influenced by improper motives.
- 1.3 This Code of Conduct contains formal guidelines to employees covering matters such as the acceptance of gifts and hospitality, private work and the use of the Council's time and materials. This Code is intended to offer broad advice to employees in these areas of activity and, in limited cases, to prescribe rules for future conduct. These rules must be followed unless the Director of Legal and Democratic Services has agreed, in writing, that exceptional circumstances justify otherwise.
- 1.4 This Code takes into account 'The Seven Principles of Public Life' which are included in the Localism Act 2011. They are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.5 References in this Code to the Director of Legal and Democratic Services, Chief Finance Officer and Head of Human Resources include their respective deputies, who may act in their absence.
- 1.6 An e-form for reporting (i) receipt of gifts and hospitality and/or (ii) details of private work/employment is available on ewokplus in the Human Resources forms section.

2.0 Gifts and Hospitality

- 2.1 Employees should treat with caution any offer of a gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council, or may be applying to the Council for planning permission or some other kind of decision.
- 2.2 Employees should bear in mind the importance of avoiding the appearance of improper conduct or undue influence, any suggestion of which damages public confidence in local government. Openness is important, and in the limited cases where gifts are considered acceptable their receipt should be put on record.
- 2.3 As a general rule employees should decline offers of gifts from persons or organisations who may provide works/goods/services to the Council or who may benefit from some decision of the Council (for example applicants for planning permission, those seeking to agree terms in property transactions etc.).
- 2.4 In limited circumstances, it may be acceptable to depart from the general rule in paragraph 2.3 above. These circumstances include the following:
- 2.5 Gifts of promotional stationery (e.g. diaries, pens and calendars) with a value of less than £10 may be accepted and do not need to be recorded in the register referred to in paragraph 2.7 below.
- 2.6 At Christmas time, gifts of a modest value (e.g. sweets, biscuits and alcohol with a value of less than £25) may be accepted. This is because of the custom and practice that such gifts

are routinely given at this time of year, which provides a justifiable context for their acceptance.

A gift of cash should not be accepted in any circumstances.

- 2.7 Where a gift is considered acceptable, its receipt should be recorded via the e-form described in 1.6 above and will be kept in an open register kept by the Director of Legal and Democratic Services. The register entry shall describe the gift and its approximate value, identify the person or organisation making the gift, the officer to whom it was given, and the date of its receipt.
- 2.8 Employees should also exercise caution in accepting hospitality. "Hospitality" includes both attendance at events and meals. The provision of hospitality may, of course, be incidental to the carrying on of legitimate business activity (for instance, during business lunches). If so, such hospitality is acceptable and should merely be put on record (see paragraph 2.9 below). However, employees need to consider carefully whether the benefit is reasonable in scale to the work under discussion and be satisfied that its provision is genuinely "work-related".
- 2.9 Details of hospitality received by employees should be recorded via the e-form described in 1.6 above and will be kept in an open register kept by the Director of Legal and Democratic Services. The register entry shall describe the hospitality and its approximate value, identify the person or organisation providing the hospitality, the officer to whom it was provided and the date of its receipt.
- 2.10 Every effort will be made to deal with your complaint as speedily as possible. Please remember that some cases need time to investigate fully. If within a period of ten working days the matter has not been dealt with at any stage of this procedure, you will be entitled to proceed to the next stage.
- 2.11 Employees should always exercise care in the provision of gifts or hospitality to outside bodies, whenever this is to be paid for by the Council. Broadly-speaking, the same tests that apply to the receipt of gifts and hospitality apply to their provision. It is important to avoid the appearance of improper conduct. The provision of hospitality should always be funded from a budget specifically established for the purpose, and its use must, where appropriate, be properly authorised by the appropriate officer. The provision of the benefit must be reasonable in scale to the matter under discussion and it must be genuinely relevant to the business in hand. The purpose of the provision must be capable of justification by reasonably objective standards. For instance, the justification for the provision of limited hospitality may be that it facilitates, or is conducive to, the carrying on of legitimate and important business activity.

3.0 Private Work

- 3.1 The Council recognises that with the changing pattern of employment (in particular the increase in part-time, reduced hours and flexible working) it would not be appropriate to prevent employees of the Council from taking other employment (that is in addition to their role with the Council, or indeed more than one position with the Council). The Council therefore does not apply a blanket prohibition on staff accepting other employment or carrying out private work. However, it does require such employment or work to be authorised, in writing, by a member of the Corporate Leadership Team. This is to ensure that the work does not conflict with the Council's interests or weaken public confidence in the conduct of the Council's business. Details of such employment or work should be recorded via the e-form described in 1.6 above and will be kept recorded in an open register kept by the Director of Legal and Democratic Services.

- 3.2 The requirements of paragraph 3.1 above to obtain the approval of a member of the Corporate Leadership Team do not apply to any employment or private work an employee was carrying out before he/she was employed by the Council provided such employment or private work was made known to the Council before the employee was employed by the Council. Details of such employment or work do still need to be recorded in the open register kept by the Director of Legal and Democratic Services.
- 3.3 If an employee's role at the Council changes materially, he/she is required to seek further written authority from a member of the Corporate Leadership Team to continue with the other employment/private work.
- 3.4 The Council expects employees to carry out other work only to the extent that it does not interfere with the performance of their normal duties and provided, of course, that such work is undertaken outside normal working hours for that employee. The Council accepts that, in some instances, the carrying on of "freelance" work (for instance, by participating in seminars or contributing articles to professional journals) can be of mutual benefit to the Council and the employee alike; they may reflect credit upon the Council (for instance, by publicising service initiatives) whilst assisting in the development of the employee's expertise. Although these factors may encourage flexibility in individual cases, employees should be concerned to ensure that private work does not conflict with their work obligations. It is important to consider whether the work is being undertaken on behalf of the Council, and therefore in an official role, or alternatively in the employee's private capacity. Articles written for private gain should be composed in the employee's own time, and the same rule applies to time spent in preparation for and presentation at seminars. If services are to be delivered on behalf of the Council or during work hours, any fees received should be passed to the Council. Fees received that are not the result of work carried out in the Council's time and satisfying the above tests may be retained by the employee.
- 3.5 Unless expressly authorised by the Chief Executive in writing on an exceptional basis, it is not permissible for an employee to undertake private work in connection with plans or applications intended for consideration by the Council. An employee engaged in work on his or her own application is not to be treated as undertaking "private work" for these purposes.

4.0 Use of Council time and materials

- 4.1 Unless expressly permitted by other policies of the Council, employees should always make sure that any facilities (such as stationery, telephones, IT, photocopying or secretarial services) provided by the Council for use in performance of their duties are used strictly for those duties and for no other purpose. It has been made clear above that private work should not be undertaken in the Council's time, and it is equally important that any such work is carried out without using the Council's materials or services. The Council's materials may only be used for such work if the Chief Finance Officer agrees in writing and the full cost of provision of the material/service is paid by the employee.

5.0 Copyright

- 5.1 It is important to set out some broad principles relevant to copyright and intellectual property created during employment. Intellectual property is a generic term that includes inventions, creative designs, writings and drawings.

5.2 If these are created by an employee during the course of employment, then as a general rule they belong to the employer. However, statutory rules may provide otherwise. In particular, the Patents Act 1977 provides that inventions are only the property of the employer if:

- They have been made in the course of the employee's normal duties; or
- They have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- They were made in the course of the employee's duties and at the time the employee had (because of the nature of his duties and particular responsibilities arising from them) a special obligation to further the interests of the employer

5.3 In the unlikely event of a dispute arising between the Council and employee as to the ownership of information or material, it will be important to establish the ambit of the employee's "normal duties" (recourse will naturally be made to the individual's contract of employment).

6.0 Confidentiality of Information

6.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. In general, employees should act on the assumption that open government serves the public better than secrecy.

However, employees should recognise that certain information is confidential to the Council. This includes information which is stated to be "Part II" for the purpose of a report to Council or a committee, and information which is classified under the Council's information classification scheme as not being open to the public.

6.2 Employees should not use information obtained in the course of their employment for personal gain or benefit, nor should they pass it to others who may use it in that way.

7.0 Working with Councillors

7.1 Employees are in the service of the Council. It follows that they have a duty to serve all councillors, not just councillors of a controlling group. The basic rule is that councillors should be briefed and consulted on any matter where they have an interest or entitlement to know what is going on and, in particular, on committee business. Employees should ensure that all necessary help and support is given without restriction. Advice to councillors, whether given in committee or in briefings or otherwise, should be firm, clear and consistent.

7.2 Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors, and should therefore be avoided.

8.0 Declaration of External Interests (as may be relevant to employment)

8.1 Employees are obliged by statute to disclose financial interests, whether direct or indirect, in contracts which have been, or are proposed to be, entered into by the Council. The Council's Standing Orders go further and require disclosure of interests in non-financial matters (drawing a parallel with councillors' "code of conduct" interests). The point is that interests that are not financial may be just as important and employees must not allow the impression to be created that they are using their position to promote a private or personal interest. Non-financial interests include those arising from membership of bodies exercising functions of a public nature, bodies directed to charitable purposes and bodies one of whose principal purposes includes the influence of public opinion or policy.

- 8.2 Employees will need to consider carefully which outside interests may give rise to conflict in the performance of their normal duties and which therefore ought to be disclosed to their manager and formally recorded. It may be, for instance, that a purchasing officer, regularly required to choose between competing companies, will have a family connection with a potential supplier. Another example might be an employee whose membership of an organisation not open to the public (characterised by commitments of allegiance and secrecy of membership) would call into question his or her objectivity in selecting applicants for employment.
- 8.3 Employees shall disclose details of interests relevant to their employment with the Council (whether direct or indirect, financial or otherwise) which will be recorded in an open register kept by the Director of Legal and Democratic Services. Such interests shall include those arising from membership of the bodies described in paragraph 8.1 above. The requirements of this rule are in addition to the statutory duty of disclosure contained in s.117 Local Government Act 1972 (financial interests in contracts) and the general requirements of Rule 3.0 of the Officer Employment Procedure Rules (which can be found in the Council's Constitution).

9.0 Confidential Reporting

- 9.1 If you believe or suspect that a colleague in the Council is involved in corrupt or questionable practices, you should refer to the guidance under section 7.0 of the Confidential Reporting Policy.

10.0 Politically Restricted Posts

- 10.1 Some posts in the Council are politically restricted under the Local Democracy, Economic Development and Construction Act 2009. Employees undertaking these posts will be prevented from having any politically active role either in or outside the workplace. Employees will not be able to hold or stand for elected office and will also be prevented from:

- Participating in political activities, publicly expressing support for a political party or undertaking other activities such as canvassing on behalf of a person who seeks to be a candidate; and
- Speaking to the public at large or publishing any written or artistic work that could give the impression of advocating support for a political party.

11.0 Disciplinary Policy

- 11.1 This code forms part of the Council's Disciplinary Policy. Any failure to comply with it may be dealt with under that policy.

12.0 Further Advice

- 12.1 Further advice on the acceptance of gifts and hospitality may be sought from the Director of Legal and Democratic Services. Further advice on other aspects of this Code may be sought from the Head of Human Resources.

Woking Borough Council

The Constitution

The Constitution

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Part 1

Introduction

1. Meetings of the Council

Time and Place

- 1.1. All meetings of the Council shall be held in the Council Chamber, Civic Offices, Gloucester Square, Woking on a Thursday commencing at 7 pm unless otherwise notified by the proper officer in the summons to the meeting.

2. Summary and Explanation

The Council's Constitution

- 2.1. This Constitution sets out how the Council operates, how decisions are made and the procedures followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are a matter for the Council to choose. A copy of the Constitution is on the Council's website and a paper copy can be inspected in the Council's main Reception. This summary is a guide to how the Council and its meetings work.

How the Council Operates

- 2.2. The Council comprises 30 councillors elected by thirds for a period four years. The regular election of councillors will normally be held on the first Thursday in May during an election year something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be in the opinion of the Chief Executive (or Monitoring Officer in her absence) defamatory, frivolous, offensive or otherwise out of order.
- 2.3. The Council operates a system of election by "thirds" meaning it elects one third (10) of local Councillors every year for three years and hold no elections in the fourth year. Councillors are democratically accountable to residents of their ward to whom they have a special duty, including those who did not vote for them. However, the overriding duty of councillors is to the whole community. Councillors observe a code of conduct to ensure high standards in the way they undertake their duties The Council's adopted code of conduct is set out in Part 5 of this Constitution. The Monitoring Officer is responsible for giving advice and training to councillors on matters relating to the code of conduct. If a Member of the public or another Councillor considers a councillor has acted inappropriately and in breach of the Code of Conduct, then they can make a complaint to the Monitoring Officer who will determine whether it merits formal investigation. The procedure for this is set out in Part 5.
- 2.4. All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here, councillors decide the Council's policy framework and set the budget each year. The Council has a Leader and Executive model of governance. This means the Council elects a Leader. He or she then appoints up to six other Councillors to form the Executive, one of whom will be the Deputy Leader. The Leader and Deputy Leader will act as Chairman and Vice-Chairman respectively of the Executive As a balance the Council's Overview and Scrutiny Committee holds the Executive to account.
- 2.5. Councillors also make some decisions in relation to Regulatory functions, for example determination of planning applications and licensing matters. The Council appoints committees of councillors to make decisions on these matters. The meetings of these committees are normally held in public.
- 2.6. Public notice of all meetings is given on the Council's website and also on the notice board at the Council's main Reception. The Council also routinely webcasts meetings of the full Council, the Executive and other committees.

- 2.7. Decisions made at Council and Committee meetings become the decision of the Council as a whole.

How Decisions are Made

- 2.8. The Leader of the Council (the Leader) is responsible for most day-to-day decisions. These decisions can lawfully be delegated to the Executive, committees of the Executive, individual lead councillors on the Executive, individual local ward councillors, or officers. When major decisions are to be discussed or made, these are published in the Council's forward plan in so far as they can be anticipated. If these major decisions are to be made at a meeting of the Executive, this will be open for the public to attend except where personal or confidential matters are being discussed.
- 2.9. Decisions have to be made in accordance with the Council's overall policies and budget and may be informed by recommendations from the Overview and Scrutiny Committee. If a decision which is outside the budget or policy framework is required, this must be referred to the Council as a whole to decide.

How Council Meetings Work

- 2.10. Meetings of the full Council, which are chaired by the Mayor, are more formal than Executive and committee meetings. Decisions are taken following a debate by councillors in which motions setting out recommended action are discussed. Amendments to these motions may also be discussed as part of the debate.

Overview and Scrutiny Committee

- 2.11. The Overview and Scrutiny Committee supports the work of the Leader/Executive and the Council as a whole. The committee allows residents to have a greater say in Council matters by investigating matters of local concern. It leads to reports and recommendations which advise the Leader/Executive and the Council on its policies, budget and service delivery. The Committee also monitors the decisions taken by the Leader/Executive. The Committee can 'call-in' a decision which has been made by the Leader/Executive, but not yet implemented. This enables it to consider, for example, whether the decision is consistent with the budget and policy framework and it may recommend that the Leader/Executive reconsiders the decision.
- 2.12. Councillors have up to five working days after a decision has been made to call it in. In these circumstances, decisions cannot be implemented until any issues have been considered by the Committee. The Committee may also be consulted by the Leader/Executive or the Council on forthcoming decisions and the development of policy.

The Council's Staff

- 2.13. The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and councillors (see Part 5 of this Constitution).

The Public's Rights

- 2.14. The public have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens Advice can advise on individuals' legal rights. Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.
- 2.15. The public have the right to:

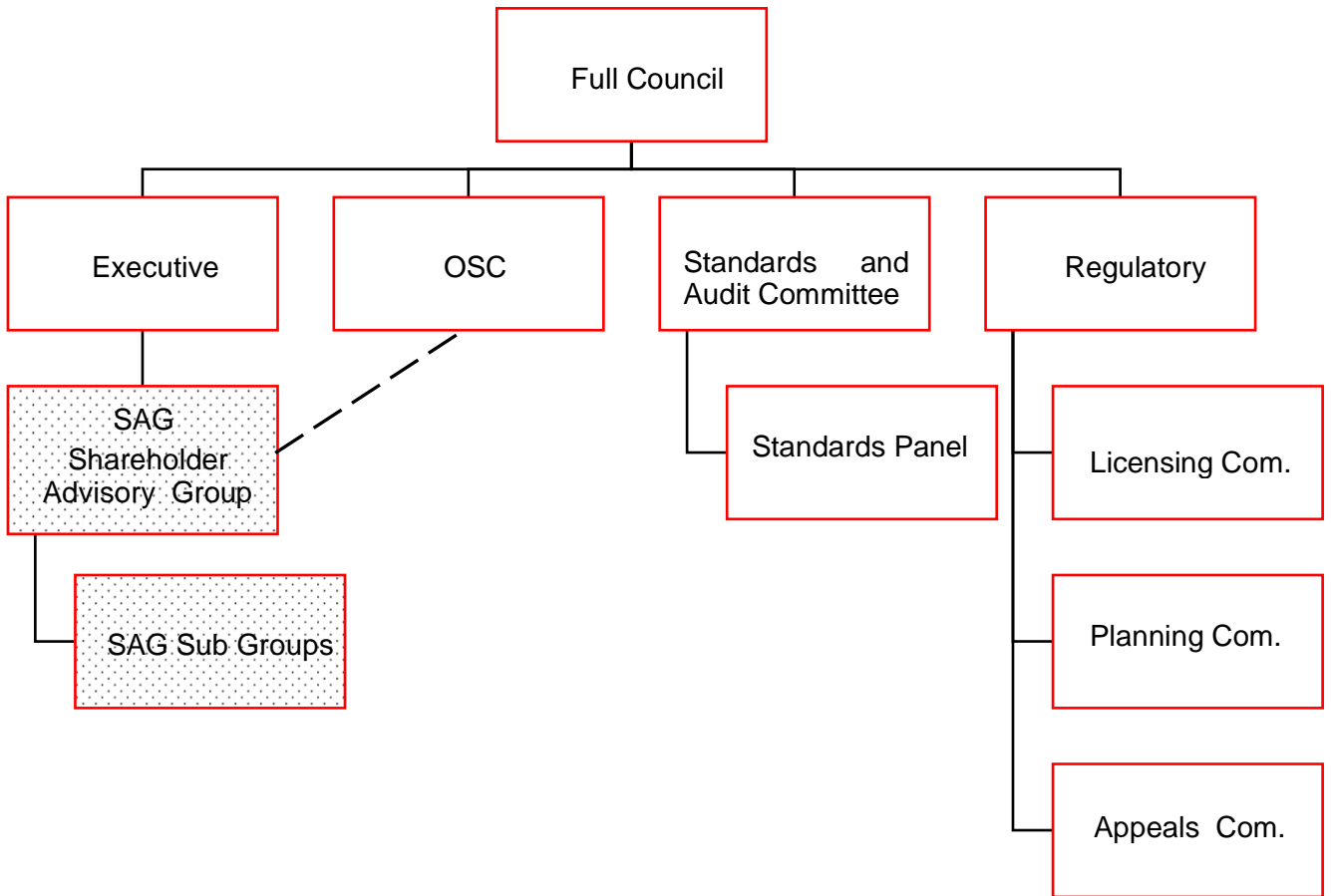
- i) vote at local elections if they are registered;
-

- i) contact their local councillor about any matters of concern to them;
- i) obtain a copy of the Constitution, which can be viewed on the Council's website;
- r) attend meetings of the Council and its Executive and committees except where, for example, personal or confidential matters are being discussed;
- r) present petitions to the Council in accordance with the adopted Petition Scheme
- i) ask questions or address meetings of the Council, Executive and committees;
- i) find out from the Forward Plan what major decisions are to be discussed and decided by the Leader/Executive and when;
- i) see reports and background papers and any record of decisions made by the Council, the Leader, lead councillors, the Executive and committees in relation to matters considered in public;
- c) complain to the Council about any aspect of its services;
- c) complain to the Ombudsman if they think the Council has not followed its procedures properly; however, they should only do this after using the Council's own complaints procedure;
- i) complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Councillors' Code of Conduct; and
- i) inspect the Council's accounts and make their views known to the external auditor during the 20 working days statutory period prior to the external auditor giving their opinion.

The Council welcomes participation by the public in its work and strives to be transparent and open in all its work.

Further details about the Council, Councillors and Committees can be found on the Council's website using the following link:

[Councillors and committees | Woking Borough Council](#)



1.

Part 2

Articles

1. Article 1 – The Constitution

1.1. Powers of the Council

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

Purpose of the Constitution

1.3. The purpose of the Constitution is to:

- (i) enable the Council to provide leadership to the community in partnership with citizens, businesses and other organisations;

- (ii) support the active involvement of local people in decisions made by the Council;

- (iii) help councillors represent their constituents more effectively;

- (iv) enable decisions to be taken efficiently and effectively;

- (v) create a powerful and effective means of holding decision-makers to public account;

- (vi) ensure that no one will review or scrutinise a decision in which they were directly involved;

- (vii) ensure that those responsible for decision making are clearly identifiable to local people, and that they can explain the reasons for their decisions; and

- (viii) provide a means of improving delivery of services to the community.

Interpretation of the Constitution

1.4. 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.

2. Article 2 – Members of the Council

Number of Councillors

2.1. The Council comprises 30 councillors (also referred to as “Members”).

Eligibility

2.2. The eligibility criteria for a person to be qualified to be elected and be a councillor are set out in Section 79 of the Local Government Act 1972.

Election and Terms of Councillors

2.3. The regular election of councillors will normally be held on the first Thursday in May every four years. The Council operates a system of election by “thirds” meaning it elects one third (10) of local Councillors every year for three years and hold no elections in the fourth year.

Roles of Councillors

2.4. 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.

- (vi) be involved in decision-making;

- (vii) be available to represent the Council on other bodies; and

- (viii) maintain the highest standards of conduct and ethics.

Rights and Duties of Councillors

- 2.5. 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 and in accordance with the law.
- 2.6. Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.
- 2.7. Councillors will observe the Members' Code of Conduct set out in Part 5 of this Constitution.

3. Article 3 –The Public and the Council

The Public's Rights

- 3.1. The public's rights to information and to participate in the decision-making process are explained in more detail in the Access to Information Procedure Rules and Public Speaking Procedure Rules in Part 4 of this Constitution.

Petitions

- 3.2. The Council is committed to responding to petitions. Anyone who lives, works or studies in the Borough may sign or organise a petition and trigger a response from the Council. Details of the Council's adopted (non statutory) petition scheme are set out in Part 4 of this Constitution.

The Public's rights

(a) Information.

- 3.3. The Public 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. The Forward Plan is no longer a statutory requirement but the Council has decided to retain it for effective operation of the Council's activities;

(iii) see public reports and background papers, and any public records of decisions made by the Council, Executive and Committees except where confidential or exempt information is likely to be disclosed; and

(iv) inspect the Council's accounts, and make their views known to the external auditor during the statutory period of 20 working days prior to the external auditor giving their opinion.

(b) Participation.

3.4. The Public have the right to:

(i) contribute to investigations by the Overview and Scrutiny Committee;

(ii) present petitions under the Council's Petition Scheme; and

(iii) ask questions at the Executive and Council.

(c) Complaints

3.5. The Public 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.

3.6. The Public's ' Responsibilities

3.7. The Public must not be violent, abusing or threatening to councillors, officers or persons carrying out work for the Council and must not wilfully harm things owned by the Council, councillors or officers.

3.8. The public are entitled to attend public meetings of the Council, Executive and committees, but must comply with the rulings of the chairman. They may not disrupt the meeting or cause undue disturbance or they may be removed from the meeting.

4. Article 4 – The Full Council

Meanings

(a) Policy Framework.

4.1. "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

4.2. "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

4.3. "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.

Functions of the Full Council

4.4. Only Full Council will exercise the following functions:

- (i) 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);

- (ii) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of a Housing Land Transfer;

- (iii) intervening, where necessary, to prevent executive decisions that would run contrary to the Policy Framework or Budget;

- (iv) appointing and removing the Leader of the Council;

- (v) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

- (vi) appointing representatives to outside bodies, unless the appointment is an executive function or has been delegated by Full Council;

- (vii) adopting a Members' Allowances scheme under Article 2.03;

- (viii) changing the name of the area, or conferring the title of Freedom of the Borough;

- (ix) Appointing the Head of Paid Service and other members of the Corporate Leadership Team in accordance with the Officer Employment Rules;

- (x) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;

- (xi) all local choice functions, set out in Part 3 of this Constitution, which Full Council decides should be undertaken by itself;

- (xii) electing the Mayor; and

- (xiii) all other matters which, by law, must be reserved to Full Council.

Council Meetings

4.5. There are three types of Council meeting:

- (i) the annual meeting;

- (ii) ordinary meetings;

- (iii) extraordinary meetings;

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

Responsibility for Functions

4.7. 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.

5. Article 5 – Chairing the Council

Role and Function of the Mayor

5.1. The Mayor will be elected by the Council annually.

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

- (i) to act as First Citizen and Civic Head of the Borough;

- (ii) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

- (iii) 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;

- (iv) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community;

- (v) to promote public involvement in the Council's activities;

- (vi) to be the non-political representative of the Council; and

- (vii) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.3. Neither the Mayor nor the Deputy Mayor shall be members of the Executive.

6. Article 6 – The Leader

Role

6.1. The Leader of the Council will be a councillor elected to the position of Leader by the full Council. 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).

6.2. 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:

- (i) he/she resigns as Leader; or

-
- (ii) 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

 - (iii) he/she is no longer a councillor; or

 - (iv) he/she is removed from office by resolution of the Council before that day.

- 6.3. During their term of office as Leader, the Leader shall continue to hold office as a councillor.
- 6.4. If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on on the day the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor, subject to (i) to (iv) above.
- 6.5. 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.

Functions of the Leader

- 6.6. 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.
- 6.7. The Leader will be Chairman of the Executive.
- 6.8. Only the Leader will exercise the following functions:
- (i) appointing the Deputy Leader,

 - (ii) appointing the Executive, and

 - (iii) allocation of areas of responsibility (portfolios) to lead councillors.
- 6.9. The Leader may at any time:
- (i) remove lead councillors from the Executive, or

 - (ii) change lead councillors' areas of responsibility

- 6.10. The Leader shall report to the next appropriate meeting of the full Council on all appointments and changes to the Executive.

Deputy Leader

- 6.11. The Leader shall appoint one of the lead councillors to be the Deputy Leader.
- 6.12. The Deputy Leader shall normally hold office until the end of the Leader's term of office unless that person:

- (i) is removed from office by decision of the Leader; or

- (ii) is disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or

- (iii) resigns as Deputy Leader; or

- (iv) ceases to be a councillor before that day

6.13. In the event of any of the above occurring, the Leader shall appoint another lead councillor as Deputy Leader at the earliest opportunity.

Role of the Deputy Leader

- 6.14. The Deputy Leader will be Vice-Chairman of the Executive and if, for any reason, the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in his/her place and shall be entitled to exercise all functions reserved to the Leader until such time as the Leader is able to act or until a new Leader is elected by the Council.
- 6.15. 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 must either act collectively in the Leader's place or they must arrange for a lead councillor to act in the place of the Leader.

Removal of the Leader

- 6.16. The Council may remove the Leader by way of resolution by a simple majority. At any meeting of the full Council, a councillor may propose that "the Council has no confidence in the Leader". The question shall, after debate, be put and, if carried by a simple majority of those councillors present, the Leader shall be removed from office.
- 6.17. In that event, a new Leader shall be elected:
- (i) at the meeting at which the Leader is removed from office, or

 - (ii) at a subsequent meeting.

7. Article 7 – The Executive

Role of the Executive

- 7.1. 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.

Form and Composition

- 7.2. 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 who shall be known as Portfolio Holders.

Portfolio Holders/Executive Members

- 7.3. Executive Members shall be appointed by the Leader. The Leader shall appoint councillors to specified areas of the Council's work known as their Portfolio. They hold office until the end of the term of office of the Leader unless:

- (i) they resign from the Executive; or

- (ii) 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

- (iii) they are no longer councillors; or

- (iv) they are removed from office, either individually or collectively, by the Leader before that date.

7.4. The Leader may at any time alter the responsibilities of an Executive Member or discontinue their appointment and elect a replacement. Lead councillors shall be entitled to be consulted by the Corporate Leadership Team and service leaders when exercising delegated powers requiring such consultation. A lead councillor shall not be a member of the Overview and Scrutiny Committee.

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

8. Article 8 – Overview and Scrutiny Committee

Terms of Reference

8.1. 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.

8.2. The work of the Overview and Scrutiny Committee should focus on the Council’s principles, practice, procedures and performance (rather than politics and personalities); the work will be informed by the following principles:

- (i) Constructive “critical friend” challenge

- (ii) Amplifies the voices and concerns of the Public

- (iii) Led by independent people who take responsibility for their role; and

- (iv) Drives improvement in public services

General Role

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

- (i) 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;

- (ii) make reports and/or recommendations to Full Council and/or the Leader/Executive;

- (iii) consider any matter affecting the area or its inhabitants;

- (iv) exercise the right to call-in, for reconsideration, Executive decisions made but not yet implemented; and

(v) deal with crime and disorder matters referred to it under the Police and Justice Act 2006;

(vi) consider any valid Councillor Call for Action.

Specific Functions

(a) Policy development and review

8.4. 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 Leadership Team 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

8.5. The Overview and Scrutiny Committee:

(i) 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;

(iii) 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 Leadership Team 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

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

(d) Annual Report

8.7. 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

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

(i) Petitions requiring a Senior Officer to give evidence to the Overview and Scrutiny Committee;

(ii) Appeals from Petitioners who are not satisfied with the response to a petition, and

(iii) Where the petition has been referred to the Committee for further investigation.

Proceedings of Overview and Scrutiny Committee

8.9. 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.

9. Article 9 – Regulatory and Other Committees

Regulatory and Other Committees

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

10. Article 10 – The Standards and Audit Committee

Standards and Audit Committee

10.1. The Council meeting will establish a Standards and Audit Committee composition.

Composition

(a) Membership

10.2. The Standards and Audit Committee will comprise:

(i) 5 Councillors;

(ii) 1 Independent Member;

(b) Independent Member

- 10.3. The Independent Members shall be appointed by the Council for an initial term of office of four years with serving independent members being eligible for re-appointment one further time.
- 10.4. At the end of the term of office, the Council will invite applications from the general public via its website for appointment as co-opted independent members of the Standards and Audit Committee.
- 10.5. To be eligible for appointment candidates must not be engaged in party political activity, or have been at any time in the preceding five years, a councillor or officer of Woking Borough Council or be a relative or close friend of a councillor or officer of the Council.
- 10.6. Ideally candidates will have significant experience of working at a senior level in a large, complex organisation and have a very good understanding of strategic or financial management or have sat previously on an Audit Committee.
- 10.7. The Monitoring Officer shall short-list candidates and invite them for interview by a panel comprising two members of the Standards and Audit Committee, the Monitoring Officer and Chief Finance Officer. The panel's recommendations as to appointment of co-opted independent members will be referred to full Council for approval.

(c) Chairing the Committee

- 10.8. 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) Votes

- 10.9. The Independent member is not entitled to vote at meetings.
- 10.10. In the case of an equality of votes, the Vice-Chairman may exercise a second or casting vote.

Role and Function

- 10.11. The Committee has a dual purpose both as an audit committee and a standards committee.
- 10.12. The Committee is a key component of the authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 10.13. The purpose of the Committee is to provide independent assurance to councillors of the adequacy of the risk management framework and the internal control environment. It provides independent review of the authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.
- 10.14. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. With regard to standards, the Committee promotes high standards of conduct by councillors and co-opted members and oversees the arrangements for dealing with allegations of misconduct.
- 10.15. The Standards and Audit Committee will have the following roles and functions:

(i) promoting and maintaining high standards of conduct by councillors and co-opted members in accordance with Sections 26-37 of the Localism Act 2011;

(ii) assisting councillors and co-opted members to observe the Members' Code of Conduct;

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- (iii) advising the Council on the adoption or revision of the Members' Code of Conduct;
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- (iv) monitoring the operation of the Members' Code of Conduct;
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- (v) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
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- (vi) determining allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council;
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- (vii) acting 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;
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- (viii) overseeing the Council's Risk Management, Anti-Fraud and Whistleblowing strategies, and Health and Safety policies and practices;
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- (ix) receiving the Annual Governance Statement, and
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- (x) oversight of payments in cases of maladministration which are neither disputed nor significant (which are dealt with by the Monitoring Officer).

Standards Panel

- 10.16. The Committee will establish the Standards Panel. The Panel will comprise four councillors and the Independent) Member.
- 10.17. A substitute for each councillor member of the Panel shall be appointed. A substitute member may attend any meeting of the Panel, with all the powers of the appointed councillor member in the event that the appointed councillor member is unable to attend a particular meeting.
- 10.18. The Panel will be chaired by the Independent Member (unless he/she is absent, in which case the Vice-Chairman will chair the meeting). The 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.

- 10.19. The Panel 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.

Election Review Panel

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

11. Article 11 – Officers

Management Structure

(a) General

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

(b) Corporate Leadership Team

- 11.2. The Council's Corporate Leadership Team will comprise the Chief Executive, the Monitoring Officer (Director of Legal and Democratic Services), the Chief Finance Officer (Director of Finance), Strategic Director of Corporate Resources, Strategic Director of Place and Strategic Director of Communities or such other composition as the Council may from time to time determine.

(c) Statutory Officers

- 11.3. The Council will designate Officers to the following statutory posts:

(i) Head of Paid Service

(ii) Chief Finance Officer

(iii) Monitoring Officer

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

(d) Structure

- 11.5. 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

Statutory Functions of the Head of Paid Service

(a) Discharge of functions by the Council

- 11.6. 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

- 11.7. 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.

Statutory Functions of the Monitoring Officer

- (a) Maintaining the Constitution
- 11.8. 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
- 11.9. 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
- 11.10. 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
- 11.11. 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) Proper Officer for access to information
- 11.12. 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) Budget and Policy Framework
- 11.13. The Monitoring Officer will advise whether executive decisions are in accordance with the Budget and Policy Framework.
- (g) Providing advice
- 11.14. 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
- 11.15. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Statutory Functions of the Chief Finance Officer

- (a) Ensuring lawfulness and financial prudence of decision making
- 11.16. 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) Administration of financial affairs

- 11.17. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) Contributing to corporate management
- 11.18. The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) Providing advice
- 11.19. 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
- 11.20. The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- 11.21. Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer.
- 11.22. 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.

Conduct

- 11.23. Officers will comply with the Officers' Employment Procedure Rules set out in Part 5 of this Constitution.

Employment

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

12. Article 12 – Decision Making

Responsibility for Decision Making

- 12.1. The Council will issue and keep up-to-date a record of what part of the Council, or individual, has responsibility for:
- (i) particular types of decisions; or
 - (ii) decisions relating to particular areas or functions
-
- 12.2. This record is set out in Part 3 of this Constitution.

Principles of Decision Making

- 12.3. All decisions of the Council will be made in accordance with the following principles:
- (i) the action must be proportionate to the desired outcome;
 - (ii) due consultation and the taking of professional advice from officers;
 - (iii) respect for human rights;
-

(iv) a presumption in favour of openness; and

(v) clarity of aims and desired outcomes.

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 significant expenditure or savings of £250,000 or more; and/or ; 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.

Decision Making

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

Decision Making by Council Bodies Acting as Tribunals

12.5. 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.

13. Article 13 – Finance, Contracts and Legal Matters

Financial Management

13.1. 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.

Contracts

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

Legal Proceedings

13.3. The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.

Authentication of Documents

- 13.4. Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him or her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 13.5. Any contract (excluding contracts for property disposals and acquisitions) which amounts to or exceeds £100,000 in value must, unless the Monitoring Officer otherwise, be sealed with the common seal of the Council. In exceptional cases where the Monitoring Officer that a contract which amounts to or exceeds £100,000 in value does not require the common seal, it must be signed, subject to compliance with the Council's Financial Procedure Rules, by two Strategic Directors or the Monitoring Officer.
- 13.6. Contracts less than £100,000 in value must be signed by the relevant Strategic Director, Director, or service leader or, subject to compliance with the Council's Financial Procedure Rules, their nominee.

Common Seal of the Council

- 13.7. The common seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.
- 13.8. The common seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the common seal will be attested by a Member of the Corporate Leadership Team, or some other persons authorised by the Monitoring Officer. An entry of every sealing of a document will be made and consecutively numbered in a book kept by the Monitoring Officer for the purpose and shall be signed by the persons who have attested the seal.

Land, Premises – Inspection

- 13.9. 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.

14. Article 14 – Review and Revision of the Constitution

Duty to Monitor and Review the Constitution

- 14.1. 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.
- 14.2. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:
- (i) observe meetings of different parts of the councillor and officer structure;
 - (ii) undertake an audit trail of a sample of decisions;
 - (iii) record and analyse issues raised by councillors, officers, the public and other relevant stakeholders; and
 - (iv) compare practices in this Council with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

(a) Minor Changes

14.3. 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

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

(c) Proposals

14.5. 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 Leadership Team, the Leader and Executive, the Overview and Scrutiny Committee or the Standards and Audit Committee.

15. Article 15 – Suspension, Interpretation and Publication of the Constitution

Suspension of the Constitution

(a) Limit to suspension

15.1. 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) Procedure to suspend

15.2. 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.

Interpretation

15.3. 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.

Publication

15.4. Table

(i) The Monitoring Officer will ensure that where a councillor so wishes a printed copy of this Constitution is delivered to him or her following their election to the Council.

(ii) The Monitoring Officer will ensure that an up-to-date copy of the Constitution is available on the Council's web-site.

(iii) The Monitoring Officer will ensure that a copy of this Constitution is available for inspection at the Council Offices and can be purchased on payment of a reasonable fee.

16. Schedule 1: Description of Executive Arrangements

16.1. The following parts of this Constitution constitute the executive arrangements:

- (i) Article 8 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;

- (ii) Article 6 (The Leader);

- (iii) Article 8 (The Executive) and the Executive Procedure Rules;

- (iv) Article 12 (Decision making) and the Access to Information Procedure Rules;

- (v) Part 3 (Responsibility for Functions)

Part 3

Responsibility for Functions

1. Responsibility For Functions

1.1. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the structure of the Council must be responsible for certain decisions. The Regulations specify:

- i) functions which are not to be the responsibility of the Council's Executive;
- ii) functions which may but need not be the responsibility of the Executive ("local choice functions"); and
- iii) functions which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive.

2. Responsibility for Council (Non Executive) Functions

2.1. These functions, which are listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), may not be the responsibility of the Council's Executive. In accordance with legislation, certain decisions on these matters must be taken by the full Council, whilst others may be taken by the full Council, a committee appointed by the Council, officers, or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.

3. Responsibility for Executive Functions

3.1. "Executive functions" are all the statutory functions of the Borough Council except those listed as Non Executive functions. In accordance with the Local Government Act 2000, decisions on these matters may be taken by the Leader, the Executive collectively, an individual lead councillor, committee of the Executive, individual local ward councillors, officers or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.

4. Responsibilities Delegated to Officers

4.1. The extent to which the functions described above have been delegated to officers is shown in the Council's scheme of delegation in this Part of the Constitution.

Who is responsible	Membership	Functions
Full Council	30 members of the authority	<p>Council will:</p> <ul style="list-style-type: none"> i) Approve: <ul style="list-style-type: none"> ○ Accounts ○ Borrowing Limits ○ Budget ○ Codes of Conduct ○ Community Strategy ○ Constitution ○ Council Tax ○ Electoral Arrangements ○ Financial Strategy ○ Housing Strategy ○ Housing rents etc ○ Housing Investment Programme ○ Housing Revenue Account Budget ○ Investment Programme ○ Local Agenda 21 Strategy ○ Local Plan ○ Local Transport Plan ○ Programme of Best Value Reviews ○ Service and Performance Plan ○ Standing Orders/Financial Regulations ○ Treasury Management Strategy ii) Adopt new policy and new strategy iii) Approve material departures from policy iv) Consider recommendations of action from <ul style="list-style-type: none"> ○ Executive ○ Standards and Audit Committee v) Determine notices of motion vi) Deal with Corporate Leadership Team appointments vii) Receive reports of action taken by Executive viii) Carry out miscellaneous functions which are not the responsibility of the Leader: <ul style="list-style-type: none"> ○ making, amending, revoking or re-enacting by-laws ○ functions relating to health and safety at work ○ names and status of areas and individuals ○ promoting or opposing local or personal Bills ○ functions relating to local government pensions ○ disputed/significant payments in cases of mal-administration ix) Determine Members' allowances x) Designate Head of Paid Service xi) Designate Monitoring Officer

Who is responsible	Membership	Functions
		xii) Designate Chief Finance Officer 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 and up to five other Members	<p>The Leader has appointed the Executive and delegated the following executive functions to it:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> o all the items under (i) to (iii) of the Council list above; and o 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: <ul style="list-style-type: none"> o any functions conferred by local Acts; o functions relating to contaminated land; o functions relating to control of pollution or management of air quality; and o functions relating to statutory nuisances. viii) Responsibility for Risk Management 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 co-opted member).	<p>Committee responsible for:</p> <ul style="list-style-type: none"> i) promoting and maintaining high standards of conduct by councillors and co-opted members; ii) assisting councillors and co-opted members to observe the Members' Code of Conduct; iii) advising the Council on the adoption or revision of the Members' Code of Conduct; iv) monitoring the operation of the Members' Code of Conduct; v) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct; vi) determining allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council; vii) act as the Council's Audit Committee. In performing this task the Standards and Audit Committee will: <ul style="list-style-type: none"> o approve the plans of Internal Audit and consider the External Audit plan; o receive the Annual Audit and Inspection letter from External Audit; o 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; viii) overseeing the Council's Risk Management, Anti Fraud and Whistleblowing strategies, and Health and Safety policies and strategies; ix) the receipt of the Annual Governance Statement, and ix) 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	10 members	<p>Committee responsible for:</p> <p>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:</p> <ul style="list-style-type: none"> ○ 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 <p>ii) All matters relating to Building Control functions not otherwise delegated to officers.</p>
Licensing Committee	10 members	<p>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:</p> <ul style="list-style-type: none"> ○ 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, ear-piercing and electrolysis ○ health and safety (other than in Council's capacity) <p>ii) Hearing of representations against cancellation or refusal to register an applicant pursuant to the Motor Salvage Operators Regulations 2002.</p> <p>iii) Licensing Act 2003.</p>

Who is responsible	Membership	Functions
		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.
Appeals Committee	3 members	Housing appeals.
Overview and Scrutiny Committee	10 members	<p>Functions:</p> <p>(a) Policy development and review.</p> <ul style="list-style-type: none"> 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 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 Leadership Team 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. <p>(b) Scrutiny</p> <ul style="list-style-type: none"> 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 Leadership Team 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;

Who is responsible	Membership	Functions
		<ul style="list-style-type: none"> 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 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. . <p>c) Discharge the functions of a crime and disorder committee under Section 19 Police and Justice Act 2006.</p>
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.
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

Part 3

Management Arrangements

1. Management Arrangements

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

Management Structure

2. Corporate Leadership Team (CLT)

2.1. The Council's Corporate Leadership Team comprises the Chief Executive, the Monitoring Officer (Director of Legal and Democratic Services), the Chief Finance Officer (Director of Finance), Strategic Director – Corporate Resource, Strategic Director- Communities, and Strategic Director or Place or such other composition as the Council may from time to time determine.

2.2. The Corporate Leadership Team will:

- i) act as the interface between the Council and its staff;
- r) lead, direct and support the staff, and
- r) deliver the agenda set by the Council

2.3. The Corporate Leadership Team performs a strategic and service role with senior managers responsible for day-to-day operations. Individual members of the Corporate Leadership Team will contribute to the effective collective work and responsibility of the Corporate Leadership Team; they will ensure cross-unit collaboration and will hold senior managers to account for delivery of the Council's objectives, services and priorities.

2.4. Individual members of the Corporate Leadership Team are accountable for ensuring that the fullest empowerment possible, including self-service by members of the public, is achieved within the areas subject to their oversight.

2.5. The designation of one of the Director posts as Deputy Chief Executive is within the personal discretion of the Chief Executive.

3. Statutory Officers

3.1. The Council designates officers to the following statutory positions:-

- i) Head of Paid Service (Section 4 Local Government and Housing Act 1989);
- i) Monitoring Office (Section 5 Local Government and Housing Act 1989), and
- i) Chief Finance Officer (Section 151 Local Government Act 1972)

3.2. The statutory officers shall exercise the statutory functions set out in Article 11 of this Constitution.

3.3. The Monitoring Officer and the Chief Finance Officer shall, at all times, enjoy unfettered rights to:-

- c) 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;
- c) Attend meetings of the Corporate Leadership Team 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 Leadership Team);
- i) Contribute to papers for Corporate Leadership Team 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 Leadership Team), and

- i) Advise, consult with or report to the Chief Executive, the Corporate Leadership Team or to Councillors whenever they consider it appropriate to do so.

3.4. The Chief Finance Officer shall at all times enjoy unfettered access to:-

- i) 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
- r) External Audit to ensure that they enjoy complete and up-to-date information about the financial arrangements in operation within the Council.

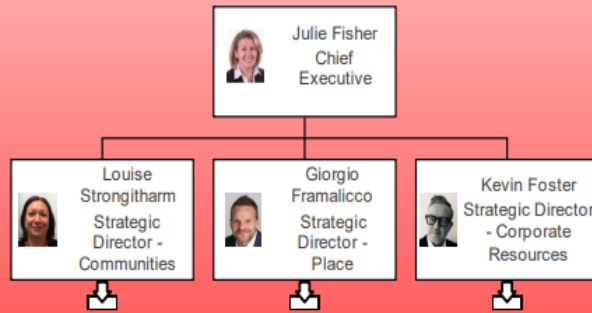
4. Leadership Details

4.1. Further information in respect of the Council's Leadership team can be found on the Council's website using the below link:-

[Council's senior officers | Woking Borough Council](#)



Woking Borough Council - Organisational Chart



Refreshed 03/02/2023

Part 3

Scheme of Delegations

1. Introduction

- 1.1. Under section 101 of the Local Government Act 1972 the Council may delegate its functions to a committee of the Council or to a member of staff, other than those matters reserved to the full Council meeting.
- 1.2. This document sets out the functions which have been delegated to members of staff.
- 1.3. The references to members of staff are to the posts as currently titled but these will equally apply to the holder of an equivalent post in the future.
- 1.4. This document deals only with the standard delegations made by the Council and Committees and does not cover temporary delegations for a particular purpose.

2. General Conditions and Limitations

- 2.1. The functions, powers and duties in this scheme are delegated to staff as set out. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions.
- 2.2. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- 2.3. All staff exercising these delegations are to act in accordance with the Council's Constitution, Contract Standing Orders, Financial Regulations and any other protocols or other arrangements approved in pursuance to them.
- 2.4. The following are not delegated to any member of staff:
 - i) Any matter reserved to Council, or any Committee or a member body having decision making powers.;
 - ii) Any function which by law cannot be delegated to a member of staff; and
 - iii) The adoption of new policy or significant variation to existing policies and any matter which is contrary to the policy framework and budget of the Council.
- 2.5. The Council, relevant committee or other member body with decision making powers may at any time resume responsibility for the function and may therefore exercise the function despite the delegation.
- 2.6. A member of staff may decide not to exercise any function in relation to a particular matter and invite the Council, or relevant Committee or sub Committee having decision making powers, as appropriate, to do so instead. It is open to a member of staff to consult with appropriate councillors on the exercise of delegated powers or in deciding whether or not to exercise any delegated powers where the matter is likely to be controversial or contentious.
- 2.7. A member of staff with line management responsibility for the member of staff named in the delegation may exercise the power instead of the member of staff so designated and may direct or negate any course of action proposed.
- 2.8. A decision delegated to a member of staff by Council or Committee can be taken by a staff member with line management responsibility for that staff member in his/her absence.
- 2.9. A member of staff to whom a power, duty or function is delegated may nominate or authorise another member of staff to exercise that power, duty or function, provided that officer reports

to or is responsible to the delegator. Any such delegation must be recorded in writing and a copy provided to the Monitoring Officer.

- 2.10. With respect to any reference to a delegation being exercised following consultation with any councillor, the decision is vested with the member of staff so delegated who shall be responsible and accountable for the decision. The member of staff so delegated is required to bring independent judgement to bear on the decision and the decision shall be his/hers alone and not the members being consulted. If those councillors disagree with the member of staff, the matter should be referred to the Leader/ Executive for agreement to exercise such delegated power if lawful and so allowed under this Constitution.
- 2.11. In exercising any delegated powers, officers must ensure that their decisions are consistent with Council policy, within approved spending limits and in the best interests of residents and the Council as a whole. Relevant councillors should also be informed/consulted as appropriate depending on the nature and sensitivity of the decision.
- 2.12. Each officer is responsible for ensuring that decisions which they take are adequately recorded, and that the record of that decision is available to other Officers, to councillors and to the public as required by statute and this Constitution, particularly if the decision relates to a change in policy or practice, or a financial commitment. Every officer is responsible for ensuring that any decision which he/she takes is implemented in accordance with that decision.
- 2.13. Every officer is accountable for each decision which he/she takes and may be called to provide an explanation of his/her reasons for the decision and account for its implementation to other officer, councillors and statutory regulators.
- 2.14. The Chief Executive may remove from an Officer at any time a power to take delegated decisions and upon doing so in writing shall within 24 hours notify the Monitoring Officer. If appropriate, the Chief Executive shall also notify the Council of this removal of powers.
- 2.15. The Director of Legal and Democratic Services shall have the power to amend delegations to reflect re-organisations, changes in job titles and vacancies, where the changes result in redistributing existing delegations and not the creation of new ones.
- 2.16. The Director of Legal and Democratic Services shall have the power to amend delegations to reflect changes in legislation, or references to legislation where such changes do not alter the nature of the existing delegation.

3. Interpretation

- 3.1. All enquiries about this scheme of delegations should be made to the Director of Legal and Democratic Services and all matters of interpretation will also be determined by the Director of Legal and Democratic Services
- 3.2. Any reference to a statute or statutory instrument shall be deemed to include and be construed as if it contained a reference to any subsequent statute or statutory instrument for the time being replacing, amending or extending the same or containing related provisions.
- 3.3. The expressions 'officer', 'staff' or 'employee' includes any person employed by the Council irrespective of the particular scheme under which they are employed.
- 3.4. The expression Chief Officer shall mean any member of the Corporate Leadership Team.

4. General Delegations to Chief Officers

- 4.1. Subject to all specific delegations contained in this scheme, Chief Officers may take action on behalf of the Council where the proposed action conforms to any policy, strategy or

development plan approved by the Council or one of its committees and there is a budget provision.

- 4.2. To delegate further, in writing, all or any of their delegated functions to other members of staff to exercise in their own name.
- 4.3. To advise on policy development and formulation. Emergencies
- 4.4. In order to enable an urgent decision to be made, the Chief Executive has delegated power to take any decision which is so urgent that it cannot wait until the next scheduled meeting of the Council or relevant Committee and where the decision is not in contravention of established policies.
- 4.5. In following this procedure, the Chief Executive is required to consult with the relevant Portfolio Holder.
- 4.6. The use of such urgent action must be reported to the next relevant Committee meeting.
- 4.7. The Chief Executive and all Chief Officers have power to take all necessary actions including incurring expenditure with regards to any emergency involving serious danger to life, property and public welfare.
- 4.8. Any action taken under this provision shall be reported as soon as practicable to the Council or relevant Committee as appropriate. If necessary and where legally possible Contract Standing Orders and Financial Regulations shall be suspended during such emergencies. All expenditure incurred should be reported to the Chief Finance Officer who will report such expenditure to the Council or relevant Committee where necessary under Financial Regulations.

5. Recording of Decisions

- 5.1. All delegated decisions shall be a matter of public record unless containing exempt information under Schedule 12A to the Local Government Act 1972 and, in respect of executive decisions taken by officers under delegated powers, shall be available for inspection on the Council's website and at the Council's offices (including by access to the Council's website at the Council's offices) in accordance with Regulation 14 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 5.2. 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:
 - i) a record of the decision including the date it was made;
 - ii) a record of the reasons for the decision;
 - iii) details of any alternative options considered and rejected when making the decision;
 - iv) 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
 - v) a note of any dispensation granted in respect of any declared conflict of interest.
- 5.3. 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:
 - iii) grant a permission or licence;

-
- iv) affect the rights of an individual, or
 - v) award a contract or incur expenditure which, in either case, materially affects the Council's financial position.
-

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

- i) the date the decision was taken;
 - ii) a record of the decision taken along with the reasons for the decision;
 - iii) details of alternative options, if any, considered and rejected, and
 - iv) 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.
-

5.5. 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.

5.6. 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.

5.7. These requirements do not extend to confidential or exempt information.

	Function	Delegated to	Sub delegation
1	<p><u>Emergency/Urgency Powers</u></p> <p>Each CLT 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.</p>	CLT	
2	<p><u>Local Government (Miscellaneous Provisions) Act 1976, Section 16</u></p> <p>Each CLT Member is authorised to serve a notice to seek from individuals the nature of their interest in land subject to statutory action.</p>	CLT	
3	<p><u>Head of Paid Service</u></p> <p>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.</p>	Chief Executive	
4	<p><u>Elections</u></p> <p>To act as Electoral Registration Officer in maintaining the Electoral Register and as Returning Officer in conducting Local Government Elections.</p>	Chief Executive	
5	<p><u>Powers of Entry</u></p> <p>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.</p>	Chief Executive	
6	<p><u>Conferences</u></p> <p>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.</p>	Chief Executive	
7	<p><u>Christmas and New Year Holiday Arrangements</u></p> <p>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.</p>	Chief Executive	
8	<p><u>Regulation of Investigatory Powers Act 2000</u></p>	Chief Executive	

	<p>The Chief Executive is authorised to appoint Senior Officers as authorising officers for the purposes of the Regulation of Investigatory Powers Act 2000.</p> <p>The Chief Executive and, in her absence, the Director of Legal and Democratic Services 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.</p> <p>The Chief Executive is the Council’s “Senior Responsible Officer” for the purposes of the Regulation of Investigatory Powers Act 2000.</p>		
9	<p><u>Thameswey Housing Limited</u></p> <p>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.</p>	Chief Executive	
10	<p><u>Staffing Levels</u></p> <p>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.</p>	Chief Executive	
11	<p><u>Temporary Staff</u></p> <p>To employ staff, from a temporary bank, as required in relation to vacant posts</p>	Chief Executive	
12	<p><u>Petitions</u></p> <p>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.</p>	Chief Executive	
13	<p><u>Woking Community Safety Anti Social Behaviour Policy</u></p> <p>Authority be delegated to the Chief Executive to review the Anti Social Behaviour Policy from time to time, in consultation with the Portfolio Holder, to ensure that it is updated to reflect good practice, current legislation and case law (with any updates being reported to Council for information).</p> <p>Authority be delegated to the Chief Executive in consultation with the Police and/or other appropriate consultees, to issue Closure Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.</p> <p>Authority be delegated to the Chief Executive to:-</p> <ol style="list-style-type: none"> a. issue Community Protection Notices; b. authorise registered social landlords to issue Community Protection Notices; 	Chief Executive	

	<p>c. issue Fixed Penalty Notices for breach of a Community Protection Notice;</p> <p>d. authorise any persons to issue Community Protection Notices and issue Fixed Penalty Notices for breach of a Community Protection Notice;</p> <p>e. take remedial action when a Community Protection Notice has not been complied with.</p> <p>under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 (9E/Council/30.07.20/73).</p>		
1	<p><u>Chief Finance Officer</u></p> <p>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.</p>	Director of Finance / Section 151 Officer	
2	<p><u>Internal Audit</u></p> <p>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.</p>	Director of Finance / Section 151 Officer	
3	<p><u>Council Tax</u></p> <p>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.</p>	Director of Finance / Section 151 Officer	
4	<p><u>Non-Domestic Rates</u></p> <p>To carry out the functions required by the Local Government Finance Act 1988 and subsequent legislation for administration, billing, collection and recovery of NDR.</p>	Director of Finance / Section 151 Officer	
5	<p><u>Council Mortgages</u></p> <p>To approve transfers of mortgages / additional mortgagees</p>	Director of Finance / Section 151 Officer	
6	<p><u>Housing Benefits</u></p> <p>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.</p>	Director of Finance / Section 151 Officer	
7	<p><u>Banking Arrangements:</u></p> <p>To operate such banking accounts as she/he considers necessary. Applications to open new bank accounts shall be countersigned by the Chief Executive.</p>	Director of Finance / Section 151 Officer	

8	<u>Mortgage Interest Rates:</u> To determine the local average rate and the rate to be applied to variable rate loans	Director of Finance / Section 151 Officer	
9	<u>Council Property – Option to Tax.</u> To opt to tax on Council property.	Director of Finance / Section 151 Officer	
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.	Director of Finance / Section 151 Officer	
11	<u>Housing Revenue Account Service Charges</u> To vary Housing Revenue Account service charges in line with external factors.	Director of Finance / Section 151 Officer	
12	<u>Housing Revenue Account Rents</u> To set rents for new Housing Revenue Account properties.	Director of Finance / Section 151 Officer	
13	<u>Fees and Charges</u> To agree any necessary in-year changes to fees and charges levied/charged by the Council.	Director of Finance / Section 151 Officer	
14	<u>Treasury Management</u> 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.	Director of Finance / Section 151 Officer	
15	<u>Council Tax Recovery Policy</u> The Finance Director be delegated authority to issue civil penalties under Schedule 3 to the Local Government Finance Act 1992 (and subsequent Orders) (10/Council/18.10.18/148).	Director of Finance / Section 151 Officer	
1	<u>Sealing of Documents:</u> As Director of Legal and Democratic 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)	Director of Legal and Democratic Services / Monitoring Officer	
2	<u>Legal Proceedings:</u>	Director of Legal and	

	As Director of Legal and Democratic 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).	Democratic Services / Monitoring Officer	
3	<u>Authentication of Documents:</u> As Director of Legal and Democratic 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).	Director of Legal and Democratic Services / Monitoring Officer	
4	<u>Authority to Appear in Court:</u> As Director of Legal and Democratic Services, to authorise officers to appear in Court for the Council.	Director of Legal and Democratic Services / Monitoring Officer	
5	<u>Planning Enforcement</u> (references to the 1990 Act are to the Town and Country Planning Act 1990): As Director of Legal and Democratic 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	Director of Legal and Democratic Services / Monitoring Officer	

	<p>the duty to plant replacement trees (Section 209(6) of the 1990 Act); and</p> <p>(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.</p> <p>(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.</p>		
6	<p><u>Officer Interests:</u></p> <p>As Director of Legal and Democratic Services, to maintain a register of officer interests and to record the receipt by officers of gifts/hospitality.</p>	Director of Legal and Democratic Services / Monitoring Officer	
7	<p><u>Regulation of Investigatory Powers Act 2000:</u> As Director of Legal and Democratic 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.</p>	Director of Legal and Democratic Services / Monitoring Officer	
8	<p><u>Freedom of Information</u></p> <p>As Director of Legal and Democratic Services, to make any appropriate amendments to the publication scheme required (a) to incorporate good practice or (b) to keep the scheme up-to-date.</p> <p>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</p> <p>To determine the fees that will apply to requests for information under the Freedom of Information Act 2000.</p>	Director of Legal and Democratic Services / Monitoring Officer	
9	<p><u>Environmental Information Regulations</u></p> <p>As Director of Legal and Democratic 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.</p>	Director of Legal and Democratic Services / Monitoring Officer	

	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	<p><u>Assets of Community Value</u></p> <p>As Director of Legal and Democratic Services:</p> <p>(i) To determine a review into the listing of land as an Asset of Community Value.</p> <p>(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.</p>	Director of Legal and Democratic Services / Monitoring Officer	
11	<p><u>Housing Benefit Overpayments</u></p> <p>As Director of Legal and Democratic Services , to recover Housing Benefit overpayments under the Social Security (Overpayments and Recovery) Regulations 2013 and any subsequent and amending legislation.</p>	Director of Legal and Democratic Services / Monitoring Officer	
12	<p><u>Monitoring Officer:</u></p> <p>Subject to appointment by the Council, to act as Monitoring Officer pursuant to section 5(1) Local Government and Housing Act 1989.</p>	Director of Legal and Democratic Services / Monitoring Officer	
13	<p><u>Executive Arrangements:</u></p> <p>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.</p>	Director of Legal and Democratic Services / Monitoring Officer	
14	<p><u>Confidential Reporting Policy:</u></p> <p>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).</p> <p>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.</p>	Director of Legal and Democratic Services / Monitoring Officer	
15	<p><u>Elections</u></p> <p>To act as Deputy Electoral Registration Officer in maintaining the Electoral Register.</p>	Director of Legal and Democratic Services / Monitoring Officer	
16	<u>Regulation of Investigatory Powers Act 2000</u>	Director of Legal and	

	In the absence of the Chief Executive, the Director of Legal and Democratic Services 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.	Democratic Services / Monitoring Officer	
17	<u>Data Protection Officer</u> To act as the Council’s Data Protection Officer.	Director of Legal and Democratic Services / Monitoring Officer	
18	<u>Coronavirus Regulations</u> The Director of Legal and Democratic Services be authorised to make designations of authorised persons under the current Coronavirus Regulations and any further coronavirus regulations which may be enacted from time to time in response to the current pandemic (3/Executive/08.10.20/134).	Director of Legal and Democratic Services / Monitoring Officer	
19	<u>Housing Standards Enforcement Policy</u> The Director of Legal and Democratic Services be delegated authority to issue financial penalties under the Housing and Planning Act 2016. The Director of Legal and Democratic Services be delegated authority to issue financial penalties under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. The Director of Legal and Democratic Services be delegated authority to issue financial penalties under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Regulations 2014.	Director of Legal and Democratic Services / Monitoring Officer	
20	<u>Proper Officer</u> Subject to proper officer appointments by virtue of position, the Director of Legal and Democratic Services shall be authorised to act as the proper officer for any statutory responsibilities.	Director of Legal and Democratic Services / Monitoring Officer	
1	<u>Circuses and Fairs:</u> To agree the best possible charges for hiring facilities to circuses, fairs, etc.	Strategic Director – Communities	
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.	Strategic Director – Communities	
3	<u>Accredited User Status:</u> To approve applications for accredited use of the Rhoda McGaw Theatre, subject to applicants meeting prescribed grant criteria.	Strategic Director – Communities	

4	<p><u>Staffing Levels:</u></p> <p>To recruit and/or vary staffing levels to meet front-line business needs, provided that such changes are within any limits determined by Council.</p>	Strategic Director – Communities	
5	<p><u>Safeguarding of Children, Young People and Vulnerable Persons:</u></p> <p>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.</p>	Strategic Director – Communities	
6	<p><u>Access to Personal Files Act 1987:</u></p> <p>To determine at first instance applications for information made pursuant to the Housing Regulations of 1989.</p>	Strategic Director – Communities	
7	<p><u>Housing Act 1985 (Part III):</u></p> <p>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.</p>	Strategic Director – Communities	
8	<p><u>Intentional Homelessness:</u></p> <p>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.</p>	Strategic Director – Communities	
9	<p><u>Home Repair Assistance (HRA):</u></p> <p>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.</p>	Strategic Director – Communities	
10	<p><u>Discretionary Renovation Grants:</u></p> <p>To approve discretionary renovation grants:</p> <ul style="list-style-type: none"> (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. 	Strategic Director – Communities	

11	<p><u>Home Insulation Grants:</u></p> <p>To determine applications and approve as necessary.</p>	Strategic Director – Communities					
12	<p><u>Houses in Multiple Occupation (HMO):</u></p> <p>To approve Discretionary HMO grants where:</p> <p>(i) there are inadequate means of escape from fire; and/or</p> <p>(ii) there are inadequate other fire precautions; and</p> <p>(iii) these works would qualify for a notice being served under section 352(I) Housing Act 1985 (maximum £15,000).</p>	Strategic Director – Communities					
13	<p><u>Review of Housing Policies:</u></p> <p>To approve changes to Housing Policies where they:</p> <p>(i) consolidate new legislation</p> <p>(ii) give effect to statutory obligation; or</p> <p>(iii) reflect changes to organisation structure (19/Executive/15.04.04/405).</p>	Strategic Director – Communities					
14	<p><u>Homelessness.</u></p> <p>To approve other initiatives to prevent homelessness in individual cases at reasonable cost to the Council and within approved budget limits.</p>	Strategic Director – Communities					
15	<p><u>Housing Act 2004</u></p> <p>(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;</p> <p>(ii) Authority to review the existing charges for enforcement action and make any necessary changes to the fees.</p> <p>(iii) Authority to take enforcement action under Section 265 of the Housing Act 1985 to make a Demolition Order;</p> <p>(iii) 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.</p> <table border="1" data-bbox="156 1809 935 2000"> <tr> <td>Housing Act 2004</td> <td></td> </tr> <tr> <td>Sections 11, 12, 14, 16, 17 & 18</td> <td>Relating to the service of improvement notices and follow up action</td> </tr> </table>	Housing Act 2004		Sections 11, 12, 14, 16, 17 & 18	Relating to the service of improvement notices and follow up action	Strategic Director – Communities	
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.			
Sections 102, 103, 106 & 110	Relating to the making and operation of interim management orders			
Sections 111 & 112	Relating to the variation and revocation of interim management orders			
Sections 113, 115, 119 & 120	Relating to the making and operation of final management orders			
Sections 121 & 122	Relating to the variation and revocation of final management orders, procedural requirements and appeals relating to interim and final management orders			
Sections 127, 129 & 130	Relating to the management and termination of final management orders			
Section 131	Relating to Management orders: power of entry to carry out work			
Section 139 & 144	Relating to overcrowding notices in certain houses in multiple occupation not required to be licensed			
Section 234	Relating to enforcement of management regulations			
Sections 235	Relating to the power to require documents to be produced			
Section 240	Relating to warrant to authorise entry			
Section 242	Relating to notice requirements for the protection of owners			
Section 245	Relating to powers to dispense with notices			

	Section 255 & 256	Relating to HMO declarations & revocation of HMO declarations		
16	<u>Housing Assistance Policy 2015-18</u> To agree minor amendments to the Housing Assistance Policy in consultation with the Portfolio Holder.		Strategic Director – Communities	
17	<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.		Strategic Director – Communities	
18	<u>Rent Act 1977:</u> Section 68: To make application to the Rent Office for the consideration of a fair rent.		Strategic Director – Communities	
19	<u>Policy on Discharging the Council's Homelessness Duty into the Private Rented Sector</u> The Strategic Director - Communities be delegated authority to agree minor amendments to the Policy on discharging the Council's homelessness duty into the Private Rented Sector in consultation with the Portfolio Holder. The Housing Needs Manager be delegated authority, in consultation with the Portfolio Holder, to determine reviews under this Policy and that consequential changes to the Council's Constitution are undertaken to accommodate such (7/Council/09.02.17/265).		Strategic Director – Communities	
20	<u>Homelessness and Rough Sleeping Strategy</u> The Strategic Director - Communities, in consultation with the Portfolio Holder for Housing, be delegated authority to make minor amendments to the Strategy and to update the action plan as required (8/Council/13.02.20/240).		Strategic Director – Communities	
21	<u>Next Steps Accommodation Programme</u> The Strategic Director - Communities, in consultation with the Portfolio Holder for Housing, be authorised to take all necessary actions to secure the grant funding and deliver the scheme (9B/Council/03.12.20/202).		Strategic Director – Communities	
22	<u>Safeguarding – Policy and Procedure – A Guide to Safeguarding Vulnerable Adults and Children</u> The Strategic Director responsible for safeguarding be delegated authority to agree minor amendments to the Policy in consultation with the Lead Member for Safeguarding (9/Council/06.04.17/230).		Strategic Director – Communities	
23	<u>Housing Standards Enforcement Policy</u> The Strategic Director - Communities be delegated authority to agree minor amendments to the Housing Standards Enforcement Policy in consultation with the Portfolio Holder.		Strategic Director – Communities	

	<p>The Strategic Director be delegated authority to apply for Banning Orders proposed in the Housing and Planning Act 2016 from the implementation date.</p> <p>The Strategic Director be delegated authority to enter relevant private landlord details onto the Rogue Landlord Database proposed in the Housing and Planning Act 2016 from the implementation date (7/Council/20.07.17/46).</p>		
24	<p><u>Private Rented Sector Access Scheme Policy</u></p> <p>The Strategic Director - Communities be delegated authority to agree leases with private landlords for accommodation to be used in accordance with the Policy.</p> <p>The Strategic Director - Communities be delegated authority to make minor amendments to the Policy</p>	Strategic Director – Communities	
25	<p><u>Major Works Affecting Leaseholders and Arrangement for the Payment of Service Charges</u></p> <p>Delegated authority be given to the Strategic Director - Communities to make minor changes to the policy in consultation with the Portfolio Holder for Housing (6/Council/19.10.17/122).</p>	Strategic Director – Communities	
26	<p><u>Housing Allocations Policy 2018</u></p> <p>The Strategic Director, in consultation with the Portfolio Holder for Housing, be delegated authority to make minor amendments to the Policy as part of an annual review (7/Council/05.04.18/279).</p>	Strategic Director – Communities	
27	<p><u>Anti-Social Behaviour, Crime and Policing Act 2014</u></p> <p>(i) To issue Community Protection Notices;</p> <p>(ii) To authorise Registered Social Landlords to issue Community Protection Notices;</p> <p>(iii) To issue Fixed Penalty Notices;</p> <p>(iv) To authorise any persons to issue Fixed Penalty Notices, and</p> <p>(v) To take remedial action when a Community Protection Notice has not been complied with</p> <p>Under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.</p>	Strategic Director – Communities	
28	<p><u>Tenancy Policy</u></p> <p>To implement minor amendments to the Policy in consultation with the Strategic Director and the Portfolio Holder for Housing.</p>	Strategic Director – Communities	
29	<p><u>Allocations Policy</u></p>	Strategic Director – Communities	

	To implement minor amendments to the Policy in consultation with the Strategic Director and the Portfolio Holder for Housing.		
30	<p><u>Disabled Facilities Grant (DFG):</u> Authority to:</p> <p>(i) approve Mandatory DFG to allow for the purposes listed in Section 23 Housing Grants Construction and Regeneration Act 1996; and</p> <p>(ii) approve Discretionary DFG for other works up to £3,000 when in conjunction with a Mandatory DFG, in consultation with the Leader.</p>	Strategic Director – Communities	
31	<p><u>Tenancy Policy</u></p> <p>To implement minor amendments to the Policy in consultation with the Strategic Director and the Portfolio Holder for Housing.</p>	Strategic Director – Communities	
32	<p><u>Allocations Policy</u></p> <p>To implement minor amendments to the Policy in consultation with the Strategic Director and the Portfolio Holder for Housing.</p>	Strategic Director – Communities	
33	<p><u>Disabled Facilities Grant (DFG):</u></p> <p>Authority to:</p> <p>(i) approve Mandatory DFG to allow for the purposes listed in Section 23 Housing Grants Construction and Regeneration Act 1996; and</p> <p>(ii) approve Discretionary DFG for other works up to £3,000 when in conjunction with a Mandatory DFG, in consultation with the Leader.</p>	Strategic Director – Communities	
1	<p><u>Skin piercing, etc.:</u></p> <p>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</p>	Strategic Director - Place	
2	<p><u>Advertisements:</u></p> <p>To remove posters and placards displayed in contravention of the Advertisement Regulations.</p>	Strategic Director - Place	
3	<p><u>Air Pollution Control:</u></p> <p>(i) to grant, vary and revoke authorisations to persons controlling prescribed processes under Schedule B of the Environmental</p>	Strategic Director - Place	

	<p>Protection (Prescribed Processes and Substances) Regulations 1991;</p> <p>(ii) to maintain a register of processes as required by Part I of the Environmental Protection Act 1990; and</p> <p>(iii) to grant, vary and revoke permits under the Pollution Prevention and Control (England and Wales) Regulations 2000</p>		
4	<p><u>Building Act 1984</u></p> <p>Section 59: To serve notice to require satisfactory drainage systems to be provided to buildings.</p> <p>Section 60: To serve notice to require the proper use of soil ventilation pipes.</p> <p>Section 64: To serve notice to require the provision of closets in a building.</p> <p>Section 65: To serve notice to require the provision of sanitary conveniences at certain work places.</p> <p>Section 66: To serve notice to require the replacement of earth closets.</p> <p>Section 67: To loan temporary sanitary conveniences.</p> <p>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.</p> <p>Section 84: To serve notice to require the improvement of pavings and drainage to yards and passages.</p>	Strategic Director Place –	
5	<p><u>Caravan Site Licences:</u></p> <p>Authority to take action under the Caravan Sites and Control of Development Act 1960 as set out, but not limited to, below:-</p> <p>(i) To issue a site licence pursuant to section 3 of the Caravan Sites and Control of Development Act 1960.</p> <p>(ii) To attach conditions to a site licence pursuant to section 5 of the Caravan Sites and Control of Development Act 1960.</p> <p>(iii) To transfer a site licence pursuant to section 10 of the Caravan Sites and Control of Development Act 1960.</p> <p>(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.</p>	Strategic Director Place –	

	<p>(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.</p> <p>(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.</p>		
6	<p><u>Control of Pollution Act 1974:</u></p> <p>Section 60: To serve notice to control noise on construction sites.</p> <p>Section 61: To give prior consent, including limiting conditions for work on construction sites.</p>	Strategic Director Place	–
7	<p><u>Dog Controls:</u></p> <p>(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 ;</p> <p>(ii) to exercise the powers to deal with stray dogs under the provisions of Sections 149-151 Environmental Protection Act 1990 ;</p> <p>(iii) the Council's Dog Wardens are authorised to issue Fixed Penalty Notices under the Dogs (Fouling of Land) Act 1996 .</p>	Strategic Director Place	–
8	<p><u>Food Safety:</u></p> <p>Environmental Health staff, by reason of their appointment, are authorised to exercise the powers available under the provisions of:-</p> <ul style="list-style-type: none"> o European Communities Act 1972 o Regulation (EC) No.178/2002 o Regulation (EC) No.852/2004 o Regulation (EC) No.853/2004 o Regulation (EC) No.2073/2005 o Food Safety Act 1990 o Products of Animal Origin (Third Country Imports) (England) (No.4) Regulations 2004 o Food Hygiene (England) Regulations 2006 <p>All instruments and regulations made under or amending the above legislation</p> <p>The level at which an Officer may operate shall depend upon their competency, as stated in the Food Standards Agency Code of</p>	Strategic Director Place	–

	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) .	Strategic Director Place	–
10	<u>Local Government (Miscellaneous Provisions) Act 1976:</u> 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.	Strategic Director Place	–
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.	Strategic Director Place	–
12	<u>Prevention of Damage By Pests Act 1949:</u> 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.	Strategic Director Place	–
13	<u>Public Health Act 1936:</u> 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.	Strategic Director Place	–
14	<u>Public Health Act 1961:</u> Section 17: Notice to clear blocked drains.	Strategic Director Place	–

	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.	Strategic Director Place	–
16	<u>Statutory Nuisances:</u> To serve Nuisance Abatement Notices under Section 80 of the Environmental Protection Act 1990 .	Strategic Director Place	–
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.	Strategic Director Place	–
18	<u>Various Licences:</u> (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: <ul style="list-style-type: none">○ Animal Boarding Establishments Act, 1963○ Dangerous Wild Animals Act, 1976○ Guard Dog Act, 1975○ Pet Animals Act, 1951○ Riding Establishments Acts, 1964 and 1970○ Game Act, 1831○ Scrap Metal Dealers Act, 2013 (25/H&H/14.3.91/691)	Strategic Director Place	–
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.	Strategic Director Place	–
20	<u>Control of Pesticides Regulations 1986:</u> (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	Strategic Director Place	–

	(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.	Strategic Director Place	–
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.	Strategic Director Place	–
23	<u>Health and Safety at Work Act 1974:</u> (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 .	Strategic Director Place	–
24	<u>Public Health (Control of Diseases) Act 1984:</u> To make arrangements for burial and cremation where no suitable arrangements exist.	Strategic Director Place	–
25	<u>Clean Air Act 1993:</u> To approve or refuse chimney heights.	Strategic Director Place	–
26	<u>Appointment of Proper Officers (Public Health (Control of Disease) Act 1984, and National Assistance Acts 1948 and 1951:</u> 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.	Strategic Director Place	–
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.	Strategic Director Place	–

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).	Strategic Director Place	–	
29	<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.	Strategic Director Place	–	
30	<u>Town Centre Policy.</u> To approve bookings that differ from the policy in exceptional circumstances.	Strategic Director Place	–	
31	<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.	Strategic Director Place	–	
32	<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.	Strategic Director Place	–	
33	<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.	Strategic Director Place	–	
34	<u>Trading Licences:</u> To determine applications for trading licences, in consultation with the Leader of the Council and the appropriate Ward Councillors.	Strategic Director Place	–	
35	<u>Waste:</u> To authorise any persons to issue fixed penalty notices under Section 34A of the Environmental Protection Act 1990.	Strategic Director Place	–	
36	<u>Rights of Way:</u> 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.	Strategic Director Place	–	
37	<u>Wheeled Bins.</u> To determine operational matters within the agreed Council Policy.	Strategic Director Place	–	

38	<u>Motor Salvage Operators Regulations 2002</u> To register operators pursuant to the Regulations.	Strategic Director Place	–	
39	<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.	Strategic Director Place	–	
40	<u>Consent Streets:</u> To advertise the Council's intention to designate newly adopted streets as consent streets.	Strategic Director Place	–	
41	<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.	Strategic Director Place	–	
42	<u>Air Quality Management Areas</u> To declare an Air Quality Management Area where air quality does not meet the Government's objectives.	Strategic Director Place	–	
43	<u>Naming and Numbering of Streets and Properties</u> (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.	Strategic Director Place	–	
44	<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.	Strategic Director Place	–	
45	<u>Fly Tipping Reward Scheme</u> To award rewards under the Fly tipping rewards initiative.	Strategic Director Place	–	
46	<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	Strategic Director Place	–	

	support specific species and habitats to favourable conservation status.		
47	<p><u>Transport and Highway Functions</u></p> <p>(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). – new regs??</p> <p>Also car park tickets??</p> <p>(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).</p> <p>(iii) To exercise any traffic power, duty or function vested in the Council under the Road Traffic Regulation Act 1984 (as amended).</p> <p>(ii) Provision of bus shelters under the Local Government (Miscellaneous Provisions) Act 1953 (as amended).</p> <p>(iii) 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).</p>	Strategic Director Place	–
48	<p><u>Woking Integrated Transport Package Camera Enforcement of bus lane restrictions</u></p> <p>Authority be delegated to Strategic Director - Place to negotiate terms and enter into an agreement with Surrey County Council to authorise Woking Borough Council to operate and enforce bus lane contraventions within Woking as Surrey County Council's agent.</p> <p>Upon completion of the agreement, the Strategic Director - Place is duly authorised to exercise any power, duty or function vested in the Council by virtue of the agreement with Surrey County Council to operate and enforce bus lane contraventions in Woking.</p> <p>Upon completion of the agreement, the Strategic Director - Place is duly authorised to authorise any persons to issue fixed penalty notices to enforce bus lane contraventions</p>	Strategic Director Place	–
49	<p><u>Climate Emergency - Planning for Carbon Neutrality</u></p> <p>Delegated authority be given to the Strategic Director - Place in consultation with the Portfolio Holder and Shadow Portfolio Holder for Environment and Sustainability to agree new actions as they are identified</p>	Strategic Director Place	–
50	<p><u>Coronavirus Regulations</u></p> <p>The Strategic Director - Place and Environmental Health Manager be designated under the Coronavirus Regulations as an authorised person.</p>	Strategic Director Place	–

51	<p><u>Adoption of Ordinary Watercourse Byelaws</u></p> <p>The Strategic Director - Place in consultation with the Portfolio Holder, be authorised to consider and seek to resolve any objection to the said byelaws being made (including amending the proposed byelaws).</p> <p>In the event these byelaws are adopted by the Council, authority be delegated to the Assistant Director (Place) to authorise or refuse any applications for consents submitted under the said byelaws.</p>	Strategic Director Place	–	
52	<p><u>Fixed Penalty Notice (FPN) Policy for Fly Tipping Offences</u></p> <p>Authority be delegated to the Strategic Director - Place, in consultation with the Portfolio Holder for Environmental and Well Being Services, to vary the level of all environmental fixed penalty notice charges in accordance with legislation.</p> <p>Authority be delegated to the Strategic Director - Place to authorise any persons to issue fixed penalty notices for fly tipping under the Environmental Protection Act 1990 (7/Council/08.02.18/220).</p>	Strategic Director Place	–	
53	<p><u>The Clean Neighbourhoods and Environment Act 2005</u></p> <p>Authority be delegated to the Strategic Director - Place, in consultation with the Portfolio Holder for Environmental and Well Being Services, to vary all environmental fixed penalty notice charges in accordance with the legislation.</p> <p>Authority be delegated to the Strategic Director - Place to authorise any persons to issue fixed penalty notices for an offence under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005 (7/Council/05.04.18/278).</p>	Strategic Director Place	–	
54	<p><u>Fixed Notice (FPN) Policy for Littering From Vehicle Offences</u></p> <p>Authority be delegated to the Strategic Director - Place to authorise any persons to issue fixed penalty notices from 6 April 2018 for littering from vehicles under section 88A of the Environmental Protection Act 1990 (7/Council/05.04.18/279).</p>	Strategic Director Place	–	
55	<p><u>Sustainable Urban Drainage Systems (SUDS)</u></p> <p>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.</p>	Strategic Director Place	–	
56	<p><u>Meeting Rooms</u></p> <p>To determine applications for consent to use meeting rooms in Civic Offices.</p>	Strategic Director Place	–	
57	<p><u>Advertising</u></p>	Strategic Director Place	–	

	<p>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:</p> <p>a) is in bad taste;</p> <p>b) does not conform to the British Code of Practice of Advertising Practice; or</p> <p>c) with which it would be inappropriate for the Council to be associated</p>		
58	<p><u>Community Infrastructure Levy (CIL)</u></p> <p>Delegated authority be given to the Strategic Director - Place in consultation with the Portfolio Holder for Planning to administer CIL enforcement in accordance with Regulations 80 to 92 of the Community Infrastructure Levy Regulations 2010 (as amended)</p> <p>Delegated authority be given to the Strategic Director - Place in consultation with the Portfolio Holder for Planning to, when justified, withdraw a CIL Liability Notice issued by the Council in accordance with Regulation 65(7) of the Community Infrastructure Regulations 2010 (as amended).</p> <p>Delegated authority be given to the Director of Legal and Democratic Services to administer CIL enforcement in accordance with Regulations 93 to 111 of the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p>Delegated authority be given to the Strategic Director - Place for the administration of Community Infrastructure Levy under Part 8 of the Community Infrastructure Levy Regulations 2010 (as amended)</p>	Strategic Director Place	-
59	<p><u>Housing Infrastructure Fund</u></p> <p>The Strategic Director - Place be authorised to undertake a review of Community Infrastructure Levy and to establish a Section 106 Tariff for town centre infrastructure associated with the HIF project</p> <p>The Strategic Director - Place, in consultation with the Leader of the Council and the Portfolio Holder, be authorised to agree terms for the purchase of properties comprised within the Triangle Site which are not owned by Prime Place (Woking Island Site) LLP</p>	Strategic Director Place	-
60	<p><u>Licensing Act 2003</u></p> <p>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.</p>	Strategic Director Place	- Environmental Health Officer
61	<p><u>Woking Borough Council Single Use Plastics (SUP) Policy</u></p> <p>Delegated authority be given to the Green Infrastructure Manager, in consultation with the Portfolio Holder for Environment and Sustainability, to approve future updates to the Borough Council's SUP Policy (9/Council/25.07.19/94).</p>	Strategic Director Place	- Green Infrastructure Manager

62	<u>Woking Borough Council Street Naming and Numbering Policy</u> The Green Infrastructure Manager, in consultation with the Portfolio Holder for Environment and Sustainability, be given delegated authority to approve future updates to the Street Naming and Numbering Policies to reflect new information (9/Council/25.07.19/96).	Strategic Director Place –	Green Infrastructure Manager
63	<u>Property Disposal</u> To appoint an agent to dispose of properties following approval by the Council of the sale.	Strategic Director Place –	Assistant Director (Property)
64	<u>Sale of Land</u> 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.	Strategic Director Place –	Assistant Director (Property)
65	<u>Land Management</u> (i) to approve terms, etc., arising in the course of the following: <ul style="list-style-type: none"> ○ disposals and acquisitions, rent reviews, assignments, renewals of existing agreements and all other land transactions; and ○ 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.	Strategic Director Place –	Assistant Director (Property)
66	<u>Assets of Community Value</u> To determine applications to list land as an Asset of Community Value.	Strategic Director Place –	Assistant Director (Property)
67	<u>Party Wall etc Act 1996</u> To act as Appointing Officer for defined purposes.	Strategic Director Place –	Chief Building Control Officer
68	<u>Building Regulations:</u> To determine applications, issue formal notices and decide on any type of relaxation of the Building Regulations.	Strategic Director Place –	Chief Building Control Officer
1	<u>Planning</u>	Local Planning	

	<p>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, for the avoidance of doubt, functions relating to the preservation of trees) except for (i) the functions listed in paragraph 5 below and (ii) the following functions which will be reported to the Planning Committee for determination:</p> <p>a) Applications for planning permission, where the recommendation would be for approval, involving:-</p> <p>(i) The provision of dwelling houses where the number of dwelling houses to be provided is more than five; or</p> <p>(ii) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, or</p> <p>(iii) Development carried out on a site having an area of 1 hectare or more.</p> <p>For the avoidance of doubt, the Development Manager is authorised to refuse such applications.</p> <p>b) Applications submitted by a member of staff</p> <p>c) Applications submitted by a Councillor</p> <p>d) Applications where the applicant is Woking Borough Council and any companies or entities 50% or more owned by Woking Borough Council, except for non-material amendments and minor material amendments (irrespective of whether they are major or non-major development).</p> <p>e) Any undetermined application can be requested by a Councillor for determination by the Planning Committee provided a planning reason is supplied in writing to the Development Manager</p> <p>f) Where ENFORCEMENT/STOP NOTICES are recommended to be served (except in cases of urgency, where the Development Manager is authorised to approve the issue of such Notices)</p> <p>g) Where objections have been received on the confirmation of a tree preservation order (TPO)</p> <p>h) Where in the opinion of the Development Manager planning issues raised warrant the consideration by the Planning Committee</p>	<p>Authority - Development Manager</p>	
<p>2</p>	<p><u>Protection and Preservation of Trees and Hedgerows</u></p> <p>To determine notifications for 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.</p>	<p>Local Planning Authority - Development Manager</p>	

3	<u>High Hedges</u> To determine applications of complaint over high hedges under the Anti-Social Behaviour Act 2003.	Local Planning Authority - Development Manager	
4	<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	Local Planning Authority - Development Manager	
	Functions delegated to the Director of Legal and Democratic Services under the Council's May 2016 Scheme of Delegation in respect of Planning Enforcement (<i>Note:- these functions primarily relate to the taking of legal action through the Courts</i>).		
5	<u>Community Projects Grants:</u> To approve Community Projects Grants up to the value of £100, in consultation with the Chairman and Ward Councillors.	Local Planning Authority – Head of Planning	
6	<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.	Local Planning Authority – Head of Planning	
7	<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.	Local Planning Authority – Head of Planning	
1	<u>Hardware and Software Purchases:</u> To purchase hardware and software replacements in maintenance of the Information and Communications Technology Asset Base.	Strategic Director – Corporate Resources	
2	<u>Caring for Children and Young People Policy - HR Policy for Woking Borough Council Employees</u> The Head of Human Resources, in consultation with Corporate Leadership Team and Unison, be delegated authority to make minor amendments to the Policy (9D/Council/30.07.20/72).	Strategic Director – Corporate Resources	
3	<u>Business Rates Relief Schemes</u> The Award of Discretionary Relief be delegated to the Revenues, Benefits and Customer Services Manager and, in his absence, his deputy (Revenues Manager) (6/Executive/14.09.17/77).	Strategic Director – Corporate Resources	
4	<u>Taxi and Private Hire Licensing Applications:</u> a. Applications: To approve applications for licences for private hire operators, private hire drivers and taxi drivers: b. New Applicant: To issue a “minded to” refuse letter to a new applicant in respect of an application for a private hire operator, private hire driver or a taxi	Strategic Director – Corporate Resources	

	<p>drivers licence and refer the matter to the Taxi Licensing Sub-Committee for determination as to whether or not the driver is “fit and proper” to hold a licence:</p> <p>c. Renewals: To approve or refuse applications for renewal of licences by existing licence holders:</p> <p>d. Penalty Points Scheme: To issue a formal notice to a licence holder that they have reached the requisite number of penalty points under the Penalty Points Scheme and refer the matter to a Taxi Licensing Sub-Committee for determination:</p> <p>e. Revocation/Suspension of Licences: 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 under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>f. Vehicles: To approve or refuse applications for private hire vehicles and taxis</p>														
5	<p><u>Licensing</u></p> <p>That authority be delegated to the Legal Services Manager to</p> <p>i) authorise named officers of the Licensing Team to be “authorised persons” for the purposes of the Licensing Act 2003; and</p> <p>ii) authorise named officers of the Licensing Team to be “authorised officers of the Council” for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.</p>	Strategic Director – Corporate Resources													
6	<p><u>Licensing Act 2003.</u></p> <p>To determine applications and carry out functions of the Licensing Policy set out below.</p> <table border="1" data-bbox="134 1525 940 1995"> <thead> <tr> <th data-bbox="134 1525 453 1653">Matter to be Dealt With</th> <th data-bbox="453 1525 692 1653">Sub-Committee</th> <th data-bbox="692 1525 940 1653">Officers</th> </tr> </thead> <tbody> <tr> <td data-bbox="134 1653 453 1767">Application for personal licence</td> <td data-bbox="453 1653 692 1767">If a Police objection is made</td> <td data-bbox="692 1653 940 1767">If no objection made</td> </tr> <tr> <td data-bbox="134 1767 453 1881">Application for personal licence, with unspent convictions</td> <td data-bbox="453 1767 692 1881">All cases</td> <td data-bbox="692 1767 940 1881"></td> </tr> <tr> <td data-bbox="134 1881 453 1995">Application for premises licence / club premises certificate</td> <td data-bbox="453 1881 692 1995">If a relevant representation is made</td> <td data-bbox="692 1881 940 1995">If no representation made</td> </tr> </tbody> </table>	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 relevant representation is made	If no representation made	Strategic Director – Corporate Resources	
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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 relevant representation is made	If no representation made													

	Application for provisional statement	If a relevant representation is made	If no representation made		
	Application to vary premises licence / club registration certificate	If a relevant 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			
7	<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.			Strategic Director – Corporate Resources	
8	<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			Strategic Director – Corporate Resources	

	<ul style="list-style-type: none"> ○ determining applications for variations to premises licences where no representations have been received or representations have been withdrawn ○ 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 ○ determining applications for club gaming/club machine permits where no objections made or objections have been withdrawn ○ determining application for other permits ○ cancellation of licensed premises gaming machine permits ○ consideration of temporary use notices 		
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Part 3

Proper Officers

1. Proper Officers of the Council

- 1.1. The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.
- 1.2. Subject to the proper officer appointments set out below, the Chief Executive be authorised to act as the proper officer for the statutory responsibilities which fall within their area.
- 1.3. In any case where an officer is appointed or authorised, he or she may delegate such authorisations to such officer as he or she may determine and may make such arrangements for the carrying out of functions in the event of his or her absence or otherwise being unable to act by any other officer of the Council as he or she considers appropriate, subject to such arrangements being made in written form indicating the officers in power to exercise the functions and the functions involved.
- 1.4. Any reference in this document to an enactment is to be taken as including a reference to any enactment for the time being amending or replacing it.

Statute	Function	Proper Officer
Local Government Act 1972		
Section 83	To witness, and to receive, declarations of acceptance of office.	Chief Executive or the Monitoring Officer
Section 84	To receive notices from Members of resignation from office.	Chief Executive
Section 86	To declare any vacancy in any office under this section	Chief Executive
Section 87	To publish a notice of vacancy	Chief Executive
Section 88	To convene if necessary a meeting of the Council when the office of Mayor is vacant.	Chief Executive
Section 89	To receive notice by local government electors of a casual vacancy in the office of Borough Councillor.	Chief Executive
Section 100B	To take decisions as to whether information is likely to be "exempt" when coming before the Council, the Cabinet or a Committee. To decide if other copy documents supplied to councillors should be supplied to the press	Director of Democratic and Legal Services
Section 100C	To produce a written summary of proceedings taken by the Council, the Cabinet or a Committee in private (i.e. Minute)	Director of Democratic and Legal Services
Section 100D	To compile a list of background papers for a Cabinet or a Committee report.	Director of Democratic and Legal Services

Section 100F	To decide if a requested document appears to contain exempt information	Director of Democratic and Legal Services
Section 115	To receive money due from Officers.	Finance Director
Section 146	To sign declarations and certificates with regard to securities.	Finance Director
Section 191	To receive applications made by the Ordnance Survey Office for assistance in determining boundaries	Chief Executive
Section 210	To exercise any power with respect to a charity exercisable by any officer of a former authority.	Chief Executive
Section 223	Authorising officers to attend court and appear on behalf of the Council under the Local Government Act 1972 and County Courts Act 1984	Director of Democratic and Legal Services
Section 225	To receive and retain any document deposited with the Council for custody.	Director of Democratic and Legal Services
Section 228	To keep accounts open for inspection by any member of the Authority.	Finance Director
Section 229	To certify, for the purpose of any legal proceedings, photographic copies of documents.	Director of Democratic and Legal Services
Section 233	The officer to receive documents required to be served on the authority	Director of Democratic and Legal Services
Section 234	To authenticate notices, orders or other documents on behalf of the Council.	Director of Democratic and Legal Services
Section 236	To send copies of confirmed byelaws made by the Council to the County Council.	Director of Democratic and Legal Services
Section 238	To certify copies of bye-laws.	Director of Democratic and Legal Services
Section 248	To keep the rolls of Honorary Aldermen and Honorary Freemen.	Chief Executive
Schedule 12(4)	To sign, and send to all Members of the Council, the summons to attend meetings of the Council.	Chief Executive
Schedule 14(25)	To certify resolutions under this paragraph for the purpose of legal proceedings.	Director of Democratic and Legal Services

Local Land Charges Act 1975

Section 9	To act as local registrar for the registration of local land charges and the issue of official certificates of search.	Finance Director
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Representation of the People Act 1983

Section 8	To be the Electoral Registration Officer for the purpose of the registration of electors	Chief Executive
Section 24	To be the Acting Returning Officer for the conduct of Parliamentary Elections.	Chief Executive
Section 35	To be the Returning Officer for the conduct of Local Elections.	Chief Executive
Section 67	To receive appointments of Election Agents	Chief Executive
Section 67	To publish a notice of Election Agents	Chief Executive

Local Government And Housing Act 1989

Section 2	To retain on deposit a list of politically restricted posts.	Head of Human Resources
Section 3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
Section 4	Designation as the Head of Paid Service	Chief Executive
Section 5	Designation as the Council's Monitoring Officer	Director of Democratic and Legal Services
Section 9, 15, 16 and 17	To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Chief Executive

Local Authorities (Executive Arrangements)(Meeting and Access to Information) (England) Regulations 2012

Section 12	To produce a written statement of Cabinet decisions made at Meetings.	Director of Democratic and Legal Services
Section 13	To record executive decision made by individuals	Director of Democratic and Legal Services

Section 14	To make available for inspection by the public a copy of written statements of Cabinet decisions and associated reports.	Director of Democratic and Legal Services
Section 15	To make available for inspection a list of background papers	Director of Democratic and Legal Services
Section 9	To publish key decisions of the Authority	Director of Democratic and Legal Services

Local Government Finance Act 1988

Section 116	Notification to the Council's auditor of any meeting held under section 115 if the 1988 Act	Finance Director
Section 139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Finance Director

Other Miscellaneous Proper Officer Functions

Any other miscellaneous proper or statutory officer functions not otherwise delegated by the authority	Chief Executive or his/her nominee
Any references to designations in legislation predating the 1971/1972 Session of Parliament, other than the Local Government Act 1972, and in Statutory Instruments made prior to 26th October 1972.	The Chief Executive or the Finance Director, whichever is most appropriate to their departmental responsibilities.

Part 3

Standing Orders

1. Meetings of the council

1.1. Time and Place

1.2. All meetings of the Council shall be held in the Council Chamber, Civic Offices, Gloucester Square, Woking on a Thursday commencing at 7 pm unless otherwise notified by the proper officer in the summons to the meeting.

1.3. Notice and Summons

- 1.4. The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons signed by him/her to every councillor giving the date, time and place of the meeting and specifying the business to be transacted and will be accompanied by any reports which are available.
- 1.5. The Chief Executive may cancel a meeting of the Council or its Committees where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor or the Committee Chair (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.

2. Chairing the meetings

2.1. The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the councillors present will elect a councillor to take the Chair for the meeting. The person presiding at the meeting may exercise any power of duty of the Mayor.

3. Quorum for Council meetings

- 3.1. The quorum of the Council is one quarter of the total number of councillors and no business shall be considered unless a quorum is present. For the avoidance of doubt the quorum for Council meetings shall be rounded up to 8 Councillors.
- 3.2. If there is no quorum present at the beginning of a meeting, there shall be a wait of up to thirty minutes. If there is still no quorum at the end of thirty minutes, the Chief Executive shall record the fact in the Minute Book and the names of the members then present. The meeting will stand adjourned to another day.
- 3.3. 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. The meeting will stand adjourned to another day.
- 3.4. Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council.
- 3.5. It shall not be necessary for the wait to run its course if, in the meantime, a quorum is present.

4. Duration of meeting

4.1. The Chief Executive or her representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3.5 hours.

4.2. Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meet

4.3. **Order of Business**

4.4. Subject to Standing Order 4.5, the order of business at every meeting of the Council shall be:

a) To choose a person to preside if the Mayor and Deputy Mayor are absent.

b) To approve the Minutes of the last Council meeting.

c) To receive declarations of interest.

d) To receive apologies for absence.

e) Receive any announcements from the Mayor, Leader (or his nominated spokesperson), Committee Chairs and/or the Chief Executive

f) To consider any urgent business.

g) Written questions under Standing Order 8.1.

h) 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.

i) To receive and consider reports from Council officers.

j) To deal with notices of motion under Standing Order 5 in the order in which they were received.

k) Any other business of which notice has been given in the summons.

4.5. With the exception of items a, b, c, and d in Standing Order 4.4, the Mayor may vary the order of business if he/she considers it desirable to do so.

5. **Extraordinary Meetings**

5.1. **Calling Extraordinary Meetings**

5.2. Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:

a) The Council by resolution

b) The Mayor; and

c) The Monitoring Officer

6. **Annual Meeting**

6.1. **Timing and business**

6.2. In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

6.3. The annual meeting will:

a) Elect a person to preside if the Mayor is not present

- b)** Elect a councillor to be the Mayor of the Council
- c)** Elect a councillor to be Deputy Mayor of the Council
- d)** Approve the minutes of the last ordinary meeting
- e)** Codes and protocols
- f)**
- g)** Receive any announcements from the Mayor
- h)** Elect councillors to be the Leader and Deputy Leader for the next municipal year
- i)** Approve a programme of ordinary meetings of the Council for the year is one has not previously been agreed; and
- j)** Consider any business set out in the notice convening the meeting

6.4. Selection of Councillors on Committees and Outside Bodies

6.5. At the Annual meeting, the Council will:

- a)** Decide which committees to establish for the municipal year
- b)** Decide the size and terms of reference for those committees
- c)** Decide the allocation of seats to political groups in accordance with the political balance regulations
- d)** Appoint the Chairs and Vice-Chairs committees on a politically proportionate basis, and where feasible these positions on any one Committee being filled by members from different political groups
- e)** Appoint the Chairs and Vice-Chairs of sub-committees, where necessary
- f)** Appoint to such outside bodies not delegated to a Committee, that require a Council decision

7. Declarations of Interest

- 7.1. Where in relation to an item on the agenda, a councillor has a Disclosable Pecuniary Interest, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.
- 7.2. The councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.
- 7.3. Where in relation to an item on the agenda, a councillor has:
- a)** a Non-Pecuniary interest arising under paragraph 9 and detailed in Appendix B of the Code of Conduct for Councillors and Co-opted Members (the “Members’ Code of Conduct”) (membership of outside bodies etc.), or,
 - b)** any other Conflict of Interest then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.
- 7.4. A councillor is not required to leave the room when the item is debated but may do so if, in the opinion of the councillor concerned, it is advisable in all the circumstances of the case. A councillor with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

8. Council Minutes

8.1. Signing the Minutes

8.2. The Mayor shall sign the minutes of a meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be conformed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

8.3. No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

8.4. 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 paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

9. Motions at Council Meetings

9.1. Motions may be made either with notice under Standing Order 10 or without notice under Standing Order 11, but not otherwise.

10. Notices of Motion on Notice

10.1. Any councillor may give notice of a motion for consideration at any ordinary meeting of the Council.

10.2. Every Motion must relate to some matter of public, local or general concern or interest and should be about something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be in the opinion of the Chief Executive (or Monitoring Officer in her absence) defamatory, frivolous, offensive or otherwise out of order.

10.3. Notices of motion under this Standing Order shall be in writing and delivered to the Chief Executive's office by noon on the day, ten days before the meeting of the Council at which the motion is intended to be moved. No motion shall exceed 100 words in length.

10.4. 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.

10.5. Notices delivered in accordance with Standing Order 6.3 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.

10.6. 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.

10.7. If a motion set out in the summons is not moved, either by the councillor who gave notice or by some other councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.

10.8. After a motion under this Standing Order has been moved and seconded, it shall, be dealt with at the meeting of the Council to which it is brought, unless the Monitoring Officer and/or S151 Officer considers that it would be conducive to the despatch of business to, refer the

motion without debate to a meeting of the Executive falling before the next ordinary meeting of Council for consideration and report.

- 10.9. 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).
- 10.10. 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.
- 10.11. 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).

11. Motions without Notice

- 11.1. The following motions may be moved without notice and will then be followed by no more than the number of speakers in brackets.
- a)** Appoint a Chairman for the meeting (none).
 - b)** Correct the Minutes (no limit).
 - c)** Alter the order of business (none).
 - d)** Refer the matter to a Committee (no limit).
 - e)** Amend a motion (no limit).
 - f)** Extend the time limit for speeches (none).
 - g)** Suspend Standing Orders (two).
 - h)** Exclude press and public (subject to the provisions of sections 100A-100K of the Local Government Act 1972) (two).
 - i)** Approve a Closure Motion (none).
 - j)** Give consent where consent is required by any Standing Order (no limit).
 - k)** To continue the meeting beyond 3 hours (none)

12. Petitions

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

12.2. General

- 12.3. Meetings of the Council will allow for a period not exceeding 15 minutes during which time members of the public may ask the Leader or Committee/Sub-Committee Chairs, questions relating to matters over which the Council has powers or duties or which affect the Borough.

12.4. Order of Questions

12.5. Questions will be asked in the order received, except that the Mayor may group together similar questions. If more than two questions are submitted by the same person, the third and subsequent questions shall be moved to the end of the agenda item.

12.6. Notice of Questions

12.7. A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon eight working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the councillor to whom it is to be put.

12.8. Length of Questions

12.9. No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question within the time allotted as stipulated at 12.3. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the question. The statement of context and the question will be included in the agenda of the meeting.

12.10. The Chief Executive, or her representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, within one working day of the request being made.

12.11. Any question that fails to be re-submitted in accordance with 12.10 will receive a written response only, within 5 working days of the Council meeting for which it was submitted.

12.12. Number of Questions

12.13. A member of the public may not submit more than 3 questions for any Council meeting.

12.14. Scope of Questions

12.15. The Chief Executive (or representative) may reject a question if it:

- a) Is not about a matter for which the Council has a responsibility or which affects the Borough;
- b) Is defamatory, frivolous or offensive; or
- c) Requires the disclosure of confidential or exempt information.

12.16. Record of Questions

12.17. The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Councillor to who it is to be put. Rejected questions will include reasons for rejection. Questions, (and statements of context) including those dealt with under Standing Order 12.11, and the answers given will be recorded in the minutes of the meeting.

12.18. Asking the Question at the Meeting

12.19. The Mayor will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. No supplementary questions will be allowed.

12.20. Written Answers

12.21. Any question which cannot be dealt with during public question time, either due to lack of time, or the non-attendance of the councillor to whom it was to be put, or because not all the information was available, will be dealt with by a written answer.

13. Council Meetings – Questions by Members

13.1. Provided that the Chief Executive has received a copy of the question to be asked before 12 noon seven working days prior to the day of the Council meeting, a councillor may:

- a) ask the Leader or the relevant Chair of any Committee or Sub Committee, about an issue in the councillor's ward; or
- b) ask the Leader or the relevant Chair of any Committee or Sub Committee about some issue in which the Council has powers or duties or which affects the Borough; or
- c) ask the Chair of a Committee about something for which their Committee has responsibility.

13.2. The procedure for dealing with written questions shall be as follows:

- a) The questions and draft replies shall be tabled at the Council meeting;
- b) All first questions submitted by Members will be taken serially and taken as read first. Second questions will follow, then third questions and so on.
- c) 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.
- d) A member may ask one supplementary question. The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer.
- e) The total time for written questions shall be 15 minutes, or such longer time as the Mayor may allow.

13.3. A question and answer shall not be the subject of discussion or debate.

13.4. The person to whom a question, or a supplementary question, is put may:

- a) decline to answer.
- b) refer the questioner to a Council document or publication where the answer may be found.
- c) undertake to supply an answer (either to the questioner or to all the members of the Council) if an answer cannot conveniently be given when it is asked and circulate within 7 working days.
- d) refer the question for answer to another member of the Executive.

13.5. 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 13.

14. Voting

14.1. Majority

14.2. Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

14.3. Show of Hands

14.4. Unless a named vote is taken, voting at Council meetings shall be by a show of hands, or if there is no dissent, affirmation at the meeting.

14.5. Named Vote

14.6. 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.

14.7. 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.

14.8. 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”).

14.9. Result of Votes

14.10. 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.

14.11. Recording of Individual Vote

14.12. 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”).

14.13. Casting Vote

14.14. 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.

15. Consideration of Recommendations

15.1. Where the Executive or Committee is reporting a matter which is reserved to Council the relevant Portfolio Holder or Committee Chair (or a member of the relevant committee nominated by the chair of that committee) will introduce the report. The recommendation of the Executive or Committee in the report is deemed to be moved and seconded and the motion shall operate (without further words being necessary) as a motion. The normal rules of debate will apply to any debate on the recommendations.

16. Conflicting Recommendations

- 16.1. 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.
- 16.2. 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.
- 16.3. No member shall speak more than once in the debate except on successive amendments, or to exercise a right of reply under Standing Order 16.4
- 16.4. 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.

17. Council Meetings – Rules of Debate

17.1. Motions and Amendments

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

17.4. Seconder's Speech

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

17.6. Speeches

- 17.7. 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).
- 17.8. A member shall direct his/her speech to the matter under discussion.
- 17.9. Unless the Mayor agrees otherwise, no speech shall exceed five minutes.
- 17.10. 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.
- 17.11. When a member may speak again:
- 17.12. A councillor who has spoken on a motion or an amendment may not speak again whilst it is the subject of debate, except:

- a) In exercise of a right of reply
- b) On a point of order, or
- c) By way of personal explanation.

17.13. Amendments to Motions

17.14. An amendment shall be relevant to the motion and will either be:

- a) to refer the matter to the Leader/Executive, an appropriate committee or other body for consideration or reconsideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or
- d) to insert or add words; as long as the effect of (ii) to (iv) above is not to negate the motion.

17.15. The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed. If he or she deems it necessary, the Mayor shall read out the amended motion before the amendment is put.

17.16. Only one amendment may be moved and discussed at any one time and no further amendment shall be moved until the amendment under discussion has been disposed of, provided that the Mayor may permit multiple amendments to be discussed together if he/she thinks that this will facilitate the proper conduct of business, subject to separate votes being taken in respect of each amendment.

17.17. If an amendment is lost, other amendments to the original motion may be moved.

17.18. If an amendment is lost, no other amendment having a similar effect may be moved at the same meeting of the Council.

17.19. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendments may be moved.

17.20. 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.

17.21. A diagram showing how decisions can be made is at [Appendix 1](#).

17.22. Right of Reply

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.
- d) The mover of an amendment has no right of reply to the debate on his or her amendment

17.23. A councillor exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this shall be final and not open to discussion.

17.24. A decision shall be taken immediately after the right of reply has been exercised.

17.25. Alteration and Withdrawal of Motions

17.26. 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.

17.27. 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.

17.28. Motions which may be moved during debate

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

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now out;
- f) that a member be not further heard;
- g) that a member leave the meeting;
- h) the exclude the public, under Section 100A of the Local Government Act 1972.

17.30. Points of Order and Personal Explanation

17.31. Point of Order

A councillor may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The councillor must indicate the Standing Order or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

17.32. Personal Explanation

A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

The ruling of the Mayor on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

17.33. Closure Motions

17.34. A councillor may move, without comment, the following Closure Motions at the end of a speech of another councillor;

- a) To proceed to the next business;
- b) That the question be now put;
- c) To adjourn a debate; or
- d) To adjourn a meeting.

17.35. If a Closure Motion is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote

17.36. A second Closure Motion, shall not be made within a period of half an hour except by leave of the Mayor.

17.37. 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.

17.38. Rescission of Preceding Resolution (“Six Months’ Rule”)

17.39. 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 10 and bears the names of at least ten members of the Council.

17.40. This Standing Order shall not apply to:

- a)** motions to receive and adopt the report or recommendation of the Executive or a Committee, or
- b)** motions arising from a recommendation or report from a Statutory Officer.

17.41. Officers speaking during debates

17.42. Any member of the Corporate Leadership Team or his representative may signify his/her wish to speak.

17.43. The Mayor shall then use his discretion to call upon the Officer at an appropriate point during the debate.

17.44. The subject matter on which an Officer may speak shall be confined to:

- a)** providing relevant information; or
- b)** explanation or interpretation of any law, regulation, protocol or procedure

17.45. The Mayor may, at his discretion, permit a councillor to seek, through the Chair, the opinion of any Officer present at the meeting on a particular point.

17.46. Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.

17.47. Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply, in relation to the presentation.

18. Councillor Conduct

18.1. Role of Mayor

18.2. The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.

18.3. Remaining Seated to Speak

18.4. When councillors speak at Council they may remain seated and address the meeting through the Mayor.

18.5. Attire

18.6. Members and Officers shall dress appropriately at meetings of the Council, Executive and Committees. This should be business dress. Any comments in respect of dress at meetings shall be raised with Group Leaders.

18.7. Mayor Standing

18.8. When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

19. Misconduct by a Member

19.1. If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

19.2. Continuing Misconduct by a Named Member

19.3. If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

19.4. General Disturbance

19.5. If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

19.6. Disturbance by Members of the Public

19.7. 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.

19.8. Confidentiality of Business

19.9. All agendas, reports and other documents circulated to Council, 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.

19.10. The proceedings of Council 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. Application to all Committees and Sub Committees

20.1. All of these Standing Orders apply to meetings of the Council.

20.2. Reference to the Mayor shall be read as reference to the Chairman.

20.3. Standing Orders 3,4,7,8,14,16 and 19 apply to meetings of Committees and to meetings of the Executive.

20.4. The Committees shall receive a presentation from officers and be afforded the opportunity to raise any clarification questions following which the Committee shall move to the debate.

21. Planning Committee – Speaking by the Public and Ward Councillors

- 21.1. The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.
- 21.2. Any councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.
- 21.3. Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.

22. Licensing Committee - Speaking by the Public and Ward Councillors

- 22.1. Any councillor may attend meetings of the Licensing Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.
- 22.2. Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.

23. Standards and Audit Committee – attendance by non-Committee Councillors

- 23.1. Any councillor may attend meetings of the Standards and Audit Committee of which he/she is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.
- 23.2. Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.

24. Exclusion of Public

- 24.1. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or under Standing Order 19.6 (Disturbance by public).

25. Photography and audio/visual recording of meetings

- 25.1. Audio/visual recording at Council meetings is permitted in accordance with the Openness of Local Government Bodies Regulations 2014.

26. Motions Affecting Persons Employed by the Council

- 26.1. 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.

27. Committees – Composition

- 27.1. Except where otherwise provided by statute, the Mayor shall be an ex-officio non-voting member of every Committee appointed by the Council.
- 27.2. The Mayor and Deputy Mayor shall not be appointed to the Executive.
- 27.3. Members of the Executive may be appointed to the Planning and Licensing Committees, but no other Committee.

- 27.4. The membership of a Committee shall not exceed thirteen members (excluding ex-officio members and co-optees).

28. Convening of Committees

- 28.1. 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.
- 28.2. 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.
- 28.3. 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.

29. Powers, Duties and Responsibility for Functions

- 29.1. 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.
- 29.2. In the exercise of their powers or duties or tasks the Leader/Executive, an individual Member exercising delegated powers and every Committee shall:
- a)** formulate and keep under review objectives and standards for the provision of services within its terms of reference;
 - b)** 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
 - c)** take such action or make such recommendations as may be necessary or appropriate.
- 29.3. 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.

30. Standing Orders

30.1. Variation and Revocation

- 30.2. 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.

30.3. Copies for Members

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

30.5. Suspension of Standing Order

30.6. 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.

30.7. Interpretation of Standing Orders

30.8. 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.

30.9. Construction of Standing Orders

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

30.11. 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.

31. Appointments to Outside Bodies

31.1. 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.

Part 4

Budget and Policy Framework Procedure Rules

1. The Framework for Executive Decisions

1.1. 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

2.1. The process by which the budget and policy framework shall be developed is:

- (xv) 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.
- (xvi) 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.
- (xvii) 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.
- (xviii) 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.
- (xix) 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.
- (xx) 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.
- (xxi) 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.
- (xxii) The decision shall then be made public and shall be implemented immediately.

3. Decisions Outside the Budget or Policy Framework

- i) 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.
- ii) 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

4.1. (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.
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4.2. 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.

4.3. (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

5.1. 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

6.1. (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.

6.2. (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.

6.3. (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:

- i) 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

- 7.1. 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

- 8.1. 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.
- 8.2. 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

- 9.1. 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.
- 9.2. 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

- 10.1. 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.

Part 4

Executive Procedure Rules

1. Executive Procedure Rules

How does the Executive operate?

Who may make executive decisions?

1.1 The Leader has responsibility for the discharge of all executive functions and may delegate any or all of these functions to:

xxiii) The Executive as a whole;

xxiv) a Committee of the Executive;

xxv) an individual Member of the Executive;

xxvi) an individual Member of the Council who may exercise powers in relation to his/her ward;

xxvii) an Officer;

xxviii) another Local Authority; or

xxix) under joint arrangements.

Allocation of Political Accountabilities by Leader

1.2 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. These individuals become known as Portfolio Holders.

Sub-Delegation of Executive Functions

1.3 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.

Conflicts of Interest

1.4 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.

Executive Meetings

1.5 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.

Quorum

1.6 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).

How are decisions to be taken by the Executive?

1.7 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. How are Executive Meetings Conducted?

Who presides?

- 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.

Who may attend?

- 2.2** Meetings of the Executive will be held in accordance with the Access to Information Rules in Part 4 of this Constitution

What is the order of business?

- 2.3** 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.

Consultation

- 2.4** 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.

Who sets the Agenda?

- 2.5** 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. Can members of the public ask questions?

- 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.

What is the procedure for asking questions?

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

How do I raise a question?

- 3.3 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.

How many questions can I raise?

- 3.4 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.

What questions can I ask the Executive?

- 3.5 The Chief Executive may reject a question if it:
- i) is not about a matter for which the Council has a responsibility or which affects the Borough;
 - ii) is defamatory, frivolous or offensive;
 - iii) requires the disclosure of confidential or exempt information.

How are the questions recorded?

- 3.6 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.

Can I ask my Question at the Meeting?

- 3.7 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.

Can I raise a supplementary question?

- 3.8** 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.

Written Answers

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

Reference Elsewhere

- 3.10** 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. How are individual decisions made and documented?

- 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.

Forward Plan

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

Requirement for a Written Report

- 4.4** 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.

- 4.5** The officer's report shall set out the following:

i) The date of the proposed decision;

ii) Whether a key decision is to be taken;

iii) Whether the report contains confidential or exempt information;

iv) A description of the issue to be decided;

v) Any consultations undertaken, the method of consultation and a summary of any representations received;

vi) The officer's recommendations and the reasons for them;

vii) Implications arising from the decision; and

viii) A list of background papers.

- 4.6** 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:

- i) forward a copy of the report by e-mail to the relevant Member and all other councillors; and
 - ii) make the report publicly available.
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Taking the Decision

- 4.7** 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).
- 4.8** Prior to taking the decision, the Member will be required to disclose any personal and/or prejudicial interests in the matter under consideration.

How is the decision recorded?

- 4.9** After a decision has been taken by the Member, the Democratic Services Officer will prepare a record, including details of:

- iii) whether it was a key or non-key decision;
 - iv) the title of the item;
 - v) the name of the decision-maker;
 - vi) the date on which the decision was made;
 - vii) the date on which the decision will be implemented;
 - viii) any declarations of interest;
 - ix) the decision;
 - x) the reasons for the decision;
 - xi) details of any alternative options considered and rejected by the Member when making the decision;
 - xii) 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;
 - xiii) a note of any dispensation granted in respect of any declared conflict of interest; and
 - xiv) a list of the documents taken into account by the decision-maker, including the report of the relevant officer.
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- 4.10** 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.

- 4.11** The Proper Officer will maintain records of all decisions made, together with associated reports and background papers, in accordance with the Council’s Access to Information Procedure Rules.

Part 4

Overview and Scrutiny Procedure Rules

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy.

1. General Arrangements

- 1.1 The Council will have the Overview and Scrutiny Committee as set out in Article 6 and will appoint to the Committee at its first ordinary meeting in accordance with Standing Order 20.
- 1.2 The terms of reference of the 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

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

3. Co-optees

- 3.1 The Committee shall be entitled to recommend to Council the appointment of individuals as non-voting co-optees.

4. Meetings

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

5. Quorum

- 5.1 The quorum for the Committee shall be as set out 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).

Chairman

- 5.2 The Committee shall normally be chaired by a councillor who is not a member of the largest political party group on the council.
- 5.3 The Vice-Chairman shall not be from the same political group as the Chair.
- 5.4 The appointment of the Chairman and Vice-Chairman of the Committee shall in accordance with Standing Order 20.9.

6. Work Programme

- 6.1 The Overview and Scrutiny Committee shall be responsible for setting its own work programme, 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.

6.2 Members wishing to suggest items for the work programme shall complete a Scrutiny Topic Proposal form referencing the Scrutiny Topic Selection Flowchart in the Toolkit. The form must then be submitted to the Proper Officer for consideration to the draft work programme. If the Membership of the Committee agrees, the item shall be added to the work programme.

Pre-decision Scrutiny

6.3 As part of its ordinary process, the Committee will consider upcoming decisions of the Executive by way of pre-decision scrutiny.

7. Agenda Items

7.1 The usual method for requesting inclusion of Agenda items for the Committee will be via the Work Programme. However, any member of the Council shall be entitled to give written 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. The written notice must specify the reasons for the proposed item, reasons why it cannot be progressed as a part of the work programme and the outcome sought by the member from Committee. On receipt of such a valid request the Proper Officer will ensure that it is included on the next available agenda.

8. Task and Finish Groups and Standing Working Groups

8.1 The Committee work programme and/or the development of a pertinent/relevant theme/topic during the year may require the establishment of a group to undertake detailed work for a specific item. The Committee will determine the membership, terms of reference, timescales and reporting by the Task and Finish Group (“Task Group”).

8.2 A Task and Finish Group shall be established as follows:

- i) The Committee may appoint any Task and Finish Group at its own discretion. The Committee must have regard to the Toolkit when commissioning work for Task and Finish Group.
- ii) The Committee shall define the broad theme for the work of the Task and Finish Group. The Task and Finish Group shall define the detailed focus of the agreed item and create its terms of reference.
- iii) The Committee shall receive draft terms of reference for consideration. These shall be debated and agreed as necessary at the Committee.

Membership

8.3 The Committee shall consider the number of persons to be appointed to the Task and Finish Group and its political balance; usually the composition of the Task and Finish Group shall take into account proportionality however flexibility needs to be applied as necessary. . Nominations to the Task and Finish Group shall be agreed by the Committee and, if necessary, determined by voting.

8.4 Subject to approval by the Committee, Task and Finish Groups may co-opt councillors and non-councillors as may assist them in their work. Non-councillors shall be eligible for the reimbursement of their expenses.

Meetings

8.5 The recommended number of meetings for a Task and Finish Group is between one and three (inclusive), unless otherwise directed by the Committee.

Reporting

8.6 Task and Finish Groups shall submit a report to the Committee .

8.7 Task and Finish Group members shall be entitled to attend and speak at Committee meetings where the work of their Group is under consideration.

Officer resource

8.8 Subject to availability of officer resources, an Officer from within Democratic Services may be made available to assist, support and coordinate the work of the Task and Finish Group set up by the Committee.

Standing Working Groups

8.9 A Standing Working Group (“Working Group”) shall consider the financial aspects of the Council’s business.

The establishment of other Working Groups shall be considered by the Committee as necessary.

Terms of Reference

8.10 Terms of Reference will be made for any Group that is deemed necessary to be formed.

9. Policy Review and Development

9.1 The role of the 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.

9.2 In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, the Committee may make proposals to the Leader/Executive for developments in so far as they relate to matters within their terms of reference.

9.3 The Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist the Members in this process. The Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. The Committee may ask witnesses to attend to address it on any matter under consideration.

10. Reports from Overview and Scrutiny Committee

10.1 Once it has formed recommendations on proposals for development, the 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 Committee may publish its report or recommendations.

10.2 If the 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.

10.3 The 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 Committee indicating what action (if any) the Council or the Leader/Executive proposes to take,

- iii) if the Committee has published the report or recommendations, to publish a response,
- iv) if the 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.

11. Overview and Scrutiny Reports: Consideration by the Executive

11.1 Once a report of the Committee 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.

11.2 The 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 a Committee meeting 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

12.1 In addition to their rights as councillors, members of the 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.

12.2 Nothing in this paragraph prevents more detailed liaison between the Leader/Executive and Chairman of the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13. Members and Officers Giving Account

13.1 The 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:

13.2 any particular decision or series of decisions;

- i) the extent to which the actions taken implement Council policy; and/or
- ii) their performance.

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

13.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Committee shall in consultation with the member or officer arrange an alternative date for attendance.

14. Attendance by Others

14.1 The Committee may invite people other than those referred to in the above section, **'Members and Officers Giving Account'**, 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.

14.2 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

15.1 When a decision is made by the Leader, the Executive, or its 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.

15.2 Non-key decisions and recommendations to Council from the Executive may not be called in.

15.3 That notice will bear the date on which it is published and will specify that the decision will come into force, subject to urgency provisions as detailed in paragraph (15.9), and may then be implemented:

- i) on the expiry of five working days after the publication of the decision in the case of decisions taken by the Leader, individual lead councillors or key decisions taken by an officer with delegated authority from the Leader or Executive; or
- ii) on the expiry of five working days after the date of the meeting in the case of decisions taken by the Executive collectively

unless the Committee objects to it and calls it in.

15.4 During the call-in period, as referred in (15.3), the Chairman or any three members of the Committee, may request in writing to the Proper Officer who shall then notify the decision-taker of the call-in.

- i) 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. The call-in must meet one of the following criteria:
 - o that there was insufficient, misleading, or inaccurate information available to the decision-maker;
 - o that all the relevant facts had not been taken into account and/or properly assessed;
 - o that the decision is contrary to the budget and policy framework and is not covered by urgency provisions; or
 - o that the decision is not in accordance with the decision-making principles set out in the Constitution.
- ii) The Proper Officer shall call a meeting of the Committee on such date as may be determined, where possible after consultation with the Chairman of the Overview and Scrutiny Committee, and in any case within five working days of the decision to call-in.

15.5 If, having considered the decision, the 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.

- 15.6** If following an objection to the decision, the 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 Committee meeting, or the expiry of the five day period, whichever is the earlier.
- 15.7** 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.
- 15.8** 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.
- 15.9** 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

- 16.1** 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.

Notice of Questions

- 16.2** 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.

Number of Questions and Length of Question-Time

- 16.3** 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.

Scope of Questions

- 16.4** The Chairman may reject a question if it:

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

Procedure at the Meeting

16.5 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.

Written Answers

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

Reference Elsewhere

16.7 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. Councillor Call for Action

17.1 The Committee will consider a Councillor Call for Action (CCfA) that:

- i) has been submitted in relation to a matter that affects a single Ward;
- ii) has been submitted by a Councillor from the Ward affected;
- iii) is in relation to a Local Government matter (including the "well-being" powers under the Local Government Act 2000);
- iv) demonstrates that all existing avenues have been exhausted and that it is a matter of a "last resort";
- v) has been submitted on the CCfA Request Form; and
- vi) 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.

17.2 The Committee will not consider a CCfA that:

- i) is a vexatious, persistent, unreasonable or discriminatory request, or
- ii) is in relation to a planning, licensing or regulatory application

17.3 Details of requests for a CCfA which have been rejected by the Chairman will be reported to the 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.

18. Crime and Disorder

18.1 The Committee shall have power:

- i) 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
- ii) to make reports or recommendations to the Council with respect to the discharge of those functions

18.2 If the Committee makes a report or recommendations, it shall provide a copy:

- i) to each of the responsible authorities; and
- ii) 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")

18.3 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:

- i) 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;
- ii) the member may refer the matter to the Committee

18.4 Where a member of the Council declines to refer a matter to the Committee the person who asked him/her to consider it may refer the matter to the Leader/Executive.

18.5 Where a matter is referred to the Leader/Executive under (d) above:

- i) 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;
- ii) the Leader/Executive may refer the matter to the Committee

18.6 The Committee shall consider any crime and disorder matter:

- i) referred to it by a member of the Council (whether under (c) above or not) or
- ii) referred to it by the Leader/Executive under (e) above

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

18.7 Where the 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.

18.8 An authority or person to whom a copy of a report or recommendations is provided under (b) or (g) above shall:

- i) consider the report or recommendations;
- ii) respond to the Committee indicating what (if any) action it proposes to take;

iii) have regard to the report or recommendations in exercising its functions

Part 4

Access to Information Procedure Rules

1. Scope

- 1.1. These Procedure Rules allow the public rights of access to meetings and information to reflect the Council's commitment to its residents of being open and accountable. These rules apply to all meetings of the Council, the Executive and Committees (together called meetings) unless otherwise specified in this Constitution or by legislation.

2. Additional Rights To Information

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

3. Rights To Attend Meetings

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

4. Notices Of Meeting

- 4.1. 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) and on its website. 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

- 5.1. 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

- 6.1. The Council will supply copies of:

x) any agenda and reports which are open to public inspection;

(i) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

ii) 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

- 7.1. 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:

- 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;
- 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;
- the agenda for the meeting; and

-
- reports relating to items when the meeting was open to the public.
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8. Background Papers

List of Background Papers

- 8.1. 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:
- disclose any facts or matters on which the report or an important part of the report is based; and
 - 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).
-

Public Inspection of Background Papers

- 8.2. 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

- 9.1. 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

Confidential Information – Requirement to Exclude Public

- 10.1. 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.

Exempt Information – Discretion to Exclude Public

- 10.2. 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.

Meaning of Confidential Information

- 10.3. 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.

Meaning of Exempt Information

- 10.4. Exempt information means information falling within the following 7 categories (subject to any qualification):
- Information relating to any individual.
 - Information which is likely to reveal the identity of an individual.
-

-
- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
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- 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.
-
- Information in respect of which a claim to professional privilege could be maintained in legal proceedings.
-
- 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.
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- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
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Qualifications

- xliii) 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.
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- xliv) 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.
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- xlv) 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.
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11. Exclusion Of Access By The Public To Reports

- 11.1. 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

- 13.1. 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 document (called a “forward plan”) has been published in connection with the matter in question; and

 - 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

Period of Forward Plan

- 14.1. 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.

Contents of Forward Plan

- 14.2. 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:

- that a key decision is to be made on behalf of the Council;

- the matter in respect of which the decision is to be made;

- 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;

- the date on which, or the period within which, the decision is to be made;

- 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;

- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

- that other documents relevant to those matters may be submitted to the decision maker; and

- 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

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

- 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;

- 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 sub-paragraph (a) above; and

- 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.

- 15.2. 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

16.1. 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:

- the Chairman of the Overview and Scrutiny Committee; or
- if there is no such person, or the Chairman of the Overview and Scrutiny Committee is unable to act, the Mayor; or
- 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.

16.2. 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

When an Overview and Scrutiny Committee Can Require a Report

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

- included in the forward plan; or
- the subject of the general exception procedure under Rule 15; or
- 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.

Executive's Report to Council

17.2. 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.

Annual Reports on Special Urgency Decisions

17.3. 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

18.1. 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:

- i) a record of the decision including the date it was made;
- ii) a record of the reasons for the decision;
- iii) details of any alternative options considered and rejected at the meeting;
- iv) 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
- v) 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

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

20. Overview And Scrutiny Committee Access To Documents

Rights to Copies

20.1. 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:

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

Limit on Rights

20.2. The Overview and Scrutiny Committee will not be entitled to:

- any document that is in draft form, or
- 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

Rights to Copies

21.1. 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:

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

Limit on Rights

21.2. Members will not be entitled to:

- i) any document that is in draft form; or
- ii) 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.

Nature of Rights

21.3. 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.

22.3. 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:

- the Chairman of the Overview and Scrutiny Committee; or
- if there is no such person, or the Chairman of the Overview and Scrutiny Committee is unable to act, the Mayor; or
- 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.

22.4. 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.

Part 5

Public Participation at Planning Committee

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.

In addition 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. 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

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 not normally be presented by officers but will be included on this section of the Planning Committee agenda.

3.0. PROCEDURES

3.1. Informing the Public

The letters which are sent to persons identified under the Council's neighbour notification procedure will also include advice that objectors may 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 not 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 not 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:
 - Section A: Applications on which the public are eligible to speak.
 - Section B: 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.

Part 4

Petitions

1. Introduction

- 1.1. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in the Borough may sign or organise a petition and trigger a response. This includes anyone under the age of 18.
- 1.2. All petitions submitted to the Council will receive a written acknowledgement from the Council within ten working days of receipt. This acknowledgement will set out what we plan to do with the petition.
- 1.3. E-petitions must be created, signed and submitted online through the Council's e-petitions facility
- 1.4. 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. What are the Guidelines for Drawing Up a Petition?

- 2.1. Petitions submitted to the Council must include:
- 2.2. 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.
- 2.3. 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.
- 2.4. 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.
- 2.5. If a petition does not follow the guidelines set out above, the Chief Executive Officer shall 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. What types of petitions are excluded?

- 3.1. 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.
- 3.2. 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.

- 3.3. 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.
- 3.4. 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. What will the Council do when it receives my petition?

- 4.1. 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.
- 4.2. 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. How will the Council respond?

- 5.1. 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:

- 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.

- 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.

- 5.2. 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

Fewer than 50	Response from Officer (treated as standard correspondence).
50 – 150	Response from relevant Portfolio Holder.
At least 200	Referred to the Executive for a response.
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.

- 5.3. 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.
- 5.4. 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.
- 5.5. 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.
- 5.6. 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.
- 5.7. 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. Full Council Debates

- 6.1. If a petition contains at least 150 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.
- 6.2. The Council will refer the petition to the next available meeting of Full Council. No more than two petitions shall be presented at any one Council meeting. If this is the case, the petition shall be referred to the next meeting thereafter. The Council may not hear petition in the Pre-Election Period. If this is the case, the Council shall contact you to discuss the matter.
- 6.3. 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.
- 6.4. 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.

- 6.5. 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.
- 6.6. 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. A motion suggesting a formal response to the petition shall be proposed and seconded at the meeting and dealt with under the normal rules of debate, provided that any such motion must respond explicitly to the request in the petition i.e. that part of the petition which asks the Council to take some form of action. 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

- 7.1. Associations or groups who wish to present about a petition, that is already being considered by 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.
- 7.2. 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

- 8.1. 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.
- 8.2. 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 Leadership Team 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.
- 8.3. 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

- 9.1. 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.
- 9.2. 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.

- 9.3. 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.
- 9.4. 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.
- 9.5. 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. How do I sign an e-Petition

- 10.1. 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 e-mail 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. What can I do if I feel my petition was not handle correctly?

- 11.1. 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.
- 11.2. The petition organiser must exercise this right within 21 days of receipt of the Council's formal response to the petition
- 11.3. 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.
- 11.4. The procedure for conducting the review at the meeting shall be as follows:
- i) The petition organiser (or any person authorised by them) shall be invited to address the Committee for no more than five minutes in respect of their request for review.

 - ii) Councillors to ask the petition organiser any questions relevant to the review arising from their statement to the Committee.

 - iii) The Committee to review the steps taken by the Council in responding to the petition and to consider whether the Council has dealt with the petition adequately.

- 11.5. Dependent on whether the formal response to the petition was given by:
- A strategic director or senior manager
-

-
- a lead councillor, or
-

- full Council
-

this may include asking the relevant strategic director/senior manager or relevant lead councillor to attend and answer questions from the Committee.

- Prior to making a decision on the review, the petition organiser (or any person authorised by them) shall have a right of reply on the debate, for which they will be given five minutes.
-

- The Committee to formally determine the review – deciding either that the Council has dealt with the petition adequately or that it has not. If the latter, the Committee must then decide one of the following options:
-

- to investigate the matter further;
 - to make recommendations to the Leader/Executive; or
 - to arrange for the matter to be considered at a meeting of full Council.
-

11.6. The question as to whether implementation of any decisions pertinent to a petition under review by overview and scrutiny should be deferred pending completion of the review process shall be dealt with by the Chief Executive on a case-by-case basis including, where necessary, convening special meetings of the Overview and Scrutiny Committee and/or full Council for this purpose.

11.7. 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.

12. What happens to my petition or e-petition following a formal response by the Council?

12.1. Following a period of 21 days after the Council has responded formally, a paper petition will be destroyed, and all e-signatories on an e-petition will be erased, unless during that period, the petition organiser requests a review in which case it shall be destroyed 21 days after the review has been completed.

Part 5

Members' Code of Conduct

Note: The Council agreed to exercise the option of including “any unpaid directorship” in the description of “Disclosable Pecuniary Interests” in Table 1 of this Code of Conduct.

1. Joint Statement

- 1.1. The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.
- 1.2. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
- 1.3. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.
- 1.4. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

2. Introduction

- 2.1. The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.
- 2.2. All councils are required to have a local Councillor Code of Conduct.
- 2.3. The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

3. Definitions

- 3.1. For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who:

xlvi) is a member of any committee or sub-committee of the authority, or;

xlvii) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

- 3.2. and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

3.3. For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

4. Purpose of the Code of Conduct

4.1. The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

5. General principles of Councillor conduct

5.1. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

5.2. Building on these principles, the following general principles have been developed specifically for the role of councillor.

5.3. In accordance with the public trust placed in me, on all occasions:

i) I act with integrity and honesty

ii) I act lawfully

iii) I treat all persons fairly and with respect; and

iv) I lead by example and act in a way that secures public confidence in the role of Councillor

5.4. In undertaking my role:

v) I impartially exercise my responsibilities in the interests of the local community

vi) I do not improperly seek to confer an advantage, or disadvantage, on any person

vii) I avoid conflicts of interest

viii) I exercise reasonable care and diligence; and

ix) I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

6. Application of the Code of Conduct

6.1. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

6.2. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

i) you misuse your position as a Councillor

-
- ii) your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;
-

6.3. The Code applies to all forms of communication and interaction, including:

- i) at face-to-face meetings
 - ii) at online or telephone meetings
 - iii) in written communication
 - iv) in verbal communication
 - v) in non-verbal communication
 - vi) in electronic and social media communication, posts, statements and comments.
-

6.4. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

6.5. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

7. Standards of Councillor conduct

7.1. This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

7.2. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

8. Respect

8.1. As a Councillor

- i) I treat other councillors and members of the public with respect.**
 - ii) I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**
-

8.2. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

8.3. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

8.4. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

9. Bullying, harassment and discrimination

9.1. As a Councillor:

i) I do not bully any person

ii) I do not harass any person

iii) I promote equalities and do not discriminate unlawfully against any person

9.2. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

9.3. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

9.4. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's

9.5. identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.6. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

10. Impartiality of officers of the Council

10.1. As a Councillor:

i) I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority

10.2. Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

11. Confidentiality and access to information

11.1. As a Councillor:

i) I do not disclose information:

a. given to me in confidence by anyone

b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

- 1. I have received the consent of a person authorised to give it;**
 - 2. I am required by law to do so;**
 - 3. 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**
 - 4. the disclosure is:**
 - a. reasonable and in the public interest; and**
 - b. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - c. I have consulted the Monitoring Officer prior to its release**
-

ii) I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

iii) I do not prevent anyone from getting information that they are entitled to by law.

11.2. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

12. Disrepute

12.1. As a Councillor

i) I do not bring my role or local authority into disrepute.

12.2. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

12.3. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

13. Use of Position

13.1. As a Councillor:

i) I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

13.2. Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

14. Use of local authority resources and facilities

14.1. As a Councillor:

i) I do not misuse council resources.

ii) I will, when using the resources of the local or authorising their use by others:

a. act in accordance with the local authority's requirements; and

b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

14.2. You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

14.3. Examples include:

- Office support
- Stationary
- Equipment such as phones, and computers
- Transport
- Access and use of local authority buildings and rooms

14.4. These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

15. Complying with the Code of Conduct

15.1. As a Councillor

i) I undertake Code of Conduct training provided by my local authority.

ii) I cooperate with any Code of Conduct investigation and/or determination.

iii) I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

iv) I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

15.2. It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

15.3. Protecting your reputation and the reputation of the local authority

16. Interests

16.1. As a Councillor:

i) I register and disclose my interests.

16.2. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

16.3. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be

held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

16.4. You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

16.5. **Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

17. Gifts and hospitality

17.1. **As a Councillor:**

i) I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

ii) I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

iii) I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

17.2. In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (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 and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s

	<p>knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>
	<p>spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Part 5

Standards Protocols

1. Standards Protocols

1.1. On 8 April 2021, the Council resolved that compliance with Standards Protocols shall be deemed to be a requirement of the Local Government Association's Model Code of Conduct, as adopted by the Council. A breach of a Standards Protocol could constitute a breach of the Model Code.

1.2. Council has formally adopted two Standards Protocols:

- i) Protocol for Complaints Submitted by Members
 - ii) Protocol for Members' Access to Confidential Information of Council-Owned Companies
-

Woking Borough Council

MEMBERS' CODE OF CONDUCT

Protocol for Complaints submitted by Members

1. Introduction

- 1.1 The Council has adopted a Members' Code of Conduct that sets out the standards of behaviour expected of Members.
- 1.2 The Council has also adopted "Arrangements for dealing with Standards Allegations under the Localism Act 2011" ("Arrangements").
- 1.3 This Protocol applies to complaints submitted, under the Members' Code of Conduct, by a Member against another Member.

2. Confidentiality

- 2.1 Member complaints against another Member shall be confidential to:-
 - (i) the two Members concerned (i.e. the Member submitting the complaint and the Member who is the subject of the complaint);
 - (ii) the Monitoring Officer, and
 - (iii) the persons notified of the complaint by the Monitoring Officer in accordance with the Arrangements.

3. Breach of Protocol

- 3.1 On 8 April 2021, Council resolved that compliance with Standards Protocols shall be deemed to be a requirement of the Local Government Association's Model Members' Code of Conduct.
- 3.2 Failure to comply with this Protocol could constitute a breach of the Members' Code of Conduct.

Adopted by the Council on 4 April 2019

Amended May 2021 (reference made to the Local Government Association's Model Members' Code of Conduct).

Woking Borough Council

MEMBERS' CODE OF CONDUCT

Protocol for Members' access to confidential information of Council-owned companies

1. Introduction

- 1.1 The Council has adopted a Members' Code of Conduct that sets out the standards of behaviour expected of Members.
- 1.2 The Council has also adopted "Arrangements for Dealing with Standards Allegations under the Localism Act 2011" ("Arrangements").
- 1.3 This Protocol applies to Members' access to the confidential information of Council-owned companies. Such information includes, but is not limited to, confidential Board papers and confidential information imparted at Board meetings.

2. Confidential Information of Council-Owned Companies

- 2.1 The Members' Code of Conduct imposes obligations on Members in respect of confidential information. In particular, paragraph 11.1 of the Members' Code of Conduct provides:-

18. Confidentiality and access to information

18.1. As a Councillor:

iv) I do not disclose information:

c. given to me in confidence by anyone

d. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

5. I have received the consent of a person authorised to give it;

6. I am required by law to do so;

7. 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

8. the disclosure is:

d. reasonable and in the public interest; and

e. made in good faith and in compliance with the reasonable requirements of the local authority; and

f. I have consulted the Monitoring Officer prior to its release

- 2.2 The provisions of paragraph 11.1 of the Members' Code of Conduct shall apply to confidential information of Council-owned companies (note: "Council-owned company" shall be substituted for "local authority" in paragraph 4.1b.iv.2).

3. Breach of Protocol

- 3.1 On 8 April 2021, Council resolved that compliance with Standards Protocols shall be deemed to be a requirement of the Local Government Association's Model Members' Code of Conduct.
- 3.2 Failure to comply with this Protocol could constitute a breach of the Members' Code of Conduct.

Adopted by the Council on 30 July 2020.
Amended May 2021 (reference made to the Local Government Association's Model Members' Code of Conduct).

Part 5

Arrangements for dealing with Allegations of Misconduct by Councillors under the Localism Act 2011

1. Context

- 1.1. It is expected that elected members of Woking Borough Council (the Council) uphold the highest standards of public office. However, in the event that there is a complaint, it is important that this is handled effectively to ensure public confidence is maintained.
- 1.2. These arrangements describe how the public can make a complaint that a Member of the Council has failed to comply with the Council's Member Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Code of Conduct.
- 1.3. 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. 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.
- 1.4. The terms capitalised in these arrangements are as defined within the text or at paragraph 2, Interpretation, below.

2. Interpretation

- 2.1. 'Code of Conduct' means the code of conduct for councillors and co-opted members adopted by the Council.
- 2.2. 'Complainant' means a person who has submitted a complaint in accordance with these Arrangements alleging that a Subject Member has breached the Code of Conduct.
- 2.3. 'Subject Member' means an elected or co-opted member of the Council against whom a complaint has been made alleging a breach of the Code of Conduct.
- 2.4. 'Independent Person' means a person or persons appointed by the Council under section 28(7) of the Localism Act 2011 who has the functions set out in section 28(7) of the Localism Act 2011.
- 2.5. 'Independent Member' means a co-opted person who is not a Councillor or Officer of the Council who sits on the Standards Panel in an advisory capacity but who is not entitled to vote.
- 2.6. 'Informal Resolution' means the procedure described in these Arrangements at paragraph 7.
- 2.7. 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake a formal investigation of a complaint alleging a breach of the Code of Conduct by a Subject Member. The Investigating Officer may be another senior officer of the Council, an officer of another authority or an external investigator.
- 2.8. 'Monitoring Officer' means a statutory officer appointed by the Council under the Local Government and Housing Act 1989 ss 5 and 5A who has a role in the assessment of complaints and the promotion and maintenance of high standards of conduct within local authorities and his or her deputy or representative.
- 2.9. The Standards Panel is a sub-committee of the Council's Standards and Audit Committee. The Independent Person is invited to attend all meetings of the Standards Panel and his/her views

are sought and taken into consideration before it takes any decision on whether the Subject 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.

3. The Code of Conduct

- 3.1. 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.

4. Making a Complaint

- 4.1. All complaints must be made in writing and shall be on the official complaint form. Completion of the complaint form will enable the Council to process the complaint efficiently and transparently. A copy of the complaint form can be found at Appendix 1A. The complaint form can be posted or e-mailed to the Council's Monitoring Officer whose contact details are:

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

- 4.2. Complainants who find difficulty in making their complaint in writing (e.g. because of a disability) will be offered assistance. A request for assistance should be made in the first instance by contacting the Monitoring Officer.

5. Anonymous Complaints

- 5.1. Anonymous complaints will not normally be investigated, and will only be accepted in exceptional circumstances where the Monitoring Officer (in consultation with the Independent Person) concludes that the balance of the public interest lies in doing so, and the fairness of the procedure is maintained.
- 5.2. As a matter of fairness and natural justice and in order to preserve the probative value of any evidence given, the Subject Member will usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the identity of a Complainant or witness where the Monitoring Officer is satisfied that the Complainant has reasonable grounds for believing that they, or any witness relevant to the complaint, may be at risk of serious harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.
- 5.3. If the Monitoring Officer decides to refuse the Complainant's request for confidentiality, the Complainant will be notified of the Monitoring Officer's decision with reasons. At this stage the Complainant will be given the option to withdraw the complaint.
- 5.4. There is no right of appeal against the Monitoring Officer's decision to refuse the Complainant's request for confidentiality.

- 5.5. If the Complainant's request for confidentiality is upheld, the Monitoring Officer will inform the Complainant that confidentiality may be retained but is subject to review by the Monitoring Officer as the matter progresses.
- 5.6. The Monitoring Officer will acknowledge receipt of a complaint within five working days of receiving it, and will keep the Complainant informed of the progress of their complaint.
- 5.7. The Monitoring Officer will, within five working days of receipt, normally advise the Subject Member that a complaint has been received (together with the name and address of the complainant and brief details of the complaint unless it is subject to confidentiality). The Member shall not make any representations to the Monitoring Officer at this stage of the process.
- 5.8. The Monitoring Officer will, within the same timescale, normally advise the Leader of the Council, the Member's Group Leader and the Chief Executive of the receipt of the complaint (together with the name and address of the complainant and brief details of the complaint unless it is subject to confidentiality). The Leader of the Council, the Member's Group Leader and Chief Executive shall not make any representations to the Monitoring Officer at any stage of the process.
- 5.9. The Monitoring Officer may decide not to advise the Subject Member, Leader of the Council, Member's Group Leader or Chief Executive 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. The Monitoring Officer shall inform the Complainant and Subject Member should he/she exercise discretion.

6. Assessment of Complaint

- 6.1. The Monitoring Officer will assess every complaint received and, after consultation with the Independent Person, make a decision as to the most appropriate action to be taken in relations to the complaint. This decision will normally be taken within ten working days of receipt of the complaint. Details of how the Monitoring Officer will assess the complaint can be found at Appendix 1B.
- 6.2. Where the Monitoring Officer requires additional information in order to come to a decision, he/she may refer back to the Complainant for such information, and may also request information from the Subject Member.
- 6.3. The following decisions can be taken by the Monitoring Officer in consultation with the Independent Person:
 - i) No further action;
 - ii) Attempt Informal Resolution;
 - iii) Recommend Formal Investigation;
 - iv) Referral to the Police or other regulatory agency if the complaint identifies criminal conduct or breach of other regulation.
- 6.4. Where the Monitoring Officer has taken a decision, he/she will inform the Complainant, the Independent Person, the Subject Member, and where appropriate the Chairman of the Standards and Audit Committee, all Group Leaders, the Chief Executive, 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.

7. Informal Resolution

7.1. In appropriate cases, the Monitoring Officer may seek to resolve the complaint without the need for a formal investigation by way of Informal Resolution, which may be appropriate for example:

- v) Where it is apparent that the Subject Member is relatively inexperienced as a Member or has admitted making an error, was not actuated by any malicious intent, and the matter would not warrant a more serious sanction;
- vi) Where training or conciliation would be a more appropriate response.

7.2. Types of Informal Resolution might include:

- vii) An explanation by the Subject Member of the circumstances surrounding the complaint;
- viii) An apology from the Subject Member;
- ix) An agreement from the Subject Member to attend relevant training or to take part in a mentoring process;
- x) Offering to engage in a process of mediation or conciliation between the Subject Member and the Complainant; or
- xi) Any other action capable of resolving the complaint.

7.3. Where the Monitoring Officer seeks to resolve the complaint informally, he or she will provide the Subject Member with recommendation together with a reasonable timescale within which to attempt to resolve the complaint (usually this will be 20 working days following a decision to seek informal resolution) or to engage in a process of informal resolution organised by the Monitoring Officer.

7.4. Before deciding upon a course of action, the Subject Member may seek guidance from the Leader of their political group, the Independent Person, and/or the Monitoring Officer. The Monitoring officer may also seek the Complainant's views to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their complaint is not possible.

7.5. At the end of the 20 working day period the Monitoring Officer will, in consultation with the Independent Person, seek to establish whether the Subject Member has resolved the complaint to the Complainant's satisfaction.

7.6. Where it has been possible to agree a form of resolution between the Subject Member and the Complainant, there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the Complainant and the Subject Member of this decision.

7.7. Where it has not been possible to agree a form of resolution between the Subject Member and the Complainant, the Monitoring Officer will decide if the complaint merits formal investigation.

7.8. Where the Subject Member makes a reasonable offer of informal resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in his or her decision and may impose the Informal Resolution.

7.9. Where Informal Resolution is proposed, the Monitoring Officer may direct that the Subject Member maintains confidentiality as to the matters discussed, and parties involved.

8. Formal Investigation

8.1. If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer.

8.2. The Investigating Officer will decide whether he/she needs to meet or speak to the Complainant to understand the nature of the complaint, and so that they can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

8.3. The Investigating Officer will normally write to the Subject Member and provide him/her with a copy of the complaint, and ask the Subject 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 the Complainant's identity confidential or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer can delete the Complainant's name and address from the papers given to the Subject Member, or delay notifying the Subject Member until the investigation has progressed sufficiently.

8.4. At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Subject Member concerned, to give both an opportunity to identify any factual matter in the draft report which is disputed or requires further investigation. A copy of the draft report will also be sent to the Monitoring Officer.

8.5. 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.

8.6. The Monitoring Officer will, within 10 working days of the receipt of the Investigating Officer's report, review the report.

8.7. The Monitoring Officer will, in consultation with the Independent Person, determine whether:

xii) The report is complete, or (where incomplete) should be referred back to the Investigating Officer or a newly appointed Investigating Officer; or,

xiii) No further action is required, because the report finds no breach of the code of conduct; or

xiv) The matter may be reasonably resolved by way of Informal Resolution; or,

xv) The matter should proceed to the Standards Panel.

8.8. A copy of the final report shall be sent to the Complainant, Subject Member, and at the discretion of the Monitoring Officer where appropriate to the Leader, Members Group Leader, Chairman of the Standards and Audit Committee and the Chief Executive.

9. Standards Panel

- 9.1. If the Monitoring Officer considers that Informal Resolution is not appropriate, or the Subject Member concerned is not prepared to undertake any proposed remedial action, the Monitoring Officer will report the Investigating Officer's report to the Standards Panel before deciding whether the Subject Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.
- 9.2. The Standards Panel, 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 Panel concludes that the Subject Member did fail to comply with the Code of Conduct, the Chairman will inform the Subject Member of this finding and the Standards Panel will then consider what action, if any, it should take as a result of the Subject Member's failure to comply with the Code of Conduct. In doing this, the Standards Panel will give the Subject 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. Separate guidance this procedure can be found at Appendix 1C.

10. Sanctions

- 10.1 The Standards and Audit Committee has delegated to the Standards Panel power to take action in respect of individual Members who have breached the Code of Conduct. Accordingly the Standards Panel may –

- xvi) 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);
- xvii) Report its findings to Council for information;
- xviii) Censure or reprimand the Member;
- xix) 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 Standards Panel considers appropriate;
- xx) 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 Standards Panel considers appropriate;
- xxi) Instruct the Monitoring Officer to arrange training for the Member;
- xxii) 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 Standards Panel considers appropriate;
- xxiii) 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 Standards Panel considers appropriate; or
- xxiv) 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 Standards Panel considers appropriate.

- 10.2 The Standards Panel has no power to suspend or disqualify the Member or to withdraw Members' allowances.

11. Notification of Decision

- 11.1. At the end of the Standards Panel, the Chairman will state the decision of the Standards Panel as to whether the Subject Member failed to comply with the Code of Conduct and as to any actions which it resolves to take.
- 11.2. Following consultation with the Chairman of the Standards Panel and Independent Person the Monitoring Officer shall issue the formal written decision notice to the Subject Member and send a copy to the Complainant. The decision notice shall include reasons for the decision. The Monitoring Officer will also make the summary of the decision notice available for public inspection and report the decision to the next convenient meeting of the Standards and Audit Committee.

12. Appeals

- 12.1. There is no right of appeal for as Complainant or for the Subject Member against a decision of the Monitoring Officer or the Standards Panel.
- 12.2. There is a right of complaint to the Local Government and Social Care Ombudsman.

13. Discontinuance of Complaints by Monitoring Officer

- 13.1 The Monitoring Officer has a discretion to discontinue a complaint or terminate an investigation if they consider it appropriate to do so, having regard to whether the balance of the public interest lies in continuing to action the complaint, where the Subject Member:
 - (a) ceases to be a Member of the Council,
 - (b) has a long term or serious illness and is unable to participate in the procedure, or
 - (c) dies.
- 13.2 Where a complaint is discontinued, the Monitoring Officer will write to the Complainant and the Subject Member setting out the reasons for their decision. (Should a Subject Member become seriously ill or die, the Monitoring Officer shall exercise discretion in regards to contacting the Subject Members and/or their next of kin)

14. Confidentiality

- 14.1 Unless otherwise permitted under these arrangements or required by legislation, a complaint (and all associated information and documents) that a Member has breached the Code of Conduct shall remain confidential until such time that the Monitoring Officer or Standards Panel consider it appropriate (if at all) to disclose the complaint (and all associated information and documents).
- 14.2 Unless, otherwise determined, the findings of the Standards Panel shall be made public in accordance with the guidance set at Appendix 1C.

15 Timescales

- 15.1 The investigation shall be carried out promptly, with the expectation that all investigations and resolutions of the Standards Panel will be completed within a maximum period of four months. All those involved in the complaint should do their utmost to ensure that this can happen.

15.2 Key dates in relation to the administration of the arrangements are set out in the body of the arrangements, and shall act as targets to facilitate the swift administration of the arrangements but which, if missed, will not invalidate the procedure comprised herein.

15.3 The Complainant and the Subject Member will be informed should there be a delay in completing any stage of the process.

16 Complaint Support

16.1 Assistance and support shall be provided to the Complainant and Subject Member throughout this process by the Deputy Monitoring Officer or Head of Human Resources as appropriate.

17 Annual Report

17.1 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 31 March 2022.

APPENDIX 1A

COMPLAINT FORM: CODE OF CONDUCT FOR MEMBERS

**To: The Monitoring Officer
Woking Borough Council**

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

Title:	
First Name:	
Last Name:	
Address:	
Contact Telephone:	
Email:	
Signature:	
Date of Complaint:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this form:

- the Council's Independent Person advising the Standards Panel
- Monitoring Officer of the Borough Council
- the Chairman of the Standards and Audit Committee, if the matter proceeds to investigation
- the Standards Panel, if the matter proceeds to a Standards Panel

A brief summary of your complaint may also be shared, with the Member(s) you are complaining against. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section C of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

2. Please tell us which complainant type best describes you:

- A member of the public
- An elected or co-opted Member of the Council
- A Member of Parliament
- A Monitoring Officer
- Other council employee, contractor or agent of the Council
- Other (please state)

B. Making your Complaint

For a brief summary of sanctions available to the Standards Panel, please see information at the end of this Form.

3. Please provide us with the name of the member(s) you believe have breached the Borough Council's Code of Conduct.
4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

Title	First Name	Last Name	Summary of alleged breach of Code of Conduct

It is also important that you provide all the evidence you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint or not. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If the allegation(s) being made occurred over **28** days from the alleged behaviour or conduct, clearly explain why the complaint was not made during that period of time.

Please provide us with the details of your complaint and the evidence you want the Monitoring Officer to consider. Continue on a separate sheet if there is not enough space on this form.

C. Confidentiality of complainant and the complaint details

(Only complete this next section if you are requesting that your identity is kept confidential.)

5. In the interests of fairness and in compliance with the rules of natural justice, we believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him/her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:-
- you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
 - you feel you may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender/contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Monitoring Officer will consider the request with the

Independent Person alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

D. Additional Information

6. Frivolous, vexatious and politically-motivated tit-for-tat complaints are likely to be rejected.
7. Complaints must be submitted in writing. In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

E. Process from here

9. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered by the Monitoring Officer with the Independent Person. You and the member against whom the complaint has been made will not be allowed to attend these deliberations, as the matter will be considered in private.
10. The Monitoring Officer, in consultation with the Independent Person, may resolve to:
 - (a) dismiss your complaint, with reasons;
 - (b) ask you for additional information, with reasons; or
 - (c) refer your complaint for investigation (or other action).
11. You will be notified once the decision is made and given information on any further stage(s) in the process at that time.

Monitoring Officer
Woking Borough Council
Civic Offices
Gloucester Square
Woking
GU21 6YL

monitoring.officer@woking.gov.uk
01483 743038

Annex 1AA: Sanctions available to the Standards Panel

The Standards and Audit Committee has delegated to the Standards Panel power to take action in respect of individual Members who have breached the Code of Conduct. Accordingly the Standards Panel 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) Censure or reprimand the Member;
- d) 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 Standards Panel considers appropriate;
- e) 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 Standards Panel considers appropriate;
- f) Instruct the Monitoring Officer to arrange training for the Member;
- g) 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 Standards Panel considers appropriate;
- h) 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 Standards Panel considers appropriate; or
- i) 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 Standards Panel considers appropriate.

The Standards Panel has no power to suspend or disqualify the Member or to withdraw Members' allowances.

APPENDIX 1B

Assessment of the Complaint

The Monitoring Officer will, within 10 working days of the acknowledgement of receipt of a complaint, apply the following questions to determine whether a Complaint falls within the jurisdiction of these arrangements.

The Monitoring Officer shall do so in consultation with the Independent Person.

Stage 1 - Initial Jurisdiction Test

The complaint will be assessed by the Monitoring Officer against an Initial Jurisdiction Test as follows:

- (a) Did the alleged conduct occur before the adoption of the Code of Conduct?
- (b) Was the Subject Member a member of the Borough Council at the time of the alleged conduct?
- (c) Was the Subject Member acting in an official capacity as a councillor at the time of the alleged conduct? (The case law and legislative position is that Code of Conduct matters can only be dealt with when the allegation is about something that a Councillor did in his or her role as a councillor when acting in an official capacity.)
- (d) Did the alleged conduct occur when the Subject Member was acting as a member of another authority?
- (e) If the facts, could be established, as a matter of evidence, could or would the alleged conduct be capable of a breach of the Code of Conduct?
- (f) Is the complaint limited to dissatisfaction with the Borough Council's decisions, policies and priorities, etc.?

If the complaint fails one or more of the initial jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons. There is no internal right of appeal against the Monitoring Officer's decision.

If the complaint satisfies the Initial Jurisdiction Test the Monitoring Officer the Monitoring Officer will then proceed to assess the complaint. The Assessment Test aids the Monitoring Officer in reaching a decision on the complaint by enabling the Monitoring Officer to consider the following criteria, whilst taking into account the nature of the complaint and the need to adopt a proportionate response:

Stage 2 - The Assessment Test:

General

- (1) Has the Complainant submitted enough information as regards the allegation and alleged misconduct to sustain a potential breach of the Code of Conduct?
- (2) Is an investigation likely to prove on the balance of probability whether or not a breach took place?
- (3) Does the complaint appear to be too trivial to warrant further action?
- (4) Is the evidence sufficiently reliable i.e. is it first-hand evidence or hearsay evidence?
- (5) Is the evidence relevant to the alleged breach?
- (6) Could any further evidence be revealed by an investigation?
- (7) Would an investigation serve any useful purpose?
- (8) Is the allegation serious enough to warrant further action?

Mitigating factors (tending to make further action less likely)

- (9) The substance of the complaint has already been the subject of an investigation or other action relating to the Code of Conduct;
- (10) The allegation took place more than 28 days prior to receipt of the complaint and there would be little benefit in taking action now;
- (11) The Subject Member took appropriate advice on the matter and followed that advice;
- (12) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (13) It is likely that an investigation will prove only a technical or inadvertent breach;

- (14) The complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- (15) The Complainant has involved the press in relation to the alleged complaint;
- (16) The member has already provided (or tried to provide) a suitable remedy (such as apologising);
- (17) The breach occurred in all innocence i.e. without knowledge;
- (18) There was unreasonable provocation;
- (19) The complaint involves a Subject Member who is seriously ill and it would not be in the public interest to pursue;
- (20) The complaint is about a deceased person;
- (21) The complaint is about a person who is no longer a borough councillor.

Aggravating factors (tending to make further action more likely)

- (22) The complaint involves allegations of bullying or intimidation of a Complainant;
- (23) The allegation if proven could have a serious effect upon the reputation of the Council or parish council, upon staff relations or upon public trust and confidence;
- (24) The Subject Member holds a position of seniority and/or a position of influence;
- (25) There is a pattern of individual acts of minor misconduct which appear to be part of a continuing pattern of behaviour that is unreasonably disruptive to the business of the Council;
- (26) the Council;
- (27) The Subject Member took appropriate advice on the matter but did not follow that advice;
- (28) The complaint involves an allegation that the behaviour may cause the Council to breach an equality enactment;

The criteria set out in the Assessment Test is not an exhaustive or prescriptive list and the Monitoring Officer can take into account other criteria dependent on the circumstance of the complaint. The existence of such criteria does not fetter the discretion of the Monitoring Officer. A written record of the assessment decision will be provided aiding robust and transparent decision-making.

APPENDIX 1C

STANDARDS PANEL GUIDANCE

The need for a Standards Panel

The Standards Panel will seek to hold a Standards Panel in relation to an allegation within 28 working days of receiving the Investigation Report.

Before the Standards Panel

The Standards Panel process

The Panel will use a written Standards Panel process in order to allow the Standards Panel to proceed fairly and efficiently.

The Subject Member will be asked to provide the following information to the Monitoring Officer within 5 working days from the notification of the Standards Panel:

- to identify those paragraphs in the Investigating Officer's Report which the Subject Member agrees with and those paragraphs in the Report that the Subject Member disagrees with and the reasons for such disagreement;
- to identify any further documentary evidence which the Subject Member would like to rely upon at the Standards Panel;
- to ascertain if they are going to attend the Standards Panel and if they are going to represent themselves or whether they are going to employ someone to represent them in which case they should provide the details of their representative prior to the Standards Panel;
- to give reasons whether the whole or any part of the Panel should be held in private and whether any of the documentation supplied to the Standards Panel should be withheld from the public.

The Investigating Officer will also be asked to comment on the Subject Member's response within a set time to say whether or not he or she:

- wants to call witnesses to give evidence to the Standards Panel;
- wants any part of the Panel conducted in private and why;
- wants any part of the Investigating Officer's report or other relevant documents to be withheld from the public and why.

The Monitoring Officer will endeavour to accommodate the availability of the parties attending the Standards Panel before notifying the parties of the date, time and place for the Standards Panel.

The Complainant will be asked to provide the following information to the Monitoring Officer:

- the Investigator's report forms basis of the case that the Code of Conduct has been breached. The Complainant asked to identify those paragraphs in the Investigating Officer's Report which the Complainant agrees with and those paragraphs in the Report that the Complainant disagrees with and the reasons for such disagreement. to ascertain if they wish to attend the Standards Panel and whether or not they wish to make representations to the Standards Panel. It should be noted that the Investigating Officer shall advocate that the Code of Conduct has been breached. The Complainant, at the discretion of the Chairman of the Standards Panel, may request the opportunity to rebut any matters raised within the Standards Panel to which they disagree.
- to give reasons whether the whole or any part of the Standards Panel should be held in private and whether any of the documentation supplied to the Standards Panel should be withheld from the public.

The Standards Panel

The Order of Business

The order of business will be as follows, subject to the Chairman exercising discretion and amending the order of business where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter:

- Appointment of a Chairman/Vice Chairman.
- Apologies for absence.
- Declarations of interests.
- The Chairman shall confirm that the Standards Panel is quorate.
- In the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the Standards Panel.
- Introduction by the Chairman, of Members of the Standards Panel, the Independent Person, the Monitoring Officer or Legal Advisor to the Standards Panel, Investigating Officer, Complainant(s) and the Subject Member and their representative (if appointed).
- To determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.
- Conduct of the Standards Panel. The Standards Panel may adjourn the Standards Panel at any time.

Presentation of the Complaint

The Investigating Officer presents their report including any documentary evidence or other material and calls any complainant witnesses.

The Standards Panel will give the Subject Member the opportunity to ask any questions regarding the evidence presented through the Chair.

The Standards Panel may question the Investigating Officer upon the content of his or her report and any complainant witnesses.

Presentation of the Subject Member's case

The Subject Member or their representative presents their case and calls their witnesses.

The Standards Panel will give the Investigating Officer the opportunity to ask any questions regarding the evidence presented through the Chair.

The Standards Panel may question the Subject Member upon the contents of their case and any Subject Member witnesses.

Summing up

The Investigating Officer sums up the complaint.

The Complainant to have the opportunity to rebut any matters raised within the Panel to which they disagree.

The Subject Member or their representative sums up their case.

Views/Submissions of the Independent Person

The Chairman will invite the Independent Person, to express their view on whether they consider that on the facts presented to the Standards Panel there has been a breach of the Code of Conduct or no breach as the case may be.

Deliberations of the Standards Panel

The Standards Panel will adjourn the Standards Panel and deliberate in private (assisted on matters of law by a legal advisor) to consider whether on the facts found, the Subject Member has failed to comply with the Code of Conduct.

The Standards Panel may, at any time, come out of private session and reconvene the Standards Panel in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Standards Panel cannot be presented, then the Standards Panel may adjourn the Standards Panel and issue directions as to the additional evidence required and by whom.

The Standards Panel will make its decision on the balance of probability, based on the evidence before it during the Standards Panel.

Where the complaint has a number of aspects, the Standards Panel may reach a finding, apply a sanction and /or make a recommendation on each aspect separately.

Having deliberated on its decision the Standards Panel will reconvene the Standards Panel in public and the Chairman will announce that, on the facts presented, the Standards Panel considers that there has been a breach of the Code of Conduct, or no breach, as the case may be.

If the Standards Panel considers that there has been **no breach of the Code of Conduct** the Standards Panel will set out the principal reasons for the decision. The Chairman will also announce that the Sub- Committee's full decision and reasons will be issued by the Monitoring Officer, in writing within approximately 10 working days following the close of the Standards Panel.

If the Standards Panel decides that there has been **a breach of the Code of Conduct**, the Chairman will announce the principal reasons for the decision.

The Chairman will then invite the Investigating Officer and the Subject Member, to make their representations as to whether any sanction(s) or recommendations should be applied and what form any sanction(s) or recommendation(s) should take.

In reaching its decision the Standards Panel may make any recommendations it considers may facilitate and enhance ethical standards within the relevant authority. The Independent Person will then be invited to express their view on any sanction(s) or recommendation(s).

Having heard the representation/views, the Standards Panel will adjourn and deliberate in private.

Having deliberated on the application of any sanctions(s), and having taken into account the Independent Person's views the Standards Panel will reconvene the Standards Panel in public and the Chairman will announce:

- whether any sanctions are to be applied
- Whether any recommendations will be made to the Council or the Monitoring Officer.
- That the Standards Panel's full decision and reasons will be issued by the Monitoring Officer, in writing within approximately 10 working days following the close of the Standards Panel.
- That the decision will be published on the Borough Council's website; and
- That there is no internal right of appeal against the Standards Panel decision(s) and/or recommendations(s).

Range of Possible Sanctions

The Standards Panel may:

- Publish and report its findings in respect of the Subject Member's conduct to
- a meeting of the full Council
- Recommend to Council that the Subject
- Member be requested to apologise;
- Recommend to the Subject Member's political group leader (or in the case of
- an un-grouped Subject Member, recommend to Council or to Committees) that they be removed from any or all Committees or Standards Panels of the Council for a specified period;
- Recommend to the Leader of the Council, in the case of an Executive Subject Member, that the Subject Member be removed from the Executive, or removed from particular portfolio responsibilities;
- Recommend to Council that the Subject Member be requested to participate in appropriate training or participation in conciliation or mediation;
- Recommend to Council or the relevant Parish Council that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the Council for a specified period;
- Withdraw facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access for a specified period;
- Exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-
- Committee meetings;
- Issue a formal letter to the Subject Member;
- Issue a formal reprimand to the Subject Member.

The Standards Panel cannot suspend a Subject Member, withdraw a Subject Member's allowance, impose financial penalties, award compensation or make an award of costs.

Matters to Consider when Applying a Sanction

When deciding whether to apply one or more sanctions referred to above the Standards Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour and that any sanction does not unduly restrict the Subject Member's ability to perform the functions of a councillor. The Panel will consider the following questions along with any other relevant circumstances raised at the Standards Panel:

- What was the Subject Member's intention and did they know that they were failing to follow the Council's Code of Conduct?
- Did the Subject Member receive relevant advice from officers before the incident and was that advice acted on in good faith?
- Has there been a relevant breach of trust?
- Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
- What was the result/impact of failing to follow the Council's Code of Conduct?
- How serious was the incident?
- Does the Subject Member accept that they were at fault?
- Did the Subject Member apologise to the relevant persons?
- Has the Subject Member previously been warned or reprimanded for similar misconduct?
- Has there been a relevant previous breach by the Subject Member of the Council's Code of Conduct?
- Is there likely to be a repetition of the incident?
- Was it a deliberate breach of the code or was it inadvertent (i.e. the Member thought that he/she was acting in a private capacity)? If capacity is an issue the Standards Panel will need to give reasons for its decision that the Subject Member was or was not acting publicly.

The written decision

The Chairman will announce its decision on the day. The Committee will issue a full written decision approximately 10 working days after the end of the Standards Panel to:

- The Subject Member; and
- The Complainant;

Making the findings public

A summary of the decision and reasons for that decision to be published on the Council's website.

If the Standards Panel finds that a Subject Member did not fail to follow the Council's Code of Conduct, the public summary must say this, and give reasons for this finding.

If the Standards Panel finds that a Subject Member failed to follow the Code of Conduct, but that no action is needed, the public summary must say that the Subject Member failed to follow the Code of Conduct, outline what happened and give reasons for the Standards Panels decision not to take any action.

If the Standards Panel finds that a Subject Member failed to follow the Code of Conduct and it sets a sanction, the public summary must say that the Member failed to follow the Code of Conduct, outline what happened, explain what sanction has been set and give reasons for the decision made by the Sub- Committee.

Costs

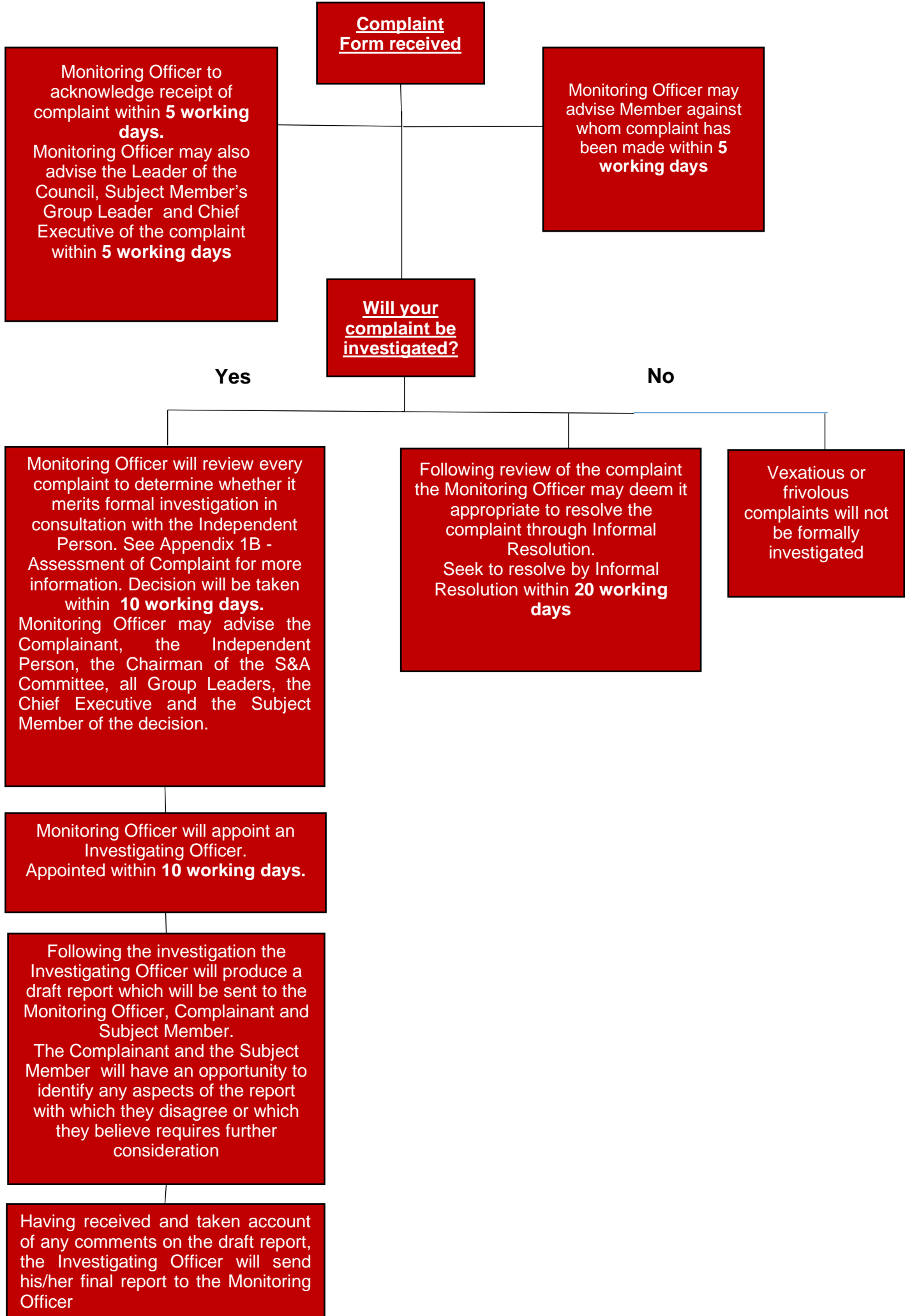
Subject Members are responsible for meeting the cost of any representation at a Standards Panel meeting. The Standards Panel cannot make orders as to costs. The Council cannot contribute to the Subject Member's costs or the Complainant's costs or indemnify a Subject Member or Complainant against costs which he or she may incur.

Appeals

There is no internal right of appeal for a Member against a finding by the Standards Panel following a Standards Panel.

Variation

The Monitoring Officer or the Chairman of the Standards Panel may vary this procedure in any particular instance where her she or they is/are of the opinion that such a variation is desirable and does not conflict with statutory requirements.



Outcome of Complaint

Investigating Officer concludes there is no evidence of failure to comply with Code of Conduct?

Investigating Officer concludes there is evidence of failure to comply with Code of Conduct?

Monitoring Officer will review the Investigating Officer's report within **10 working days** and, if satisfied (after consulting the Independent Person) that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the Complainant and to the Subject Member concerned to provide them with a final copy of the report and to notify them that he/she is satisfied that **no further action is required**

The Monitoring Officer shall send a copy of the final report to the Complainant, Subject Member, the Leader, Members Group Leader, Chairman of the Standards and Audit Committee and the Chief Executive

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

Monitoring Officer will review the Investigating Officer's report within **10 working days** and will then either send the matter before the Standards Panel or, after consulting the Independent Person, seek **Informal Resolution**

Informal Resolution
Monitoring Officer will consult Independent Person and Complainant to agree what they consider a fair resolution. If Subject 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

Within 20 working days

Standards Panel

Monitoring Officer will conduct the Standards Panel process. See Appendix 1C. The Investigating Officer and Subject Member will make representations to the Standards Panel and if the Panel finds the Subject Member failed to comply with the Code of Conduct the Chairman will inform the Member of this finding and the Standards Panel 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

Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Standards Panel.

Within 10 working days

The decision notice will set out the reason for the decision and be sent to the Complainant and to the Member

Part 5

Member's Allowances Scheme

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.
- 2.2 The amount of entitlement to Basic Allowance for each member in respect of the 2022/23 Municipal Year is **£7,380**.
- 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 2022/23 and future years to be prorated to the Leader Special Responsibility Allowance. The Leader Special Responsibility Allowance (SRA) for the 2022/23 Municipal Year is £12,000. Special Responsibility Allowances to be prorated as follows:

Deputy Leader of the Council	30% of Leader SRA (£3,600)
Leader of the Opposition	10% of Leader SRA (£1,200)
other Executive Members/Portfolio Holders	20% of Leader SRA (£2,400)
Planning Committee Chairman	20% of Leader SRA (£2,400)
Overview and Scrutiny Committee Chairman	10% of Leader SRA (£1,200)
Licensing Committee Chairman	5% of Leader SRA (£600)
Group Leader	5% of Leader SRA (£600)

4. Loss Allowance

- 4.1 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) - 45.0p per mile
These rates shall be increased:-
 - (a) for each passenger carried (not exceeding 4) who would otherwise have been paid a travelling allowance:-
5.0p per mile where any other rate is payable;
 - (b) by the amount of any expenditure on tolls or parking fees.
3. Bicycle – 20.0p per mile
4. 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.
5. As a general rule, for journeys outside the Borough, where public transport is a reasonable alternative to the use of a car.
6. 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 10,000 miles will be paid at the 45.0p per mile and all subsequent miles at the rate of 25.0p per mile.

Subsistence Expenses

- 5.2 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), £6.14;
 - (ii) of more than 4 hours, including the period between 12 noon and 2 pm, (lunch allowance), £8.39;

(iii) of more than 4 hours, including the period 3 pm to 6 pm, (tea allowance), £3.35; and

(iv) of more than 4 hours, ending after 7 pm, (evening meal allowance), £10.48.

(b) in the case of an absence overnight from the usual place of residence £84.42 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, £96.28.

5.3 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.

5.4 Any rate determined under paragraph 1 (b) above shall be deemed to cover a continuous period of absence of 24 hours.

5.5 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.

5.6 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

5.7 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

5.8 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.

5.9 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. Dependants' Carers' Allowance

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 £8.91 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.
- 6.3 For members with sole responsibility for children or a dependant relative, payments will be made up to a level of £802 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 £401 per annum.

7. ICT Services

- 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 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.
- 8.2 The amount of entitlement to co-optees’ allowance for a co-optee in respect of the Municipal Year 2022/23 is a sum equal to **5% of the Basic Allowance (£369 in 2022/23)**.
- 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.
- 8.4 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.

- 10.2 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.
- 10.4 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.
- 10.5 On 22 May 2019 the Chief Executive, under delegated authority, determined that the framework for the overall budget for Members Allowances increase over the next 3 years by the percentage increase in the total Employee Budget.
- 10.6 On 22 May 2019 the Chief Executive, under delegated authority, determined that the Subsistence Allowance be linked to employee indexation.
- 10.7 On 22 May 2019 the Chief Executive, under delegated authority, determined that the Dependents' Carers' Allowance be linked to the National Living Wage.

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;
 - 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:-
- basic allowance
 - special responsibility allowance
 - dependants' carers' allowance
 - travelling and subsistence allowance; and
 - 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:-
- 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:-

- 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
- 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.

Part 5

Financial Regulations

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 leadership team 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 leadership team.
- 2.7 In all cases, following a report on an investigation, the chief finance officer, together with the corporate leadership team 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 leadership team, 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 Leadership Team, 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 leadership team 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 leadership team 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 leadership team before submission to the executive for consideration and approval. Such charges shall be reviewed not less frequently than once a year.
- 5.3 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 leadership team;
 - (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 leadership team 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.
- 6.5 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 leadership team 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 leadership team 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 leadership team
- 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 leadership team 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 leadership team 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.
- 13.4 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.
- 15.4 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.
- 15.5 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 leadership team 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.
- 16.3 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.
- 16.4 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 leadership team 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 leadership team.

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.

Part 5

Contract Standing Orders

Note: following brexit and pending formal amendment, any reference in these contract standing orders to an eu procurement requirement shall apply to the corresponding uk requirement (if one exists).

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 leadership team (clt) of the council means the chief executive, the monitoring officer (director of legal and democratic services), the chief finance officer (director of finance), strategic director - corporate resources, strategic director - communities and strategic director - place 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 clt) identified by clt 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 european procurement**
- 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 director of legal and democratic services from time to time). In particular:
- (a) Works contracts (currently applying to those exceeding £4,733,252) shall comply with the public contracts regulations 2015 (“the regulations”);
 - (b) Supply contracts (currently over £189,330) shall comply with the regulations; and
 - (c) Services contracts (currently over £189,330) 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 lower value contracts

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 clt or by a senior officer shall have authorised the order; and
- (c) The appropriate member of the clt or senior officer is satisfied that the contract represents value for money.

C.5.0 inviting quotations

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 clt 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 clt or senior officer shall be recorded in writing and notified to the director of legal and democratic 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 clt 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 clt 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 clt 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 website, 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 director of legal and democratic 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 director of legal and democratic 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 director of legal and democratic 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 director of legal and democratic 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 clt 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 clt 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 clt.

C.8.7 the director of legal and democratic 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:

- (a) 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 clt and the director of legal and democratic 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 director of legal and democratic 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 clt 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 director of legal and democratic 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 clt 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 director of legal and democratic 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:

- (a) A direction of the executive shall be reported to council; and
- (b) Exceptions made under c.12.1 (a), (d) and (g) shall be reported to the director of legal and democratic services who shall maintain a record of all such exceptions.

Part 5

Councillor and Officer Relationship Protocol

1. Introduction

- 1.1. Mutual understanding and basic respect between councillors and officers are the greatest safeguard of the integrity of the Council.
- 1.2. Copies of this protocol will be issued to all councillors upon their election to the council and to all staff upon their recruitment to the council and included in all induction training and refresher sessions.
- 1.3. Questions on interpretation of this protocol will be determined by the Monitoring Officer in consultation with the Chairman of the Corporate Governance and Standards Committee, unless the provision in question relates to a matter to be determined by the Joint Chief Executive, in which case it will be determined in consultation with the Leader of the Council.
- 1.4. The Standards and Audit Committee will be responsible for reviewing the practical application of this protocol and will make appropriate suggestions for its improvement and development.
- 1.5. This protocol is supplementary to the Councillors' Code of Conduct and Staff Code of Conduct contained in **Part 5** of this Constitution.

2. Roles

- 2.1. Both councillors and officers serve the public, but their responsibilities are distinct. This protocol seeks to guide councillors and officers in their relations with one another.
- 2.2. Councillors are responsible to the electorate. Their job is to represent their constituents, to agree policy and to take all non-delegated decisions. They serve as long as their term of office lasts.
- 2.3. Officers are responsible for day-to-day managerial and operational decisions within the authority. Their job is to give advice to councillors and the public, to take all delegated decisions and to carry out the council's work in a professional manner.
- 2.4. The role of officers is to seek to assist councillors within the restrictions of their levels of authority and in regard to the rules governing access to information. They also have a role to ensure that councillors are properly informed about information to which they have a right of access. Officers should not use professional expertise to discourage or intimidate councillors from pursuing lines of inquiry. There may be service level agreements set out regarding the timescales for responding to particular queries or referrals from individual councillors. These may vary dependent on the 'level' of a councillor or the topic in question.
- 2.5. For example, responses to the leader of the council or the leader of any political group may need to be given more speedily than a referral from a backbench councillor. Responses to matters of urgency, for example regarding the safeguarding of vulnerable adults or children can require a prompter response due to the immediacy of the issue and the need to take action within a short timeframe. Both officers and councillors have to prioritise their work. When their priorities do not coincide, they should discuss and agree a mutually acceptable timescale for response.
- 2.6. Officers must not allow their own personal or political opinions to interfere with their work.

3. Mutual Responsibilities Of Councillors And Officers

- 3.1. The Mutual responsibilities are as follows:

xxv) To work in partnership.

xxvi) To have respect for each other's roles, workloads and pressures.

-
- xxvii) To display respect, dignity, courtesy, integrity, mutual support and appropriate confidentiality.

 - xxviii) To undertake training and development in order to carry out their role effectively.

 - xxix) To not subject the other to bullying or harassment.

 - xxx) To have a common purpose; providing the best possible service to the residents and other stakeholders of Woking Borough.

 - xxxi) To have a commitment to collaborative, non-adversarial resolution of disputes.
-

4. Relations With Statutory Officers

4.1. In reaching their decisions, councillors must have regard to the advice given by officers and in particular, that offered by the:

- i) the Director of Finance, whose duties are prescribed under section 114 of the Local Government Finance Act 1988.

 - ii) The Monitoring Officer's duties are set out under section 5 of the Local Government and Housing Act 1989. The Monitoring Officer should be consulted when there is any doubt as to the Council's power to act; or in determining whether any action proposed lies within the policy framework agreed by the Council; or where the legal consequences of action or failure to act by the Council might have important repercussions.

 - iii) The statutory officers of the Council are the Head of Paid Service (the Chief Executive), the Monitoring Officer and the Finance Director (or Section 151 Officer). All have a duty to advise the council as a corporate body. The ability of these officers to discharge their duties depends not only on effective working relations with their councillor colleagues, but also on the flow of information and access to the debating processes of politicians. As such, it is crucial that you have a good working relationship with your statutory officers that are based on a clear understanding of their roles and responsibilities.
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5. Effective Collaborative Working Is Essential

5.1. In establishing an effective working relationship, there should be clarity about the respective roles of councillors and officers. This is often made easier if:

- i) Both parties discuss and agree the values and behaviours they expect from each other in a relationship of mutual trust.

- ii) Councillors identify their priorities, assisted by officers.

- iii) Officers provide clear advice and offer alternative courses of action where they exist.

- iv) Councillors and officers communicate clearly and openly, avoiding ambiguity and the risk of misunderstanding.

- v) Everyone works in a spirit of partnership, to turn the council's core values and priorities into practical policies for implementation.

- vi) While councillors and officers may have their own specific roles and responsibilities, there are clearly some grey areas in which both groups have a shared responsibility, e.g. agreeing workable policies and monitoring performance. In addition to this, councillors and officers both face the same public service agenda, i.e. delivering quality services to local people in a climate of tough challenges and constraints (budgets and timescales).

6. General Rules

- 6.1. All dealings between councillors and officers will be courteous and neither party will seek to take unfair advantage of their position.
- 6.2. A councillor will not raise matters relating to the conduct or capability of an officer at any public session of a meeting.
- 6.3. If a councillor has a concern regarding an officer's conduct or behaviour that is not resolved through respectful mutual discussion then they may raise the matter with the officer's Head of Service or Strategic Director.
- 6.4. If after receiving a written report from the Head of Service or Strategic Director, a councillor remains concerned, the Chief Executive will be advised.
- 6.5. Should any further action with regard to an officer's conduct or behaviour be undertaken, it will be in accordance with the appropriate employment rules and procedures.
- 6.6. An officer will not raise matters relating to the conduct or capability of a councillor at any public session of a meeting.
- 6.7. If an officer has a concern regarding a councillor's conduct or behaviour that is not resolved through respectful mutual discussion then they may raise the matter with their Head of Service, Strategic Director or the Chief Executive.
- 6.8. The Head of Service, Strategic Director or Chief Executive will take the appropriate action by approaching the councillor concerned and/or his or her group leader.
- 6.9. Officers should endeavour to provide councillors with sufficient notice of meetings to allow them to prepare and balance their diaries and commitments

7. Officer Advice To Councillors And Political Groups

7.1. Officers serve the council as a whole and not any individual political group or any individual councillor.

7.2. An officer briefing meeting prior to a committee meeting or such support in whatever form it takes will be available to all councillors and all party groups.

7.3. The rules for providing advice to councillors include:

i) Officer advice and support must relate only to matters of council business and never include advice on political issues.

ii) Officers may refuse to provide advice to a councillor/group until guidance has been sought from their Strategic Director or the Chief Executive if that advice might be considered inappropriate.

iii) Decisions made at party group meetings are not decisions of the Council and must not be treated or acted upon as such by either councillors or officers.

iv) Officers should not normally attend formal meetings of political groups.

v) If a councillor requests information from an officer, the officer will inform the councillor at the time if that information is to be made available to any other councillors.

vi) Councillors should not consider an officer supportive of a policy because they have helped to construct it.

vii) Councillors should contact report authors for any further information in advance of a committee meeting.

8. Support Services To Councillors And Political Groups

8.1. Support services will be provided to assist councillors only in discharging their role as councillors.

8.2. Councillors will ensure they are up to date with and in compliance with all council policies

9. Councillors' Access To Information And Council Documents

9.1. Cooperation between Councillors and Officers is vital to ensure a good service to the public. A free flow of information between Officers and Councillors is an essential part of this cooperation.

9.2. All confidential information held by the Council, in whatever form, remains confidential to the council and subject to the requirements of the Data Protection regulations, unless and until such confidentiality is waived by the Monitoring Officer. Any dispute will be determined by the Monitoring Officer in consultation with the Chair of the Standards and Audit Committee.

9.3. Officers and elected Members are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Data Protection Act 2018 and to familiarise themselves with their obligations under the 2018 Act accordingly.

9.4. Officers and councillors who require advice or assistance in relation to their duties under the Data Protection Act 2018 should take advice from the Monitoring Officer or the Information Rights Officer as appropriate.

- 9.5. Councillors can approach any Head of Service to ask for information or seek advice. In the event of any difficulty, councillors should approach the relevant Strategic Director or the Chief Executive.
- 9.6. All councillors have a statutory right to inspect any council documents which contain material relating to any business which is to be transacted at a Council, Executive, committee or sub-committee meeting.
- 9.7. The over-riding principle is that Councillors should be given access to all documents , unless there is a justifiable reason for refusal. This reason must be clearly explained. Councillors wishing to view confidential information will be required to justify the request in specific terms.
- 9.8. Councillor access to council documents is a common law right in so far as access to the document in question is reasonably necessary to enable the councillor to perform their duties. This is commonly known as “the need to know” principle. Where information is being withheld the Executive Head of Service will advise the councillor why it is being withheld.
- 9.9. In case of difficulty, the Head of Service or councillor may seek the advice of the Monitoring Officer.
- 9.10. Members should be kept fully informed and consulted by Officers on all significant matters affecting their Ward or other area of responsibility. If a matter is urgent or sensitive, Officers must ensure Members are made aware as soon as reasonably possible and before the matter is made public.
- 9.11. All information permitted to a councillor will be provided under the terms of the Council documents in whatever format Councillors’ Code of Conduct and must be provided only for the reason requested and will not be shared except under terms set out in the Code.
- 9.12. Any councillor found to be or suspected of being in breach of the requirement to keep the confidentiality of items taken ‘in committee’ may be the subject of a Code of Conduct complaint.

10. Councillor/Officer Relationships

- 10.1. Working relationships between councillors and officers must always remain and appear professional and impartial.
- 10.2. Members of the Corporate Leadership Team will be responsible for the contents of a report. Councillor queries about report contents will be addressed to the report author. Issues arising between a councillor and a report author will be referred to the appropriate member of the Corporate Leadership Team. If unresolved the matter will pass to the Chief Executive for resolution, in consultation with the Council Leader.
- 10.3. Officers work closely with councillors, but they are accountable to their Head of Service or Strategic Director and cannot go beyond the bounds of whatever authority they may have been given by their Head of Service, Strategic Director or by the Council.
- 10.4. It is appropriate for members of the Overview and Scrutiny Committee to ask officers to explain and justify advice given to councillors, whether on the Executive or otherwise, and to justify decisions officers have taken under delegated powers.
- 10.5. Where requested to provide information to the Overview and Scrutiny Committee, officers will provide that information in as a comprehensive and timely fashion as if the request had come from the Executive.

11. Correspondence

- 11.1. Correspondence between a councillor and an officer, will not be copied by the officer to any other councillor, unless the councillor who initiated the correspondence copied it to other councillors in which case the officer shall copy his correspondence to those other councillors.
- 11.2. If it is necessary to copy correspondence to another councillor, this should be made clear to the original councillor through notation on the correspondence.
- 11.3. A system of 'silent copies' (Bcc) should never be employed. Correspondence sent to all councillors or groups of councillors will make the circulation list clear.
- 11.4. Official letters on behalf of the Council will be sent in the name of the appropriate officer rather than in the name of a councillor. Letters which create obligations or give instructions on behalf of the Council will never be sent out in the name of a councillor.
- 11.5. Councillors and officers will undertake training in the principles of the General Data Protection Regulation and will apply those principles when producing and storing personal information.

12. Ward Councillors

- 12.1. Whenever a significant meeting is organised by the Council to consider a local issue, all councillors representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, ward councillors will be notified at the outset of the exercise.
- 12.2. Officers will not normally attend meetings arranged by councillors unless this has been discussed and agreed with the appropriate Head of Service or Strategic Director in advance in order that proper representation and briefing can be arranged.

13. Ceremonial Events

- 13.1. The Mayor, or in his/her absence the Deputy Mayor, will be the appropriate person to lead/ represent the Council at ceremonial events which are of particular significance or are not specifically associated with the office of the Leader, a particular Portfolio/ Committee/Sub-Committee.
- 13.2. Local Councillors should always be informed of, and, where possible, invited to ceremonial events taking place within their own Wards.
- 13.3. Any Councillor taking part in a ceremonial event must not seek disproportionate personal publicity nor use the occasion for party political advantage bearing in mind that the Councillor is representing the Council as a whole.

14. Access To Officers

- 14.1. Officers will always be available to ward councillors to discuss any issues of concern in their ward or area of responsibility.
- 14.2. With the Council-wide use of e-mail, Councillors should seek to avoid, as far as possible, entering an Officer's work area and requiring immediate attention. Where an urgent response is required, the Councillor should seek to telephone the Officer and if required, arrange a convenient meeting
- 14.3. Ward councillors are encouraged to contact relevant officers in advance of committee meetings to discuss any concerns.

15. Undue Pressure

- 15.1. To ensure that the business of the Council is carried out effectively, Councillors and Officers should endeavour to create a cordial working relationship with each other. Councillors should:

- i) Be aware of how they speak with and relate to officers, avoiding undue pressure;

- ii) Avoid personal attacks on officers, particularly in publications, press statements or meetings attended by the public;

- iii) Avoid words or actions which could undermine respect for officers by the public;

- iv) Never require an officer to carry out work on a matter which is not justified in terms of budgetary controls, council policy or the officer's duties and responsibilities
Officers should:
 - Be aware of how they speak with and relate to Councillors;

 - Remember at all times that they work in a political environment;

 - Any Officer who is personally connected to a Councillor must notify his/her Strategic Director. Officers must not use undue influence over a Councillor, nor develop close personal friendships that could compromise or be perceived to compromise the integrity of their actions.

16. Summary

- 16.1. The working relationship between councillors and officers is integral to the successful operation of an effective local authority. Politicians and managers have vital roles to play in

providing a form of joint leadership which is based on shared knowledge, skills and experience. And at the heart of this relationship should be a common vision, shared values and mutual respect.

Part 5

Monitoring Officer Protocol

1. General Introduction to Statutory Responsibilities

- 1.1 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 and is accountable to the Council. That Act, the Local Government Act 2000 and the Local Government, Public Involvement in Health Act 2007 and the Localism Act 2011 place personal obligations on the appointee in respect of the Council, which are summarised as a schedule in the appendix to this protocol. This protocol provides some general information on how those statutory requirements will be discharged at Woking Borough Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Director of Legal and Democratic Services, who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the council. In doing so s/he will also safeguard, so far as is possible, members and officers whilst acting in their official capacities, from legal difficulties and/ or criminal sanctions.
- 1.3 The main functions of the Monitoring Officer at Woking Borough Council are:
- To report to the council and to the executive in any case where s/he is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989;
 - To investigate any matter, which s/he has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
 - To act as the principal adviser to the authority's Standards and Audit Committee;
 - To act as the principal adviser to the authority's Standards Panel;
 - To maintain the register of members' interests;
 - To maintain the register of Part II items and undertake an annual review of the same;
 - To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the council and its committees;
 - To have responsibility for responding to complaints to the Local Government Ombudsman;
 - To undertake, with others, investigations in accordance with the council's Whistleblowing procedures;
 - To act as Proper Officer for the Data Protection Act 1998 and the Freedom of Information Act 2000
- 1.4 It is the Monitoring Officer's duty to consult with both the Head of Paid Service (the Chief Executive) and the Chief Finance Officer (the Director of Finance and Section 151 Officer) during the preparation of a report under paragraph 1 above, and as soon as practicable after its preparation to arrange for a copy of it to be sent to each member of the council. The full council must consider the report within 21 days of the Monitoring Officer having sent it to members. Once the Monitoring Officer has sent out the report, the council cannot implement any proposal or decision to which it relates until the end of the first business day after they have considered it.
- 1.5 The Monitoring Officer is bound to perform all of his or her duties personally, save that during absence, unavailability or illness, a deputy nominated by him or her may undertake them.
- 1.6 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on members and officers:

- complying with the law (including any relevant Codes of Conduct);
- complying with any general guidance issued, from time to time, by the Standards and Audit Committee and the Monitoring Officer;
- making lawful and proportionate decisions;
- complying with the council's constitution and standing orders;
- generally, not taking action that would bring the council, their offices or professions into disrepute;
- communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters.

2. Working Arrangements

- 2.1 It is important that members and officers work together to promote the corporate health of the council. The Monitoring Officer plays a key role in this and it is vital therefore that members and officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.
- 2.2 The following arrangements and understandings between the Monitoring Officer, members and senior officers (Corporate Leadership Team) are designed to ensure the effective discharge of the council's business and functions. The Monitoring Officer will:
- be alerted by members and officers to any issue(s) that may become of concern to the council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the council at which a binding decision of the council may be made (including a failure to take a decision where one should have been taken) at or before the council, committee meetings and/or strategic directorate (or equivalent arrangements);
 - have the right to attend any meeting of the council (including the right to be heard) before any binding decision is taken by the council (including a failure to take a decision where one should have been taken) at or before the council, committee meetings and/or strategic directorate (or equivalent);
 - in carrying out any investigation(s) have unqualified access to any information held by the council and to any member or officer who can assist in the discharge of his/her functions;
 - ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - report to the council, from time to time, on the constitution and any necessary or desirable changes following consultation, in particular, with the Corporate Governance Working Group, Standards and Audit Committee, the Head of Paid Service and Chief Finance Officer;

- in accordance with statutory requirements, make a report to the council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
- have an appropriate relationship and good communication with the Leader of the council, the Mayor, political group leaders, the Chair of the Standards and Audit Committee, and the Corporate Governance Working Group, with a view to ensuring the effective and efficient discharge of council business;
- develop effective working liaison and relationship with the council's auditors, the Local Government and Social Care Ombudsman and the Housing Ombudsman (including having the authority, on behalf of the council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the council in consultation with the Chief Executive;
- maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being received by the Monitoring Officer) and, if appropriate, make a written report to the Standards Committee (unless the Chair of the Standards and Audit Committee agrees a report is not necessary) if, in the opinion of the Monitoring Officer, there is a serious breach of Woking Borough Council's Members' Code of Conduct;
- in consultation, as necessary, with the Leader of the council and the Standards and Audit Committee, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
- advise on all applications from council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator;
- appoint a deputy(ies) and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer. The deputy(ies) will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

2.3 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, members and officers will report any breaches of statutory duty or council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

2.4 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

2.5 Where the Monitoring Officer receives a complaint of a potential reportable incident, s/he shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

- 2.6 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.
- 2.7 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the authority.
- 2.8 Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Chief Finance Officer, s/he is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the police for investigation.
- 2.9 The Monitoring Officer is available for members and officers to consult on any issues of the council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Standing Orders, policy framework, terms of reference, scheme of delegations etc).
- 2.10 To ensure the effective and efficient discharge of this protocol, the Council will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the council and the proper discharge of the Monitoring Officer role.

APPENDIX

Summary of Main Monitoring Officer Functions

1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy(ies)	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
5	Investigate allegations of misconduct of councillors under the Council's Member Code of Conduct in compliance with the Council's adopted arrangements	Localism Act 2011 Section 28 and associated regulations and guidance
6	Establish and maintain registers of members interests and gifts and hospitality	Section 29 of the Localism Act 2011 and Code of Conduct for Members
7	Advising on appropriateness of compensation for maladministration	Section 92 Local Government Act 2000
8	Act as the qualified person	S36 Freedom of Information Act 2000 and Information Commissioner's Office Awareness Guidance No. 25
9	Key role in promoting and maintaining high standards of conduct through support to the Standards and Audit Committee. Advice to members on interpretation of Code of Conduct Members' Code of Conduct.	Constitution/Code of Conduct

Part 5

Code of Conduct for Employees

1.0 Introduction

- 1.1 The Council's employees are responsible to the Council for carrying out its work. Their jobs are paid, and paid employment brings with it certain obligations. These obligations may be statutory; for instance, if an employee knows that a contract in which he/she has a financial interest is being considered by the Council, notice of that interest must be given.
- 1.2 Employees should never do anything that is incapable of being justified to the public. It is the responsibility of local government employees to give the highest possible standard of service to the public. This means that employees must do nothing that might give rise to suspicion, however ill-founded, that they are in any way influenced by improper motives.
- 1.3 This Code of Conduct contains formal guidelines to employees covering matters such as the acceptance of gifts and hospitality, private work and the use of the Council's time and materials. This Code is intended to offer broad advice to employees in these areas of activity and, in limited cases, to prescribe rules for future conduct. These rules must be followed unless the Director of Legal and Democratic Services has agreed, in writing, that exceptional circumstances justify otherwise.
- 1.4 This Code takes into account 'The Seven Principles of Public Life' which are included in the Localism Act 2011. They are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.5 References in this Code to the Director of Legal and Democratic Services, Chief Finance Officer and Head of Human Resources include their respective deputies, who may act in their absence.
- 1.6 An e-form for reporting (i) receipt of gifts and hospitality and/or (ii) details of private work/employment is available on ewokplus in the Human Resources forms section.

2.0 Gifts and Hospitalities

- 2.1 Employees should treat with caution any offer of a gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council, or may be applying to the Council for planning permission or some other kind of decision.
- 2.2 Employees should bear in mind the importance of avoiding the appearance of improper conduct or undue influence, any suggestion of which damages public confidence in local government. Openness is important, and in the limited cases where gifts are considered acceptable their receipt should be put on record.
- 2.3 As a general rule employees should decline offers of gifts from persons or organisations who may provide works/goods/services to the Council or who may benefit from some decision of the Council (for example applicants for planning permission, those seeking to agree terms in property transactions etc.).
- 2.4 In limited circumstances, it may be acceptable to depart from the general rule in paragraph 2.3 above. These circumstances include the following:
- 2.5 Gifts of promotional stationery (e.g. diaries, pens and calendars) with a value of less than £10 may be accepted and do not need to be recorded in the register referred to in paragraph 2.7 below.
- 2.6 At Christmas time, gifts of a modest value (e.g. sweets, biscuits and alcohol with a value of less than £25) may be accepted. This is because of the custom and practice that such gifts are routinely given at this time of year, which provides a justifiable context for their acceptance.

A gift of cash should not be accepted in any circumstances.

- 2.7 Where a gift is considered acceptable, its receipt should be recorded via the e-form described in 1.6 above and will be kept in an open register kept by the Director of Legal and Democratic Services. The register entry shall describe the gift and its approximate value, identify the person or organisation making the gift, the officer to whom it was given, and the date of its receipt.
- 2.8 Employees should also exercise caution in accepting hospitality. "Hospitality" includes both attendance at events and meals. The provision of hospitality may, of course, be incidental to the carrying on of legitimate business activity (for instance, during business lunches). If so, such hospitality is acceptable and should merely be put on record (see paragraph 2.9 below). However, employees need to consider carefully whether the benefit is reasonable in scale to the work under discussion and be satisfied that its provision is genuinely "work-related".
- 2.9 Details of hospitality received by employees should be recorded via the e-form described in 1.6 above and will be kept in an open register kept by the Director of Legal and Democratic Services. The register entry shall describe the hospitality and its approximate value, identify the person or organisation providing the hospitality, the officer to whom it was provided and the date of its receipt.
- 2.10 Every effort will be made to deal with your complaint as speedily as possible. Please remember that some cases need time to investigate fully. If within a period of ten working days the matter has not been dealt with at any stage of this procedure, you will be entitled to proceed to the next stage.
- 2.11 Employees should always exercise care in the provision of gifts or hospitality to outside bodies, whenever this is to be paid for by the Council. Broadly-speaking, the same tests that apply to the receipt of gifts and hospitality apply to their provision. It is important to avoid the appearance of improper conduct. The provision of hospitality should always be funded from a budget specifically established for the purpose, and its use must, where appropriate, be properly authorised by the appropriate officer. The provision of the benefit must be reasonable in scale to the matter under discussion and it must be genuinely relevant to the business in hand. The purpose of the provision must be capable of justification by reasonably objective standards. For instance, the justification for the provision of limited hospitality may be that it facilitates, or is conducive to, the carrying on of legitimate and important business activity.

3.0 Private Work

- 3.1 The Council recognises that with the changing pattern of employment (in particular the increase in part-time, reduced hours and flexible working) it would not be appropriate to prevent employees of the Council from taking other employment (that is in addition to their role with the Council, or indeed more than one position with the Council). The Council therefore does not apply a blanket prohibition on staff accepting other employment or carrying out private work. However, it does require such employment or work to be authorised, in writing, by a member of the Corporate Leadership Team. This is to ensure that the work does not conflict with the Council's interests or weaken public confidence in the conduct of the Council's business. Details of such employment or work should be recorded via the e-form described in 1.6 above and will be kept recorded in an open register kept by the Director of Legal and Democratic Services.
- 3.2 The requirements of paragraph 3.1 above to obtain the approval of a member of the Corporate Leadership Team do not apply to any employment or private work an employee was carrying out before he/she was employed by the Council provided such employment or private work was made known to the Council before the employee was employed by the Council. Details of such employment or work do still need to be recorded in the open register kept by the Director of Legal and Democratic Services.
- 3.3 If an employee's role at the Council changes materially, he/she is required to seek further written authority from a member of the Corporate Leadership Team to continue with the other employment/private work.

- 3.4 The Council expects employees to carry out other work only to the extent that it does not interfere with the performance of their normal duties and provided, of course, that such work is undertaken outside normal working hours for that employee. The Council accepts that, in some instances, the carrying on of “freelance” work (for instance, by participating in seminars or contributing articles to professional journals) can be of mutual benefit to the Council and the employee alike; they may reflect credit upon the Council (for instance, by publicising service initiatives) whilst assisting in the development of the employee’s expertise. Although these factors may encourage flexibility in individual cases, employees should be concerned to ensure that private work does not conflict with their work obligations. It is important to consider whether the work is being undertaken on behalf of the Council, and therefore in an official role, or alternatively in the employee’s private capacity. Articles written for private gain should be composed in the employee’s own time, and the same rule applies to time spent in preparation for and presentation at seminars. If services are to be delivered on behalf of the Council or during work hours, any fees received should be passed to the Council. Fees received that are not the result of work carried out in the Council’s time and satisfying the above tests may be retained by the employee.
- 3.5 Unless expressly authorised by the Chief Executive in writing on an exceptional basis, it is not permissible for an employee to undertake private work in connection with plans or applications intended for consideration by the Council. An employee engaged in work on his or her own application is not to be treated as undertaking “private work” for these purposes.

4.0 Use of Council time and materials

- 4.1 Unless expressly permitted by other policies of the Council, employees should always make sure that any facilities (such as stationery, telephones, IT, photocopying or secretarial services) provided by the Council for use in performance of their duties are used strictly for those duties and for no other purpose. It has been made clear above that private work should not be undertaken in the Council’s time, and it is equally important that any such work is carried out without using the Council’s materials or services. The Council’s materials may only be used for such work if the Chief Finance Officer agrees in writing and the full cost of provision of the material/service is paid by the employee.

5.0 Copyright

- 5.1 It is important to set out some broad principles relevant to copyright and intellectual property created during employment. Intellectual property is a generic term that includes inventions, creative designs, writings and drawings.
- 5.2 If these are created by an employee during the course of employment, then as a general rule they belong to the employer. However, statutory rules may provide otherwise. In particular, the Patents Act 1977 provides that inventions are only the property of the employer if:

xxii) They have been made in the course of the employee’s normal duties; or

xxiii) They have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or

xxiv) They were made in the course of the employee’s duties and at the time the employee had (because of the nature of his duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

- 5.3 In the unlikely event of a dispute arising between the Council and employee as to the ownership of information or material, it will be important to establish the ambit of the employee’s “normal duties” (recourse will naturally be made to the individual’s contract of employment).

6.0 Confidentiality of Information

- 6.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. In general, employees should act on the assumption that open government serves the public better than secrecy.

However, employees should recognise that certain information is confidential to the Council. This includes information which is stated to be “Part II” for the purpose of a report to Council or a committee, and information which is classified under the Council’s information classification scheme as not being open to the public.

- 6.2 Employees should not use information obtained in the course of their employment for personal gain or benefit, nor should they pass it to others who may use it in that way.

7.0 Working with Councillors

- 7.1 Employees are in the service of the Council. It follows that they have a duty to serve all councillors, not just councillors of a controlling group. The basic rule is that councillors should be briefed and consulted on any matter where they have an interest or entitlement to know what is going on and, in particular, on committee business. Employees should ensure that all necessary help and support is given without restriction. Advice to councillors, whether given in committee or in briefings or otherwise, should be firm, clear and consistent.

- 7.2 Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors, and should therefore be avoided.

- 7.3 Employees should ensure that at all times they adhere to the Councillor and Officer Protocol.

8.0 Declaration of External Interests (as may be relevant to employment)

- 8.1 Employees are obliged by statute to disclose financial interests, whether direct or indirect, in contracts which have been, or are proposed to be, entered into by the Council. The Council’s Standing Orders go further and require disclosure of interests in non-financial matters (drawing a parallel with councillors’ “code of conduct” interests). The point is that interests that are not financial may be just as important and employees must not allow the impression to be created that they are using their position to promote a private or personal interest. Non-financial interests include those arising from membership of bodies exercising functions of a public nature, bodies directed to charitable purposes and bodies one of whose principal purposes includes the influence of public opinion or policy.

- 8.2 Employees will need to consider carefully which outside interests may give rise to conflict in the performance of their normal duties and which therefore ought to be disclosed to their manager and formally recorded. It may be, for instance, that a purchasing officer, regularly required to choose between competing companies, will have a family connection with a potential supplier. Another example might be an employee whose membership of an organisation not open to the public (characterised by commitments of allegiance and secrecy of membership) would call into question his or her objectivity in selecting applicants for employment.

- 8.3 Employees shall disclose details of interests relevant to their employment with the Council (whether direct or indirect, financial or otherwise) which will be recorded in an open register kept by the Director of Legal and Democratic Services. Such interests shall include those arising from membership of the bodies described in paragraph 8.1 above. The requirements of this rule are in addition to the statutory duty of disclosure contained in s.117 Local Government Act 1972 (financial interests in contracts) and the general requirements of Rule 3.0 of the Officer Employment Procedure Rules (which can be found in the Council’s Constitution).

9.0 Confidential Reporting

9.1 If you believe or suspect that a colleague in the Council is involved in corrupt or questionable practices, you should refer to the guidance under section 7.0 of the Confidential Reporting Policy.

10.0 Politically Restricted Posts

10.1 Some posts in the Council are politically restricted under the Local Democracy, Economic Development and Construction Act 2009. Employees undertaking these posts will be prevented from having any politically active role either in or outside the workplace. Employees will not be able to hold or stand for elected office and will also be prevented from:

- i) Participating in political activities, publicly expressing support for a political party or undertaking other activities such as canvassing on behalf of a person who seeks to be a candidate; and
- ii) Speaking to the public at large or publishing any written or artistic work that could give the impression of advocating support for a political party.

11.0 Disciplinary Policy

11.1 This code forms part of the Council's Disciplinary Policy. Any failure to comply with it may be dealt with under that policy.

12.0 Further Advice

12.1 Further advice on the acceptance of gifts and hospitality may be sought from the Director of Legal and Democratic Services. Further advice on other aspects of this Code may be sought from the Head of Human Resources.

Part 5

Officer Conflicts of Interest Protocol

1. Introduction

- 1.1 The Council is a major public authority, active in its local community. As such, it is important that the Council ensures that its Officers do not act, on its behalf, when there is a conflict between an Officer's personal interests and those of the Council.
- 1.2 Provisions relevant to conflicts of interest are contained in the Local Government Act 1972, the Council's Officer Employment Procedure Rules and the Council's Code of Conduct for Employees Policy. This Protocol provides further guidance to Officers on how conflicts of interest are dealt with at the Council.
- 1.3 For the avoidance of doubt, this Protocol does not apply to the roles performed by Officers as Council appointed directors of companies in which the Council has an interest. In these circumstances, an Officer's role is no different to what it would be if the activity was directly managed by a department of the Council.

2. Existing Requirements

2.1 The Local Government Act 1972

2.2 Section 117 of the Local Government Act 1972 requires Officers to give notice to the Council of any Council contract in which he/she has a pecuniary interest.

2.3 Failure to comply with this obligation is punishable, on conviction, with a fine not exceeding £2,500.

2.4 Officer Employment Rules

2.5 Section 4 of the Officer Employment Rules requires Officers to give notice of interests (pecuniary and non-pecuniary) to the Director of Legal and Democratic Services. The record of these interests is open for inspection by Members of the Council.

2.6 Section 4 of the Officer Employment Rules also requires reports to Council, Executive and Committees to include reference to Officers' interests.

2.7 Code of Conduct for Employees Policy

2.8 Section 8 of the Code of Conduct for Employees Policy requires Officers to consider carefully which outside interests might give rise to a conflict in the performance of their normal duties and which ought to be disclosed to their manager and formally recorded.

2.9 Section 9 of the Code of Conduct for Employees Policy also reinforces the requirement for Officers to comply with the provisions of the Local Government Act 1972 and the Officer Employment Rules.

3. What is a Conflict of Interest?

3.1 For the purposes of this Protocol, a conflict of interest arises when:-

- an Officer's personal or professional interests compromise his/her integrity and/or ability to act in the best interests of the Council in respect of a particular matter, **or**
- a reasonable person, with knowledge of all relevant facts, would consider this to be the case.

3.2 The effect of this definition is that Officers should never do anything that is incapable of being justified to the public.

3.3 A consistent and corporate approach should be adopted in determining whether an Officer has a conflict of interest. If there is a conflict of interest, the Officer should not be involved in the transaction being undertaken by the Council. The following section of this Protocol outlines the procedure that should be followed.

4. Procedure

- 4.1 Officer interests shall be declared and recorded in accordance with the requirements of the Local Government Act 1972, Officer Employment Rules and Code of Conduct for Employees Policy.
- 4.2 An Officer who has declared an interest may only be involved in a transaction to which the declaration relates if one of the three Statutory Officers of the Council has, following (where practical) consultation with the Leader of the Council (or in his/her absence, the Deputy Leader of the Council), determined that the Officer does not have a conflict of interest. In the event that all three Statutory Officers are absent (or are otherwise unable to act), a Deputy Statutory Officer shall determine whether the Officer has a conflict of interest.
- 4.3 In the event that the Officer declaring an interest is a Statutory Officer, the determination may only be made by a Statutory Officer who does not have the same, or similar, interest.
- 4.4 Full details of Statutory Officers' Determinations shall be included in:-
- (a) a Register of Statutory Officers' Determinations (Officers' Conflict of Interests Protocol) maintained by the Monitoring Officer, and
 - (b) the Project Workbook, prepared under the Council's Project Management Framework, for the underlying proposal.

The Register of Statutory Officers' Determinations (Officers' Conflict of Interests Protocol) and Project Workbook shall be available for inspection by Members of the Council.

- 4.5 The extent to which an Officer has a conflict of interest in respect of a Council transaction shall be reviewed on a three-monthly basis. This review shall, where practical, be undertaken by the Statutory Officer who made the initial determination. The provisions of paragraphs 4.2 and 4.3 of this Protocol shall apply to the review. The outcome of the review shall be recorded in the Register of Statutory Officers' Determinations (Officers' Conflict of Interests Protocol).
- 4.6 The Monitoring Officer shall undertake a general review of the operation of this Protocol on a three-monthly basis. The Deputy Monitoring Officer will review any actions taken by the Monitoring Officer under this Protocol. The outcome of the review shall be recorded in the Register of Statutory Officers' Determinations (Officers' Conflict of Interests Protocol).
- 4.7 An annual report shall be submitted to the Executive setting out details of the Statutory Officers' Determinations.

This Protocol was adopted by the Council on 15 October 2020.

Part 5

Planning Code of Practice for Councillors and Officers

3. Purpose of the Code of Conduct

3.1. This Code of Practice is intended to provide clear guidance to Councillors and officers about how they should carry out their duties in relating to planning matters so as to ensure openness, transparency and consistency in decision making and to set standards of probity and conduct which the residents of Woking can expect.

4. Context

4.1. This town and country planning system involves the Council taking decisions about the development and use of land in the public interest. Planning law requires that all planning applications are determined in accordance with the approved Development Plan unless material planning considerations, such as the National Planning Policy Framework, indicate otherwise.

4.2. Planning is often highly contentious because its decisions affect the lives of everyone, be they applicant, objector, supporter or local resident. This is heightened by the system actively inviting public opinion on applications before decisions are taken. It is essential, therefore, that the planning process is characterised by transparent, consistent and open decision-making.

5. General Roles and responsibilities

5.1. Councillors and Officers have different, but complementary, roles in the planning process. Likewise members of the Planning Committee have different roles from other Councillors when exercising the functions of the Local Planning Authority. All Councillors are, however, bound by the terms of the Council's Code of Conduct.

Members of the Planning Committee

5.2. Whilst the determination of a planning application is not a 'quasi-judicial' process, it is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review and/or complain to the Ombudsman on grounds of maladministration or a breach of the authority's code.

5.3. In addition to complying with the Council's Code of Conduct, Councillors who sit on the Planning Committee must: -

- i) act fairly and openly
- ii) avoid inappropriate social contact with applicants and their agents,
- iii) objectors and other interested parties
- iv) despite any views expressed publicly, approach decision-making with
- v) an open mind, and have regard to all material planning considerations
- vi) and be prepared to change their view if persuaded they should
- vii) make decisions purely on planning grounds in the public interest and
- viii) not favour, or appear to favour, any person, company, group or locality
- ix) not decide how to vote on each application on the basis of any political
- x) "whip", but solely on the planning merits
- xi) ensure that the reasons for their decisions are clearly stated at the
- xii) meeting.

Other Councillors

5.4. Councillors who do not sit on the Planning Committee represent their wards and the Borough as a whole and may exercise their right to attend meetings of the Planning Committee to speak, although not vote, on any planning matter.

- 5.5. Councillors should particularly note that they have the same duty as members of the Committee in respect of compliance with the Code of Conduct when they attend any meeting and should always declare any pecuniary or non pecuniary interests at the appropriate stage in the proceedings.
- 5.6. In order to avoid confusion for the public attending meetings of the Planning Committee, Councillors, who are not members of the Committee, must not sit with those who are and must sit in the area designated for non members. The Chairman, at the beginning of the meeting will identify the members of the Committee and any other councillors present who are not members of the Committee.
- 5.7. Councillors who are not members of the Committee do not act in any decision making role, but shall nonetheless act fairly and openly.
- 5.8. In certain circumstances, the full Council carries out the functions of the Planning Committee and Councillors should be aware that in those circumstances they should comply with the provisions of this Code of Practice.

Officers

- 5.9. Officers are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice based on planning policies and procedures and planning law, ensuring that members of the Committee are aware of all relevant material planning considerations before decisions are made. Officers must comply with any professional codes of conduct that may be applicable; for Planning Officers this is the Royal Town Planning Institute's (RTPI) Code of Professional Conduct Officers must also conscientiously carry out the decisions of the Committee.

6. Code of Conduct

- 6.1. The Council has adopted a Members' Code of Conduct at Part 5 of this Constitution. The Code of Conduct requires the open disclosure of any Disclosable Pecuniary Interest or non-pecuniary interest in issues being considered by the Council or its Committees.
- 6.2. Training and guidance on the Code has been provided to all Councillors and will be regularly updated. Members of the Planning Committee must be particularly careful to ensure that they are familiar with the requirements of the Code. It is the personal responsibility of individual Councillors to ensure they comply with the Code and make all appropriate declarations. If in any doubt, Councillors should seek advice in advance of the meeting either from the Monitoring Officer or from the legal adviser to the Committee.
- 6.3. Although "Declaration of Interests" appears as a separate item on the Agenda for every meeting of the Planning Committee, the Chairman normally asks whether any Councillor wishes to make a declaration of interest prior to the consideration of each individual planning application so that it is clear for which application interests are being declared. This does not, however, preclude a Councillor declaring any interest under the specific item on the Agenda.

7. Lobbying of Councillors

- 7.1. It is a legitimate part of the planning application process for applicants, neighbours and other interested parties to approach Members. However, the rules of natural justice mean that planning applications should be determined in an open and fair manner and taking account of all relevant information and arguments. It is only at the meeting of the Committee that Members will have, and be able to consider, all the relevant information and considerations pertaining to the application.
- 7.2. It is therefore important that to maintain the integrity both of individual Councillors and of the Council as a whole that all Members should: -

- i) If lobbied, explain the potentially conflicting position they are in. When expressing an opinion, make clear that this opinion is provisional and that they will only be able to come to a final view at the Committee meeting after hearing all the relevant information and arguments.
 - ii) Avoid giving constituents planning advice, save in relation to general planning procedures, for example, how the constituent can make a representation on the application, how the decision will be made (delegated or Committee) etc.
-

7.3. Members of the Planning Committee often receive correspondence from constituents, applicants and developers asking them to support or oppose a particular proposal. It is good practice for Councillors to forward a copy of the correspondence to the Head of Planning. Merely forwarding the correspondence in this way does not preclude the Councillor from being involved in the determination of the application.

7.4. Should a member of the Planning Committee be directly lobbied by any third party, they should notify the Monitoring Officer if they feel they have been exposed to undue or excessive lobbying. They should also indicate at the appropriate stage of the Committee proceedings that they have notified the Monitoring Officer of this lobbying.

8. Lobbying by Councillors

8.1. If a Councillor becomes a member of, leads or represents an organisation whose primary purpose is to lobby the promotion or opposition to planning proposals, they may have an interest and may have to withdraw from the meeting during consideration of that proposal.

8.2. A Councillor should not lobby fellow Councillors excessively regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of a meeting at which any planning decision is to be taken.

9. Meeting

9.1. Officers frequently hold meetings with applicants and objectors to discuss applications. These are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation that may be made to the Committee and the decision of the Committee. Councillors will not normally attend such meetings.

9.2. If a Councillor wishes to arrange a meeting with Planning Officers for themselves and/or a small number of constituents about a planning application, this will be arranged at the Council Offices.

9.3. Officers will not normally attend public meetings unless their attendance has been agreed with the Head of Planning and representatives of both the applicant and objector are given the opportunity to be present. Members of the Committee and Ward Councillors will be advised of any public meeting either organised by Officers or which Officers have agreed to attend.

10. Presentations on likely development proposals

10.1. The Council may itself organise presentations to keep Councillors informed generally on matters which appear to have or are likely to have strategic importance for the Borough. At such presentations, Councillors should maintain an impartial role, listening to what is being said and asking questions but not expressing an opinion.

10.2. Councillors may sometimes be invited to attend presentations/open days etc on likely development proposals by developers. Councillors should consider the appropriateness of accepting such invitations and give consideration to how their attendance might be perceived. Councillors should notify the Monitoring Officer of attendance at any such event.

11. Officer reports to Committee

11.1. All applications requiring a decision by the Planning Committee will be the subject of full written reports from the Head of Planning or such other planning officer acting under delegated authority. The report will provide a clear outline of the site history, the relevant Development Plan policies, the response of consultees and the substance of objections. The report will include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the Agenda has been published will be the subject of an oral report to the Committee at the meeting.

12. Committee site visits

12.1. Committee site visits are fact-finding exercises which allow the Planning Committee to make a more informed decision than would otherwise be possible from reading the Officer's report and considering the views expressed at the Committee meeting. They are not part of the formal consideration of any application and therefore public rights of attendance and speaking do not apply.

12.2. The Committee has adopted a procedure for site visits and this is set out at [Appendix A.](#)

13. Public participation at the Planning Committee

13.1. Members of the Planning Committee must not allow members of the public, applicants, agents or public speakers to communicate with them during the Committee meeting either orally or in writing, other than under the adopted public participation scheme, as this may give the appearance of bias to other observers.

13.2. The Public Speaking Rules at Part 4 of the Constitution provide the framework for public participation at the Planning Committee.

14. Planning Committee decisions contrary to officer recommendation

14.1. From time to time, members of the Committee will disagree with the professional advice given by Officers and may determine an application contrary to that advice. When this happens Councillors must clearly express the planning reasons for their decision, such that a person observing the meeting would understand why the recommendation has not been followed. Officers will be given an opportunity to explain to the Committee any planning and / or legal implications arising from their intended decision before the decision is confirmed.

14.2. The reasons given by the Committee for the decision will be recorded in the minutes of the meeting and the Head of Planning will be asked to finalise the wording of the decision notice, normally after consultation with the Chairman and Vice Chairman of the Committee.

15. Appeals against Council decisions

15.1. Generally, Officers will organise and appear as witnesses at planning appeals on behalf of the Council. Officers will have overall management and responsibility for the conduct of planning appeals. In giving evidence, Officers will present the best possible case on behalf of the Council, whilst complying with the RTPI Code of Professional Conduct* and taking into account cost/benefit analysis. In some circumstances it may be necessary to appoint consultants to appear on behalf of the Council; for example, where the Committee has decided an application contrary to the Officer recommendation. Where the overall strategy for a planning appeal is contrary to, or unsupportive of, the Planning Application Committee's decision in the first instance, the Head of Planning must consult with the Chairman and the Vice Chairman of the Planning Committee and relevant ward Councillors.

15.2. If a Councillor intends to make representations to the Planning Inspectorate on any appeal either in writing or in person at any hearing / public inquiry, they should advise the Head of Planning and indicate whether these representations will be in support of the Council's case.

16. Councillor and Officers as Applicants

- 16.1. Where a Councillor is the (prospective) applicant for planning permission, he or she must appoint a professional agent to act on their behalf in dealing with Planning Officers. Whilst this might appear to place an undue financial burden on the Councillor, regard should be had to the Members' Code of Conduct Part of this Constitution.
- 16.2. Any application submitted by a serving Councillor, or a partner as defined in the Members' Code of Conduct, or persons who were Councillors within the previous 4 years, will not be dealt with by Officers under delegated powers but will be the subject of a decision by the Planning Committee. The Committee will be advised that that the application has been submitted by a Councillor, or former Councillor, and will also be advised whether the application is one that would normally have been dealt with under the Scheme of Delegation.
- 16.3. In the case of serving Councillors, the Monitoring Officer should be notified by the Councillor concerned in writing of the application no later than the date of its submission.
- 16.4. The same rules apply in respect of any officer, or a partner as defined in the Members' Code of Conduct, who is currently employed by the Council or who has been employed by the Council within the previous 4 years.

17. Training

- 17.1. Councillors may not sit on the Planning Committee unless they have attended at least the annual mandatory planning training prescribed by the Council. Where the Full Council determines a major planning application, all Councillors must have attended the prescribed planning training as determined by the Head of Planning.
- 17.2. Suitable additional training opportunities will be arranged at regular intervals by the Head of Planning and/or the Monitoring Officer.

18. Review

- 18.1. It is important that decisions, and the decision-making process, are regularly reviewed to improve the quality and consistency of decision making, thereby strengthening public confidence. Arrangements will normally be made for Councillors to visit, on an annual basis, a sample of implemented planning permissions to assess the quality of the decision. These visits will include a range of developments (major, minor, departures, upheld appeals, listed building works etc). The Committee will also receive an annual review of appeal decisions from the Head of Planning.

APPENDIX A

COMMITTEE SITE VISITS

General

1. The purpose of a site visit is to ascertain facts and to ask questions of the planning officers, not to debate the merits of the planning application. Members, at the site visit, must not indicate which way they intend to vote at the Planning Committee meeting.
2. The applicant will be notified in advance in writing of the time and date of the visit and of any requirements in respect of the site visit (such as the pegging out of the development proposal). If applicants, or their agents, attend for site access purposes they will be advised at the start of the site visit that the purpose of the visit is to gather information and that they may not address the meeting or individual councillors.
3. The public does not have a right of attendance at the site, other than from public vantage points, and cannot address the meeting or individual councillors.
4. A Planning Officer will accompany Councillors to explain the development proposal and to answer any questions. Councillors should only allow themselves to be addressed by Officers or by fellow Councillors. Where a Councillor is approached by any other person, they should inform the Planning Officer present.
5. The Chairman of the Committee, or his representative, must maintain control over the conduct of each site visit which, whilst not part of a formal meeting of the Committee, will be conducted as a single meeting and in an orderly fashion.
6. Councillors must not normally enter planning application sites except on the formal Committee Site Visit. If a Councillor considers that a personal site visit is essential, they should contact the Head of Planning, who may, in exceptional circumstances, make appropriate arrangements. Councillors must at all times remember that to enter any land without the consent of the landowner is a trespass. This does not preclude the Councillor from viewing the application site from any public vantage point.

Site Visits Prior to Consideration of an Application by the Planning Committee

7. Members of the Planning Committee and local ward members may make a request for a site visit upon receipt of the agenda. Requests must be made in writing, explaining the reason for the request, to the Development Manager with a copy forwarded to the Head of Planning and the Democratic Services Officer by 4 pm four clear working days before the Planning Committee meeting.

Applications Deferred by the Planning Committee for a Site Visit

8. Only in exceptional circumstances will a request for a Committee Site Visit made at the Planning Committee meeting, outside the above procedure, be entertained by the Committee.
9. Where the Planning Committee has commenced the consideration of an item but decides to defer an application because it considers that a site visit is necessary in order for it to determine the application.

Part 6

Wholly Owned Woking Borough Council Companies

Wholly Owned Company Protocols (“Company” or “Companies”)

1. Introduction

These protocols have been introduced to ensure good governance and management of all wholly owned companies. The Council owns a number of wholly owned companies. The operation and purpose of these companies aligns with the Council’s priorities. They create and deliver social value, address market failure, contribute to the Council’s finances and expand the overall service offering.

To the extent permitted by law, no wholly owned Company shall undertake any project or activity to the detriment of the Woking Borough Council (“Council” or “WBC”) or the wider interests of the communities which it serves.

2. Financial reporting and records

Wholly owned companies prepare and maintain their accounts in accordance with the accounting and financial reporting standards which represent the generally accepted guidelines, principles, standards, laws and regulations of the UK. The Companies management practices and business conduct benefit the localities and communities in which it operates, to the extent possible and affordable, and are in accordance with the agreed strategies of the Council.

Internal accounting and audit procedures reflect all of the company’s business transactions and disposition of assets, and has internal controls to provide assurance to the company’s board, shareholders and stakeholders that the transactions are accurate and legitimate. All required information is accessible to company auditors and other authorised parties and the Council.

3. Performance and Financial Monitoring Information

The Companies have been organised and resourced to prepare full financial activity reports as part of the statutory accounts and at Board meetings (currently 3 times a year). The Companies shall provide key information in respect of company performance against business plans, returns on investment and risk and opportunities to the Shareholder Advisory Group.

Key information in respect of the Thameswey Group is currently set out for inclusion in the Green Book.

4. Key Performance Indicators (KPIs) for all Companies

With comparisons to approved budget:

- a. New lending
- b. Loan and Interest Payments
- c. Sales
- d. Capital Expenditure
- e. Employee numbers

5. Political non-alignment

Subject to all applicable legal obligations, wholly owned Companies are committed to supporting the constitution and governance systems of the Council. The Companies do not support any specific political party or candidate for political office. The Company’s conduct precludes any activity that could be interpreted as mutual dependence / favour with any political body or person, and does not offer or give any company funds or property as donations to any political party, candidate or campaign.

6. Cooperation between wholly owned Companies

Wholly owned companies shall cooperate with other group companies including applicable joint ventures, by sharing knowledge and physical, human and management resources. In the procurement of products and services, a group company gives preference to other group company entities, subject to relevant EU procurement rules, and as long as they can provide these on competitive terms relative to third parties.

7. Public representation of the company and the group

The Companies, in all their public appearances (with respect to disclosing company and business information to public, constituencies such as the media, the financial community, employees and shareholders), may be represented by any director and/or specified employee as approved from time to time by the respective company board.

8. Third party representation

Parties which have business dealings with the Companies but are not members of the group, such as consultants, contractors and suppliers, are not authorised to represent the company without the written permission of the respective board.

Third parties and their employees are expected to abide by the Group code of conduct in their interaction with, and on behalf of, a Company.

9. Use of the Company brand

The use of the Company name and trademark shall be governed by manuals and agreements issued by the respective Companies. No third party or joint venture shall use the Companies brand to further its interests without specific authorisation from the board or its authorised officer.

The brand should be consistently used in all published material and communications. An administrator will be tasked to oversee the use of the brand identity to ensure consistency and training will be arranged if needed. Any new staff will be offered a short induction session on correct use.

10. Protecting company assets

The assets of a Company shall not be misused; they shall be employed judiciously for the purpose of conducting the business for which they are duly authorised. These include tangible assets such as equipment and machinery, systems, facilities, materials and resources, as well as intangible assets such as information technology and systems, proprietary information, intellectual property, and relationships with customers and suppliers.

11. Group Policies

The shareholders of each parent company shall recommend its board of directors adopt the policies and guidelines periodically formulated by the parent company board. Thameswey Limited operates and has approved a scheme of delegation which empowers officers of the group to make operational decisions, including committing to contracts and expenditure, within prescribed limits.

12. Intra Group Communications

Members of the board of parent company board. will receive agendas, minutes and reports from each of its subsidiary's board meetings, as soon as they become available.

13. Shareholders

All wholly owned companies shall be committed to enhancing shareholder value and complying with all regulations and laws that govern shareholder rights. The board of directors of the Companies shall inform its shareholders about all relevant aspects of the company's business.

14. Corporate citizenship

All-Companies shall be committed to good corporate citizenship, not only in the compliance of all relevant laws and regulations but also by actively assisting in the improvement of quality of life of the people in the communities in which it operates. The company shall encourage collaboration with community groups.

No Company shall treat these activities as optional, but should strive to incorporate them as an integral part of its business plan.

15. Conduct

Each wholly owned Company supports the following principles of public life and the culture of the business is one of honesty and opposition to fraud and corruption. These principles are reflected in our procedures and ways of working.

There is an expectation and requirement that all individuals and organisations associated with the Companies in whatever way, such as contractors, partners and suppliers, will act with integrity and that directors and staff at all levels will lead by example in these matters ensuring adherence to legal requirements, financial regulations, codes of conduct, procedures and professional practice.

Selflessness: Thamesway should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity: Thamesway directors and staff should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity: Thamesway directors and staff should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability: Thamesway directors and staff should recognise that they are part of a body which is accountable to the public for their actions and the manner in which they carry out their responsibilities and should therefore co-operate fully and honestly with any scrutiny appropriate to their office.

Openness: Thamesway directors and staff should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgment: Thamesway directors and staff may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others: Thamesway directors and staff 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. They should respect the integrity of the statutory officers of WBC and all employees of Thamesway companies and WBC.

Leadership: Thamesway directors and staff should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves confidence in the actions and operations of the Thamesway Group.

16. Concurrent employment

Directors will be required to notify the company of external appointments but do not require prior approval. Where such appointments would put a director in a position where his interests would be conflicted, they may be approved in advance by either a resolution of the shareholders or, where a company's articles of association permit, by the board of the Company concerned.

17. Communication with the Shareholder Representative and Shareholder Advisory Group

The Board attaches great importance to maintaining good relationships with all shareholders, who are kept informed of significant company developments.

The Companies shall work closely with the Shareholder Representative and Shareholder Advisory Group. The Companies shall report to the SAG when requested and in accordance with the agreed work programme on matters including but not limited to, company performance against business plans, return on investment and risk and opportunities.

18. Reserved Matters

The following matters are reserved to the Council for shareholder approval:

- a. Varying Articles of Association
- b. Varying ownership and structure
- c. Variations to shares (number of, rights, etc.
- d. Entering contracts that are outside of the business plan or do not relate to the business
- e. Material legal proceedings outside of ordinary business
- f. Adopting and amending business plans each year and strategic plans (3 years)
- g. Appointment, removal and the remuneration of directors (members of the company board)
- h. Selection of the chair of the board
- i. Appointment of auditors
- j. Issue of dividends
- k. as more particularly set out in a company's Articles of Association or Shareholder Agreement.

These matters shall in the first instance be considered by the Shareholder Advisory Board.

19. Board Governance

A company board should not be so large as to be unwieldy. The boards should be of sufficient size that the balance of skills and experience is appropriate for the requirements of the business and that changes to the board's composition can be managed without undue disruption. As such, the composition of the Board may vary depending upon the circumstances of the entity.

To ensure that power and information are not concentrated in one or two individuals, there should be a strong presence on all boards of Independent directors. The Shareholder Representative shall attend the meetings of the Board.

The Company board shall appoint an Independent directors to be the Chairman of the Board. The Chairman will be accountable to the shareholder if it has concerns on any matter in respect of which contact through the normal channels of chief operating officer and chief financial officer, has failed to resolve or for which such contact is inappropriate. This provision is not applicable to Export House Limited and KCSC Limited.

- a. Subject to them having completed and submitted in advance, a Non-Disclosure Agreement:
 - i. The agendas of board meetings of Companies shall be available to Members of the Council; and

- ii. Members of the Council may attend board meetings as observers, by prior written notification to the Chairman of the relevant board.
- b. Subsidiary Company boards must submit any new proposals which cause changes to the Council Approved Parent Group Business Plan to the parent company which, if it supports the proposal, will recommend accordingly to the WBC Executive for consideration and recommendation thereon to the Council for approval.

20. Composition of the Boards

The Composition of the Boards has been determined by Full Council. Any changes to the composition of the Boards shall be done so to ensure the directors appointed have sufficient skills and experience to run it. The composition of the Board may vary depending on the circumstance of the entity. Council Officers shall at all times be in a majority. Any changes to the composition of the Board shall be agreed by Full Council.

Election of Chairman

The Companies shall ensure that an Independent Director shall be elected Chairman of the respective Company.

Quorum

A quorum for each board meeting shall be at least one third of directors present which must comprise at least 1 Independent Director, and 1 Officer Director of the relevant board. In respect of those boards in which do not have an Independent Director (Export House Limited and KCSC Limited) both Officer Directors must be present.

Alternate Directors

All Directors of subsidiary companies may appoint an Alternate Director of the same Director class (Independent, Councillor or Officer) in the event that he/she cannot attend a board meeting. The Alternate Director must be a Director of the parent company.

21. Company Board Meetings

Company board meetings will usually be held in person. In the event that exceptional circumstances necessitate a paper, email, telephone, video, electronic or other form of meeting permitted by the Articles or Company law, the Company shall in the notice of the meeting state the reasons for the meeting in a different form and record in the minutes of the said meeting the reasons and the decision reached at the meeting. The minutes of the said meeting will be published as soon as possible and reported to the next normal board meeting of the Company.

22. Website communication

To the extent possible to preserve commercial confidentiality, Company agendas and minutes will not be published.

WOKING BOROUGH COUNCIL
SHAREHOLDER ADVISORY GROUP - TERMS OF REFERENCE

Overview

The purpose of the Shareholder Advisory Group is to advise the Leader in the exercise of his/her responsibility for the Council's functions as corporate shareholder of a company or group of companies and in their role to represent the interests of the Council as Shareholder Representative at meetings of a company.

Decision making

The Leader (or other Executive member appointed by the Leader for this purpose) may make decisions concerning companies in which the Council is or is proposed to become a shareholder, either:

- (a) in Executive; or
- (b) in the presence of the Shareholder Advisory Group.

Membership and Arrangements

The Shareholder Advisory Group shall consist of the Leader (or other Executive member appointed by the Leader for this purpose) in the presence of:

- (a) Such Members of the Executive as are appointed by the Leader (which shall be at least two);
- (b) One co-opted members, who will be an independent person providing relevant expertise and appointed on merit; and
- (c) Relevant senior officers of the Council as are appointed by the head of paid service (or their deputies); together with
- (d) The Chair of Overview and Scrutiny Committee, as a Member of the Council from outside of the Executive, to act in the capacity of Observer.

The Service Director for Finance (s151 officer) and the Service Director for Legal and Democratic Services (monitoring officer), or their deputies, will be advisors to the Group to provide open and strong advice.

Other members of the Executive (who are not directors of any of the companies concerned) may attend and vote as substitutes in the event that an appointed member of the Shareholder Advisory Group is unable to attend

Restrictions on Membership

As the Shareholder Advisory Group is to advise and discharge executive functions in relation to company matters and the role of the Shareholder Representative, only Executive members can be members of the Shareholder Advisory Group with voting rights, although other Executive members and non-Executive members can be invited to attend, without voting rights.

Meetings

The Shareholder Advisory Group shall meet on a basis agreed by itself and normally in private.

The quorum shall be the Leader (or other Executive member appointed by the Leader for this purpose) in the presence of a minimum of:

- (a) one other Executive Member;
- (b) one independent co-optee; and
- (c) one senior officer appointed to the Group (or their appointed deputy).

An invitation to attend must have been provided to the Chair of Overview and Scrutiny Committee (or their

nominated deputy) at least three clear days in advance of the meeting taking place. This notice period may be waived if the Chair of Overview and Scrutiny Committee (or their nominated deputy) so agrees.

An invitation to attend must also have been provided to the section 151 officer and the monitoring officer (or their nominated deputies), which will normally be at least three clear days in advance of the meeting taking place.

The Leader (or appointee) will chair the Shareholder Group and a Vice Chair will be selected from the elected members of the Shareholder Group.

Sub Groups

To assist it in its functions the Shareholder Advisory Group :

1. may establish and consult standing sub-groups, such as might be required in respect of:
 - (a) Audit and Risk;
 - (b) Ethical practices; or
 - (c) Nominations and Remuneration
2. may establish and consult ad-hoc or task and finish sub-groups in respect of any matter; and
3. may establish and consult stakeholder groups on any particular aspect or the generality of the objects of the trading companies

A sub-group or stakeholder group may contain such co-opted members, advisors or observers as the Shareholder Advisory Group sees fit.

Functions

1. Monitor the performance of a company in relation to its Business Plan and, in particular, the company's performance:
 - (a) in financial matters
 - (b) against the social goals of the company as set out in the company's Objects, Business Case or Business Plan; and
 - (c) against the values of the Council.
2. Evaluate and monitor:
 - (a) the financial and social returns on investment (be that shareholding, loans or direct investment); and
 - (b) risks and opportunities including those arising from joint ventures or new opportunities.
3. Consider matters reserved to the Council for shareholder approval, such as:
 - (a) Varying Articles of Association
 - (b) Varying ownership and structure
 - (c) Variations to shares (number of, rights, etc.
 - (d) Entering contracts that:

are outside of the business plan or do not relate to the business

- (e) Material legal proceedings outside of ordinary business
- (f) Adopting and amending business plans each year and strategic plans (3 years)
- (g) Appointment, removal and the remuneration of directors (members of the company board)

- (h) Selection of the chair of the board
- (i) Appointment of auditors
- (j) Issue of dividends

as more particularly set out in a company's Articles of Association or Shareholder Agreement.

Relationship

The Shareholder Advisory Group as it considers appropriate in accordance with its functions described above, may:

1. report and make formal recommendations to the Leader, directly or to the wider Executive;
2. make reports to and consult Overview and Scrutiny (including full Council) or
3. make reports to and consult the Standards and Audit Committee, in relation to that Committee's particular functions.

Directorships

Thameswey

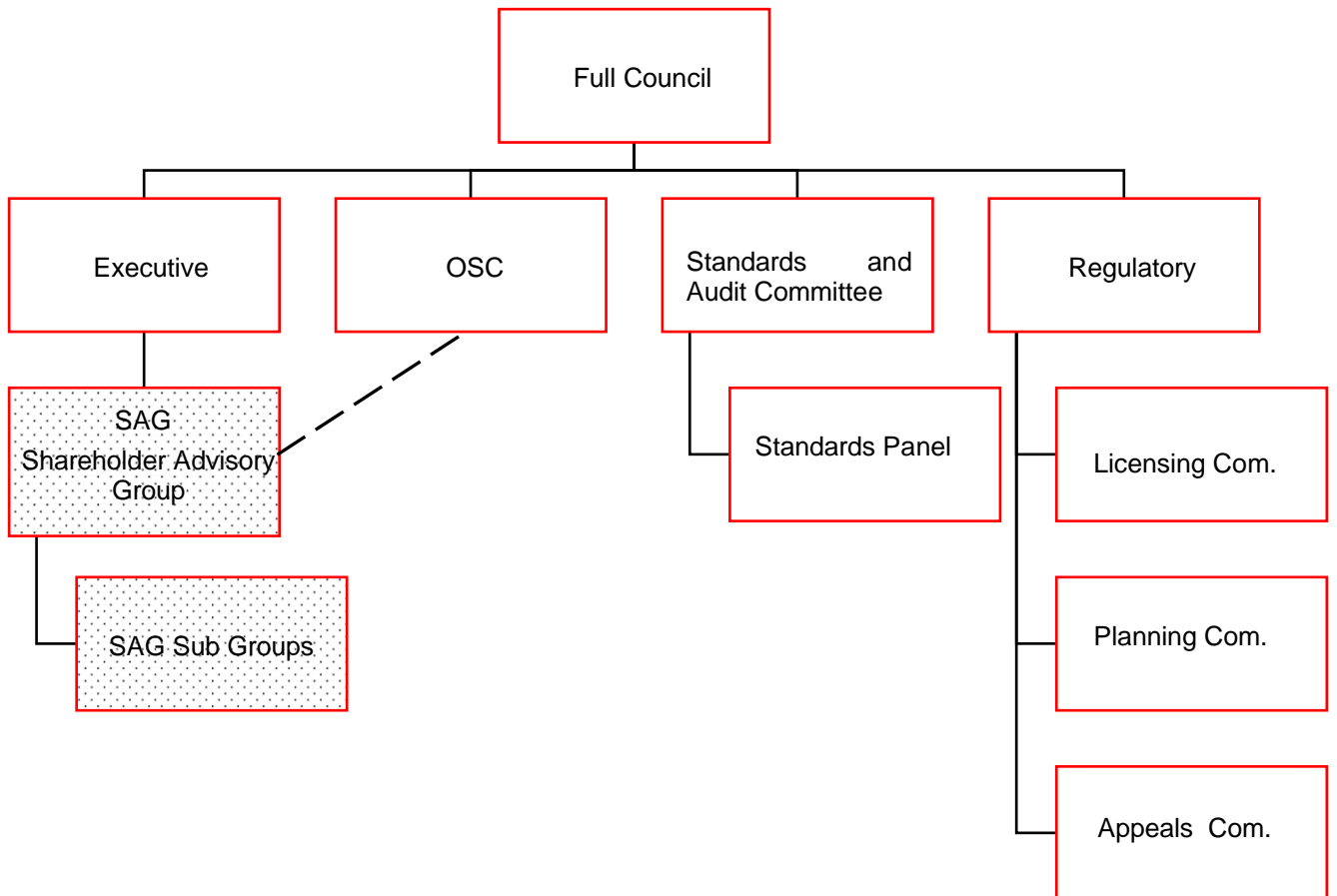
Thameswey Limited	<p>Independent (Individual Appointment) Paul Grimshare Terry Price William Prescott</p> <p>Council (Appointment by Role) Chief Executive Strategic Director of Place Strategic Director of Communities Strategic Director of Corporate Resource</p> <p>Clyde Secretaries Limited (Company Secretary)</p>
Thameswey Developments Limited	<p>Independent (Individual Appointment) Terry Price Recruit another Independent Director</p> <p>Council (Appointment by Role) Chief Executive Strategic Director of Communities Strategic Director of Place</p> <p>Clyde Secretaries Limited (Company Secretary)</p>
Thameswey Housing Limited Thameswey Guest Houses Limited	<p>Independent (Individual Appointment) Terry Price Recruit another Independent Director</p> <p>Council (Appointment by Role) Chief Executive Strategic Director of Corporate Resource Strategic Director of Communities</p> <p>Clyde Secretaries Limited (Company Secretary)</p>
Thameswey Energy Limited Thameswey Central Milton Keynes Limited	<p>Independent (Individual Appointment) William Prescott Paul Grimshare</p> <p>Council (Appointment by Role) Chief Executive Strategic Director of Corporate Resource Strategic Director of Place</p> <p>Clyde Secretaries Limited (Company Secretary)</p>

Thamesway Solar Limited Thamesway Sustainable Communities Limited	Independent (Individual Appointment) Paul Grimshare Council (Appointment by Role) Chief Executive Strategic Director of Place Clyde Secretaries Limited (Company Secretary)
Thamesway Maintenance Services Limited Energy Centre For Sustainable Communities Limited	Independent (Individual Appointment) Terry Price Council (Appointment by Role) Chief Executive Strategic Director of Corporate Resource Clyde Secretaries Limited (Company Secretary)
Joint Venture Rutland (Woking) Limited Rutland Woking (Carhouse Lane) Limited Rutland Woking (Residential) Limited	Council (Appointment by Role) Chief Executive Strategic Director of Communities Non Council James McAllister Marc Riggs Jonathan Riddings (Company Secretary)

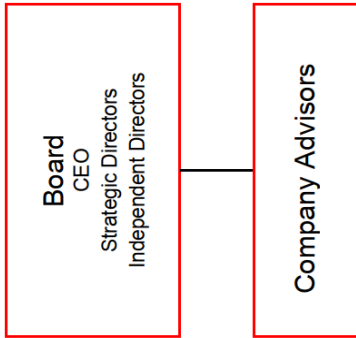
Woking Necropolis and Mausoleum Limited Brookwood Cemetery Limited Brookwood Park Limited	Independent (Individual Appointment) Chris Reid Shahid Azeem Council (Appointment by Role) Chief Executive Strategic Director of Corporate Resource Strategic Director of Place Clyde Secretaries Limited (Company Secretary)
Export House (Property holding company only – proposed to bring back in house)	Council (Appointment by Role) Strategic Director of Place Assistant Director (Property) Clyde Secretaries Limited (Company Secretary)
Kingfield Community Sports Centre Limited (Property holding company only – proposed to bring back in house)	Council (Appointment by Role) Strategic Director of Place Assistant Director (Property) Clyde Secretaries Limited (Company Secretary)

<p>Joint Venture Woking Shopping Limited</p>	<p>Council (Appointment by Role) Strategic Director of Place Assistant Director (Property)</p> <p>Non-Council Paul Hearn Peter Robinson</p>
<p>Joint Venture Victoria Square Woking Limited Victoria Square Residential Limited VSW Hotel limited</p>	<p>Council (Appointment by Role) Chief Executive Strategic Director of Corporate Resource</p> <p>Non-Council John Kingsbury</p> <p>John Robinson Peter Robinson</p> <p>Paul Hearn (Company Secretary)</p>
<p>Joint Venture LAC 2021 Limited (Dormant)</p>	<p>Council (Appointment by Role) Strategic Director of Place</p> <p>Non WBC Council Ray Lee (Elmbridge BC) Nicholas Stevens (Surrey Heath BC)</p>

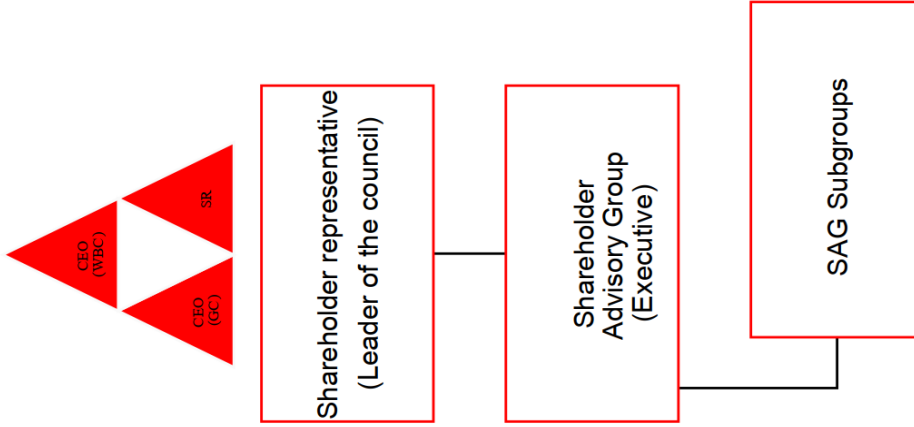
VISUAL OVERVIEW OF THE MODEL



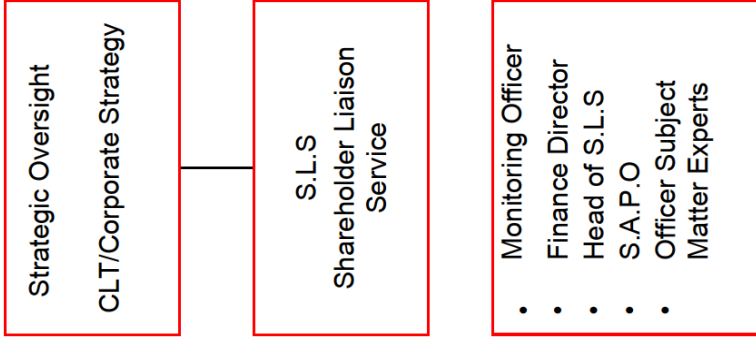
Group Company



Members



Officer



Local Code of Corporate Governance

1.1.1.1. Introduction

2. Woking Borough Council recognises the need to ensure that its affairs are managed in a way which achieves the highest standards of corporate governance.
3. This Code sets out for members and officers the main principles of good governance for Woking Borough Council.

4. What is Corporate Governance?

5. Governance comprises the arrangements put in place to ensure the intended outcomes for stakeholders are defined and achieved.
6. Good governance is how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems, processes, cultures and values by which the Council is directed and controlled. Through effective governance the Council is accountable to, engages with and, where applicable, leads the community.

7. What is the Purpose of the Code?

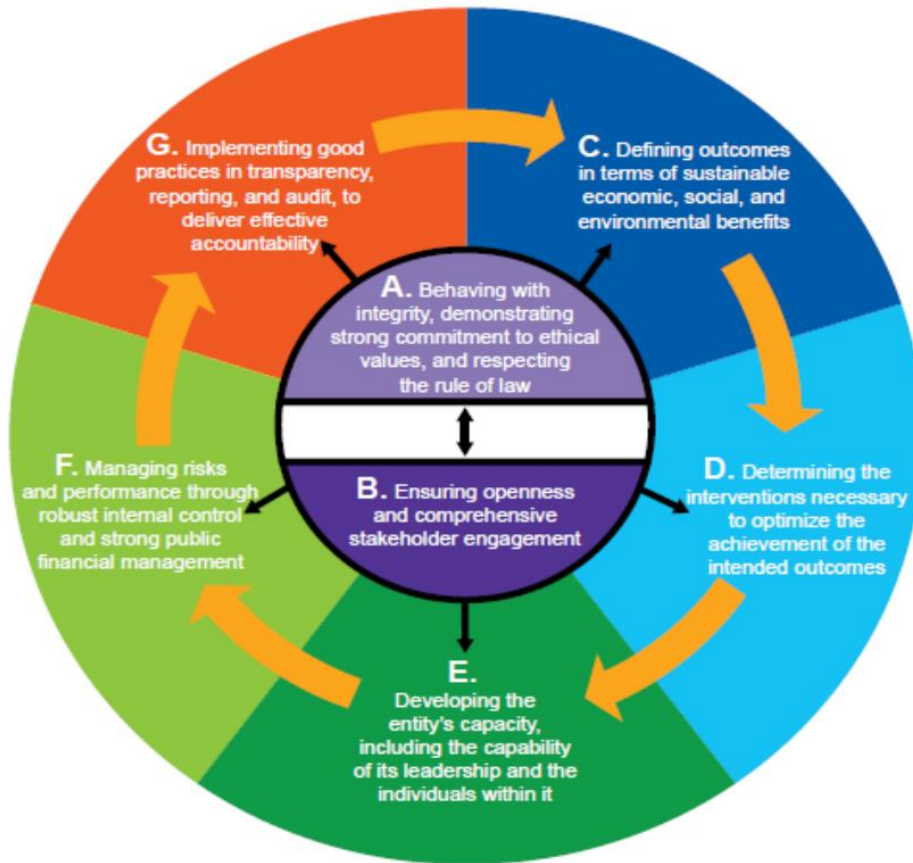
8. This Code is intended to support political and officer leadership with developing and maintaining robust governance across the whole governance system.
9. The Code is the framework within which the Council is accountable to its users, stakeholders and the wider community. It sets out and describes the way in which the Council carries out its functions through its members and officers, and the procedures and processes through which it undertakes its work, and through which it aims to establish and maintain public confidence.

10. What is the Code based upon?

11. It is based on existing good practice within the Council and is consistent with the CIPFA framework for Delivering Good Governance in Local Government (CIPFA/Solace, 2016)
12. The Council is committed to the principles of good governance, and has adopted the seven core principles of the CIPFA and SOLACE framework as follows:

- Behaving with Integrity
- Ensuring Openness
- Defining Outcomes
- Determining effective interventions
- Developing Capacity
- Managing Risks and Performance
- implementing good practices
- Transparent and Effective Accountability

The diagram below, taken from the International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014) (the 'International Framework'), illustrates how the various principles of good governance in the public sector relate to each other.



Full details of the seven principles with the respective sub-principles, together with the actions and behaviours that can demonstrate compliance is provided in Appendix 1.

How does Woking ensure good governance?

The Council's approach to governance takes account of the environment in which it operates. The Council's aim is to ensure resources are directed in accordance with agreed policy and priorities; there is sound and inclusive decision making; and there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.

All Members have an important role to play in representing their constituents, as well as acting together as the Council. Officers serve the Council as a corporate body rather than any political group, combination of groups, or individual member.

Members and Officers should work in an atmosphere of mutual trust and respect. Members determine the Council's policies and Officers are responsible for implementing decisions taken by the Council, Leader, Executive and / or the appropriate committee as well as taking decisions delegated to them under the Scheme of Delegation. The Overview and Scrutiny Committee reviews and scrutinises the Council's performance.

In discharging these duties all parties should act in an open, honest and transparent manner.

The Council seeks to ensure the highest standards are met, and governance arrangements are not only sound but are seen to be sound.

Who is accountable for corporate governance?

All members and officers are expected to commit to the Council's principles of good governance; however, there are specific responsibilities for the following individuals and groups:

The Corporate Leadership Team has a collective responsibility for good governance, but this is underpinned by the role of the three statutory officers of the Council:

- Head of Paid Service – Chief Executive
- Monitoring Officer – Director of Legal and Democratic Services
- Section 151 Officer – Finance Director

Chief officers are responsible for the policies and procedures which form part of this Code and that fall within their functional responsibilities. Each chief officer is supported by senior managers who are responsible for ensuring that the relevant policies and procedures are up to date, are being complied with and are effective in achieving good governance.

Most of the arrangements are set out in the Council's constitution and supporting policies and documentation. However, the Council recognises that these arrangements must be kept up-to-date and need to be kept under review to ensure that they remain appropriate and are improved where possible. Without proper monitoring, the effectiveness of the Council's arrangements could be compromised so the Council will ensure that systems are in place to monitor compliance with the agreed processes and procedures including the Annual Governance Statement.

Who has responsibility for maintaining the Code?

To ensure the Code is effectively maintained, we will:

- Update the Code with developments in best practice and leading guidance
- Undertake an annual review of Corporate Governance that incorporates the Annual Governance Statement

The Standards and Audit Committee will have responsibility for providing assurance to Council in respect of:

- The effectiveness of the Council's Corporate Governance arrangements
- The approval of the Annual Governance Statement
- The effectiveness of the Council's financial and non-financial performance

PLEASE NOTE: Terms of Reference will be inserted into Part 2 – Articles of the Constitution

Elections Panel

Terms of Reference

Adopted: [Month] [Year]

Introduction

The Elections Panel shall report to Council. The Terms of Reference were last amended on 23 May 2022.

The Elections Panel was originally established as the Elections and Electoral Registration Review Panel. The name of the Panel was changed to the Elections Panel by Council on 23 May 2022. The Council further agreed the establishment of formal terms of reference for the Panel.

Significant changes to the Terms of Reference must be approved by Council. Minor changes may be made by the Monitoring Officer.

Role and Functions

The Panel was established to provide feedback and comment in respect of the elections and electoral registration services undertaken by the Authority and the Chief Executive in their role as Returning Officer.

These duties include:

- i. ensuring the annual electoral registration process is undertaken;
- ii. putting in the place the resources necessary to deliver Borough, County, Parliamentary and Police and Crime Commissioner elections (and any referendums);
- iii. ensuring the Authority adopts the latest legislation affecting electoral registration and elections;
- iv. promoting awareness and understanding of the election processes and electoral registration;
- v. supporting the work of the Electoral Services Manager;
- vi. encouraging the adoption of Electoral Commission guidance for political groups and candidates;
- vii. when necessary, recommending to Council the adoption of new measures, activities and services to support and develop the Authority's electoral registration and election responsibilities; and
- viii. preparing an annual report to Council in April each year.

Membership

The membership shall be decided by Council at the start of the Municipal year.

Membership shall comprise eight (8) members of the council based on proportionally.

Membership of the Elections Panel shall be as follows:

Group Leaders and Deputy Group Leaders.

Independent Co-Opted Member.

Officers of the Council attending the meetings shall include, though not be limited to, the Chief Executive, the Director of Legal and Democratic Services, the Head of Democratic Services and the Electoral Services Manager.

Quorum

The quorum shall be no less than one quarter (minimum of two (2)) of the Borough Councillors appointed to the Panel.

Chairman and Vice-Chairman (and election thereof)

The role of Chairman of the Panel shall fall to the Independent Co-Opted Member.

Recommendations of the Group

It is expected that the Panel shall reach its recommendations through consensus.

If consensus cannot be reached, a vote shall be held. Any Councillor appointed to the Group present at the meeting may vote on recommendations.

Meetings of the Panel

Meetings of the Panel shall be held virtually, start at 6:00pm, and serviced by Democratic Services.

The Panel shall normally have two (2) meetings per year. Ad hoc meetings may be arranged at the discretion of the Chairman.

Meetings of the Panel shall be held in private to allow the greatest possible freedom. Any recommendations shall become public knowledge once at Committee.

All agenda items shall be forwarded to the Democratic Services Officer by eight (8) clear days prior to the next scheduled meeting. As the group is a private meeting all papers, including reports, agendas and minutes shall be treated confidential. The Group shall have agendas and minutes of its meetings, which shall be available to all Members of the Council to access through mod.gov.

Any Council Member may attend as an observer and may, with the consent of the Chairman, contribute to the Panel.

Freedom of the Borough Working Group

Terms of Reference

Adopted: [Month] [Year]

Introduction

The Freedom of the Borough Working Group is responsible for considering suggested recipients of the Freedom of the Borough honour and shall report to Council.

The tradition of Boroughs conferring the Freedom dates back to ancient times. Originally such conferment conveyed special privileges upon the recipient but over the years this has been curtailed so that, today, the conferment is purely honorary.

The right to confer Freedom of the Borough was first established through the Honorary Freedom of the Boroughs Act 1885, subsequently incorporated into other legislation. The current authority lies with the Local Government Act 1972, as amended by the Local Democracy, Economic Development and Construction Act 2009.

The award itself shall not confer any special privileges or rights on the recipient, but recognises an exceptional contribution, or distinctive service to Woking by an individual or group of people.

Changes to the Terms of Reference must be approved by Council. Minor changes may be made by the Monitoring Officer.

Role and Functions

The Freedom of the Borough Working Group was established to consider suggestions for the award of Freedom of the Borough, the highest honour a Local Authority can bestow. The Working Group must consider the merits of each suggested recipient, taking into account their contributions to the Borough of Woking together with the resource implications of an award.

Membership

The membership shall be decided at the first business meeting of Council at the start of the Municipal Year.

Membership shall be proportionately representative of the political makeup of the Council. Where possible, Members who have previously served as Borough Mayor shall be appointed to the Working Group. At least one Member shall be appointed from each of the Political Groups.

Membership of the Freedom of the Borough Working Group shall be as follows:

- Six (6) Councillors.

Officers of the Council attending the meetings shall include, though not be limited to, the Chief Executive, the Director of Legal and Democratic Services and the Head of Democratic Services.

Quorum

The quorum shall be no less than one third (i.e. 2), rounded up where necessary, of the Borough Councillors appointed to the Working Group. At least two Political Groups must be

represented at the meetings of the Working Group; any Political Group unable to be represented at a meeting shall be offered an opportunity to submit a written representation in advance.

Chairman and Vice-Chairman (and election thereof)

The election of the Chairman and Vice-Chairman shall take place at the first meeting of the municipal year.

If the Chairman is absent, the Vice-Chairman shall chair the meeting. If both are absent, then (if quorate) the meeting shall appoint a Chairman from those present for the duration of that meeting.

Recommendations of the Freedom of the Borough Working Group

It is expected that the Freedom of the Borough Working Group shall reach its recommendations through consensus. Any recommendations must be referred in confidence to any Group Leaders not on the Working Group before being made public. Subject to the confirmation of support from all the Political Groups, the recommendation shall be referred to Council for determination.

If consensus cannot be reached, the nomination shall not be made public and shall not be taken forward to Council.

Meetings of the Freedom of the Borough Working Group

Meetings of the Freedom of the Borough Working Group shall be held virtually and serviced by Democratic Services.

The Freedom of the Borough Working Group shall only be convened on the receipt of a nomination for the Freedom of the Borough from a Political Group. Any meetings shall be held at 6:00pm.

Meetings of the Working Group shall be held in private to allow the greatest possible freedom. Any recommendations shall become public knowledge once at Council.

All agenda items shall be forwarded to the Democratic Services Officer by 8 clear days prior to the next scheduled meeting.

The Freedom of the Borough Working Group shall have agendas for, and minutes of, its meetings. The agenda and minutes shall be restricted to Members of the Working Group. As the Working Group is private, any papers, including agenda, reports and minutes shall be treated as confidential and not to be disseminated beyond the membership of the Working Group, unless agreed by consensus of the Members.

Any Council Member may attend as an observer and may, with the consent of the Chairman, contribute to the Working Group.

Greener Woking Working Group

Terms of Reference

Adopted: [Month] [Year]

Introduction

The Greener Woking Working Group shall report to the Executive. The Terms of Reference were first adopted in March 2003.

Significant changes to the Terms of Reference must be approved by the Executive. Minor changes may be made by the Monitoring Officer.

The name of the Working Group was changed from the Climate Change Working Group to the Greener Woking Working Group in May 2022.

Role and Functions

The Working Group's functions include, but are not solely limited to, the following environment-related topics:

- i. To consider, develop, implement, monitor delivery of, and review, the Borough's climate change strategy and actions.
- ii. To consider, develop, implement, monitor delivery of, and review, the Borough's net zero targets.
- iii. To consider develop, implement, monitor delivery of, and review, the Borough's green infrastructure and biodiversity strategy and actions.
- iv. To receive updates on the above and other environment related matters¹
- v. To provide updates and make recommendations as necessary for the Council's consideration. The Working Group has no formal decision-making powers.
- vi. The Overview and Scrutiny Committee may refer matters to the Working Group for further scrutiny and consideration and vice versa.
- vii. The Woking Strategic Partnership Board may refer actions to the Working Group for further consideration and vice versa.
- viii. To identify areas of funding to support the implementation of relevant Borough Council strategies.
- ix. To be a sounding board for new environment related ideas and proposals and best practice.

Membership

The membership shall be decided by the Executive, at the start of every Municipal year.

Membership of the Group shall be as follows:

1. Membership shall comprise eight (8) Members of the Council based on proportionately.

2. Partner organisations represented are Action Surrey/ThamesWey, Woking Chamber of Commerce, Woking Environment Action (WE Act), and Surrey County Council (Surrey Heathlands Partnership, Cabinet Member for Environment).
3. Officers of the Council attending the meetings shall include, though not be limited to, the Strategic Director of Place and Officers of the Green Infrastructure team. Officers attending shall not have the option to cast a vote at meetings.
4. Other representatives may be invited to attend the Working Group on an ad hoc basis, as guest speakers, at the discretion of the Chairman.

Quorum

The quorum shall be no less than one quarter (minimum of two (2)) of the Borough Councillors appointed to the Group.

Chairman and Vice-Chairman (and election thereof)

The election of the Chairman and Vice-Chairman shall take place at the first meeting of the Municipal year.

If the Chairman is absent, the Vice-Chairman shall chair the meeting. If both are absent, then (if quorate) the meeting shall appoint a Chairman from those present for the duration of that meeting.

Recommendations of the Group

It is expected that the Group shall reach its recommendations through consensus.

If consensus cannot be reached, a vote shall be held. Any Councillor appointed to the Group may vote on recommendations.

Meetings of the Group

Meetings of the group will be held virtually and will be serviced by Democratic Services.

The Group shall normally have four meetings per year, beginning at 6pm. Ad hoc meetings may be arranged at the discretion of the Chairman. Meetings of the Group shall be held in private.

All agenda items shall be forwarded to the Democratic Services Officer by eight (8) clear days prior to the next scheduled meeting.

As the Group is a private meeting all papers, including reports, agendas, and minutes will be treated as confidential. The group will have agendas and minutes of its meeting, which shall be available to Members of the Council to access through mod.gov.

When a third-party guest speaker or observer is invited to attend a meeting of the Working Group, the agenda pack shall not be shared with them, unless agreed by the Chairman if extraordinary circumstances apply. Guests to the meeting shall however receive an agenda sheet, so they can follow the discussion.

In the interests of transparency of the key topics covered, summary notes of the meeting (not the full minutes) shall be published on the Council's website.

Any Council Member may attend as an observer and may, with the consent of the Chairman, contribute to the Group.

DRAFT

Local Plan Working Group

Terms of Reference

Adopted: [Month] [Year]

Introduction

The Local Plan Working Group shall report to the Executive. The Terms of Reference were first adopted on 30 October 2003 by the Executive.

Significant changes to the Terms of Reference must be approved by the Executive. Minor changes may be made by the Monitoring Officer.

Role and Functions

The Local Plan Working Group was established in 2003 to oversee the review of the 1999 Local Plan and the production of the Local Development Framework in light of new planning legislation at the time. Since that date the Working Group has overseen the adoption of the 2012 Core Strategy, the 2016 Development Management Policies DPD, the 2021 Site Allocations DPD, all of which form part of the Local Development Framework, as well as various Supplementary Planning Documents, evidence base and other related documents. The end date of the Local Plan period is 2027, by which time the Core Strategy will have to be updated and adopted by the Council - this will require further evidence base work and public consultation and will be informed by any further updates to relevant legislation on plan-making. In addition, work is extant on a number of Supplementary Planning Documents and other guidance that adds detail to existing adopted policy. It is therefore important that the LDF Working Group continues its work.

Aims of the Group

To oversee and guide the review and updating of the Local Plan

Scope of the Group

The Group shall deal with all matters relating to the updating of the Local Plan. This shall include:

- To review evidence base that will inform the preparation of updates to the Local Development Framework.
- To consider drafts of Local Development Documents, a Local Development Scheme, a Statement of Community Involvement and any other related documents, such as Supplementary Planning Documents, as necessary
- To consider responses to public consultation.
- To make recommendations to Executive Committee on the updating of the Local Plan and any other related documents as necessary.

Membership

The membership shall be decided by the Executive at the start of the municipal year.

Membership shall be proportionally representative of the political makeup of the Council.

Membership of the Local Plan Working Group shall be as follows:

Seven (7) Members (Included within this seven Planning Policy Portfolio Holder & Chairman of the Planning Committee)

Strategic Director – Place, Head of Planning and Planning Policy Officers.

Quorum

The quorum shall be no less than one quarter (minimum of two) of the Borough Councillors appointed to the Local Plan Working Group.

Chairman and Vice-Chairman (and election thereof)

The election of the Chairman and Vice-Chairman shall take place at the first meeting of the municipal year.

If the Chairman is absent, the Vice-Chairman shall chair the meeting. If both are absent, then (if quorate) the meeting shall appoint a Chairman from those present for the duration of that meeting.

Recommendations of the Local Plan Working Group

It is expected that the Local Plan Working Group shall reach its recommendations through consensus.

If consensus cannot be reached, a vote shall be held. Any Councillor elected to the Group present at the meeting and elected to the Local Plan Working Group may vote on recommendations.

Meetings of the Local Plan Working Group

Meetings of the Local Plan Working Group shall be held virtually and start at 6.00pm.

The Local Plan Working Group shall be serviced by Democratic Services.

The Local Plan Working Group shall meet as required.

Meetings of the Local Plan Working Group shall be held in private to allow the greatest freedom. Any recommendations shall become public knowledge once at Committee.

All agenda items shall be forwarded to the Democratic Services Officer eight (8) clear days prior to the next scheduled meeting.

As the Working Group is private all papers, including agenda, reports and minutes shall be treated as confidential.

The Working Group shall have agendas for, and minutes of, its meetings. The agenda and minutes shall be made available to all Members of the Council to access through ModGov.

Any Council Member may attend as an observer and may, with the consent of the Chairman, contribute to the Working Group.

Leisure Partnership Board

Terms of Reference

Adopted: [Month] [Year]

Introduction

The Leisure Partnership Board shall report to the Executive. The Terms of Reference were agreed by all parties on 18 November 2011 as part of the Leisure Management Contract and last amended on 20 October 2022.

As background, the Leisure Services Project Board was merged into the Leisure Partnership Board in Autumn 2012. The Leisure Services Project Board was established by the Executive and the Terms of Reference were adopted on 23 July 2009.

Significant changes to the Terms of Reference must be approved by the Executive. Minor changes may be made by the Monitoring Officer.

Role and Functions

The Board was established to oversee the Leisure Partnership Agreement and to hold all parties to account for the obligations contained therein, reporting any key issues of performance (service and financial) or proposed change in strategic direction to the Council for consideration / approval as appropriate.

The functions of the Leisure Partnership Board shall be:

- a. To provide a means for the joint review of all aspects relating to performance of the Approved Contractor and/or Approved Sub-Contractor in delivery of the Leisure Partnership Agreement.
- b. To provide a forum for joint strategic discussion and consideration of all aspects with regard to the Leisure Partnership Agreement including ensuring dissemination of information and consideration of the views of all stakeholders connected with the contract.
- c. To be appraised of progress on capital works being undertaken as part of the Approved Contractor bid and/or progress relating to capital works being undertaken directly by the Council, with any significant risks being identified to the Leisure Partnership Board for information / resolution as appropriate.
- d. To consider, on a business case basis, any proposals for future capital investment in the Facilities.
- e. To receive and discuss the Approved Contractors Annual Service Plan – contents of which shall be as identified in the Leisure Partnership Agreement Schedule 4 Format of Reports.
- f. To receive and discuss the Annual End of Year Report, noting by exception any areas of concern and intended action.
- g. To facilitate as maybe required the opportunity for all parties to advocate their position prior to jointly discussing and looking to resolve at Board level any issues of conflict. Such joint action is intended to prevent the need to go to formal dispute resolution.

- h. To promote the Approved Contractor's Active Communities projects and the impact they have on the health and well-being of the borough residents.

Membership

The membership shall be decided by the Executive at the start of the Municipal Year.

Membership shall be proportionately representative of the political makeup of the Council.

A member of the Board may nominate a proxy to attend a meeting if that Member is unable to attend. The Chair shall be informed of the substitution at least five working days prior to the scheduled nominated meeting.

Membership of the Board shall be as follows:

Woking Borough Council

Five (5) Members from the Council, to include the Portfolio Holder for Living Well.

Council Officers shall attend the Board as required.

Greenwich Leisure Limited / Freedom Leisure

Director of Development or Head of Development and Partnerships – GLL

Director – Freedom Leisure

Area Manager – Freedom Leisure and such other GLL/FL colleagues according to relevant agenda items.

The Leader of the Council, Opposition Leader and Shadow Portfolio Holder for Living Well reserve the right to attend.

Quorum

The quorum shall be five (5) (with at least three (3) Elected Members from the Council and two (2) representatives from the Contractor/Sub-Contractor).

Chairman and Vice-Chairman (and election thereof)

The Chairman shall be the Portfolio Holder for Living Well or in the absence of, or at the discretion of the Portfolio Holder their nominated elected council representative.

The election of the Chairman and Vice-Chairman shall take place at the first meeting of the municipal year.

If the Chairman is absent, the Vice-Chairman shall chair the meeting. If both are absent, then (if quorate) the meeting shall appoint a Chairman from those present for the duration of that meeting.

Recommendations of the Board

The Leisure Partnership Board shall have the authority to determine matters of operational day-to-day management in connection with the delivery of the Service / Facilities contained in the Leisure Partnership Agreement. Such levels of authority shall reflect the Council's existing Scheme of Delegation to Officers (May 2016 and subsequent updated versions) as enacted

by the relevant member of the Corporate Leadership Team, save that any explicit requirement of the Leisure Partnership Agreement shall take precedence. Issues of a strategic nature and/or which are likely to have a financial impact on the Council shall be referred by the Leisure Partnership Board (via the Council's Building Services Manager) to the Council's Executive or Full Council for decision as appropriate.

Recommendations of the Leisure Partnership Board that require formal Council consideration shall be placed on the Forward Plan as soon as possible. Formal reporting to the Council shall be undertaken by the Portfolio Holder or the Council's Building Services Manager, all members of the Leisure Partnership Board shall be required to provide such information as necessary to enable appropriate reporting to be undertaken within agreed timescales.

Members of the Leisure Partnership Board agree to work in accordance with the values of the Leisure Management Agreement, where every effort shall be made through effective, considered and constructive partnership dialogue to resolve any issues in a consensus manner. No formal voting procedure shall be adopted, as any serious performance and operational issues shall be managed in accordance with the conditions of contract contained in the Leisure Management Agreement.

Meetings of the Board

The Leisure Partnership Board shall normally have two (2) meetings per year, beginning at 6pm. The dates and times of meetings shall be set, whenever possible, up to six (6) months ahead. Ad hoc meetings may be arranged at the discretion of the Chairman.

Meetings of the Board shall normally be held virtually, or at one of the Borough's leisure facilities.

The Board shall be serviced by Democratic Services.

Meetings of the Board shall be held in private. Any recommendations shall become public knowledge once at Committee. On occasion it may be necessary for the Leisure Partnership Board to convene and/or record separately a Part II (confidential) session to the meeting due to the commercial sensitivity or confidentiality of the information being discussed. Under these circumstances only those individuals who are directly employed by the Approved Contractor/Sub-Contractor; are Elected Members or Officers from the Council should remain in the meeting. Under these circumstances all parties shall be bound by the agreed confidentiality surrounding the issue, and the matter shall be recorded as a Part II item in the minutes.

All agenda items shall be forwarded to the Democratic Services Officer eight (8) clear days prior to the next scheduled meeting.

As the Board is private all papers, including agenda, reports and minutes shall be treated as confidential.

The Board shall have agendas for, and minutes of, its meetings. The agenda and minutes shall be made available to all Members of the Council to access through mod.gov.

Additional Information

The Board's work programme shall include the following standing items – the timing of which dovetails with the Council's business planning process:

LPB Meeting	Standing Items
October	<ul style="list-style-type: none"> • Annual Report (from previous financial year) • Performance update on current year's Business Plan • Investment Proposals • 'Core' Fees and Charges (for following financial year – April) • Draft Business Plan Objectives (for following year)
February March	<ul style="list-style-type: none"> • Business Plan Approval (for following financial year – April) • 'Non-Core' Fees and Charges (for following financial year – April)

Note: The year-end Annual Report – shall be circulated by no later than 31 July each year to the Leisure Partnership Board.

THE MILITARY COVENANT ADVISORY PANEL

Terms of Reference

Adopted: [Month] [Year]

Introduction

The Military Covenant Advisory Panel shall report to Council. The Terms of Reference were first adopted October 2012 and last amended February 2022.

Significant changes to the Terms of Reference must be approved by Council. Minor changes may be made by the Monitoring Officer.

Role and Functions

The establishment of the Covenant followed an approach by the Commanding Officer at the Army Training Centre at Pirbright to establish a local community covenant with Woking Borough Council to establish closer links between the Armed Forces and the local community. The covenant was intended to develop relationships between the civilian and military organisations in Woking for the benefit of all communities and develop projects of mutual benefit for submission to the Armed Forces Community Covenant Grant Scheme. Details of the Armed Forces Community Covenant are outlined in Appendix 1 to these Terms of Reference.

Members of the Advisory Panel shall be expected to gain the views of Councillors/Officers/other representatives with a view to reporting those views to the Group. Members of the Advisory Panel may also be charged with specific areas to research and report back on to the Group.

Membership

The membership shall be decided by Council as the start of the Municipal year.

Membership shall comprise six (6) Members of the Council based on proportionately.

Membership of the Group shall be as follows:

- six Members of the Council.
- Ex-Military Personnel
- Appropriate Officers of the Council.

Armed Forces Champion

The Membership of the Advisory Panel to include the Borough's Armed Forces Champion and a named Deputy who are to be appointed annually by Council. The Armed Forces Champion is chosen by the Council to represent the Authority and the Borough on all matters military.

An outline of the roles and responsibilities of the Armed Forces Champion are set out in Appendix 2.

Details of the membership of the Advisory Panel are to be maintained, and published, by the Democratic Services Team of Woking Borough Council.

The Advisory Panel may invite outside organisations, community/voluntary groups or other interested parties to participate in meetings but, should voting on any issue be required, this shall be reserved to the Members of the Advisory Panel, including the Armed Forces Champion.

Quorum

The quorum shall be no less than one quarter (minimum of two (2)) of the Borough Councillors appointed to the group.

Chairman and Vice-Chairman (and election thereof)

The election of the Chairman and Vice-Chairman shall take place at the first meeting of the Municipal year.

If the Chairman is absent, the Vice-Chairman shall chair the meeting. If both are absent, then (if quorate) the meeting shall appoint a Chairman from those present for the duration of that meeting.

Recommendations of the Group

It is expected that the Group shall reach its recommendations through consensus.

If consensus cannot be reached, a vote shall be held. Any Councillor elected to the Group present at the meeting and elected to the Group may vote on recommendations.

Meetings of the Group

Meetings of the Military Covenant Advisory Panel shall be held virtually and shall be serviced by Democratic Services.

The Group shall normally have three (3) meetings per year, beginning at 6pm. Ad hoc meetings may be arranged at the discretion of the Chairman. Meetings of the Group will be held in private.

All agenda items shall be forwarded to the Democratic Services Officer by eight (8) clear days prior to the next scheduled meeting. As the Group is private all papers, including agenda, reports and minutes shall be treated as confidential. The group will have agendas and minutes of its meetings, which shall be available to all Members of the Council to access through Mod.gov.

Any Council Member may attend as an observer and may, with the consent of the Chairman, contribute to the Working Group.

Appendix 1

THE ARMED FORCES COMMUNITY COVENANT

PARTICIPANTS

This Armed Forces Community Covenant is made between:

The serving and former members of the Armed Forces and their families working and residing in Woking Borough.

Woking Borough Council the public, business, charitable and voluntary sector organisations in Woking Borough.

The Armed Forces Charities.

PRINCIPLES OF THE ARMED FORCES COMMUNITY COVENANT

The Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community. It is intended to complement the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces, at the local level.

The purpose of this Community Covenant is to encourage support for the Armed Forces Community working and residing in Woking Borough and to recognise and remember the sacrifices made by members of this Armed Forces Community, particularly those who have given the most. This includes in-Service and ex-Service personnel their families and widow(er)s in Woking Borough.

For Woking Borough Council and partner organisations, the Community Covenant presents an opportunity to bring their knowledge, experience, and expertise to bear on the provision of help and advice to members of the Armed Forces Community. It also presents an opportunity to build upon existing good work on other initiatives such as the Welfare Pathway.

For the Armed Forces community, the Community Covenant encourages the integration of Service life into civilian life and encourages members of the Armed Forces community to help their local community.

OBJECTIVES AND GENERAL INTENTIONS

Aims of the Community Covenant

The Armed Forces Community Covenant complements the principles of the Armed Forces Covenant which defines the enduring, general principles that should govern the relationship between the Nation, the Government and the Armed Forces community. It aims to encourage all parties within a community to offer support to the local Armed Forces community and make it easier for Service personnel, families and veterans to access the help and support available from the MOD, from statutory providers and from the Charitable and Voluntary Sector. These organisations already work together in partnership in Woking.

The scheme is intended to be a two-way arrangement and the Armed Forces community are encouraged to do as much as they can to support their community and promote activity which integrates the Service community into civilian life.

MEASURES

Woking Borough Council, the public, business, voluntary sectors and Armed Forces Charities shall work with the Army represented by The Army Training Centre at Pirbright in order to achieve the general aims identified at section three above and ensure that Woking Borough remains an inclusive and welcoming home for military personnel and civilians alike.

Woking Borough Council, the public, business, voluntary sectors and Armed Forces Charities shall work with the Army represented by The Army Centre at Pirbright to support projects meeting the aims of the Community Covenant.

Appendix 2

THE ARMED FORCES CHAMPION

The Armed Forces Champion should be an individual with an interest in the Armed Forces community. Some Armed Forces experience would be an advantage. The position is appointed to by Council (on the recommendation of the Council's Selection Panel), recognising the importance the Council places on the role.

The Role:

Underlying all actions is the objective to raise the profile and needs of the Armed Forces community (serving personnel, both regular and reserve, their families, veterans and Cadets), within the Council and the Borough/District. It shall be essential that the Champion is kept informed of all relevant developments.

Close liaison with the senior member of Borough/District staff, who is appointed by the Borough/District Chief Executive as Armed Forces Covenant Officer, with particular reference to the Council's obligations undertaken through the Armed Forces Covenant and the Community Covenant.

Close liaison with the Mayor on all ceremonial matters in which the Mayor should be involved (such as Armed Forces Day flag raising, attendance at local Armed Forces events, and Freedom of the Borough Marches).

The Champion is encouraged to keep the local Member/s of Parliament apprised of the activity within the Borough/District in relation to the Armed Forces community.

Where local circumstances suggest this is appropriate (e.g. a significant local Armed Forces presence) to establish (if not already established) and if appropriate to chair (but certainly be a member of), an Armed Forces Panel of Members and Officers meeting regularly with an agenda to ensure all areas of Council business take into account the needs of the Armed Forces community.

To liaise as appropriate with local members of the Armed Forces, in particular the appropriate Task Force Commander (appointed by 11 Infantry Brigade) to assist in understanding where help may be most needed and to enable in return a better understanding within the Armed Forces of the limitations and different responsibilities of Local Government and its decision-making processes.

To be the primary focal point for liaison with businesses/local organisations within the Borough/District to promote the Armed Forces Corporate Covenant and encourage engagement with the Armed Forces, in particular Reservists and Cadets. Close liaison with the Council's Business Development Section (or equivalent) on these matters would be required.

To support local Cadet units by acting as the key link with the local authority, and to look to provide local ceremonial, remembrance and volunteering opportunities.

To sponsor an Annual report to the Executive/Cabinet, or equivalent Committee of the Borough/District, perhaps first reviewed by the relevant Scrutiny Committee, detailing the Council's actions over the past year in respect of the obligations to the Covenants.

Selection Panel

Terms of Reference

Adopted: [Month] [Year]

Introduction

The Selection Panel has always formed part of the Council's process for annual appointments for Committees, Working Groups, Task Groups, Outside Bodies and ex officio positions, and any other such Groups that the Council appoints to. The Panel recommends appointments to Council at the start of each Municipal Year.

Changes to the Terms of Reference must be approved by Council. Minor changes may be made by the Monitoring Officer.

Role and Functions

The Selection Panel was established to:

- consider the proportionality of the Council following Borough Elections;
- review the Council's Committees, Working Groups, Task Groups, appointments to Outside Bodies and ex officio positions, and any other such Groups that the Council appoints to;
- recommend to Council any changes to Committees, Working Groups, Task Groups, appointments to outside bodies and ex officio positions, and any other such Groups that the Council appoints to;
- recommend to Council the size of each Committee, Working Group and Task Group, and any other such Groups that the Council appoints to, having due regard to the proportionality of the Council;
- recommend the number of appointments to outside bodies and ex officio positions, having due regard to the proportionality of the Council;
- recommend to Council the proportionality of each Committee, Working Group and Task Group, and any other such Groups that the Council appoints to, having due regard to the proportionality of the Council; and
- consider any additional appointments for Elected Representatives that may arise.

Membership

Membership shall consist of the Group Leader and Deputy Group Leader of each Political Group on the Council. Accordingly, the Panel may not necessarily be proportionately representative of the political makeup of the Council.

A Member of the Selection Panel may nominate a proxy to attend a meeting if that Member is unable to attend. The Chair shall be informed of the substitution at least five working days prior to the scheduled nominated meeting.

Officers of the Council attending the meetings shall include, though not be limited to, the Chief Executive, the Director of Legal and Democratic Services and the Head of Democratic Services.

Quorum

The quorum shall be no less than one third, rounded up where necessary, of the membership of the Selection Panel. Each Political Group shall be expected to be represented at the meetings of the Panel.

Chairman and Vice-Chairman (and election thereof)

The Chairman shall normally be the Chief Executive of Woking Borough Council but may be any Member of the Selection Panel. Officers attending, including the Chief Executive, shall not have the option to cast a vote at meetings.

The election of the Chairman and Vice-Chairman shall take place at the first meeting of the municipal year.

If the Chairman is absent, the Vice-Chairman shall chair the meeting. If both are absent, then (if quorate) the meeting shall appoint a Chairman from those present for the duration of that meeting.

Recommendations of the Selection Panel

It is expected that the Selection Panel shall reach its recommendations through consensus.

If consensus cannot be reached, a vote shall be held. Any Councillor appointed to the Group and present at the meeting may vote on recommendations.

In the event no majority is reached, the matter shall be referred to Council for determination.

Meetings of the Selection Panel

Meetings of the Selection Panel shall be held in person and serviced by Democratic Services.

The Selection Panel shall normally meet once per year beginning at 6:00pm. Any recommendations shall be presented to Council at its first business meeting of the new Municipal Year. Ad hoc meetings may be arranged at the discretion of the Chairman.

Meetings of the Selection Panel shall be held in private to allow the greatest possible freedom. Any recommendations shall become public knowledge once at Council.

All agenda items shall be forwarded to the Democratic Services Officer by eight (8) clear days prior to the next scheduled meeting.

The Selection Panel shall have agendas for, and minutes of, its meetings. The agenda and minutes shall be made available to all Members of the Council through Mod.gov. As the Selection Panel is private, the agenda and reports shall be treated as confidential and not to be disseminated beyond the Members and Officers of the Council. The minutes shall be published for consideration at the subsequent meeting of Council.

Any Council Member may attend as an observer and may, with the consent of the Chairman, contribute to the Selection Panel.

Sheerwater Regeneration Delivery and Oversight Panel

Terms of Reference

Adopted: [Month] [Year]

Introduction

The Sheerwater Regeneration Delivery and Oversight Panel shall report to Council. The Terms of Reference were first adopted on 25th July 2019.

Significant changes to the Terms of Reference must be approved by Council. Minor changes may be made by the Monitoring Officer.

Role and Functions

The Panel was established to have oversight of the governance of the detailed implementation of the Sheerwater Regeneration Project and the social, environmental and economic issues affecting the Project.

The Oversight Panel shall:

- monitor the delivery of key milestones;
- monitor risks and issues associated with the Project;
- receive reports on rehousing of tenants;
- maintain high-level oversight of the financial model and funding;
- ensure the regeneration outcomes are achieved including key community infrastructure and retail units;
- ensure that residents and stakeholders are regularly updated and engaged with key project issues.

Membership

The membership shall be decided by Council at its first meeting of the Municipal Year.

Membership of the Panel shall be as follows:

Seven (7) appointed Borough Councillors based on proportionality.

If not appointed to the Group, the Portfolio Holder for Key Projects shall be an ex-officio member.

Ward Councillors for Canalside that have not been appointed to the Panel may also attend meetings.

The County Councillor whose division contains the Sheerwater area may attend meetings.

The Strategic Director of Communities (as project sponsor) and appropriate Officers involved in the Sheerwater Regeneration Project. Officers attending shall not have the option to cast a vote at meetings.

Quorum

The quorum shall be no less than one quarter (i.e. a minimum of two (2)) the Borough Councillors appointed to the Panel.

Chairman and Vice-Chairman (and election thereof)

The Chairman shall normally be a member of the opposition.

The election of the Chairman and Vice-Chairman shall take place at the first meeting of the municipal year.

If the Chairman is absent, the Vice-Chairman shall chair the meeting. If both are absent, then (if quorate) the meeting shall appoint a Chairman from those present for the duration of that meeting.

Recommendations of the Panel

It is expected that the Panel shall reach its recommendations through consensus.

If consensus cannot be reached, a vote shall be held. Any Councillor appointed to the Panel and present at the meeting may vote on recommendations.

Meetings of the Panel

Meetings of the Panel shall be held virtually and serviced by Democratic Services.

The Panel shall normally have three (3) meetings per year and start at 6:30pm. Ad hoc meetings may be arranged at the discretion of the Chairman.

Meetings of the Panel shall be held in private. Any recommendations shall become public knowledge once at full Council.

All agenda items shall be forwarded to the Democratic Services Officer eight (8) clear days prior to the next scheduled meeting.

As the Panel is private all papers, including agenda, reports and minutes shall be treated as confidential.

The Panel shall have agendas for, and minutes of, its meetings. The agenda and minutes shall be made available to all Members of the Council made available through Mod.gov.

Third parties may be invited to attend meetings with the consent of the Chairman and Lead Officer.

EXECUTIVE – 23 MARCH 2023

AFFORDABLE HOUSING DELIVERY SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Executive Summary

The Affordable Housing Delivery Supplementary Planning Document (SPD) provides detail on how the Council's affordable housing policy, Core Strategy policy CS12, is to be implemented. The first version of the SPD was adopted in 2014, so a thorough revision of the document has been necessary to meet today's circumstances.

The draft revised SPD was approved by the Executive for a four week consultation at its meeting on 17 November 2022. The consultation period was between 21 November and 19 December 2022. The report outlines the various responses to the consultation and requests the Executive to recommend to Council to adopt the SPD for the purposes of interpreting affordable housing requirements in the Borough. A total of 13 individuals and organisations made representations. A summary of the representations and how they have been taken into account is in Appendix 1. Where Officers have proposed modifications, they are incorporated in the revised SPD, which is attached as Appendix 2. Overall, the proposed modifications are of minor nature and do not change the general thrust of the Draft SPD that was approved by the Executive for consultation.

The responses were considered by the LDF Working Group at its meeting on 11 January 2023 and the report at its meeting on 1 February 2023. The Minutes of those meetings are attached as Appendix 3. The Working Group has proposed some ways to address issues raised during the consultation on the SPD. These are incorporated in the SPD and/or the report.

Recommendations

The Executive is requested to:

RECOMMEND TO COUNCIL That

- (i) the various representations to the Affordable Housing Delivery Supplementary Planning Document (SPD) consultation together with Officer's responses and recommendations as set out in Appendix 1 to the report be noted;**
- (ii) the revised Affordable Housing Delivery SPD included in Appendix 2 to the report be adopted as Supplementary Planning Document for the purposes of managing development across the Borough and other planning decisions ; and**
- (iii) the requirements of the SPD should apply from the date of adoption, in this case 30 March 2023.**

Reasons for Decision

Reason: To ensure that there is up to date guidance on the interpretation of Woking Core Strategy Policy CS12: Affordable Housing.

Affordable Housing Delivery Supplementary Planning Document (SPD)

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

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Date Published: 15 March 2023

Affordable Housing Delivery Supplementary Planning Document (SPD)

1.0 Introduction

- 1.1 The report outlines the various responses to the consultation on the Affordable Housing Delivery Supplementary Planning Document (SPD) and requests the Executive to recommend to Council to adopt the SPD for the purposes of interpreting Woking Core Strategy Policy CS12: Affordable Housing. The draft SPD was considered by Local Development Framework Working Group on 14 September 2022 and Housing Task Group on 22 September 2022 and approved by the Executive for a four weeks consultation at its meeting on 17 November 2022. The consultation period was between 21 November and 19 December 2022. A total of 13 individuals and organisations made representations. A summary of the representations and how they have been taken into account is in Appendix 1. Where Officers have proposed modifications, they are incorporated in the revised SPD, which is attached as Appendix 2. Overall, the proposed modifications are of minor nature and do not change the general thrust of the Draft SPD that was approved by the Executive for consultation.
- 1.2 The adoption of the Affordable Housing Delivery SPD will be significant to the delivery of the Core Strategy. It provides detailed guidance on how to interpret Policy CS12: Affordable Housing. The existing Affordable Housing Delivery SPD was adopted several years ago in a very different policy context, and requires an update to ensure the Council's position can fully support the delivery of affordable housing. The draft updated SPD addresses current national policy, legal context and affordable housing need, among other points, to ensure that it is clear how Policy CS12 should be interpreted in the light of those issues.
- 1.3 Given its significance as set out above, Members of the Executive are requested to recommend to Council to adopt the SPD. In adopting the SPD, the Council is also responding to concerns expressed by some members of the general public and Members to ensure that the rate of affordable housing delivery in the Borough is increased.
- 1.4 The SPD will be used by:
- Planning Officers as guidance against which to assess the required provision of affordable housing when determining applications and offering pre-application advice.
 - Council Members when assessing development proposals in advance of and at Planning Committee meetings; and
 - Applicants and developers when preparing their development schemes, as guidance to indicate ways in which high quality and exceptional design can be achieved.
- 1.5 Officers are satisfied that the contents of the revised SPD including the proposed amendments are sufficiently robust and at the same time allow scope for flexibility to apply its key principles to the merits of individual applications and should therefore be supported for adoption. Overall, it will guide improvements in the provision of affordable housing by new market-led housing developments in Woking.

2.0 Nature and analysis of representations

- 2.1 A total of 13 individuals and organisations responded to the consultation. Of these, five had no comment to make. The other representors raised issues including, among others:

Affordable Housing Delivery Supplementary Planning Document (SPD)

- Issues caused by the implementation of the national First Homes policy.
- Concern about detailed wording of a small number of requirements.
- Request for NHS staff to be mentioned as key workers.
- Querying the Borough's record of Affordable Housing delivery, and what the SPD will do to improve it.
- Full support for the proposed details of policy application.

2.2 The range of issues summarised above are by no means exhaustive. A full summary of the representations received and Officer's response with recommendations is included in Appendix 1. Members are encouraged to read this in full.

3.0 Summary of the draft Affordable Housing Delivery SPD

3.1 Members are assured that the structure of the revised SPD has not changed from the draft that was approved by the Executive before it was published for consultation. Proposed modifications as a result of consideration of the representations are highlighted. However, for the avoidance of doubt, the key topics covered in the SPD are listed below. The SPD is structured into six parts as follows:

- Planning and Housing Policy Context: National, local and neighbourhood planning policy; CIL; Annual Monitoring Reports; the Housing Strategy, and affordability.
- Local Evidence of Housing Need: Guidance on the delivery of different types, sizes and tenures of affordable homes needed, including the new topics of First Homes and Build to Rent.
- Delivery of Affordable Housing: On-site and off-site provision of affordable housing, including how to calculate any financial contributions that may be required.
- Requirements for Affordable Housing Provision: Guidance about the situations in which Affordable Housing provision will be required by policy CS12.
- Planning Process: Guidance regarding Section 106 procedures, scheduling of affordable housing, maintaining accommodation as affordable housing, recycling of receipts and affordable housing delivery requirements off-site.

4.0 Next stages of the process

4.1 Subject to the recommendations of the Executive it is expected that the report will be considered by Council for adoption at its meeting on 30 March 2023. When adopted, the SPD will take immediate effect from the date of adoption.

5.0 Corporate Strategy

5.1 The SPD will make a meaningful contribution to the delivery of the Corporate Strategy and its objectives to deliver new affordable homes. It will help create an enterprising, vibrant and sustainable borough by ensuring that development makes more contribution to the provision of affordable housing.

Affordable Housing Delivery Supplementary Planning Document (SPD)

6.0 Implications

Finance and Risk

- 6.1 The Core Strategy was adopted in October 2012 and reviewed. The Site Allocations DPD was adopted in October 2021. Planning applications continue to be submitted to deliver their requirements. It is important that the revised Affordable Housing Delivery SOD is adopted and in reasonable time to provide the necessary framework to ensure better provision of affordable housing on the development coming forward. Failure to support the recommendations of the report could further delay the adoption of the SPD.
- 6.2 There are no additional financial implications for preparing the SPD (other than an expected rise in financial contributions from developments towards affordable housing). The preparation of the SPD has been done in-house, and the cost has been met from the existing Planning Policy and Housing Service budgets.

Equalities and Human Resources

- 6.3 There are no human resources implications for preparing the SPD. The SPD would have positive impacts on equalities by leading to increased provision of affordable housing.

Legal

- 6.4 The SPD should be prepared to so as not to conflict with the adopted development plan. Officers will continue to ensure that this requirement is met to avoid the risk of legal challenge.

7.0 Engagement and Consultation

- 7.1 The revised SPD has been prepared with the active involvement of the relevant sections of the Council. In particular, the document was prepared jointly by the Planning Policy and Strategic Housing and Development teams, and the Development Management Team were consulted during its production. The draft SPD was published for consultation between 21 November and 19 December 2022, and comments by organisations and individuals have been taken into account in finalising the SPD. The responses and revised SPD were considered by the LDF Working Group on 11 January and 1 February 2023 respectively, and subject to the decision of Executive it will be considered for adoption by Council on 30 March 2023.

REPORT ENDS

Woking Borough Council Affordable Housing Delivery SPD

Consultation Statement

The Affordable Housing Delivery Supplementary Planning Document (SPD) provides detail on how the Council's affordable housing policy, Core Strategy policy CS12, is to be implemented. The first version of the SPD was adopted in 2014, so a thorough revision of the document has been necessary to meet today's circumstances.

Before a Local Planning Authority adopts an SPD, Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires it to publish a statement setting out:

- i. The persons the local planning authority consulted when preparing the Supplementary Planning Document;
- ii. A summary of the main issues raised by those persons; and
- iii. How those issues have been addressed in the Supplementary Planning Document. This statement reflects these requirements.

The Council carried out public consultation on the SPD for a period of four weeks between 21 November and 19 December 2021. A list of persons consulted during that consultation can be found in Appendix 1 [NB: To be produced]. In addition, the consultation was publicised through notices in local newspapers and on the Council's website. Representations made have been considered and the main issues are summarised in Appendix 2. This also includes reference to how the issues raised have been considered and addressed.

The following modifications have been made following the consultation, and are incorporated in the SPD. Underlined text has been added. These modifications enhance the quality of and/or provide updated information to the SPD:

Section 3.1: After the list setting out percentages of dwellings by size, add: "This mix- or any updated equivalent following a revised SHMA/Housing Needs Assessment- will be applied to the totality of affordable housing on any given site excluding First Homes: see 3.5 below."

Section 3.2: Amend the second paragraph to read: "The 2015 SHMA identifies that there is a need for 71% of new affordable dwellings to be in the rented tenure (social and affordable) and 29% at intermediate level (including shared ownership and First Homes). A revised SHMA/Housing Needs Assessment may produce revised tenure mix need figures. National policy requires 25% of new affordable dwellings to be First Homes. Please see section 3.5 for how these proportions will be applied."

Section 3.3: Delete third paragraph.

Section 3.5: Under Keyworkers, in the bullet point 'Priority One', after the first sentence insert: "This includes (but is not limited to) teachers, nurses, NHS workers, police officers, social workers, probation staff and fire fighters."

Section 3.5: Immediately above the table illustrating how the tenure split operates, add the sentence "The tenure mix below reflects the 2015 SHMA; if the tenure mix needs are revised in a new SHMA/Housing Needs Assessment; that new mix should be applied."

Section 3.5: Final paragraph: amend to read: "In Woking, First Homes can make smaller, 1 or 2 bed units, cheaper for purchase and available to more households. The cost of 3 and 4 bed units in the

borough prohibits their delivery without a discount of higher than 50%. However, these properties are also a much needed type of property for people on the housing waiting list needing social and affordable rented accommodation. The dwelling mix requirements for Affordable Housing, by number of bedrooms, in section 3.1 above, will therefore be applied to the totality of affordable dwellings excluding First Homes on each site."

Section 4.4: Alter the text in Step 1 of the graphic to read: "Open Market Value (OMV) of the relevant or comparative property divided by the Gross Internal Floor Area of that property (both figures to be signed off by a RICS chartered surveyor or RIBA member architect) and multiplied by the affordable housing property size equivalent (using nationally described minimum space standards)"

Section 4.6: Amend the first two paragraphs to read: "Where a viability appraisal successfully shows non-viability of delivering the requirements of CS12, the Council will elect to require an overage clause."

"If so, this will be incorporated into a Section 106 Agreement. It will usually be based on the final revenues (Gross Development Value) of the completed development compared with the Financial Viability Appraisal submitted with the application, taking into account what is generally accepted to be a reasonable developer profit level, having regard to Planning Practice Guidance on viability."

Section 5.1: Amend the third paragraph to remove the text "(as well as Traveller sites)" and "and Traveller". Remove the fourth paragraph and replace with: "The circumstances regarding Traveller sites have not changed in the same way. Such sites will continue to be excluded from requirements for affordable housing provision."

Section 6.3: In third paragraph, amend second bullet point to read: "...or replace it within the Borough, where practicable like for like, and"

Annexe 5 (Nominations agreements): Paragraph 1.11, amend to read: "In any circumstance where the Provider is able to offer a property to someone who is not a nominee of the Borough Council, the Provider will seek to allocate tenancies or sales in the following order, except where requirements attached to Government funding preclude it:"

The Council is satisfied that the Outlook, Amenity, Privacy and Daylight SPD has been prepared in accordance with the Regulations and other relevant statutory procedures.

Appendix 1: Persons and organisations consulted during consultation

Community

Carers Support Woking
Community Learning Partnership
Horsell Park Neighbourhood Watch/WAN
Just Advocacy
Liaise Women's Centre
Phoenix Cultural Centre
Probation Service
PROWD
Sheerwater Neighbourhood Watch
Surrey Access Forum
Surrey Community Action
Surrey Lifelong Learning Partnership (SLLP)
The Barnsbury Project
The Grove Area LTD
The Lighthouse
The Sheerwater And Maybury Partnership
Westfield Primary School
Woking Association Of Voluntary Service (WAVS)
Woking Cycle Users Group
Woking Youth Arts Centre
Woking Youth Centre
Woodlands Community Group
York Road Project

Business, developers, agents and landowners

AAP Architecture Ltd
Ace Marcelle Hope Limited
ADM Architecture
AMG Planning And Development
AND Consulting
Banner Homes (Wessex) Ltd
Baratt Homes
Barratt Homes (Southern Counties)
Barton Willmore
Basingstoke Canal Authority
Batcheller Thacker
BDB Pitmans LLP
Beaumonde Homes
Bell Cornwell
Bewley Homes
Birchwood Homes
BNP Parabis Real Estate
Boyer Planning Limited
Brimble, Lea And Partners
British Land Properties
Carter Planning Ltd

Castle Wildish Chartered Surveyors
Charles Austen Pumps Ltd
Charles Church Developments Ltd
Charles Richards
Clarence Country Homes Limited
Clerical Medical Managed Funds Ltd
Clifford Chance Secretaries Limited
Convery Developments Ltd
Cooper Environmental Planning
Courtley Consultants Ltd
Crest Strategic Projects
Croudace
Danks Badnell
Development Planning Partnership
Devine Homes PLC
DHA Architecture
DHS Engineering
DPDS Consulting Group
Drivers Jones
Drivers Jones Deloitte
Fairview New Homes Plc
Form Architecture And Planning
Fromson Construction Co Ltd
Fullerthorne
George Wimpey West London Ltd
Goldcrest Homes
Grant Consultancy
Gravitas 1061 Limited
Greenoak Housing Association
Hammerson UK
Henry Smith
Heritage Architecture
Horsell Businesses' And Traders' Association
Iconic Design
John Ebdon Homes
JSA Architects
Keith Hiley Associates Ltd
Kier Homes Ltd
King Sturge
Knaphill Traders Association
Lacey Simmons
Landmark Information Group Ltd
Lewandowski Architects
Linden Homes South-East Limited
Mantle Panel Ltd
Martin Gardner
Martin Grant Homes
MBH Partnership

McCarthy And Stone
McClosky And Bingham
McLaren Group Limited
Mercury Planning
Millgate Homes
Montague Alan Ltd
Mount Green Housing Association
N K Accountancy
Nathaniel Lichfield And Partners
National Housing Federation
NULAP (Aviva Investors)
Octagon Developments Ltd
Peacocks Centre
Peter Allan
Pinecrofe Housing Association
Planning Issues And Churchill Retirement
Planware Ltd
PRP Architects
Pyrford Homes Ltd
Quinton Scott Chartered Surveyors And Estate Agents
Rolfe Judd
Rosemary Simmons Memorial Housing Association
Rosetower Ltd
Runnymede Homes Ltd
Rutland Group
Savills
Shanly Homes
Sterling Potfolio Managment On Behalf Of Leylani Ltd
Stonham Housing Association
Surrey Chamber Of Commerce
Terence O'Rourke
Tetlow King Planning
Thames Valley Housing Association
The Landmark Trust
The Lightbox
Thomas Eggar LLP
Welmede Housing Association
Woking And District Trades Council
Woking Chamber
Woking Shopmobility
Wolsey Place Shopping Centre
Woolf Bond Planning
WYG Management Services
Health
Adult Social Care NW Surrey
Health And Safety Executive
NHS
NHS England

NHS England (South)
NHS Guildford And Waverley Clinical Commissioning Group
NHS North West Surrey Comissioning Group
NHS Surrey Heath Clinical Commissioning Group
North West Surrey CCG
South East Coast Strategic Health Authority
Surrey Health And Wellbeing Board
Virgin Care Limited
Infrastructure, Telecoms & Transport
Abellio Surrey
Affinity Water
AMEC Foster Wheeler
Arriva
Arriva Southern Counties
Avison Young
Carlone Buses
Civil Aviation Authority
Civil Aviation Authority (Safety Regulation Group)
CNS Systems - Navigation, Spectrum And Surveillance
Department For Transport
EE
Entec UK Ltd
Fairoaks Airport Ltd
Freight Transport Association
Guildford Police Station
Highways England
HM Prison Service
Mobile Operators Association
Mobile Operators Association
National Grid
National Grid
National Grid Control Centre
Network Rail
NOMS/ HM Prison Service
Office Of Rail Regulations
Reptons Coaches
Scotia Gas Networks
Scottish And Southern Energy
SGN
Southern Gas Networks
Southwest Trains
St John The Baptist School
Stagecoach South
Surrey And Hampshire Canal Society
Surrey Police
Surrey Police- Estates Department
Thames Water Planning/Property
Thamesway Sustainable Communities Ltd

The Coal Authority
Three
Veolia Water Central
Walden Telecom Ltd
Woking Community Transport Ltd
Wood E&I Solutions UK Ltd
Wood Plc

Interest groups

Age Concern
Age Concern Woking
Ancient Monuments Society
Campaign To Protect Rural England
Council For British Archaeology
CPRE Surrey
Deafplus
DEFRA
Environment Agency
Forestry Commission
Friends Of The Earth
Friends Of The Elderly
Gay Surrey
Georgian Group
Horsell Common Preservation Society
Irish Community Association
Irish Travellers Movement In Britain
Maybury Sheerwater Partnership Garden Project
National Trust
NFU Office
Surrey And Farming Wildlife Advisory Group
Surrey Archaeological Society
Surrey Campaign to Protect Rural England
Surrey Coalition Of Disabled People
Surrey County Council
Surrey Disabled People's Partnership
Surrey Heathland Project
Surrey Minority Ethnic Forum
Surrey Nature Partnership
Surrey Travellers Community Relations Forum
Surrey Wildlife Trust
Sussex Wildlife Trust
The Bangladesh Cultural Association
The Garden History Society
The Gypsy Council
The Indian Association Of Surrey
The Maybury Centre
The National Trust
The RSPB
The Society For The Protection Of Ancient Buildings

The Twentieth Century Society
The Woodland Trust
Victorian Society
Westfield Common Preservation Society
Woking Mind
Woking Pakistan Muslim Welfare Association
Woodland Trust

Leisure

Ambassadors Theatre Group
Arts Council For Woking
Link Leisure
Open Spaces Society
Sport England
Sport England South
Surrey County Playing Field Association
The Lawn Tennis Association
The Ramblers
The Rotary Club Of Woking
The Theatres Trust
Tourism South East
Tourism South East
West Byfleet Golf Club
Woking Community Play Association
Woking Ramblers
Woking Sports Council

Local Planning Authorities

Bracknell Forest Council
Elmbridge Borough Council
Epsom And Ewell Borough Council
Guildford Borough Council
Hart District Council
Mole Valley District Council
Reigate And Barnstead Borough Council
Royal Borough Of Windsor And Maidenhead
Runnymede Borough Council
Rushmoor Borough Council
Spelthorne Borough Council
Surrey County Council
Surrey Heath Borough Council
Tandridge District Council
Waverley Borough Council
Wokingham Borough Council

Other

Campaign For Real Ale
Coal Pension Properties
Department For Education
Education Funding Agency
Homes And Communities Agency

National Farmers Union SE Region
National Landlords Association
NATS Ltd
Network Rail
Outline
Scottish Gas Networks
Surrey Playing Fields
Surrey Police
The Planning Inspectorate
Woking Borough Council
Woking Chamber Of Commerce
Woking FC

Parish Councils

Bisley Parish Council
Chobham Parish Council
Ockham Parish Council
Pirbright Parish Council
Ripley Parish Council
Send Parish Council
West End Parish Council
Wisley Parish Council
Worplesdon Parish Council

Political / Religious groups

All Saint's Church
Church Comissioners
Congregation Of St Mary's Church Byfleet
First Church Of Christ Scientist
Jehovah's Witnesses
Masjid Albirr
New Life Church
Religious Society Of Friends
Shah Jahan Mosque
St Edward Brotherhood
St Mary's Church Office
The Rt Hon Jonathan Lord MP
The Church Of England Guildford Diocesan Board Of Finance
Woking Conservatives
Woking Constituency Labour Party
Woking Liberal Democrats

Residents Associations

Anthony's Residents Association
Brambledown Residents Association
Brookwood Village Association
Byfleet Village Association
Friars Rise Residents Association
Horsell Residents Association
Horsell Residents Association
Maybury Community Association

Pyrford Green Belt Action Group
Sheets Heath Residents Association
St Johns Village Society
Sutton Green Village Hall And Association
Wych Hill Way Residents Association

Young people and Education

Barnsbury Infant School
Beaufort Community Primary School
Broadmere Community Primary School
Brookwood Primary School
Byfleet Primary School
Goldsworth Primary School
Kingfield School
Knaphill Lower School
Maybury Infant School
New Monument School
Pyrford C Of E (Aided) School
St Dunstan's Roman Catholic Primary School
St Hugh Of Lincoln Catholic Primary School
St John The Baptist R.C Secondary School
St John's Primary School
St Mary's C Of E Priamary School
The Bishop David Brown School
The Hermitage School
The Horsell Village School
The Marist Catholic Primary School
The Oaktree School
The Park School
The Winston Churchill School
West Byfleet Infant School
Westfield Primary School
Wishmore Cross School
Woking College
Woking High School
Woking Scouts
Woking Youth Council

Appendix 2. Summary of the main issues raised in consultation, and how they have been considered and addressed

Name of respondent	Comment	Response
Abri	<p>First Homes section acknowledges that a discount higher than 50% will be required to deliver 3- and 4-bed First Homes across Woking, and that 1- and 2-bed homes are much needed for households on the waiting list, but does not provide any further guidance on these points.</p> <p>If the Council were to mandate delivery of First Homes as 1- and 2-bed properties to meet the price cap then this will reduce the number of smaller units available for delivery as affordable homes for rent and other affordable home ownership tenures, further reducing the supply of these for those households on the waiting list.</p>	<p>Insert comment that the dwelling mix requirements for Affordable Housing will apply to the totality of affordable dwellings excluding First Homes on each site.</p>
Abri	<p>Shared ownership housing cross subsidises the provision of affordable homes for rent. First homes will not be able to do this; they are not delivered by RPs so their introduction would reduce the viability of providing affordable housing. There is no requirement for First Homes to remain so in perpetuity. Reconsider whether to include First Homes at all. For example, Bath and North East Somerset Council have demonstrated a negative effect from First Homes, and proposed not to require them from new development.</p>	<p>First Homes are a requirement of national policy. The principle of including First Homes in the SPD does not represent new policy, since it is already national policy. Policy cannot be changed through an SPD.</p> <p>The results of BANES Council's consultation on this subject are not yet known.</p> <p>In addition, elements of the First Homes requirements are expected to apply to a property in perpetuity, except in certain defined circumstances.</p>
Abri	<p>Para 7.3: There should not be a requirement if affordable housing that is lost, to be replaced within the Borough like for like. That goes beyond national policy and would prevent, for example, providing replacement affordable units that are of a type which better reflects modern needs. Should simply restate NPPF.</p>	<p>Agree; insert the words 'where practicable' before 'like for like'.</p>
Abri	<p>The nominations arrangements set out in Annex 5 do not comply with the Homes England grant conditions for shared</p>	<p>Homes England grants are only given for dwellings beyond those required to comply with Policy CS12. The SPD</p>

	ownership homes; Homes England require all such homes benefitting from grant funding to be sold with no local connection or priority conditions, provided the household meets the relevant income / affordability assessments, and this also applies on re-sales. On this basis this wording should be removed from the annex to prevent conflict with Homes England requirements, and unnecessary delays in negotiating S106 Agreements.	(including Annex 5) exists to aid the interpretation of CS12. Therefore the two issues should not come into conflict. However, in case this should change in future, can add 'except where requirements attached to Government funding preclude it' into the relevant clause in the nominations agreement.
Watkin Jones Group	<p>The Council has provided no evidence or justification as required by the Government to suggest that any BTR proposals would be viable with, or above, 20% affordable housing.</p> <p>The recent draft Town Centre Masterplan noted viability issues with affordable housing on recent town centre developments.</p> <p>Therefore we would strongly suggest that the SPD should be revised to align with the NPPG advice - that 20% would be a suitable 'benchmark' for any BtR scheme, rather than "a minimum" (which should be deleted with supporting evidence). Development viability will be a material consideration in any planning application determination. Indeed this policy would be more appropriate to consider as part of the Local Plan review rather than within an SPD with insufficient or out of date evidence.</p>	<p>The viability of Core Strategy Policy CS12, with a much higher affordable housing threshold, has been tested through two viability assessments. PPG states that 20% is generally a suitable benchmark in <u>any</u> BTR scheme, and does not require local authorities to justify using this figure. The issue of viability on previous Town Centre applications is raised; however, each of those where affordable housing was found not to be viable had specific circumstances which led to that conclusion, and moreover BTR projects could come forward outside the town centre. The proposed guidance makes clear that the minimum threshold of 20% would be subject to all the conditions of Policy CS12, including the potential for non-viability of meeting that threshold to be demonstrated through a viability assessment. It is therefore consistent with the OED definition of 'benchmark': 'a standard or point of reference against which things may be compared or assessed', and also with PPG (BTR section, para 002): "the guidance on viability permits developers, in exception, the opportunity to make a case seeking to differ from this benchmark". Retain current wording.</p>
NHS Surrey Heartlands ICB	We welcome the references to the Woking Housing Strategy 2021-2026.	Support welcomed
NHS Surrey Heartlands ICB	NHS staff are key workers, and so the council should set out in the document that NHS staff will be considered amongst Priority one for First Homes. There are	Agree that NHS nurses would be considered Priority One keyworkers. After 'public sector employee who is considered to provide an essential

	serious housing affordability problems. Our data shows that the number 1 known reason for staff leaving is for relocating out of the area, and in a survey 73% of the Southeast Internationally Recruited Nursing workforce considered access to affordable accommodation a key factor in staying in their organisation. The majority were interested in houses and flats, rather than shared or hospital accommodation. First Homes represent one potential opportunity to support affordable housing delivery in the borough.	service', add "This includes (but is not limited to) teachers, nurses, NHS workers, police officers, social workers, probation staff and fire fighters."
NHS Surrey Heartlands ICB	The ICB would welcome further consultation with the council to consider a wider range of affordable housing tenures which prioritise key workers. For example, a cascade mechanism, where Shared Ownership or other affordable housing properties would have an eligibility criterion to support key workers. Further, it is important to consider options for affordable rental housing options for key workers, given the prevailing unaffordable rents as discussed above.	This question can potentially be considered at the next review of the Housing Strategy.
NHS Surrey Heartlands ICB	Concern that the delivery of health infrastructure to serve new development should be considered alongside affordable housing at the forefront of the council's planning priorities, including for planning obligations and CIL spending. Seek to work with the Council to deliver this.	Agree that we will work with the ICB on future priorities for healthcare in the Borough.
Stewart Dick, Byfleet, West Byfleet and Pyrford Residents Association (BWBPRA) and West Byfleet Neighbourhood Forum (WBNF)	Has it been far too easy for developers to persuade Councils that the financial viability of a scheme cannot support the required number of Affordable Housing?	The ability in principle to make this argument is set out in policy CS12. The changes to the SPD should assist with this issue. However, further changes to improve this could include: delete third paragraph of point 3.3, which is no longer considered necessary; amend first paragraph of 4.7 from "may elect to require an overage clause" to "will..." ; in second paragraph of 4.7, replace expected profit level with link to PPG.
BWBPRA / WBNF	To what extent if any have population projections for Woking/Surrey and the impact of the changed working habits as a result of COVID-19 affected the demand/anticipated demand and/or the need for and nature of Affordable Housing?	The Town Centre Housing Market Assessment Update has assessed the influence of recent population projections and COVID-19 working habits with regard to demand for town centre housing, including Affordable Housing. However, it is a good point that further updates to

		housing evidence may be required. Therefore, where reference is made to SHMA requirements, amend to make clear that these requirements may change when the SHMA is updated.
BWBPRA / WBNF	If every residential development in WBC since 2012, that because of its size had a requirement to build a prescribed number of Affordable Housing, and that requirement had actually been implemented, how many would we have achieved?	Policy CS12 contains within itself an allowance for deviation from the standard AH percentage in certain circumstances. Moreover many dwellings have come forward outside the planning application process (through prior approval).
BWBPRA / WBNF	We are told that as of October 2021 there were a total of 972 applicants on Woking's Housing Register and of those 40% wish a one bedroom unit. What is the relationship between this statistic and the actual demand for Affordable Housing? We are also told that those on universal credit in March 2022 was the lowest since 2020. An up to date figure would be helpful. Also what is the correlation with the demand for Affordable Housing?	The number of people on the Housing Register is one of the elements which feeds into the calculation of Affordable Housing need.
BWBPRA / WBNF	Why has affordable housing been such a low proportion of dwelling completions since 2010, and the target of 35% not met? Is Woking unusual in not meeting its target, or are many other Councils also under delivering to a similar level?	Reasons why this has occurred are set out in the SPD. Woking's affordable housing delivery rate in our plan period (19%) is similar to that of other West Surrey boroughs (between 15% and 22%).
BWBPRA / WBNF	Since 2021 it is now a planning policy requirement that a minimum of 25% of all affordable homes secured through developers contribution are to be First Homes. Has this been achieved?	This national policy has not yet been tested in a planning decision in Woking.
BWBPRA / WBNF	Paragraph 2.8 Community Infrastructure Levy - CIL will apply to most new buildings, but affordable housing and any development for charitable purposes will be exempt from the charge. Contributions for these will continue to be sought through a Section 106 planning obligation. How?	Section 106 contributions will be negotiated on a case by case basis for each development. For contributions to affordable housing, this will be on the basis of policy CS12 and the remainder of this SPD.
BWBPRA / WBNF	We support the policy described in paragraph 3.5 including the decision of WBC not to exercise its discretion but to apply the standard discount and threshold set out in national policy. We also very much support the local connection test;	Support welcomed

	key workers and the tenure split requirements of Policy CS12 being interpreted in the light of the NPPG requirements.	
BWBPR / WBNF	Paragraph 3.6 Affordable Housing provision on Build to Rent schemes also has our support particularly as the Council will encourage Build to Rent applications to provide a higher proportion of affordable housing, whilst treating 20% as the minimum requirement on such schemes. The justification for delivering less than 20% on site on a Build to Rent scheme must be particularly demanding and very much the exception. Does WBC control the selection of who/which firms conduct the valuations?	WBC retains the services of a firm that reviews (at developers' cost) viability appraisals submitted to us by developers.
BWBPR / WBNF	Paragraph 4.2 sets out the Council's other affordable housing delivery mechanisms - clearly they have not been successful. Further it is currently unclear as to the future role of Thamesway Housing Limited. However you are to be commended on the many delivery mechanisms listed which going forward really should reduce the shortfall.	Support welcomed.
BWBPR / WBNF	Congratulations on the Sheerwater regeneration and on the work of the Housing Options team.	Support welcomed.
BWBPR / WBNF	Historically where off-site compensation has been agreed has this compensation sum been sufficient to build the required number of Affordable Houses? You say that contributions will be ring-fenced - have they not always been ring-fenced?	Any Section 106 financial contribution is ringfenced for a specified purpose (in this case, Affordable Housing) and this has always been the case. Off-site contributions generally do not result in the same economies of scale and efficiency in delivery as on-site provision, which can result in fewer affordable homes being delivered. Nevertheless, it is possible to leverage other funding to maximise the benefits of these contributions.
BWBPR / WBNF	In Paragraph 4.4 Calculating the Financial Contribution you state that the "Council will usually require financial contributions to be paid on commencement of the development". What are the	Financial contributions are set out in legal agreements ("Section 106 agreements") when planning permission is granted, so legal action can potentially be taken in the event of a breach.

	arrangements to guarantee receipt of funds if this does not happen?	
BWBPRA / WBNF	Paragraph 4.7 - historically how often has overage been required or is this a new requirement for the future? How will the financial audit of the project be undertaken?	Overage clauses are already applied when a developer successfully argues that the delivery of affordable housing is currently not viable for their development. The terms of any viability review covered by an overage clause are set out in Section 106 agreements.
BWBPRA / WBNF	Paragraph 5.2: The size thresholds for requiring affordable housing are likely to change. How was the 50% requirement for affordable housing on greenfield sites arrived at? It will almost certainly ensure that the economics of development do not work. This AHDSPD is an opportunity redress this anomaly and how sad that common sense does not prevail	Note the potential for thresholds to change arising from recent proposals made by the Government. However these may not become policy. The 50% requirement on greenfield sites is in the Core Strategy, which has been supported by two viability assessments. An SPD is not able to change Core Strategy policy even if that was thought desirable. On review however, it is not considered feasible to extract affordable housing or contributions from Traveller sites (ref. section 5.1), so these should continue to be excluded as at present.
BWBPRA / WBNF	Have the requirements to maintain accommodation as affordable, or for it to be replaced or for resources to be recycled to replace the dwellings, been implemented and enforced?	The Council monitors the delivery of affordable homes through its planning and housing teams to ensure they are delivered in line with Section 106 requirements. There are Government procedures in place where a housing association wishes to dispose of rented homes, which includes notifying the local authority.
BWBPRA / WBNF	This is a commendable document. However given the national and local policy context we find the timing of this Paper surprising. Further, given the historic failure to meet Affordable Housing targets we have difficulty being convinced that these refinements to CS12 will be the solution that we are all seeking.	Noted.
Anthony Saunders	The Housing Register states a need for 25% X 2 bed and 33% X 3 bed but the HMA gives this as 30% and 25%. So the need is not being met.	It is true that the need is not being met. However, both of these are different types of need figure, calculated by different methods, and do not reflect delivery.

Anthony Saunders	CIL is too low to provide the infrastructure required by new development, or perhaps it is not being used for infrastructure.	CIL has to be set at a level which allows for development to be viable, and the current rate is that which was found to meet this requirement when it was introduced. The rate (and viability) will be reviewed in future.
Anthony Saunders	What is to prevent a developer building lots of developments, each just below the size threshold at which affordable housing is required? Should prevent this abuse, for example by requiring affordable housing based on how many dwellings a given developer is developing within a 10 mile radius.	Policy CS12 prevents the subdivision of sites for the purposes of going below the Affordable Housing threshold. However, planning permission is attached to land and not to a particular developer, so applying restrictions to a particular developer across multiple sites is not feasible.
Jeremy Blayney	I have read the draft and fully support the details on how the policy should be applied	Support welcomed
Laurence Keeley	Older peoples' care and accommodation-including affordable- should be in Local Plans.	This sector is encouraged by Core Strategy policy CS13.
Laurence Keeley	Concerned over the impact on mental health of social isolation and overcrowding on new developments.	Agree that this is an important issue. It may be addressed by some of the guidance in our Outlook, Amenity, Privacy and Daylight SPD and the draft Town Centre Masterplan SPD.
Laurence Keeley	Describes problems affecting agriculture. Should provide affordable housing in villages so local people can work on the land.	Dwellings for farm workers are allowed for in the Green Belt in certain circumstances, under Policy DM14: Rural workers' dwellings.
Mike Doyle	The Council is out of touch and out of control, and should check its bank balance.	Noted
National Highways	No comment	Noted
Natural England	No comment	Noted
Historic England	No comment	Noted
Rushmoor Borough Council	No comment	Noted

Coal Authority	No comment	Noted
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Woking Borough Council Local Development Documents

Affordable Housing Delivery Supplementary Planning Document

March 2023



Produced by the Strategic Housing and Development team –

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1. Summary

This Supplementary Planning Document (SPD) stipulates how the Council's affordable housing policy, as set out in Policy CS12, is to be implemented. [Core Strategy Policy CS12 – Affordable housing](#) is the main planning policy detailing how new affordable housing will be delivered through the planning system in Woking.

This SPD does not introduce any additional requirements, but sets out the detail of how Policy CS12 will be applied in practice. Applicants are advised to read Policy CS12 in full for their development proposal. An SPD does not have the same status as a development plan document (DPD) and is not subject to independent examination.

This document was updated in 2022 and adopted by the Council on **(insert date)**. Consultation was carried out on 21 November – 19 December 2022, and the consultation and adoption statements for this SPD are available on the Council's 2027 website **(insert links here when available)**.

Woking has an acute need for more affordable housing of all types, sizes and tenures and the demand for affordable housing far exceeds supply due to a number of land constraints, including shortage of developable land. In addition, local house prices and rents create an additional issue of affordability for many.

The following information provides some key facts about affordable housing need and provision in the borough. A regular housing facts and figures report is published [here](#).

- As at July 2022, the average house price in Woking was £482,145, which is considerably higher than the national average of £311,583
- Between July 2012 and July 2022 the average property price in Woking increased by 62.9%, compared with an increase of 75.9% in the South East as a whole and 73.3% nationally.
- According to the Office of National Statistics (ONS) the number of households in Woking was 39,460 in 2018, a number projected to increase by 3.7% to 40,936 households by 2043.
- The median gross annual workplace-based earnings in Woking is £34,176.
- In Woking, the number of people on Universal Credit was 6039 in March 2022 which is at the lowest level since August 2020.
- As of the 1 October 2021, there were a total of 972 applicants on Woking's Housing Register. The Housing Register shows that the greatest need is for 1

bed units at 40%, but there is also a significant need for 2 and 3+ bed homes at 25% and 33% respectively.

In Woking, the affordability ratio of median house price to workplace-based earnings was 13.87 as of March 2022, this is a slight increase in last three-year period. Data published by the Office for National Statistics on 25 March 2022, shows that in England in 2020, full-time employees could typically expect to spend around 7.84 times their workplace-based annual earnings on purchasing a home; this is a slight improvement from 2018, when the ratio was 8.0.

Purchaser affordability table by property type in Woking Borough March 2022.

Property type	Average selling price in the Borough (as of March 2022)	Deposit required (assuming 80% mortgage)	Minimal annual income required (assuming 3.5 times annual salary)
All	£441,848	£88,370	£100,994
Detached	£937,147	£187,429	£214,205
Semi-detached	£482,465	£96,493	£110,278
Terraced	£380,344	£76,069	£86,936
Flat/Maisonette	£253,359	£50,672	£57,911

2. Planning and Housing Policy Context

2.1. National Planning Policy Framework

The [National Planning Policy Framework](#) (NPPF), last revised in July 2021, sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced, including for the delivery of affordable homes.

The NPPF includes a definition of affordable homes (Annexe 2) covering affordable housing for rent, starter homes, discounted market sales housing, and other affordable routes to home ownership.

Paragraph 62 states that, with respect to those who require affordable housing, the size, type and tenure of housing needed should be assessed and reflected in planning policies.

Paragraph 63 highlights that planning policies should specify the type of affordable housing required and expect it to be met on-site other than in specific circumstances.

Paragraph 64 sets out the types of site for which affordable housing requirements should be reduced or not sought.

Paragraph 65 sets a requirement for 10% of dwellings on major housing sites to be available for affordable home ownership, with various exceptions.

Annex 2 of the NPPF (the glossary) sets a national definition for affordable housing, including various sub-categories. In addition, the NPPF also stipulates the need for strategic policies to:

- make sufficient provision for affordable housing (Paragraph 20);
- set out the levels and types of affordable housing required (Paragraph 34);
- recommend that affordable housing needs be resolved at pre-application stage (Paragraph 41).

These issues are covered in more detail below.

2.2. National Planning Practice Guidance

Planning Practice Guidance (PPG) on [housing needs of different groups](#) describes how to assess need for affordable housing. There is a dedicated section of PPG on [First Homes](#), a new type of affordable housing as of 2021, containing detailed guidance on how they should be treated in the planning system. The section of PPG on [Build to Rent](#) contains policy on how this type of housing development should be required to contribute affordable housing, specifically through the tenure of ‘affordable private rent’. The latter two issues are covered under the chapter on ‘Tenure mix’ below.

2.3. Woking Core Strategy

The Local Development Documents (LDD) of the Council relevant to the delivery of affordable housing are; the Core Strategy (CS12), the Development Management Policies Development Plan Document (DMPDPD) and the Site Allocations Development Plan Document (SADPD). Also relevant are the three Neighbourhood Plans adopted in the borough to date.

The Woking 2027 Core Strategy was adopted in October 2012 and reviewed in October 2018 (the next review is due in October 2023). This is the strategic vision for the spatial planning and management of development in the Borough up to 2027, setting out the planning policy that seeks to help to deliver affordable housing.

Amongst the key issues and challenges identified by the Core Strategy is the *‘significant unmet need for affordable housing, which will have to be delivered in a period of severe public sector budget constraint and an economic downturn; the need to balance the*

priority to secure affordable housing with the viability of development schemes is challenging’.

The Core Strategy recognises that the need for affordable housing for those who cannot afford to obtain housing on the open market is considerable. It sets an overall delivery target for affordable housing at 35% of all new homes, equivalent to 1,737 new affordable homes, between 2010 and 2027.

This target is substantially below the need identified locally but is one which the council believes it can realistically deliver, having particular regard to:

- overall levels of development in the borough
- the sites, and types of sites, likely to be developed
- financial viability of the policies
- environmental constraints of the area.

2.4. Policy CS12

CS12 requires provision of affordable housing on all new residential developments and, in some cases, on non-residential developments. On-site provision of affordable housing is expected on larger sites. Provision through medium and small sites may be on-site or via an off-site financial contribution towards provision elsewhere in the borough, depending upon the size and nature of the site and the development proposed. The priority is for on-site provision of affordable housing.

Developers should also take into account [other relevant policies](#) of the Core Strategy, including the following housing policies. Affordable housing provision within a wider development will be expected to reflect these requirements.

- [Policy CS10 - Housing provision and distribution](#)
- [Policy CS13 - Older people and vulnerable groups](#)
- [Policy CS14 - Gypsies, Travellers and Travelling Showpeople](#)

In addition, [Policy CS16 - Infrastructure delivery](#) recognises affordable housing is a form of infrastructure (see paragraph 5.132), whilst Section six ([Implementation and monitoring of the Core Strategy](#)) and [Appendix five Delivery and monitoring](#) provide more detail about how affordable housing delivery will be monitored.

2.5. Core Strategy Review 2018

The Core Strategy review in October 2018 found it to still be in general conformity with the NPPF, and to be helping to deliver the council's key priorities and the aims of Woking 2050.

The review concluded there was no immediate need to modify any of the Core Strategy policies. Regarding policy CS12, the review found it to be in line with the NPPF and vital in delivering affordable housing needed in the area. It found that the policy was justified by evidence on recent house price trends and by the viability evidence that supported the adoption of the Community Infrastructure Levy.

The review stated that the council would continue to monitor the situation to determine, in future, whether any action is needed.

2.6. Neighbourhood Planning

Woking has three made Neighbourhood Plans that form part of the Local Plan. Further information on each of them can be found on the [Woking 2027 website](#).

2.7. Site Allocations DPD

In October 2021, the Council adopted the [Site Allocations Development Plan Document \(DPD\)](#), which identifies land and allocates specific sites to enable the delivery of Woking Core Strategy (2012).

The Site Allocations DPD also takes a long term strategic view of the future and safeguards land to meet future development needs beyond the present Core Strategy period (between 2027 and 2040).

The policies on sites allocated for housing include requirements to “contribute to Affordable Housing provision in accordance with Policy CS12”.

2.8. Community Infrastructure Levy

Woking Borough Council has adopted the [Community Infrastructure Levy \(CIL\)](#) as its primary means of securing developer contributions towards infrastructure provision in the borough. CIL is a standardised non-negotiable levy that is charged to new development to raise funds to deliver infrastructure to support development.

The Community Infrastructure Levy (CIL) was adopted by the Council on 23 October 2014 and came into effect from **1 April 2015**.

The CIL will apply to most new buildings, but affordable housing and any development for charitable purposes will be exempt from the charge. Contributions for these will continue

to be sought through a Section 106 planning obligation. On mixed tenure housing schemes, only market dwellings will be liable for the CIL payments.

2.9. Annual Monitoring Report

Delivery against the Core Strategy target is monitored through [Annual Monitoring Reports](#) which have shown that, since 2010, the target of 35% of dwelling completions being affordable housing has been met in only one year. Also evidenced is that, in the same period, affordable housing completions have constituted over 20% of all dwelling completions in just three years. In six out of the ten years monitored seeing affordable housing has constituted less than 10% of dwelling completions.

2.10. [Woking Housing Strategy 2021-2026](#)

The Local Government Act 2003 requires all local housing authorities publish a Housing Strategy setting out a vision for housing in its area, including objectives, targets and policies on how the authority intends to manage and deliver its strategic housing role. The strategy provides an overarching framework against which the authority considers and formulates other policies on more specific housing issues

The Housing Strategy covers the scope of our Housing Services and is designed to complement our other policies, such as the Local Plan and Corporate Plan. The strategic priorities contained in the Housing Strategy are:

- To provide well designed, high quality homes that are affordable and meet local needs;
- To prevent homelessness and help those in housing need;
- To help people to achieve independence and wellbeing;
- To deliver an improved housing service to our tenants and leaseholders;
- To enhance choice, standards and quality within the private rented sector.

2.11. Affordability

The Core Strategy contains a locally specific definition of affordable housing compatible with, but expanded on, that in the NPPF. It says that affordable housing must '[meet] the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices'.

Core Strategy Policy CS12 contains terms that differ slightly from those used in national policy. However, each of these has an equivalent, as follows:

- The phrase 'social housing...for rent' in the Core Strategy should be read as per the NPPF category 'Affordable housing for rent', subcategory 'social rent'.

- The phrase 'social housing through shared equity schemes' in the Core Strategy should be read as per the NPPF category 'Other affordable routes to home ownership', subcategory 'shared ownership'.
- The phrase 'subsidised low cost market housing for... rent' in the Core Strategy should be read per the NPPF category 'Affordable Housing for Rent', subcategories 'affordable rent' and 'affordable private rent'.
- The phrase 'subsidised low cost market housing for sale' in the Core Strategy should be read as per the NPPF term 'discounted market sales housing'. This includes First Homes, as defined in Planning Practice Guidance.

3. Local Evidence of housing need

3.1. Types and sizes of homes

[Policy CS11 - Housing mix](#) requires all residential proposals to provide a mix of dwelling types and sizes to address local needs, reflecting the most recent [Strategic Housing Market Assessment](#) (SHMA, 2015).

The appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood, as well as the viability of the scheme.

A significant need for more family homes during the plan period has been identified. As such, the Council will not permit the loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations to justify any loss.

At an HMA level, the analysis in the 2015 SHMA would support policies for the mix of affordable housing of:

- 1-bed properties: 40%
- 2-bed properties: 30%
- 3-bed properties: 25%
- 4-bed properties: 5%

This mix- or any updated equivalent following a revised SHMA/Housing Needs Assessment- will be applied to the totality of affordable housing on any given site excluding First Homes: see 3.5 below.

Good quality, decent and affordable homes contribute significantly to good health and wellbeing. Consequently, it is important that affordable homes are well designed and of sufficient size to enable a good living environment.

The [nationally described space standard](#) was implemented in 2015, containing information regarding internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

The Council does not wish to be too prescriptive on the floor area of new affordable homes; achieving good design is as important as property size. However properties do need to be of practical proportions.

2.1. Tenure mix

The Core Strategy (Policy CS12) expects developments to provide an appropriate tenure mix that meets the needs of local residents, as evidenced by the latest SHMA, and considered affordable based on local income levels.

The 2015 SHMA identifies that there is a need for 71% of new affordable dwellings to be in the rented tenure (social and affordable) and 29% at intermediate level (including shared ownership and First Homes). A revised SHMA/Housing Needs Assessment may produce revised tenure mix need figures. National policy requires 25% of new affordable dwellings to be First Homes. Please see section 3.5 for how these proportions will be applied.

2.2. Social rented

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

The Government's rent policy for Social Rent is typically between 50 and 60 per cent of market rents.

~~Much of Woking's recent development is concentrated in the town centre to promote economic growth and to protect the green belt. However, such sites attract high land values, which in turn reduces the viability of affordable housing within the schemes. It is therefore essential that the Council maximises other land and funding opportunities to meet its annual target of 102 affordable housing units per year.~~

Social Rent remains a priority rental tenure for the Council, as this offers affordable housing at the most affordable rent levels with the lowest burden on housing benefits. The Council acknowledges that this form of tenure requires significant levels of subsidy, but encourages this affordable tenure where circumstances allow. The Council will seek to prioritise social rented homes where possible.

2.3. New Shared Ownership model

[Shared Ownership](#) is aimed at helping people in housing need who are unable to afford to purchase a suitable property for their needs on the open market. Applicants are subject to various eligibility and affordability requirements, for example a gross joint income of less than £80,000 and otherwise unable to purchase a suitable property for their housing needs on the open market. Changes to the Shared Ownership model came into effect on 1 April 2021. The new Shared Ownership model applies to all Shared Ownership homes delivered through Homes England's Affordable Housing Programme (AHP) 2021 to 2026, including Home Ownership for people with long-term disabilities (HOLD), Older Persons Shared Ownership (OPSO), homes in rural protected areas and homes purchased through the [Right to Shared Ownership](#).

The major changes proposed to the Shared Ownership model relate to the following:

- the minimum initial share that can be purchased has reduced from 25% to 10%
- the introduction of the option to buy more equity in 1% increments for the first 15 years; larger shares can still be purchased with the minimum reducing from 10% to 5%
- the introduction of a 10-year period during which the costs of any maintenance or repairs will be partly met by the landlord rather than the shared owner
- if a shared owner wishes to sell on the open market, the 'nomination period' in which they first have to offer the home to the landlord can now be ended after four, rather than eight weeks.

2.4. First Homes

[First Homes](#), a new government scheme, is a form of affordable housing available only to first time buyers, sold at a discounted price of at least 30% from market value, and must apply to 25% of all affordable housing on a scheme delivered by developers through planning obligations (or, where relevant, 25% of cash contributions for affordable housing to be used to secure First Homes). At least 50% of the purchase price must be funded by mortgage or home purchase plan (if required to comply with Islamic law).

The details of national policy on First Homes is set out in national [Planning Practice Guidance](#) and should be referred to by applicants. First Homes, like Shared Ownership

dwellings, are a form of intermediate housing (which in the NPPF is described as 'affordable routes to home ownership), which is itself a sub-category of Affordable Housing as defined by national and local policy.

There is a price cap of no more than £250,000 on first sales- after taking into account the discount- and an income cap of £80,000 (joint income or individual), with the full discount being retained in perpetuity through restrictive covenants on the title for these properties. LPA's will be responsible for monitoring this, and the tenure will form part of the S106 agreement for a site.

Implementation of First Homes is mandatory from 28th June 2021 for local authorities whose local plan has been submitted for examination or adopted. Existing planning applications, and advanced pre-planning applications where tenure mix has already been negotiated, are exempt for the first 6 - 9 months from the implementation date.

Local planning authorities have discretion to set a higher minimum discount on First Homes (of 40% or 50%), or a lower price cap than £250,000, if justified. Woking Borough Council is not proposing to introduce either of these at this time, but rather to apply the standard discount and threshold set out in national policy. This position can be reassessed when the Core Strategy is next reviewed.

A local connection test will be applied to all First Homes in Woking Borough for the first three months from when a home is first marketed. If a suitable buyer has not reserved a home after three months, the eligibility criteria will revert to those in the Planning Practice Guidance.

For a household to be eligible for a First Home when it is first marketed, in addition to the requirements in PPG, at least one household member must either:

- have lived in the Borough for at least the previous two years; or
- have permanent employment in the Borough for at least 35 hours per week (unless unable to do so on grounds of disability) and have done so for at least the last two years; or
- have close relative who has lived in the Borough for the last five years, and to whom they are connected by a support or welfare need (with either the First Home buyer or the relative having the need); or
- be an active member of the Armed Forces, or a divorced or separated spouse/civil partner of a current member of the Armed Forces, or a spouse or civil partner of a deceased member of the Armed Forces (if their death was wholly or partly caused by their service), or have been a member of the Armed Forces within the last five years.

Keyworkers

Woking will also be applying keyworker priority status to all First Homes in the Borough. Keyworkers are split into two priority categories:

- **Priority one** - typically a public sector employee who is considered to provide an essential service. This includes (but is not limited to) teachers, nurses, NHS workers, police officers, social workers, probation staff and fire fighters. This definition may also include support staff without whom the above roles may struggle to function.
- **Priority two** - other “essential” workers whose employment supports the local economy i.e. lower income workers such as other public or private sector employees of other bodies operating in the public sector subject to the relevant body being able to demonstrate that the industry’s national wage structure is such that its employees are unable to afford to rent or to buy homes on the open market within the Borough - for example, care workers or nursery staff.

The tenure split requirements of Policy CS12 should be interpreted in the light of the national PPG requirements regarding First Homes. Once the 25% First Homes requirement has been accounted for, social/affordable rent should be delivered at the same proportion as required by the Local Plan, set out in the latest SHMA (currently 71%). The remainder of the homes on site should be other forms of intermediate housing. This is set out in the table below, along with an example of a hypothetical 80-dwelling scheme, to illustrate how the proportions are applied. The tenure mix below reflects the 2015 SHMA; if the tenure mix needs are revised in a new SHMA/Housing Needs Assessment; that new mix should be applied.

Total	Social/affordable rented	First Homes	Other intermediate tenures	Total
Required proportion of affordable housing in each tenure	71%	25%	4%	100%
Example: 80 dwelling scheme on greenfield land	28 dwellings	10 dwellings	2 dwellings	40 affordable dwellings (i.e. 50% of total dwellings)

In Woking, First Homes can make smaller, 1 or 2 bed units, cheaper for purchase and available to more households. ~~However, these properties are also a much needed type of property for people on the housing waiting list needing social and affordable rented accommodation.~~ The cost of 3 and 4 bed units in the borough prohibits their delivery without a discount of higher than 50%. However, these properties are also a much needed type of property for people on the housing waiting list needing social and affordable rented accommodation. The dwelling mix requirements for Affordable Housing, by number of bedrooms, in section 3.1 above, will therefore be applied to the totality of affordable dwellings excluding First Homes on each site.

2.5. Affordable housing provision on Build to Rent schemes

National Planning Practice Guidance (PPG) states that all Affordable Housing provision on Build to Rent schemes should, by default, take the form of Affordable Private Rent and be managed collectively with private market rent units by the Build to Rent landlord.

The PPG is detailed and applicants for Build to Rent development should refer to it in the preparation of their proposals.

The PPG states that ‘20% is generally a suitable benchmark for the level of affordable private rent homes to be provided...in any build to rent scheme’. Local authorities are permitted to adjust this, if justified, by inclusion in a local plan policy. As such, and if this guidance is still in place at the time, this may be considered as part of the next CS12 review.

In the meantime, the Council will encourage Build to Rent applications to provide a higher proportion of affordable housing, whilst treating 20% as the minimum requirement on such schemes. Any proposal to deliver less than 20% on site on a Build to Rent scheme will need to be justified in the same way as proposals to diverge from the proportions contained in CS12 for standard housing sites. This includes any proposals to provide financial contributions to off-site affordable housing in lieu of Affordable Private Rented dwellings on-site.

The PPG notes that ‘circumstances may arise where developers need to sell all or part of a build to rent scheme into owner occupation or to multiple landlords or, exceptionally, to convert affordable private rent units to another tenure.’ When preparing Section 106 agreements for Build to Rent schemes, the Council will include a covenant period of at least 15 years for the retention of private market rent homes in that Built to Rent private market rented tenure. This will allow the Council to claw back financial compensation for the difference between the affordable housing provision that would have been required in accordance with Policy CS12 if the development had initially been built as a non-Build to Rent scheme, and that which remains after any tenure switch of private market rented housing.

Two valuations of the proposed development will be required with Build to Rent applications to enable the level of clawback to be calculated should the covenant be broken. The first valuation will be of the development as proposed at application stage, i.e. in build to rent tenure, and the other will be of the development in a 'build for sale scenario', i.e. as if all the units were intended for sale.

15 years is considered a justified length for the covenant period on market rented tenure, taking into account the scale of undersupply of affordable housing in the Borough. If changing market conditions since the date of permission have reduced the viability of providing affordable housing from standard housing development at the levels set out in Policy CS12, this will be taken into account in calculating the difference between values of the originally permitted and now proposed scenarios.

4. Delivery of Affordable Housing

The key delivery mechanisms for affordable housing in Woking are:

4.1. On-site provision

Affordable homes provided under Core Strategy Policy CS12 Affordable Housing, on a development site by the developer. For more information about on-site developer affordable housing provision, please see section 5.

4.2. Off-site provision

Affordable homes provided under Core Strategy Policy CS12 Affordable Housing, on a site elsewhere in the borough other than the development site. These may be homes built by the developer on the alternative site or built by the Council or a partner organisation on its behalf, funded by the developer's affordable housing financial contribution.

Affordable housing developer financial contributions are employed by the Council to deliver affordable homes in the Borough.

In addition to reviewing local planning policy through the Core Strategy to require higher levels of affordable housing when new development takes place, the Council's other affordable housing delivery mechanisms include:

- Reviewing the suitability of the Council's own land holdings for the delivery of affordable housing.
- Working with private developers and housing associations to build homes which are let to households on the Council's choice based lettings system.

- Working with owners of empty homes to bring them back into use.
- Working with private landlords to secure long-term lets for their properties, such as through the Private Rented Scheme (Lets Rent) and Private Sector Leasing Scheme.
- Working with Thamesway Housing Limited to continue its property acquisition programme, purchasing market properties for use as affordable homes.
- Potentially also work with other organisations that are Registered Providers to deliver affordable homes, through property acquisition or new development.
- Strengthening relationships with housing association partners to achieve 100% affordable housing schemes
- Utilise Investment Partner status with Homes England and bid for funding for pipeline schemes
- Explore new funding models, such as “income-strip” finance i.e. where the Council provides a Loan Guarantee for the finance advanced to a Limited Liability Partnership and is responsible for all day-to-day management and repairing liability. The Council is then, at the end of the finance period, able to buy the asset for a nominal sum, either directly or through a nominated company such as Thamesway Housing.
- Woking Borough Council is regenerating Sheerwater, a project that will provide new private and affordable family and smaller sized homes.
- Working pro-actively to prevent homelessness through our Housing Options team.

4.3. Off-site financial contribution

While Woking Borough Council’s preference is for onsite delivery of affordable housing, there may be limited circumstances where it will be appropriate for a scheme that proposes ten or more net additional dwellings to make an off-site affordable housing contribution in lieu of onsite provision. For example, Policy CS12 allows for off-site contributions to be made where there are clear housing management reasons or in the interests of the effective distribution of affordable housing across the Borough.

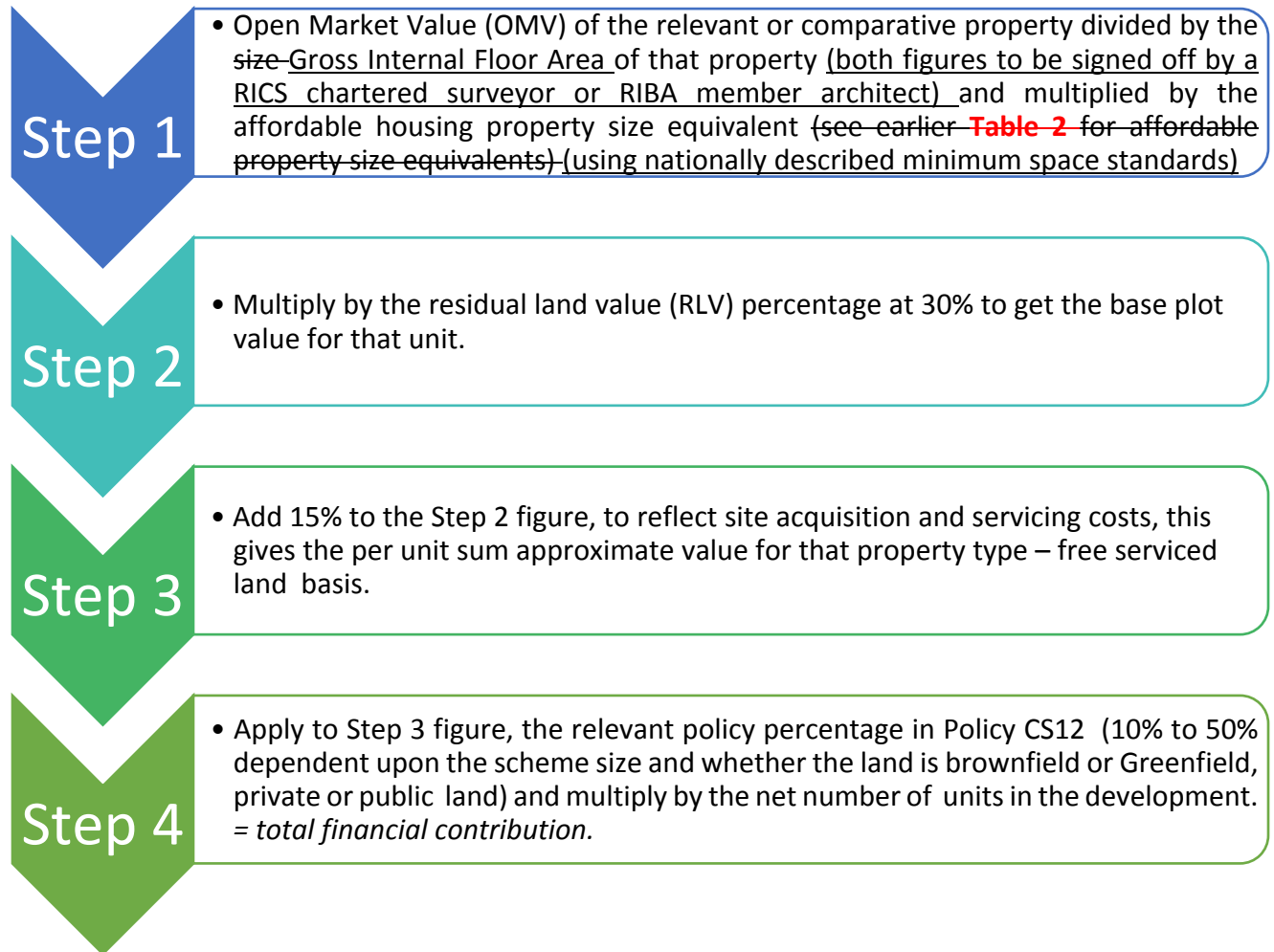
Contributions will be ring-fenced and used to provide affordable housing elsewhere in Woking Borough. Where possible this will be in the same locality as the development making the contribution, however contributions may be directed to other schemes which

make a positive contribution to facilitating delivery of affordable homes through other mechanisms.

4.4. Calculating the financial contribution

The Council will use the following 'residual land value' formula to calculate financial contributions where these are required and appropriate. This approach involves approximating the land value that needs to be replaced elsewhere and allowing for the cost of acquiring and servicing that land e.g. providing access and utilities. The applicable affordable housing percentage (according to Policy CS12) is then applied to this figure.

It is recognised that this approach represents only one method of calculating such contributions. It is recommended that you seek advice from a suitably qualified independent surveyor should you wish to put forward an alternative method of calculation. The Council will consider all alternatively calculated contribution figures. Any calculations producing contribution figures less those generated by the Council's formula approach will be questioned. The Council will usually require financial contributions to be paid on commencement of the development.



Example

Calculating the 30% financial contribution required for a brownfield site comprising 5 x 1 bedroom flats and 9 x 2 bedroom flats.

Proposed 14 unit scheme: 5 x 1 bed flats, 9 x 2 bed flats.

5 x 1 bedroom flat (2 bedspaces) size: 50 sqm OMV: £269,000
Guide size for relevant or comparative affordable home –50 sqm

9 x 2 bedroom flat (4 bedspaces) size: 72 sqm OMV: £387,360
Guide size for relevant or comparative affordable home – 70 sqm

Step 1: Open Market Value (OMV) of a relevant or comparative development

Market value of proposed property / size of the property x affordable housing size that would have been required to be provided on-site.

1 bed flat: £269,000 / 50 sqm = £5,380 per sqm

£5,380 x 50 sqm = £269,000 x 5 units = £1,345,000

2 bed flat: £387,360 / 72 sqm = £5,380 per sqm

£5,380 x 70 sqm = £376,600 x 9 units = £3,389,400

Total OMV of relevant or comparative development = (£1,345,000 + £3,389,400) = £4,734,400

Step 2: Multiply the OMV (Step 1) by the residual land value percentage (30%)
£3,321,615 x 30% = £1,420,320

Step 3: Add 15% of the result of Step 2 to reflect site acquisition and servicing costs
£1,420,320 + 15% = £1,633,368 (= base plot/land value of affordable unit)

Step 4: Apply the affordable housing policy percentage from Policy CS12 (i.e. Step 3 x 30% for sites between 10 and 14 units.

£1,633,368 x 30% = **£490,010 Affordable Housing Financial Contribution**

4.5. Calculating number of units – rounding up

In calculating the number of units to be provided by a development, the Council will always round to the nearest number of whole units.

A standard mathematical approach to rounding will be taken. Where applying 30 per cent (or any other target that the development will stand, higher or lower) achieves 0.5 or more of a dwelling, the approach will be to round up. For example, in a scheme of 15 dwellings, applying 30% gives 4.5 dwellings, which would be rounded up to a requirement for 5 affordable homes. Anything below 0.5 will be rounded down. For example, in scheme of 18 dwellings, applying 30% gives 5.4 dwellings, which would be rounded down to 5 homes.

4.6 Viability Appraisals

The Council has tested its affordable housing policy for viability through the Affordable Housing Viability Assessment undertaken by Adams Integra for the Core Strategy, and the Community Infrastructure Levy Viability Study produced by Dixon Searle LLP. However Policy CS12 makes it clear that the application of the policy is subject to the individual site being able to sustain the costs of the affordable housing requirement (either on-site provision or a financial contribution).

There may be exceptional circumstances where the application of the Policy in full makes the site financially unviable, in these circumstances the Applicant will need to prove that the site is unviable by submitting a Financial Viability Appraisal (FVA).

Consideration of financial viability appraisals should be in line with the up-to-date national Planning Practice Guidance for decision makers on this topic. In particular:

The EUV+ method (Existing Land Value plus a premium for the landowner) should be used to establish the benchmark land value used in a viability appraisal. Market evidence used for establishing the existing land value should be based on developments which are fully compliant with the affordable housing targets in CS12 or any emerging replacement. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data. In circumstances where it is deemed that specific details of an assessment are commercially sensitive, the information should be aggregated in published viability assessments and executive summaries, and included as part of total costs figures. An exemption from publication will only be granted where the Council is satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation. The aggregated information should be clearly set out to the satisfaction of the Council. Any sensitive personal information should not be made public.

Further detail on financial viability appraisals is contained in Annexe 4.

4.7 Overage clause

Where a viability appraisal successfully shows non-viability of delivering the requirements of CS12, the Council ~~may~~ will elect to require an overage clause.

If so, this will be incorporated into a Section 106 Agreement. It will usually be based on the final revenues (Gross Development Value) of the completed development compared with the Financial Viability Appraisal submitted with the application, taking into account what is generally accepted ~~within the industry~~ to be a reasonable developer profit level, having regard to Planning Practice Guidance on viability; ~~(presently typically 20% of Gross Development Value).~~

If the development has generated “excess” value the Council will claw back the surplus value above the originally predicted GDV, on a basis of 50% to the Council for affordable

housing delivery purposes and 50% basis to the Applicant. This will be up to a ceiling of the full affordable housing requirement.

This is considered the most equitable approach in the circumstances, having regard to the requirements of adopted Policy CS12.

The final values will be independently checked by an external consultant chosen by the Council at the Applicant's expense.

5. Requirements for Affordable Housing Provision

5.1. Types of site

Paragraph 5.83 of the Core Strategy states (with relation to Policy CS12):

'This policy applies to all sites where new residential development is proposed, including mixed use schemes and proposals where there is a net increase in the number of units on a site. This will include sheltered and extra care accommodation and other forms of residential accommodation where relevant.'

For clarity, this definition does not make any reference to use class. Sheltered and extra care accommodation, and other forms of residential accommodation, will therefore be covered by Policy CS12 regardless of their use class, except where they constitute affordable housing in themselves, in which case the policy would not be relevant.

The previous version of this SPD expanded on the supporting text to CS12 by disapplying the policy from C2 housing (~~as well as Traveller sites~~), on the basis that the Council wishes to encourage the provision of such accommodation where an identified need exists. However, whilst the Council still wishes to encourage C2 ~~and Traveller~~ development, the current position is that Woking has a relatively healthy supply of specialist housing (as set out in the Inspector's Report on the Site Allocations DPD), but a severe undersupply of affordable housing. In addition, case law since the adoption of the previous version of this SPD has led to developments being classified as C2, which the authors of the SPD might have anticipated to be C3. If an applicant for C2 development considers that providing for affordable housing would make their proposals unviable, this will be dealt with by the criteria contained within policy CS12 and elsewhere in this SPD.

The circumstances regarding Traveller sites have not changed in the same way. Such sites will continue to be excluded from requirements for affordable housing provision.

~~Traveller sites will, in the great majority of cases, fall below the national size threshold for provision of affordable housing (see below), and some Traveller sites will also come under the definition of affordable housing in themselves.~~

To support the delivery of affordable homes in accordance with Policy CS12, the Council will expect a site that has been sub-divided into smaller development schemes to provide the appropriate level of affordable housing that would have been achieved had the whole site come forward as a single scheme.

Similarly, the Council will resist development proposals which seek permission for a development lower than that characteristic of the area, where this would fail to make efficient use of land and avoids otherwise greater affordable housing policy requirements under Policy CS12.

5.2 Size of site

Since the adoption of the Core Strategy, national policy and guidance has changed, with the introduction of size thresholds below which affordable housing cannot be required from a residential development site.

In taking account of the change to the NPPF and PPG as a material consideration, the council will therefore no longer require affordable housing or affordable housing financial contributions for sites of less than 10 dwellings unless the site is 0.5ha or larger.

- On previously developed land where sites provide 15 or more dwellings, or on sites of 0.5ha or more (irrespective of the number of dwellings proposed), the Council will require 40% of dwellings to be affordable.
- On previously developed sites of less than 0.5ha and providing between 10 and 14 new dwellings, the Council will require 30% of the dwellings to be affordable.
- On greenfield sites and sites in public ownership, where the development is more than 9 dwellings or the site is 0.5ha or greater, the Council will require 50% of the dwellings to be affordable.

All other parts of the adopted Policy CS12 will remain as before.

The thresholds above differ from those applied by the Council since 2019, providing a stricter interpretation of national policy with regard to contributions from sites of 0.5ha or more but with less than 10 dwellings. This is appropriate in the light of the current severe undersupply of affordable housing.

In theory, a site with an area of exactly 0.5ha and less than 10 dwellings could have been subject another set of criteria using the thresholds in CS12. However, the chances of a site with that exact area existing in practice are vanishingly small, and the Council does

not wish to encourage site boundaries to be drawn in an arbitrary fashion specifically to meet that threshold (in line with the eighth paragraph of Policy CS12). For that reason, CS12 will be interpreted using the thresholds set out above.

5.3 Vacant Building Credit

In November 2014 the Government (the Department for Communities and Local Government) introduced a “vacant building credit” (VBC), reducing affordable housing contributions, that could be offered to developers to incentivise them to develop brownfield sites. The guidance has been revised since it was first published, and the principle is included as policy in the NPPF (paragraph 74).

When does vacant building credit apply?

Vacant building credit applies where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building. The applicability of the policy has limits, as set out below. Applicants who consider that VBC should apply to their site should set out in their Planning Statement or Affordable Housing Statement, to the satisfaction of the Council, how their site meets the below criteria for VBC to be applied.

VBC only applies to buildings. A building is defined as a permanent structure with a roof and walls, which is present on the site during assessment of the planning application by the Local Planning Authority (the Council). This definition excludes open-sided structures and buildings into which people do not normally enter or only enter intermittently for the purposes of inspecting or maintaining fixed plant or machinery.

VBC only applies to vacant property. To be considered vacant, a building shall not have been in continuous use for a period of at least 6 months within the 3 years ending on the day the planning application is made valid. Council tax and rates records may provide evidence when determining if a building is vacant. This and the preceding criterion are based on the definitions of ‘building’ and ‘in-use building’ in the CIL Regulations.¹

VBC does not apply where a building has been abandoned. The meaning of ‘abandoned’ has been addressed by case law and whether a building is ‘abandoned’ should be established on a case by case basis. PPG (Planning Obligations section, paragraph 028)² notes some relevant considerations. The onus will be on the applicant to demonstrate that their building has not been abandoned.

VBC does not apply where a building has been demolished, or is in an advanced state of dilapidation at the point when the application is validated.

VBC will not be applied by the Council to properties made vacant for the sole purpose of re-development. The onus will be on the applicant to demonstrate other

¹ <https://www.legislation.gov.uk/uksi/2019/1103/schedule/1/made>, Schedule 1, Part 1, Paragraph 1(10)

² <https://www.gov.uk/guidance/planning-obligations>

reasons why the property has been made vacant, using the definition of 'vacant' above, including through the provision of marketing information to show that new occupants could not be found.

PPG (Planning Obligations section, paragraph 028) states that: *"The [VBC] policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy. In doing so, it may be appropriate for authorities to consider: whether the building has been made vacant for the sole purposes of re-development; whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development."*

Considering the severe undersupply of affordable housing in Woking, as well as the lower-than-anticipated net delivery of office and industrial space since the adoption of the Core Strategy, it is appropriate to prevent the application of VBC to buildings made vacant for the sole purposes of redevelopment. Given that seven years have elapsed since the introduction of VBC, the lowering of affordable housing provision due to VBC in comparison to extant or recently expired planning permissions is not likely to occur often, but this factor should be considered if it is proposed.

Calculating the vacant building credit

Where VBC is found to apply, the existing vacant gross internal area (GIA) of any buildings proposed to be brought back into lawful use or to be demolished and redeveloped, will be calculated as a percentage of the proposed total GIA, leaving the net increase in floorspace. The required percentage of affordable housing will then be applied only to the net increase in floorspace.

VBC will be calculated as follows:

- Existing vacant floorspace is **A** sq.m
- Proposed total floorspace of new development is **B** sq.m
- Net increase in floorspace (B – A) is **C** sq.m
- Requirement under Core Strategy Policy CS12 Affordable Housing is **D** dwelling units
- To apply the Vacant Building Credit to give a reduced Affordable Housing requirement (**E**):

$$\mathbf{C \times D = E}$$

B

For clarity, a worked example is shown below:

- Existing vacant floorspace is 300 sq.m (A)
- Proposed total floorspace of a mixed use development providing 40 dwelling units is 2,400 sq.m (B)

- Net increase in floorspace (2,400 sq.m. - 300 sq.m) is 2,100 sq.m (C)
- Requirement under Core Strategy Policy CS12 Affordable Housing is 16 dwelling units (D)³
- To apply the Vacant Building Credit to give a reduced Affordable Housing requirement (E):

2,100 (C) x 16 (D) = 14 Affordable Homes (E)
2,400 (B)

Please note that the onus will be on the applicant to demonstrate to the satisfaction of the Local Planning Authority a building's vacancy and to provide accurate GIA floorspace measurements.

5.4 Protection of existing affordable housing stock

The Council will expect that the existing number, and type, of affordable homes on a site will be safeguarded and reflected in any redevelopment. This is predicated on the basis that the Core Strategy seeks to increase the amount of affordable housing in the borough to take account of identified need. Whilst redevelopment of a site which replaces older affordable housing stock with new is often to be welcomed, this cannot be supported at the expense of a reduction in the overall number of affordable homes on the site.

In exceptional circumstances the Council may not require all of the existing units to be replaced, for example:

- Where the location of the site is not considered suitable or sustainable for affordable housing,
- Where the existing affordable housing is vacant and has been for a considerable time and the Council considers there is no reasonable prospect of it coming back into re-use
- Where a better balance of size of affordable units is required.

Where replacement is not required the Council may negotiate a financial contribution in lieu of replacement.

5.5 Previously Developed Land and Greenfield Land

Policy CS12 requires 50% of dwellings to be affordable for residential development on Greenfield land, while various lower thresholds apply to development on Previously Developed Land (PDL). Previously Developed Land is defined in Annex 2 to the NPPF.

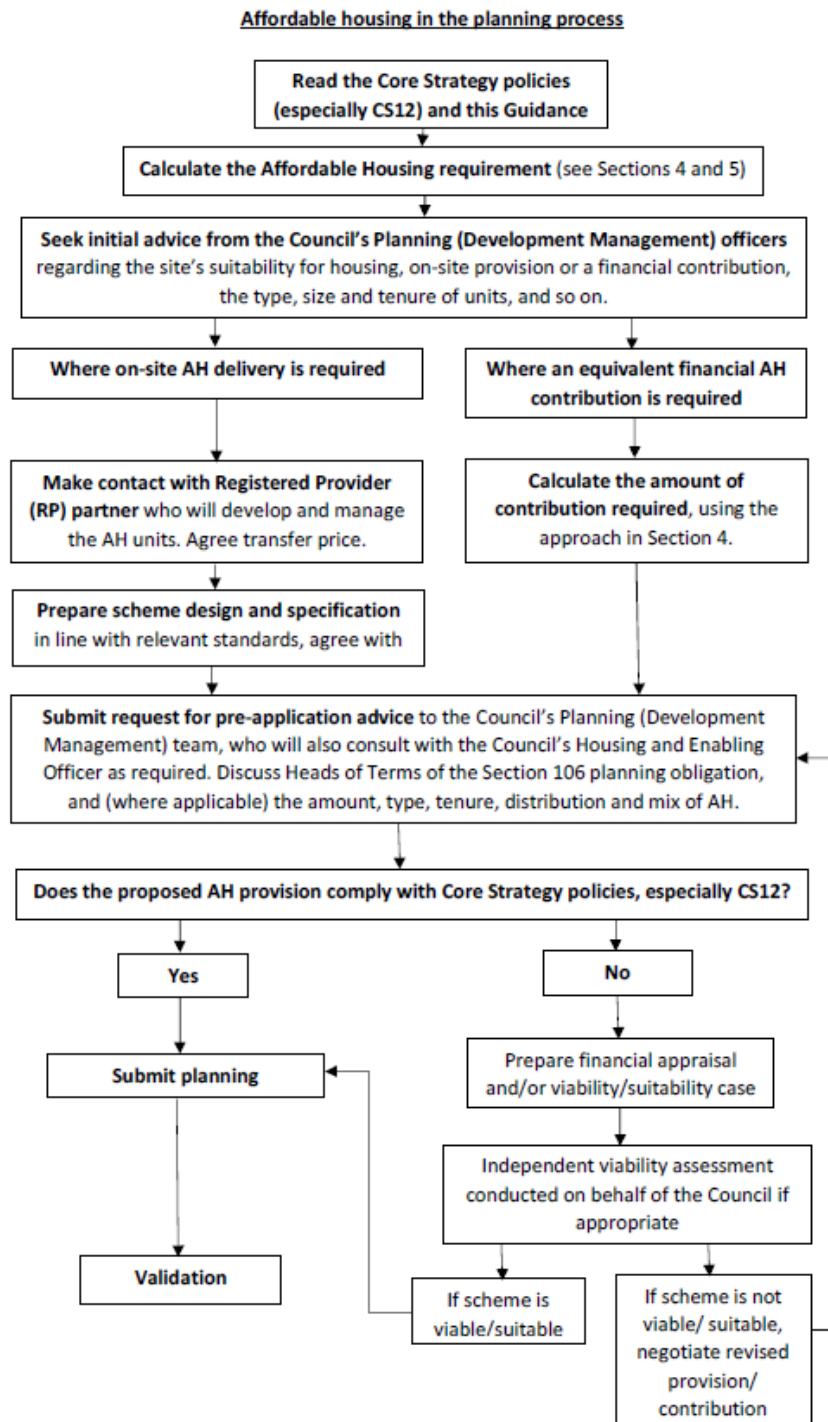
³ Policy CS12 requires a development of 40 dwellings to make 40% provision for Affordable Housing, which is 16 units.

For clarity, the definition of residential gardens, parks etc. (which, within built-up areas, are one of the categories excluded from the PDL definition) will include any hard surfaces, small sheds, summerhouses, greenhouses, temporary residential car ports and similar structures. Land that is hard surfaced with tarmac, aggregate or similar is not considered to be PDL in its own right. The footprint of permanent structures such as dwellings and garages, including where such structures have been largely but not wholly removed, and land over sailed by a permanent structure, are considered to be PDL.

For sites with fewer than 100 dwellings, where a proposed development would sit partly on PDL and partly on Greenfield land, the Council will take a view on which of these the development would predominantly lie. The appropriate affordable housing requirement will then apply to the whole scheme. For example, if 50% or more of the development footprint would be on PDL, the whole development will be treated as PDL for the purposes of applying Policy CS12. Pre application advice should be sought from the Council on this question.

For sites with 100 dwellings or more, the Council will require plans and calculations from the developer showing the extent and percentages across the entirety of the site that are Greenfield and PDL respectively. The same approach will be applied to sites which are partly in public and partly in private ownership. The Council will advise on the level of affordable housing required which it will apply to the whole scheme, having regard to this information and the requirements of Policy CS12. Pre application advice should be sought from the Council on these questions.

6. Planning Process



6.1. Section 106 procedures

The Council will expect the developer to enter into an appropriate Section 106 Agreement covering all aspects of the delivery of affordable housing outlined above.

The content of the agreement can vary considerably from site to site so the Council does not have a standard Section 106 agreement. However, **Annexe 3** lists the main issues that will be included in most agreements.

The Council will draft an appropriate agreement for which a fee is payable. The fee will depend on the complexity of the agreement. An estimate of the fee payable can be obtained from the Council's [Legal Services](#).

6.2. Scheduling of affordable housing delivery

To ensure that the affordable housing is delivered before the market housing is completed; the Council will normally include a number of triggers in the legal agreement.

These may vary from site to site, but would usually be:

- Not to allow or permit occupation of more than 25 per cent of market dwellings until a contract has been entered into with a Registered Provider to deliver the affordable housing in accordance with an Affordable Housing Scheme approved by the Council.
- Not to allow or permit occupation of more than 50 per cent of market dwellings until the affordable housing has been completed and transferred to the Registered Provider and is ready and available for occupation e.g. with all access roads and paths completed and safe for use.

6.3. Maintaining accommodation as affordable housing

The definition of Affordable Housing in the NPPF makes it clear that affordable housing must remain affordable into the future. It therefore follows that there must be safeguards that either preserves the status of the affordable housing, or if it is no longer used for affordable housing, for it to be replaced or for resources to be recycled to replace the dwellings.

Affordable housing provided through the Council's planning policies must be maintained as affordable housing or replaced.

The Council will therefore require provisions in the Section 106 agreement that:

- Keep the units within the definition of affordable housing, and

- Require any purchaser (other than an occupier) to preserve the accommodation as affordable housing, or replace it within the Borough, where practicable like for like, and
- Require any purchaser to take on the obligations in the nomination agreement or enter into a replacement nomination agreement.

6.4. Recycling of receipts

There are a number of reasons why affordable housing dwellings may be lost, for example a tenant's statutory acquisition of a rented dwelling, shared ownership staircasing to 100%, discharge of the charge on a shared equity dwelling etc. In all cases the Council expects the dwelling to be replaced within the Borough, or at the very least any resources arising from the disposal of the dwelling to be recycled to provide further affordable housing in the Borough.

The Section 106 agreement will contain requirements relating to:

- Continued use of affordable dwellings in perpetuity.
- The retention of obligations relating to the affordable dwellings.
- Requirements to replace the affordable dwellings.
- Requirement to recycle any receipts or Grant arising from the disposal of all or part of an affordable dwelling.

All the above requirements concerning recycling of receipts are subject to there being no conflict with current HCA policies or requirements. In the event of a conflict of these requirements with the HCA, the obligations will be amended as appropriate.

6.5. Affordable housing delivery requirements off site

Policy CS12 allows for off-site contributions to be made in limited circumstances: for example, for clear housing management reasons or in the interests of the effective distribution of affordable housing across the Borough. Changes to thresholds in national policy thresholds mean that financial contributions to affordable housing can no longer be sought from non-major development.

ANNEXE 1: Glossary

Adoption	The formal approval or acceptance of planning documents by the Council.
Affordability	The ability of people to get onto the property ladder, whether households can access or sustain costs of private sector housing. Affordability is defined by the relationship between local incomes and the local general housing market.
Affordable housing	Affordable housing, as defined by the National Planning Policy Framework, is housing for sale or rent for those whose needs are not met by the market.
Annual Monitoring Report (AMR)	The Council produces an AMR each year to assess the performance and effects of the Local Development Documents.
Community Infrastructure Levy (CIL)	A standard charge set by a local authority levied on new development. For example, the CIL may be levied as a certain amount per square metre of development. The money would be used to pay for transport, schools and health centres, flood defences, play areas, parks and other green spaces.
Development Plan Document (DPD)	Local Development Documents (LDD) documents containing the core planning policies and proposals. These are subject to independent examination. Woking Borough Council is intending to prepare the following DPDs: Core Strategy, Delivery DPD, and Proposals Map.
Examination	Formal examination of Local Development Document (LDD) documents by an independent inspector appointed by the Secretary of State. SPDs are not subject to examination.

Equalities Impact Assessment	A transparent assessment of the impact of a local authority's decisions on equality.
Equity share	The owner owns a percentage of the property and the remainder is owned by a third party (landowner, developer or employer). No rent is charged on the unsold equity, but the purchaser may be expected to buy at the market value at a specified time in the future.
Extra care	Extra care housing is a type of specialist housing for people with care and support needs, including older or disabled people and those with long term conditions.
Family home	A property with 2 or more bedrooms.
Financial contribution	Payments to the Council through a Section 106 Agreement, usually on completion of a development. A financial contribution (payment) made by the planning Applicant (usually a developer / house builder) under the terms of a planning agreement (section.106 / s.106 agreement).
Gross Development Value (GDV)	The open market value of the completed unit or units. If a certain site has a proposed development scheme containing multiple dwellings/units, the GDV of that property/site will be the figure based upon the total value possible from the sale of all the units within that proposed development
Housing Associations	Also known as Registered Providers, regulated by the Regulator of Social Housing, provide affordable homes for rent or sale.
Housing Register / waiting list	The list on which people in housing need register for affordable housing, and are placed in bands of priority. In Woking the

	register is managed through a Choice Based Lettings system.
Infrastructure	Includes transport, affordable housing, education, health, social and community facilities, public services, utility services, flood alleviation measures, and green facilities such as parks and gardens.
Inspector	Representative from the Planning Inspectorate, which is an impartial government agency. Leads the examination of the Core Strategy.
Leasehold accommodation	Where the purchaser takes a lease on a property rather than acquiring the freehold, and pays a ground rent to the owner for the upkeep of certain common areas.
Let's Rent Scheme	The Let's Rent Scheme offers private landlords long-term tenancies via a range of professional letting services with no fees or commission. There are no hidden charges and net income will be comparable with many letting agents' offers. We offer 3 letting management services – Core, Connect and Complete. The differences between these services can be found on our website .
Local Development Documents (LDD)	Documents providing the framework for planning in the Borough and guiding planning decisions. Comprises development plan documents, supplementary planning documents and Statement of Community Involvement i.e. both statutory and non-statutory documents.
Low cost housing	General term for sub-market housing, including affordable homes.
Market housing	Open market housing for private sale or rent with no subsidy
Mixed tenure:	Developments where there is a mix of units that are for sale or rent on the open market, and units which are affordable usually for rent or shared ownership sale.

Net additional dwellings	The number of net additional dwelling is the number of proposed dwellings less the number of existing dwellings to be demolished. Any dwelling with a separate Council Tax registration is counted as a dwelling.
Nominations	Method by which councils are able to put forward people from their Waiting List for affordable homes, usually provided through means of a section 106 agreement with developers and Registered Providers.
Perpetuity	In an affordable housing context, homes secured as affordable into the future, for example by planning restrictions on the resale of affordable housing so that it cannot be lost to the market.
Planning obligations	Legal agreement between a local planning authority (council) and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken. For example, the provision of a certain number of affordable homes at a given time. Sometimes also called Section 106 legal agreements, pursuant to section 106 of the Town & Country Planning Act 1990.
Public ownership	Ownership of an asset (such as land or building) by a part of the Government. For example, ownership by a local authority (Borough / District or County Council) or the Ministry of Defence (MOD).
Open Market Value (OMV)	The price of a home on the open property market, its value on the housing market.
Overage	A type of arrangement incorporated into a Section 106 Agreement that seeks to claw back 'excess' profits generated by a development, in comparison with those estimated in the original financial viability appraisal.

Residual Land Value (RLV)	Meaning land value and referred to as a residual because it is the amount remaining after a calculation that deducts from the Gross Development Value (GDV) the various costs of development (e.g. usually comprising of costs including build costs and contingencies, professional fees, site purchase costs, finance costs, developer's profit, marketing and sales expenses). The amount left over (hence 'residual') indicates the land price that can be justified by the calculation and the assumptions used within it.
Shared ownership	A scheme aimed at providing first time buyers, who cannot afford to buy outright a home suited to their needs. The buyer purchases a part of the equity, paying rent on the remainder, which is usually retained by a Registered Provider
Sheltered housing	Housing specifically for older and/or disabled people. Includes a block or group of homes with resident or visiting warden, and individual homes, bungalows and flats, which receive support from a mobile warden or pendant (emergency) alarm service.
Specialist accommodation	Dwellings for people with special needs, including elderly persons, persons with mental or physical needs or temporary accommodation. There are certain types of residential accommodation, which cater for sectors of the community with specific needs. These are often related to the more vulnerable members of society, or those who would benefit from a higher level of on-site support. This need can be divided into two broad groupings – the growing elderly population, and those who may need specialist social support.
Strategic Housing Market Assessment (SHMA)	An assessment of the estimated demand for market housing and need for

	affordable housing in a defined geographical area, in terms of distribution, house types and sizes and the specific requirements of particular groups and which considers future demographics.
Supplementary Planning Document (SPD)	Non-statutory documents that expand upon policies and proposals in development plan documents (DPDs), guiding the delivery of development and the principles set out in the Core Strategy. Unlike Development Plan Documents, SPDs do not form part of the statutory development plan.
Tenure	The nature of the structure by which people own or rent their home. For example – owner occupied, private rented, Registered Provider or council rented.
Threshold	The number of dwelling units that triggers, for example, the affordable housing requirement on a market housing scheme.
Viability	The economic viability of a scheme, assessed through a financial appraisal process of costs and values.
Universal credit	Universal Credit is a new, single monthly payment merging six benefits into one. It is for working age claimants.

ANNEXE 2: NPPF Affordable housing definition

The glossary to the National Planning Policy Framework (Annex 2), as at May 2022, defines affordable housing as follows:

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households. *[NB 'First Homes' fall into this category of affordable housing]*

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

The glossary to the Core Strategy contains a locally specific definition of affordable housing which is compatible with that in the NPPF, but expands on it, saying that affordable housing must '[meet] the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices'. It also cross- refers to the old Housing Strategy which defines affordable

housing as 'housing which meets and continues to meet the needs of people on low and middle incomes who would otherwise not be able to attain housing locally on the open market. Affordable housing is that which can be afforded where the dwelling has the smallest number of rooms appropriate to meet the needs of a household which cannot afford to buy or rent on the open market without some form of subsidy.'

ANNEXE 3: S106 agreement template

The Council does not use a standard Section 106 agreement as the agreement is tailored to the individual circumstances of the site. However sections 5 and 6 provide the background to the requirements for the provision of affordable housing; the following is intended as an indication of the matters likely to be included in any agreement. This is not a definitive list – other matters may be required depending on the site circumstances. Summary of common matters to be included in Section 106 agreements:

- a) details of the planning application
- b) details all parties with an interest in the land (including mortgagees)
- c) a site location plan
- d) definition of affordable housing
- e) number of affordable dwellings, the mix, size, type and tenure
- f) design, standards and location on-site etc.
- g) affordability criteria
- h) details of the affordable housing Provider
- i) phasing of delivery of the affordable housing
- j) obligation to complete an Affordable Housing Scheme
- k) obligation to enter into a Nomination agreement
- l) triggers for the commencement and completion of the affordable housing m) limitation on occupation of the units, and maintaining them for affordable housing
- n) recycling of receipts from disposal of affordable housing
- o) mortgagee in possession clause
- p) cascade arrangements (if any)
- q) funding issues (if any)
- r) registration of the Agreement as a Local Land Charge
- s) payment of the Council's costs in drawing up the agreement

ANNEXE 4: Financial Viability Appraisals

Background information on financial viability and Financial Viability Appraisals is given in section 4.6. The following requirements should be read in conjunction with that section and with the national Planning Practice Guidance on the topic. The Financial Viability Appraisal should contain, in addition to the requirements of the above mentioned guidance, the following information and data:

- a) the methodology used for the appraisal and details of any appraisal software or toolkits used.
- b) land values, both current and at the time of purchase (if different)
- c) Residual Land Values (RLV) and Gross Development Value (GDV)
- d) gross and net area of development
- e) number size and type of units
- g) build costs (per square metre)(and comparison with appropriate published RISC data)
- h) abnormal or exceptional costs not reflected in the land value/price (and reasons why)
- i) other costs (design, legal, consultants, planning etc.)
- j) cost of any other planning obligations including infrastructure requirements and financial contributions
- k) build programme and phasing
- l) interest rates, cap rates, loan costs, cash flows
- m) developers profit and an explanation of its make up, and any company or financiers requirements
- n) anticipated phasing
- o) marketing and legal costs (and as a % of Gross Development Value (GDV) p) anticipated sales price for each unit type, and current assumed value of each unit type
- q) anticipated phasing of sales
- r) ground rents and services charges payable
- s) proposals for on-site affordable housing if required in meeting the requirements of the SPD
- t) anticipated price to be paid by the affordable housing provider, and the assumption on which this is based.

u) substitution values and revenues for less or no affordable housing on-site

v) depending on individual site circumstances and the size of the proposed development, further information may be required, this may include:

- developers Market Analysis Report
- copy of cost plan
- details of company overheads
- copy of financing offer/letter
- Board Report on scheme
- letter from Auditors re: land values and write offs
- sensitivity analysis showing different assumption options (e.g. low, medium and high)

For mixed use schemes similar information and data will be required on the non residential uses. All information and data should be evidenced from an independent expert or source, and be benchmarked.

The following should also be noted:

- each cost, value, revenue, assumption etc. must be evidenced from an independent expert or source
- any assumptions must be explained in detail – in line with national Planning Practice Guidance, please provide a written summary in the application correspondence describing the viability figures provided, giving evidence for all assumptions made, and identifying all information sources.
- the Council will assume that:
 - o the cost of meeting the affordable housing requirements in Policy CS12 should be reflected in the price paid, or price to be paid, for the land, and should be based on:
 - o no public subsidy or grant or payment by the provider of the affordable housing should meet current HCA Guidance, i.e. less than market value.
- abnormal site costs should be reflected in the price paid, or to be paid, for the land.

ANNEXE 5: Nominations Agreements

The Registered Provider or Alternative Affordable Housing Provider ('Provider') will be expected to enter into a Nomination Agreement with the Borough Council that shall contain, as a minimum, the following principles:

1. General

1.1 The Provider will give the Borough Council reasonable notice of all vacancies, sales and re-sales.

1.2 The Borough Council will have a reasonable period in which to nominate households.

1.3 All requests for nominations and resulting nominations will be in writing (including email and fax) and contain appropriate information concerning the property, the sale or tenancy terms and the household nominated.

1.4 In many instances the Borough Council will nominate more than 1 (one) household for each property, where this is the case the Borough Council will put the households in priority order and the Provider will only make offers in that priority order.

1.5 The Borough Council may, at its sole discretion, allow other local authorities and/or public organisations to take up some of the Borough Council's nominations. In this case the Borough Council shall notify the Provider of the nomination arrangements.

1.6 In selecting nominees the Borough Council will have regard to the reasonable priorities and policies of the Provider.

1.7 The Provider will not unreasonably refuse to make an offer to a nominee.

1.8 Where the Borough Council fails to make a nomination within a reasonable time, or a reasonable number of nominees for a property have not resulted in a tenancy or sale of the property, the Provider shall be free to let or sell the property to a household of their choice subject to the cascade in paragraph 1.11.

1.9 The Provider will seek the Borough Council's approval of any marketing or publicity material for the units.

1.10 The Provider will have reasonable regard to the Borough Council's policies, in particular policies on waiting lists, nominations, key workers, and choice based lettings etc.

1.11 In any circumstance where the Provider is able to offer a property to someone who is not a nominee of the Borough Council, the Provider will seek to allocate tenancies or sales in the following order, except where requirements attached to Government funding preclude it:

- Households who reside, work or have close family living in the Borough Council's area.
- Households on the Housing Registers or Waiting Lists of adjacent local authorities in Surrey.
- Households who reside, work or have close family living in the areas of adjacent local authorities in Surrey.
- Any other household with links to the local area.

1.12 The Provider will keep the Borough Council informed during the nomination process including regular updates on the progress of nominees, sales and lettings and the results of nominations.

1.13 The Provider and the Borough Council will agree appropriate arrangements for the monitoring of nomination processes.

2. Social Rented Housing (including any Extra Care Housing)

2.1 The Borough Council will have the right to nominate to 100% of all the initial lettings, and 75% of all re-lets in perpetuity.

3. Shared Ownership Housing (including any Extra Care Housing)

3.1 The Borough Council will have the right to nominate 100% of all sales in perpetuity (or until such time as the property is sold outright).

3.2 The Provider will ensure that the lease (or similar) for each property requires the leaseholder to seek nominations from the Borough Council (via the Provider) if they wish to sell their share of the property.

3.3 The Provider will comply with the affordability criteria set out in the main agreement for initial sales.

4. Similar nomination arrangements will be required for tenures other than those specifically mentioned above.

Relevant extracts from minutes of the Local Development Framework Working Group (LDFWG) meetings on 11 January 2023 and 1 February 2023

LDFWG 11 January 2023

Minutes (extract)

Affordable Housing Delivery SPD- Consultation Outcomes and Proposed Revised Draft

Dan Ashe provided a presentation to members on a summary of key representations received following the Affordable Housing SPD consultation. It was noted that the consultation process started in November for a four-week period.

The following points were highlighted:

Abri

It was highlighted that Abri raised concerns “on the disproportionate number of smaller homes on sites needed to be First Homes”. Dan reported that one way of addressing this, would be stating that a dwelling mix requirement applied to non-first Homes affordable dwellings on site.

A query was also raised to consider “not requiring First Homes”. It was explained a study was carried out in a local Council in Bath concerning First Homes which found that people who took up shared ownership mortgages could not afford First Homes. This led the Council to propose not to apply the National requirement for First Homes. Members were cautioned against this approach which was thought to contradict the National Policy and Woking did not have the evidence to apply this.

Another point raised by Abri was to “remove the requirement for affordable housing to be replaced like-for-like within the Borough”. It was highlighted that the Council should not be providing additional affordable housing outside the borough. This was considered unreasonable as it was believed that Woking had enough people in housing need who have local connections to Woking that replacement should be provided within the borough.

Discussion ensued on the viability, if whether the removal of affordable housing be replaced with like-for-like within the Borough.

Watkins Jones Group

The Watkins Jones Group had requested to remove the requirement of 20% minimum Affordable Housing on Build to Rent schemes and replace with the word “benchmark”. Dan raised concerns on this explaining the problem could attract many developers to go below the 20% mark. Cllr Dorsett suggested by placing the 20% as a minimum would set an expectation for developers. Members agreed for the wording to remain unchanged.

NHS Surrey Heartlands ICB

NHS Surrey Heartlands sought for NHS workers to be Priority One keyworkers regarding access to First Homes. Key workers prioritisation on other forms of Affordable Housing was also requested. NHS Surrey Heartlands offered to work with the Council to ensure that health infrastructure is prioritised in developer contributions, alongside Affordable Housing.

It was noted that it would be biased for the group to only consider NHS workers as Priority One keyworkers who would be allowed to access First Homes. It was acknowledged that there were other service areas with keyworkers to consider within the Borough who could also benefit from the scheme. It was suggested for members to obtain the list for Priority One, Two and Three keyworkers, as well as consulting with the housing allocations department before making a concrete decision on how to address this matter.

Action: D. Ashe

DM Officers

Following comments received from the Development Management Officers, the group discussed whether points raised were effective.

It was recognised that Council did not require affordable housing contributions from housing sites over 0.5 hectares, but had less than 10 dwellings. Though this could be applied as it was National Policy. Dan highlighted concerns about this consideration, suggesting that in some instances the contributions received might be small and exceed the time and effort on these types of applications.

It was thought that Waverley sought contributions from these housing sites by applying a standard formula used to calculate the financial contributions.

Following a request to review expected profit levels in calculations on overage clause which is currently 20%, members were reminded that the 20% was already written in the viability appraisal which formed the reinforcement of the CIL.

Following discussions members agreed that council should not seek affordable housing contributions from Gypsy and Traveller sites.

Development Management Officers sought to clarify whether housing mix proportions, etc, would change when the new SHMA is implemented. It was agreed that Officers would discuss with housing colleagues and update members before making a final decision.

Action: D. Ashe

Regarding the housing nomination's agreement, it was agreed for housing colleagues to be contacted to determine whether they use the local connection test or the Homes England grant funding requirements when allocating housing.

Dan informed members that Officers may consider a current planning consultation presented by the Government, that may lead to the Council having a new threshold which may not allow for the requirement of Affordable Housing.

LDFWG 1 February 2023

Minutes (extract)

Affordable Housing SPD

Following an update on the Affordable Housing SPD at the last meeting, Dan Ashe updated the Group on the changes that had been made following that discussion. These were detailed in the report.

The Chairman asked about the priority one and two key workers (section 3.5) and whether both should be of the same priority, adding people such as care workers to the higher priority. Dan Ashe said that he could follow this up with the housing department as he was not sure how these were graded. Beverly Kuchar commented that the more the priority one group was expanded, the harder it would be for those key workers to get priority. Following discussion, it was agreed that it should remain as it was detailed in the report.

The Chairman hoped that the updated SPD would help get more affordable housing in the Borough.

EXECUTIVE – 23 MARCH 2023

CLIMATE CHANGE STRATEGY REVIEW

Executive Summary

The Council's climate change strategy is under review, informed by self-assessment against good practice examples and feedback from recent external evaluation. The draft document provides a comprehensive update on the Council's ambitions and next steps in achieving its climate and ecological emergency declaration targets. The draft was recently considered by the Greener Woking Working Group and following Councillor and officer feedback, a further draft will be subject to public and stakeholder consultation from mid-May 2023. This will not only help shape and inform the final strategy but will also provide an opportunity for public engagement and further awareness raising of the need for all to play their part in local climate action. The review and consultation will run in parallel to that of the Council's Climate Change Supplementary Planning Document (SPD).

Recognising the power of individuals and communities to make a difference, the Executive is also asked to endorse the national, volunteer led Take the Jump campaign which encourages sustainable living through "shifts" in behaviour. In order to lead by example, Woking Borough Council staff and Councillors are encouraged to consider what behaviour shifts they can take in support of the shared objectives of the campaign, the Council's corporate and Borough-wide climate commitments.

The report also acknowledges the Annual Climate Change Update that was recently received by the Overview and Scrutiny Committee at its meeting on 20 February 2023. The update highlights work undertaken in furtherance of the Council's climate and ecological emergency declaration over the last year as well as outlining future projects and plans.

The report also seeks formal approval for renewed Terms of Reference for the Greener Woking Working Group.

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the contents of the proposed draft climate change strategy (attached at Appendix 1 to the report) be noted and approved for public engagement and consultation commencing mid-May 2023;
- (ii) delegated authority be given to the Strategic Director - Place, in consultation with the Greener Woking Portfolio Holder, to approve amendments to the draft strategy to reflect new information before it is published for public engagement;
- (iii) the Take the Jump campaign be endorsed, and staff and Councillors be encouraged to consider what behaviour shifts they can take in support of the Council's corporate climate commitments;
- (iv) the activities undertaken to date and those planned in furtherance of the Council's climate and ecological emergency declaration, be

noted as reported to the Overview and Scrutiny Committee on 20 February 2023; and

- (v) the Terms of Reference for the Greener Woking Working Group be approved.

Reasons for Decision

Reason: To note the review of the Council’s climate change strategy and planned public consultation; the role of public engagement in local climate action and the continuing activities of the Council and its partners in furtherance of its climate and ecological declaration commitments.

The Executive has the authority to determine the recommendation(s) set out above.

- Background Papers:** [Woking 2050](#)
[Annual Climate Change Update report to the Overview and Scrutiny Committee, 20 February 2023](#)
- Reporting Person:** Giorgio Framaliccio, Strategic Director - Place
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- Portfolio Holder:** Councillor Peter Graves
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- Shadow Portfolio Holder:** Councillor Josh Brown
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- Date Published:** 15 March 2023

1.0 Introduction

- 1.1 The Climate Change Strategy at Appendix 1 is presented as the draft follow up strategy to Woking 2050 which was adopted in 2015. It reaffirms the Council's commitment to tackling climate change – a central priority for this Council.
- 1.2 [Woking 2050](#) set out a vision guiding our collective efforts to create a sustainable Borough by reducing our impact on the environment. The significance of the year 2050 used in the strategy's title was tied to the national legislation in place at the time of its adoption. The UK's Climate Change Act sought to reduce greenhouse gas emissions by 80% by 2050 on the 1990 baseline. This was adopted as a local target at the time of the last revision of the Climate Change Strategy (September 2015). This national target was superseded by a pledge to reach net zero by 2050, which was also adopted locally as part of the Council's [climate and ecological emergency declaration](#) (July 2019).
- 1.3 Much has been achieved locally since the last strategy, with the following activities offering a snapshot of how the Council has and continues to progress this priority agenda:
 - The Council's biodiversity and green infrastructure strategy – Natural Woking – was adopted in 2016;
 - On 25 July 2019, the Council declared a [climate and ecological emergency](#) pledging to become carbon neutral by 2030 across its own estate and operations, and by 2050 (or sooner) across the wider Borough;
 - A Climate Emergency Action Plan (CEAP) was adopted in February 2020 setting out a range of priority actions in furtherance of the declaration;
 - The Council's climate change and biodiversity communications campaign, [Planet Woking](#), was launched in September 2020;
 - May 2022 saw the new Liberal Democrat administration confirm climate change within its top three priorities;
 - The Council's Woking for All strategy (adopted in 2022) includes a core greener communities theme, acknowledging the commitment to climate change action by the local authority and in its role as a key influencer and enabler for engagement by others;
 - A carbon footprint assessment undertaken in 2022 gives the Council the most accurate insight to date into its emissions and pathways to a net zero estate.
- 1.4 A comprehensive update of activities over the last year was reported to the Overview and Scrutiny Committee at its meeting on 20 February 2023 as part of the Annual Climate Change Update report. See section 4 of this report for more details.
- 1.5 The revised strategy sets out our continuing climate ambitions across nine themes:
 - Energy
 - Waste
 - Water
 - Transport
 - Economy, business and supply chains
 - The Natural Environment
 - Communicating and Enabling Change
 - The Built Environment
 - Woking Borough Council's Journey to Net Zero
- 1.6 Each gives guidance and direction for how the local authority, our residents, businesses and partner organisations can all play their part to achieve our shared environmental goals.

2.0 Strategy review process

2.1 A number of steps have been taken to inform the revised draft strategy:

- Officers in Green Infrastructure undertook a self-assessment of the prevailing strategy against good practice examples from other local authorities and against guidance, such as that available through [Ashden's 31 Climate Actions for Councils](#).
- The prevailing strategy was also benchmarked against the Council's scores and feedback from Climate Emergency UK's (CEUK) score cards on local authority action on climate change. Released in January 2022, CEUK's "league table" scored councils on climate action based on the availability of information on their authority websites and through their climate change strategies. Woking scored 70, ranking tenth amongst district councils nationally, and only second to Waverley Borough Council in Surrey.
- Using the information above, a gap analysis was undertaken by Green Infrastructure to identify what the updated strategy needed to include.
- The prevailing strategy was adopted before the Council declared a climate and ecological emergency and associated carbon reduction targets, so these are a central focus of the update.
- Relevant aspects of Surrey County Council's [Climate Change Delivery Programme](#), which the Council resolved to support in January 2022, are also addressed.
- The reviewed strategy also reflects topics received by the Greener Woking Working Group through quarterly CEAP updates, Woking Environment Action proposals, and other relevant committee reports in recent years.

2.2 The results of the recent corporate carbon footprint assessment, completed in September 2022, have also been incorporated into the update.

2.3 The draft document has been subject to internal officer consultation and has been through the following Working Groups and Committees ahead of this Committee and planned public consultation (see section 7 of this report for further details):

- Local Development Framework Working Group – 1 February.
- Greener Woking Working Group – special meeting 8 February.
- Overview and Scrutiny Committee – 20 February.

2.4 The strategy is currently in 'living draft' form while officer and councillor feedback continues to be incorporated. It will be subject to further formatting and inclusion of images to make it more reader friendly and accessible. It is hoped that the final document could be subject to graphic design expertise to fit with the corporate branding and style of other Council strategy documents.

2.5 A summary document will also be compiled by Green Infrastructure to accompany the full strategy at the public consultation stage.

3.0 Take the Jump climate campaign

3.1 The [Take the Jump](#) campaign is a volunteer led national campaign that promotes movement away from unsustainable consumption to a greener way of living that is in balance with nature. While recognising the role of government and business in changing policy, it emphasises the power that individuals and communities have to make a change.

- 3.2 The campaign encourages people to try out six lifestyle shifts to live more sustainably. The aim is “a world of *less stuff and more joy, balancing humanity with nature* and reducing the *impact of consumption in rich countries by 2030*”. Research behind the campaign highlights that citizens can have a huge role in making this happen and so encourage everyone to try out a shift for one, three or six months to see the positive change it can make. The shifts include:
- End clutter – keep products for at least seven years.
 - Travel fresh – without personal vehicles if you can.
 - Eat green – promoting a plant-based diet.
 - Dress retro – limit new items of clothing to three a year.
 - Holiday local – limiting the number of flights to one in three years.
 - Change the system – encouraging one life shift to “nudge the system”.
- 3.3 [Woking Environment Action \(WEAct\)](#) has promoted the campaign to visitors to their climate hub and has asked that the Council encourage members of the public to sign up.
- 3.4 As stated in the draft climate change strategy (see Theme 7: Communicating and Enabling Change), the public sector only accounts for 3% of borough wide greenhouse gas emissions. Consequently, as well as influencing policy and regulation, Woking Borough Council has a key role in helping support communities by enabling change through engagement and helping others to also take ownership of action on climate change.
- 3.5 One of the fundamental ways the Council can help is to raise awareness of climate change and how our local residents, businesses and community groups, large or small, can get involved and make a difference.
- 3.6 In September 2020, the Council launched the [Planet Woking](#) programme – our climate change communications campaign. Its purpose is to share what the Council has done and continues to do to meet our net zero targets; and to inspire local people to get involved and continue to make changes to live a greener, more sustainable life.
- 3.7 The Take the Jump campaign complements the Planet Woking initiative and our wider climate ambitions and so endorsement of the campaign is sought by the Executive. To further lead by example, it is encouraged that Council staff and councillors be asked to consider what behaviour shifts they can take in support of the Council’s corporate climate commitments.

4.0 Annual Climate Change Update report

- 4.1 The Overview and Scrutiny Committee received the Annual Climate Change Update at its meeting on 20 February 2023. The update highlights work undertaken in furtherance of the Council’s climate and ecological emergency declaration over the last year as well as outlining future projects and plans.
- 4.2 This activity informs the draft climate change strategy, along with key policy developments at the national and local level.

5.0 Greener Woking Working Group Terms of Reference

- 5.1 The Greener Woking Working Group, at its meeting on 30 November 2022, endorsed refreshed Terms of Reference for the group’s operation and resolved to recommend these to the Executive for their formal approval. The Terms of Reference are attached at Appendix 2.

6.0 Corporate Strategy

- 6.1 The climate change strategy review assists in the continued delivery of a number of corporate objectives, most notably effective use of resources, improving the Borough’s biodiversity and

green infrastructure, engaging our communities, and supporting sustainable development and a strong economy.

- 6.2 The Annual Climate Change Update report demonstrates activities that contribute to these goals over the course of the last year; as well as those planned for the year ahead.
- 6.3 The proposed endorsement of the Take the Jump campaign, alongside existing Planet Working communications, and planned public consultation will further engage residents on the green agenda.

7.0 Implications

Finance and Risk

- 7.1 There are no financial implications associated with this report. The climate change strategy review and draft has been undertaken in-house by officers in Green Infrastructure. Planned public consultation will be managed within existing budgets.
- 7.2 However, as noted in the Annual Climate Change Update report to Overview and Scrutiny Committee, delivery of the CEAP will require an ongoing financial commitment by the Council and access to external funding.
- 7.3 There are no risk management implications associated with this update report. However, as recognised through the cross-party declaration, the climate and ecological emergency requires urgency and sustained action in order to address the inevitable impacts of climate change.

Equalities and Human Resources

- 7.4 There are no equalities implications associated with this update report. Planned public consultation will be managed within existing staff resources.
- 7.5 However, it is noted that the impacts of a changing climate can be felt more acutely by those that are vulnerable within our community. Examples of this include flood risk and tackling fuel poverty.

Legal

- 7.6 There are no legal implications associated with this report.

8.0 Engagement and Consultation

- 8.1 Pending updates to the 'living draft' strategy document, the strategy will be subject to public consultation after the local elections. Exact dates are to be determined but a full six-week consultation period will be observed, from mid-May to the end of June.
- 8.2 The strategy review and consultation run in parallel to that of the Council's Climate Change SPD (subject to a separate report on this Executive agenda).
- 8.3 The details of the consultation programme and engagement methods for this and for the updated Climate Change SPD are being determined by Green Infrastructure and Planning Policy in consultation with the Council's Lead Engagement Officer in Marketing and Communications.
- 8.4 The draft strategy suggests a number of consultation questions that will be used to inform a consultation survey.

- 8.5 Online consultation will be facilitated through the Woking Community Forum and through Planet Woking. In-person consultation will be facilitated through drop-in sessions at community centres.
- 8.6 Targeted stakeholder engagement will be undertaken by email, signposting to the wider public consultation.
- 8.7 Feedback gained through public consultation will be reviewed during July and August to inform a final version of the strategy for adoption. This will then be taken through equivalent Working Group and Committee cycles to those outlined in section 2 of this report, seeking approval and adoption during September and October 2023.

9.0 Conclusion

- 9.1 The draft climate change strategy has been compiled in-house by officers in Green Infrastructure informed by self-assessment against good practice examples and feedback from recent external evaluation.
- 9.2 It offers a comprehensive update on the Council's ambitions and next steps in achieving its declaration targets.
- 9.3 Public and stakeholder consultation will not only help shape and inform the final strategy but will also provide an opportunity for public engagement and further awareness raising of the need for all to play their part in local climate action.
- 9.4 Endorsement of the Take the Jump campaign would further enhance existing climate focused communications via Planet Woking. Corporate endorsement would enable the Council to lead by example by encouraging its staff and councillors to take action in support of its green agenda.
- 9.5 The revised Terms of Reference of the Greener Woking Working Group recognise the ongoing role of the group in discussing sustainability and environmental issues in the Borough.

REPORT ENDS

Draft Climate Change Strategy

A copy of the draft climate change strategy is available as a PDF attachment. Please note this is a living draft and subject to changes as part of ongoing feedback ahead of public consultation.

Greener Woking Climate Change Strategy

A vision for a net zero borough



Images / cover design not final, just illustrative

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1.0 Introduction

Woking Borough Council has long been committed to protecting the environment. Our first climate change strategy was adopted in 2002, although activities in this area began much earlier in 1990. This climate change strategy is the follow up to 'Woking 2050', which was adopted in 2015. It reaffirms the Council's commitment to tackling climate change – a central priority for the Council, its political and corporate leadership.

A lot has happened in the intervening period. Climate change grew in prominence once again internationally, nationally and locally. And as we began to review this strategy, the effects of our changing climate were reported with ever increasing frequency in the news with record summer temperatures felt in the UK; unprecedented heat health warnings reaching code red for first time; heat related deaths across Europe and devastating floods in Pakistan. All this reaffirming the reality of climate change and the likelihood of further extremes to come if we don't act.

Defining moments on the international stage included COP26 and COP27. In November 2021, the UK hosted COP26, a conference that emphasised the continuing critical need for climate action. The emerging Glasgow Climate Pact comprised various pledges covering aspects of mitigation and adaptation such as reducing dependence on fossil fuels, ramping up the transition to electric vehicles and halting and reversing deforestation. COP27 hosted in Egypt in November 2022 saw the agreement to establish a loss and damages fund. This will see developed countries providing financial support to developing countries (which are often the hardest hit by climate change and yet contribute the least to its causes), to help fund costs accrued as a result of global warming. The commitment to limit global warming to 1.5°C above pre-industrial levels was reasserted having been central to COP26 and the requirement for countries to strengthen their mitigation plans remains in place. COP 27 was not without its controversy however with no deal struck to phase out the use of fossil fuels, instead committing to phasing down unabated coal power. Nonetheless, whilst the focus of these negotiations was sealing international collaboration; there also came an emphasis that governments and communities at all levels can and must play their part. Climate change is a global issue but one that can be tackled locally.

Meanwhile, in October 2021, the UK government published its Net Zero strategy. However, since then various global factors have impacted the national economy resulting in huge financial and inflationary pressures affecting households and businesses. The government launched a review of its strategy a year on to determine the best ways to deliver net zero to ensure it is pro-growth and pro-business.

Much has been achieved on the local scale through our previous strategy. The following activities offer a snapshot of how the Council continues to progress this agenda:

- The Council's biodiversity and green infrastructure strategy and guidance – Natural Woking – was adopted in 2016;
- In July 2019, the Council declared a [climate and ecological emergency](#) pledging to become net zero by 2030 across its own estate and operations, and by 2050 (or sooner) across the wider borough;

- A Climate Emergency Action Plan (CEAP) was adopted in February 2020 setting out a range of priority actions in furtherance of the declaration;
- The Council's climate change and biodiversity communications campaign, Planet Woking, was launched in September 2020;
- May 2022 saw the new political administration confirm climate change within its top three priorities;
- The Council's Woking for All corporate strategy (adopted in 2022) includes a core 'greener communities' theme, acknowledging the commitment to climate change action by the local authority and in its role as a key influencer and enabler for engagement by others;
- A carbon footprint assessment undertaken in 2022 gives the Council its most accurate insight to date into its emissions and pathways to a net zero estate.

However, Woking borough is not insulated from the prevailing national economic challenges and the cost-of-living crisis which is impacting our residents and businesses at the local scale. Nevertheless, as highlighted by [The Carbon Literacy Project](#), tackling climate change ought not be pitched head to head against other issues and shouldn't be a binary choice. The co-benefits of environmental action for the economy, for health and wellbeing and for the community are now more pressing than ever. The importance of local government in the role of net zero and the opportunities for local green and sustainable growth are explored in this new strategy.

Resources

Read more about our work to date in the section "How we're tackling climate change locally".

[Woking Borough Council's climate change webpages](#)

[Planet Woking](#)

2.0 What is climate change?

There is clear evidence to show that climate change is happening and is due to human activity. In fact, the [Intergovernmental Panel on Climate Change \(IPCC\)](#) states that “human activity is unequivocally the cause of climate change”.

As explained by the [Met Office](#), climate change refers to a large scale, long term shift in weather patterns and average temperatures. Since the 1800s, human activities such as burning fossil fuels, have resulted in the release of carbon dioxide and other greenhouse gases into the atmosphere. They trap the heat from the sun causing the planet to heat up – this is also referred to as global warming or the greenhouse effect. It is this process that results in changes to the climate. *Insert diagram here to illustrate greenhouse effect.*

The Met Office’s UK Climate Projections predict what effect climate change will have in the UK. Generally, we will see:

- Warmer and wetter winters
- Hotter and drier summers
- More frequent and intense weather extremes

These trends are likely to be felt in the local area with implications such as increasingly extreme local weather like more intense downpours, more severe droughts and floods, and more extreme heatwaves which all have direct and consequential impacts on our society. Some of these effects are already being felt now. Some further implications, threats and challenges of climate change are explored later in this strategy.

Greenhouse gases remain in the atmosphere for many, many years and so it is inevitable that some degree of warming will continue. However, how much will depend on what changes we can make now. In order to limit climate change, ultimately we need to make drastic cuts in greenhouse emissions. Climate scientists recommend that to prevent the very worst effects of climate change, warming needs to be limited to 1.5 degrees above pre-industrial levels. The Paris Agreement was the first-ever universal, legally binding global climate change agreement, adopted at the Paris climate conference (COP21) in December 2015. It set out a global framework to avoid dangerous climate change by limiting global warming to well below 2°C and pursuing efforts to limit it to 1.5°C. However, research shows that global temperatures have risen by 1 degree already and to “keep 1.5 alive”, far reaching cuts in carbon together with wholesale transitions to cleaner fuels and more sustainable living are still much needed. Analysts suggest that despite pledges and actions plans agreed at COP26 and COP27, warming is likely to go beyond 1.5 degrees. Recent global geopolitical and economic factors have had a part to play in terms of slower than hoped action and delivery. What is certain though is faster paced action will not only limit catastrophic impacts on nature and society but will have benefits for more resilient and sustainable economies.

There are many ways in which we can all play our part to help tackle climate change locally, as explored in the chapters within this strategy.

Throughout the strategy, action on climate change covers two areas: mitigation and adaptation. Mitigation relates to action taken to tackle the causes of climate change i.e., by reducing greenhouse gas emissions from human activities. Adaptation relates to action taken to adapt to the inevitable effects of climate change.

In July 2019, the Council declared a climate and ecological emergency, pledging to reach net zero across the Council estate by 2030 and by 2050 or before for the wider borough.

The terms carbon neutral and net zero are often used interchangeably, but what do they mean and are they the same thing? Ultimately, they both look to remove harmful gases from the atmosphere. But, as explained by the [National Grid](#), they do this on different scales.

Carbon neutrality focuses on removing the equivalent amount of CO₂ as emitted through activities and operations. Net zero goes beyond this and looks to eliminate all associated greenhouse gases.

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3.0 Our Vision for a Net Zero Woking

This strategy sets out our net zero ambition across nine chapters:

- Theme 1: Energy
- Theme 2: Waste
- Theme 3: Water
- Theme 4: Transport
- Theme 5: Economy, business and supply chains
- Theme 6: The Natural Environment
- Theme 7: Communicating and Enabling Change
- Theme 8: The Built Environment
- Theme 9: Woking Borough Council's Journey to Net Zero

Each gives guidance and direction for how the local authority, our residents, businesses and partner organisations can all play their part to achieve our shared environmental goals.

In the context of our climate and ecological emergency declaration, and underpinning these themes, are **two overarching objectives** to ensure we remain on track to meet our climate change commitments:

Objective 1: A net zero Council estate by 2030

Objective 2: A net zero borough by 2050 (or 2045)

Each theme will contribute to these through targets and actions. The Strategy is designed to enable us all, whether we live, work or are visitors to the Borough, to help achieve these objectives.

The strategy will be reviewed annually to ensure the targets and objectives remain relevant and annual priority actions to deliver the objectives are agreed and set.

Beyond our net zero goals are a set of principles for the future of our borough which were agreed in our previous strategy and remain relevant now. Ultimately for the benefit of all, we want a borough:

- that protects and enhances its high-quality natural environment;
- where resources are used wisely, and biodiversity is conserved;
- that has a built environment that is developed sustainably, which meets local needs and enables the local economy to prosper;
- that recognises, prepares and adapts to the socio-economic; environmental and demographic changes that the future will bring.

Consultation questions:

- Do you agree with the suggested themes?
- Do you agree with the objectives and overarching goals proposed?

4.0 The borough’s carbon footprint: what does net zero look like?

The Council’s climate and ecological emergency declaration pledges to reduce the borough’s carbon emissions to zero by 2050 (or 2045). But what does this mean and what is the scale of reduction needed? The latest emissions statistics for Woking borough are shown below:

	Industry Total	Commercial Total	Public Sector Total	Domestic Total	Transport Total	Agriculture Total	Waste Management Total	Grand Total	Per Capita Emissions (tCO _{2e})
2018	91.9	61.6	13.7	157.4	138.7	3.5	18.1	477.1	4.7
2019	94.9	53.7	13.5	151	134.6	3.5	12.3	455.5	4.5
2020	90.7	43	12.9	148.4	112.5	3.4	11.5	414.6	4.1
% of 2020 totals by sector	21.9	10.4	3.1	35.8	27.1	0.8	2.8		

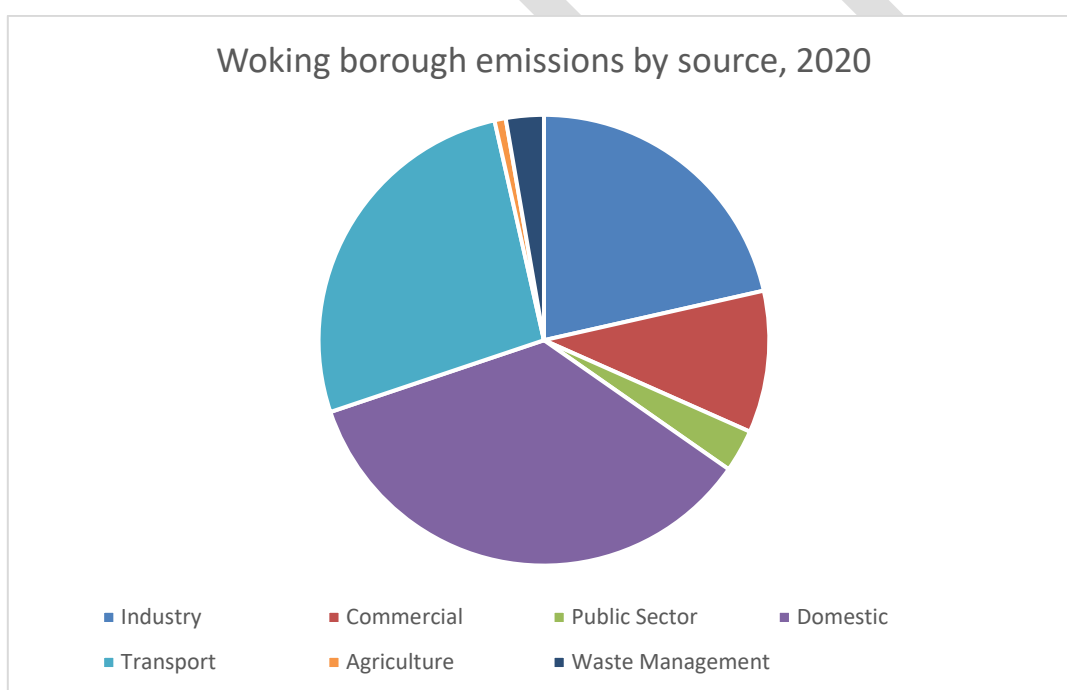


Table and pie chart: Woking borough CO₂ equivalent emissions. Source: UK local authority and regional greenhouse gas emissions national statistics (ktCO_{2e}) – published by the Department of Business, Enterprise and Industrial Strategy (BEIS) 30 June 2022 (Figures may not add due to rounding)

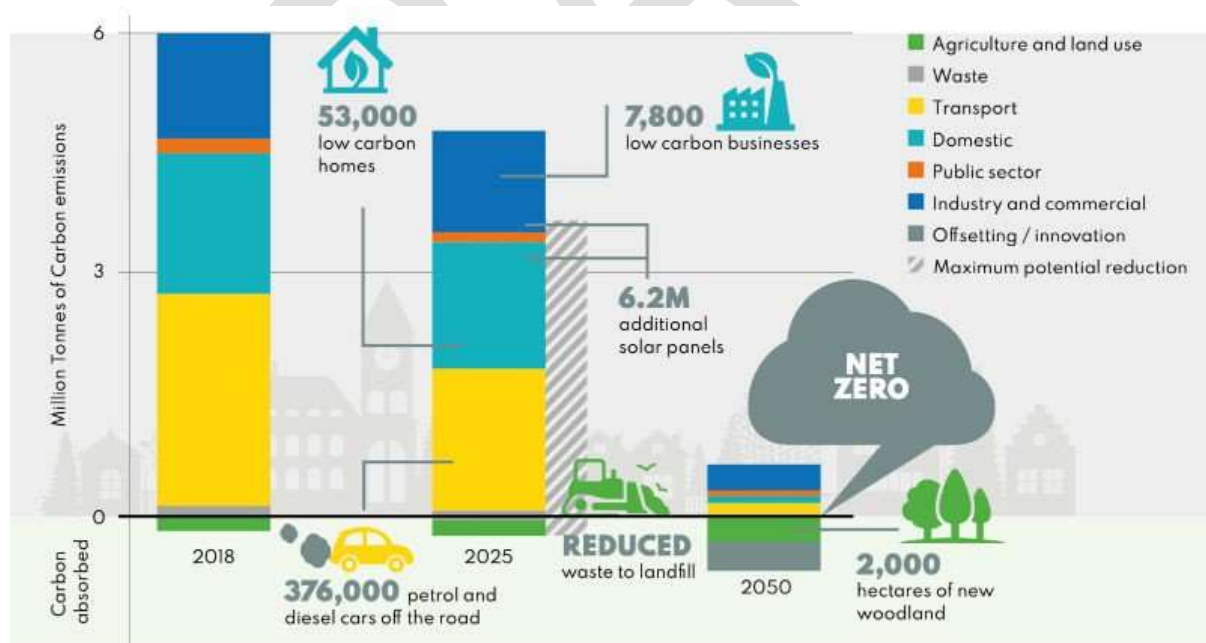
The largest contributors to the borough’s carbon footprint are domestic emissions (35.8%) and transport (27.1%). Our area’s industrial and commercial activities combined, account for one third of the area’s greenhouse gas emissions. Meanwhile, the public sector accounts for 3%. You can find out more about the implications for the Council estate in the chapter “Woking Borough Council’s Journey to Net Zero”.

The borough figures highlight the need for public support and engagement in tackling climate change locally and how we can all work together – across all sectors of society - to positively influence the future of the Borough for generations to come.

This strategy explores how we can contribute to emissions reductions across the nine themes. Broadly though we'll need to decarbonise our fuel sources; electrify transport; retrofit our homes and buildings to reduce energy demand and reduce waste. As the proportion of renewables powering the national grid continues to increase, we'll benefit from associated carbon reductions but we need to do more. To help understand the scale, according to [Pawprint](#), the average carbon footprint per person in the UK is 12.7 tonnes CO₂e. This is equivalent to driving 23,000 miles in an average sized car – once around the world. Find out more about your personal carbon footprint by using WWF's [carbon footprint calculator](#).

To reach net zero, the borough collectively will have to eliminate almost 415,000 tonnes of CO₂e emissions by 2050.

Through its [Greener Futures Climate Change Delivery Programme](#), Surrey County Council estimates that we will need to work together to reduce countywide carbon emissions by 1.3 million tonnes by 2025. The infographic that follows (permission requested to include) demonstrates the scale of the challenge. Deep emissions cuts will be needed through a marked transition away from fossil fuel dependency, through measures such as the installation of 6.2 million solar panels; taking 376,000 petrol and diesel cars off the road; the conversion of 53,000 low carbon homes; and 7,800 low carbon businesses.



Consultation question:

- Should Woking Borough Council adopt the emission reduction pathways for Surrey as a tracker towards our own borough-wide 2050 goal? The target would be Woking's share of Surrey's 1.3 million tonnes to be reduced by 2025.

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5.0 The Co-Benefits and Challenges of Climate Action

As well as the direct environmental benefits of climate change **mitigation** (i.e. the reduction or avoidance of greenhouse gases emissions), there comes a range of positive effects – or **co-benefits** – including:

Environmental	Social	Economic
Improved biodiversity and expansion of green space.	Lower emissions / pollutants resulting in cleaner air and improved public health.	Local energy and climate projects boosting local employment and economic activity.
A cleaner greener borough.	Active travel (walking and cycling) results in positive health benefits through physical activity.	Energy security and resilience brought about by increased renewable supplies.
Protection and enhancement of the local environment and habitats. Possible new or returning species with changes in local conditions.	Equity and social cohesion through enabling affordable energy and tackling fuel poverty. Access to energy efficiency advice / support.	Creation of green jobs and green apprenticeships. Investing in future green skills. Training and upskilling of workforce.
Less waste.	Citizen engagement.	Future proof new developments by incorporating smart design features that work with our changing climate e.g. mitigating against solar gain; enhancing drainage; etc.
More sustainable use of resources.	Reduced congestion brought about by a shift to sustainable and active modes of travel.	Opportunities for increased green tourism.
Improved air quality benefiting us, our habitats and local wildlife.	Pride of place.	Digital transformation enabling smarter efficient working.
	Contribution that green spaces and environmental improvements can make in supporting both physical and emotional wellbeing.	

Climate change **adaptation** is defined as making adjustments to limit the negative effects of climate change or to taking advantage of opportunities provided by a changing climate. By

recognising the potential impacts and preparing in advance, it will mean we will be better protected against the challenges of climate change for the local area. By embracing and planning for adaptation, the less it will cost in the long term and the better prepared and more resilient we will be.

Challenges for the local area may include:

Environmental	Social	Economic
Changes in climate resulting in changes or even losses to local wildlife species and habitats affecting local biodiversity.	Public health risks brought about by exposure to extremes in weather (both hot and cold). Also weather events such as storms.	Impact of public health risks on health service and other critical services.
Spread of invasive species such as Himalayan Balsam affecting native biodiversity.	Disruption to distribution and supply chains resulting in lack of medication and food.	Disruption to distribution and supply chains impacting local businesses.
Poor air quality impacting our local habitats and wildlife.	Poor air quality caused by traffic and congestion exacerbating respiratory conditions.	Damage to properties and infrastructure caused by flood events, storms and high winds.
Greater risk of wildfire and heathland fires resulting in a loss of protected rare habitats.	Displacement and damaged property caused by flood or wildfire events.	Disruption to transport, business, utilities and schools during extreme weather events.
Impact of drought on groundwater levels affecting habitats and wildlife.	Potential health risks caused by contaminated flood water and waterborne diseases.	Existing buildings too hot and/or too cold with poor design and thermal efficiency unable to adapt to changing climate, affecting take up of older premises.
	Eco-anxiety.	
	Impact of extreme weather events felt more strongly by the most vulnerable in our community.	
	Depletion of stored water reserves during drought may lead to supply disruption, hose pipe bans etc.	
	Infectious disease such as Flu pandemics may be exacerbated by extremes of cold and hot weather.	
	Houses too hot and/or too cold with poor design and thermal efficiency unable to adapt to changing climate,	

	affecting comfort of occupants.	
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It is clear that climate change is not just an environmental issue. The table above demonstrates how it impacts our society, our health and our economy. The impacts of climate change are, and will continue to be felt, by everyone in our community but those most vulnerable will be hit hardest. Woking Borough Council is working with partners across these themes to build on the opportunities, tackle the challenges and to focus support for those most in need.

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6.0 How we're tackling climate change locally

Woking Borough Council has long been committed to protecting the environment. Its first climate change strategy was adopted in 2002, although activities in this area began much earlier in 1990. [A timeline of activities is available on the Council's website.](#)

On 25 July 2019, the Council declared a [climate and ecological emergency](#) pledging to become net zero by 2030 across its own estate and operations, and by 2050 (or sooner) across the wider borough. The declaration acknowledged the need for accelerated action. It also highlighted the need for climate action to go hand in hand with conservation and biodiversity protection and enhancement. A Climate Emergency Action Plan (CEAP) followed in February 2020.

This strategy update reaffirms our commitments and how we continue to hold climate change at the heart of our activities. The nature of our earlier declaration and continuing work is such that many activities are cross-service and involve inter-departmental working. All Council activities and services have an important part to play in reducing its overall climate impact. The need for cross-service collaboration is vital and fundamental to achieve our goals.

Many activities and projects continue to be made possible through working together with key stakeholders, commercial partners and volunteer organisations to meet our shared environmental goals. These activities are key to achieving net zero both across the council estate and borough wide. Our continuing collaboration with organisations such as ThamesWey, Action Surrey, Woking Environment Action, Woking Chamber, Surrey Heathland Partnership and Surrey Wildlife Trust (amongst others) is highlighted throughout this strategy.

There are clear synergies between the Council's own climate commitments and those of our neighbouring districts and boroughs; and Surrey County Council's own Greener Futures Climate Change Delivery Programme. Ultimately our actions to reduce the Council's, and the wider borough's, carbon footprints will also contribute towards these wider county ambitions. Whilst recognising the areas of influence, opportunities and uniqueness that each geographical area offers in decarbonising their own operations and services; and helping their communities do the same; this opportunity for countywide collaboration is vital for our local environment.

This collaboration is reflected in the themes of this strategy and includes details of local action taken by the Council and its partners to meet our shared net zero goals.

The Council plays a key role in shaping the future of the Borough given its fundamental roles as a user, influencer and regulator of policy and services. These roles offer a range of opportunity to influence the future of Woking, the type of place it will be and its environment. In May 2022, the new political administration confirmed climate change within its top three priorities. Furthermore, the Council's Woking for All strategy was adopted in 2022, providing the strategic direction in shaping the future of our borough. Its inclusion of a 'greener communities' theme, acknowledging the core corporate commitment to climate change action by the local authority - placing climate change at the centre of Woking Borough Council's decisions and actions - secures a strong foundation for this strategy and the vision for a net zero borough. In turn this positively influences decision making and investment planning.

Alongside Woking for All, many of our strategies demonstrate the links between Council services and activities and their links to what we're doing on climate change:

- [Natural Woking](#)
- [Renewable Energy Plan](#)
- [Health and Wellbeing Strategy](#)
- [Local Cycling and Walking Infrastructure Plan](#)
- [Economic Development Strategy](#)
- [Housing Strategy 2021-2026](#)
- [Digital Strategy 2022-2025](#)
- [Countryside Strategy](#)

6.1 Climate change and the community – we need you

This climate change strategy has two overarching objectives to ensure we remain on track to meet our climate change commitments:

Objective 1: A net zero Council estate by 2030

Objective 2: A net zero borough by 2050 (or 2045)*

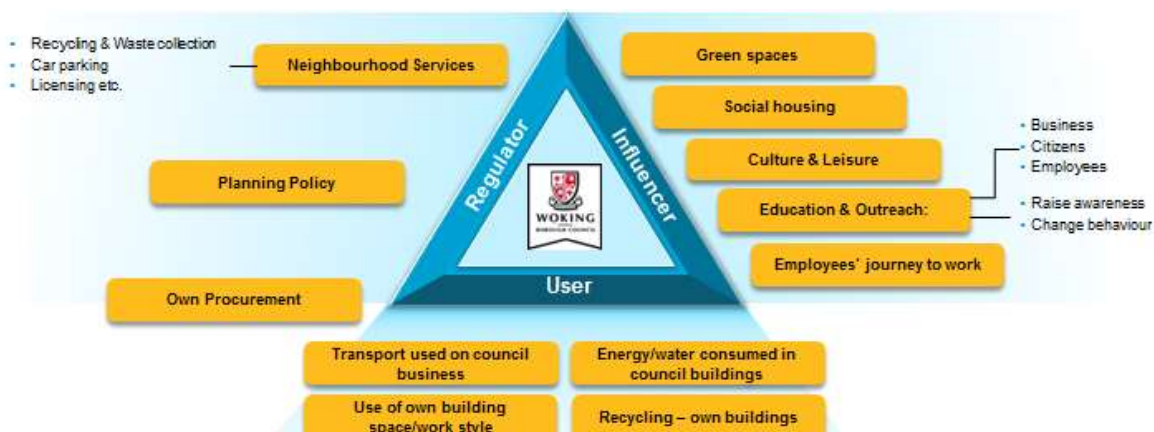
[*link to consultation question about changing area wide target? UK100 membership requirement...](#)

Objective 1 is underpinned by a carbon footprint assessment undertaken in 2022 which gives the Council its most accurate insight to date into its emissions and pathways to a net zero estate. See the chapter 'Woking Borough Council's Journey to Net Zero' for further information.

While we continue to embed climate change in our decision making we must also bring the community closer to climate action and encourage positive, sustainable behaviours that benefit our local environment. And that's why in September 2020 we launched [Planet Woking](#), the Council's climate change and biodiversity communication programme.

As seen in the chapter 'The borough's carbon footprint: what does net zero look like?', public sector emissions only account for 3% of the borough's footprint. The diagram below indicates what leverage we have as the local authority in terms of our role as a user, influencer and regulator of policy and services. To achieve the stated goal, Woking Borough Council cannot do this in isolation. We will continue to work collaboratively with our partners and stakeholders. We will also need to continue to lobby government. But ultimately, to achieve Objective 2's vision for a net zero borough we will need the engagement and buy in of all of our communities.

[Update diagram below.](#)



The proposed themes of this strategy demonstrate how each sector of the community can positively contribute to the overall objectives and goals. Each has a two-pronged approach i.e. what we as the Council commit to do and what the reader can do (i.e. resident; business; stakeholder etc).

As we review this strategy it gives us the opportunity to consider our area wide target and acknowledge calls for further accelerated action.

[UK100](#) is a network of highly ambitious local government leaders supporting the transition of UK towns, cities and counties in their transition to net zero. The network brings together local authorities across the country to share knowledge, collaborate, and petition the UK government with their collective power.

UK100's Membership Pledge requires an area-wide net zero target date of 2045. WBC is supportive of the network and furthering our climate activities as much as possible however we also recognise the challenge and the need to balance our targets with other socio-economic pressures. As part of the strategy consultation, we welcome your views on whether we should embrace this target and amend our area wide pledge.

Find out more about our continuing commitments to tackling climate change in the chapter 'Communicating and Enabling Change'.

Consultation question:

- Should we adopt UK100's target date of 2045 for area wide emissions reductions?

7.0 Theme 1: Energy

Energy use is the largest contributor to our borough's carbon footprint across the industrial, commercial, public and domestic sectors. Combined, electricity and gas use equates to almost 58% of the total footprint.

	Industry Electricity	Industry Gas	Commercial Electricity	Commercial Gas	Public Sector Electricity	Public Sector Gas	Domestic Electricity	Domestic Gas	Total energy use (kt CO2e)	Grand Total
2018	47.2	4.1	45.6	15.7	4.4	9.3	43.4	108.3	278	477.1
2019	46.4	4.4	40	13.4	4.1	9.3	38.8	106.7	263.1	455.5
2020	36.8	3.7	30.8	12.1	3	9.8	37.1	105.9	239.2	414.6
% of total borough footprint (2020)	8.9	0.9	7.4	2.9	0.7	2.4	8.9	25.5	57.7	

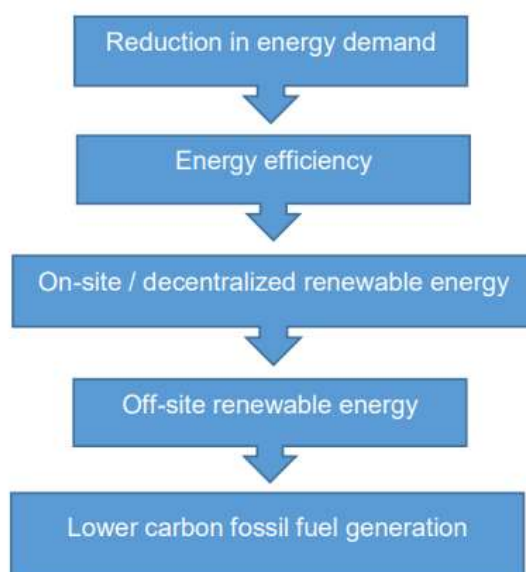
Table: Woking borough CO2 equivalent emissions by energy consumption sector. Source: UK local authority and regional greenhouse gas emissions national statistics (ktCO2e) – published by the Department of Business, Enterprise and Industrial Strategy (BEIS) 30 June 2022

We rely on energy to heat, power and light our homes and businesses and we still largely have a dependence on fossil fuels to provide us with this energy. In order to support local and national net zero goals, we need to support the transition to a fossil fuel free energy model.

We can do this by reducing energy demand; investing in energy efficiency; electrifying heating and cooling; and continuing to support and invest in renewable energy generation. By making changes to how we use energy we can all make a difference to the sustainability and carbon footprint of the borough.

7.1 Improving energy efficiency and reducing energy demand

Improving energy efficiency and reducing energy demand form the foundations of an 'energy hierarchy' (see diagram) and are central to this theme. At a time of unprecedented energy prices and the need for greater energy security, these needs are more focused than ever. Wasted energy or inefficient energy use through poorly insulated homes and buildings results not only in high CO2 equivalent emissions being produced but also high energy costs, poor energy security and greater numbers facing fuel poverty.



According to [RICS](#), 50% of residential and 39% of non-residential buildings in the UK were built before 1970, meaning large scale retrofit programmes are necessary to improve their energy efficiency and reduce their energy demand. [ONS statistics](#) up to March 2021, show that just 44% of all housing in Woking borough has an EPC rating of C or above. 73% of our housing relies on mains gas for heating.

Retrofit home improvements such as solid and cavity wall insulation; loft insulation; park home and underfloor insulation; draught-proofing; and LED light bulbs can all help make your home more energy efficient.

The Council continues to ensure local homes across a range of tenures are being brought up to modern energy efficiency standards.

Through a consortium of Surrey local authorities, Action Surrey (part of the ThamesWey group of companies owned by Woking Borough Council) is delivering an extensive programme of household energy efficiency retrofits. £12 million funding was secured through the government's Sustainable Warmth fund. People living in hard to heat homes and on lower incomes, received grants between £10,000 and £25,000 to improve insulation and install renewable technology - helping to save energy, reduce emissions and combat rising energy prices. Eligible improvement measures included loft insulation, cavity and external wall insulation, underfloor insulation and renewables, such as solar electricity panels. In total, XXX Woking borough households benefited from the scheme.

The Council's planned maintenance programme for its own housing stock includes energy efficiency improvements to ensure our tenants benefit from warmer homes and that they comply with the Decent Homes Standard. Approximately £3,700,000 per annum is allocated for planned maintenance, improvements, and major works to housing stock equating to circa £1,117 for each property.

Meanwhile in the Private Rented Sector, the Minimum Energy Efficiency Standards (MEES) regulations establish a minimum level of energy efficiency for privately rented property in England and Wales. Landlords of privately rented domestic properties must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of E.

With government funding, WBC's Housing Standards Team improved circa 90 non-compliant properties to EPC E during 2021/22 and continues to raise awareness of MEES contacting almost 750 landlords with advice on how to improve their property.

The Council's Let's Rent service, which is used to prevent homelessness and has over 400 private rented properties, must also all meet the MEES standards to join this service.

The Government is committed to a long-term trajectory to improve the energy performance standards of privately rented homes in England and Wales, with the aim for as many of them as possible to be upgraded to EPC Band C by 2030, where practical, cost-effective, and affordable.

Businesses can benefit from energy (and water) consumption savings too. According to the [Energy Saving Trust](#), the average small and medium sized enterprise (SME) could reduce energy bills by 18-25% by installing energy efficiency measures and implementing behavioural change.

During 2022/23, funding through an initiative called [Low Carbon in the South East \(LoCASE\)](#) helped businesses become more competitive and profitable while protecting the environment and encouraging low carbon solutions. Supported by the [European Regional Development Fund](#) it provided a free business support programme offering focused, individual support to small and medium sized enterprises (including social enterprises) improving competitiveness and creating jobs through increased energy efficiency and new low carbon business. In Woking borough nine businesses were successful in their applications receiving £44,077 in LoCASE grants, generating an investment of £134,617 and saving 31.07 tCO₂e. The projects will enable a total annual saving of at least £34,244 in energy costs for these businesses.

An energy and water audit can help a company to assess where savings could be made and put together a plan for action. Installing measures such as LED lamping; presence / occupancy sensors; hippo bags in water cisterns; and switching off appliances and computer screens when not in use can all assist in saving energy. Find out more in the chapter on Economy, Business and Supply Chains.

7.2 Tackling fuel poverty / Affordable Warmth

As fuel prices continue to rise, affordability of fuel becomes more difficult, especially for those that are more vulnerable in our community. A household is 'fuel poor' if they are living in a property with an energy efficiency rating of band D or below and, when they spend the required amount to heat their home, they are left with a residual income below the official poverty line. Sub-regional government data published this year shows that 2,796 households of Woking's 42,884 total households (6.5%) were in fuel poverty in 2020.

The rising cost of living is impacting Woking's residents, with many experiencing financial difficulties for the first time. The increasing costs of energy prices is a key contributor to current high inflation, as wholesale costs have risen because the conflict in Ukraine has reduced supplies of Russian gas, and as demand for energy has risen since Covid restrictions ended.

Rising energy price increases are being passed on to customers through an increase to the Energy Price Cap. According to the [ONS](#), the wholesale price of gas (system average price) in January 2022 was almost four times higher than in early 2021, with large rises since summer 2021. The Energy Price Guarantee announced by the Government, which came into effect on 1 October 2022, reduced the unit cost of electricity and gas so that a household with typical energy use in the UK pays on average around £2,500 a year on their energy bill (during winter 2022). The guarantee limits the amount suppliers can charge for units of gas however a Treasury-led review is to look at what measures should be put in place after April 2023. The exact amount a household will pay for their energy will still depend on how much energy they use, as well as where they live, how they pay for their energy and their metering arrangement. The £2,500 figure is based on a household with typical consumption on a dual electricity and gas bill paying by direct debit.

In the backdrop of the ensuing cost of living crisis and ongoing uncertainty on energy prices and energy security in the long term, the Council continues to work with partners to improve energy efficiency in Council owned and private sector housing by:

- working with Action Surrey to help homeowners make their homes more energy efficient.
- working with ThamesWey and partners to identify how net energy usage of our housing stock can be further reduced.
- enhancing energy efficiency and improving energy performance across Council owned and leased properties.
- leading by example in our requirements for new homes, including those built on Council owned land and working with private rented sector landlords.

7.3 Low carbon heating and decentralised energy networks

Approximately 37% of the UK's carbon emissions are from heating. 73% of Woking's housing relies on mains gas for heating. A significant carbon saving can be achieved by electrifying heating through heat pumps and the use of decentralised energy networks.

According to the [Energy Saving Trust](#), over half of the fuel bills in a typical household are spent on heating and hot water. If we are to reach the net zero carbon emissions target set by the UK Government, we will need to reduce the carbon emissions from heating our homes by 95%. To put this into perspective, the average household generated 2,690kg of carbon dioxide (CO₂) from space heating and hot water heating in 2020. By 2050, the Energy Saving Trust calculates we need to reduce this to just 140kg per household.

Electric heat pumps provide lower carbon heating than gas boilers because [43% of the UK's electricity supply](#) comes from a mix of wind, solar, bioenergy and hydroelectric sources.

Heat pumps operate like a refrigerator in reverse. Powered by electricity they extract warmth from the air (air source heat pump) or ground (ground source heat pump) to heat water for radiators.

Meanwhile, district heating systems deliver heated water to radiators in numerous homes and buildings via a system of highly insulated pipes. Heat is generated from a single, local energy source.

ThamesWey Ltd (Woking Borough Council's energy services company) has been successfully generating electricity, heating and cooling for Town Centre customers via its combined heat and power plant since 1999. A form of district heating, over XX customers benefit from more efficient energy generation and security of supply. Whilst currently powered by natural gas, it delivers carbon savings as compared to conventional boilers due to efficiency of supply, tri-generation and reduced transmission/ distribution losses.

The Poole Road Energy Centre, commissioned in 2021, is designed with the capacity to meet Woking Town Centre's future demands for energy, but with the flexibility to adapt to changes in the energy system over its 50-year design life. The energy centre houses key network equipment such as system controls, pumps, thermal stores and energy generators. The flexibility to change energy generators at scale is one of the key benefits of heat networks and is how they offer long-term advantages over individual building-scale heating systems. One of the key design features supporting its long-term flexibility, is how heat is supplied at a lower temperature, compared to conventional heating systems of the past. Lower design temperatures allow heat pumps to operate at their highest efficiency and facilitate the integration of other low-carbon forms of heat such as waste heat. Opportunities to incorporate alternative renewable sources of energy will be continually assessed over the building's life.

The heat network infrastructure provides the means to decarbonise Woking Town Centre at scale which will contribute significantly to our area wide carbon targets.

7.4 Renewable energy

The Council's Renewable Energy Plan was adopted in June 2021. It recognises the role that large scale delivery of renewable energy projects will need to play in decarbonising the council and borough's energy supply.

The ongoing decarbonisation of the National Grid will contribute to carbon emissions reduction; alongside energy demand reduction and energy efficiency improvements. However, local decarbonisation through borough and county level renewable energy projects will be needed to accelerate carbon reductions in line with common net zero targets.

Local renewable energy projects bring additional benefits of localised generation; local investment and green recovery; and improved energy security and resilience.

The Council owns several solar photovoltaic (PV) assets across various sites. Around 260MWh of on-site generation was recorded across these sites in 2020/21. This equates to approximately 55tCO₂e if the same quantity of energy was drawn from the national grid.

Collaborative work with partners, including Surrey County Council (SCC), is underway to determine further opportunities for renewables across the public sector estate and to deliver community energy projects. Community Energy South is one such organisation working with local groups to identify potential community led renewables projects. *Include Shah Jahan Mosque as example if progressing.*

7.5 Planning for the future

As required by the National Planning Policy Framework, the Planning system supports the transition to a low carbon future by shaping places in ways that contribute to reductions in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources, and supporting renewable and low carbon energy and associated infrastructure.

New developments in the borough should maximise opportunities for the efficient use of energy (and water) in buildings, as well as managing waste effectively and implementing renewable energy technologies. National and local standards of energy efficiency are required by legislation and/or policy in new residential and commercial properties built in the borough.

Woking's [Climate Change Supplementary Planning Document \(SPD\)](#) includes details on how to minimise energy and water consumption, use of energy efficient technologies, design and construction, electric vehicle charging points and more. Furthermore, the (updated) SPD supports the delivery of the draft Town Centre Masterplan in achieving its sustainable construction objectives and mitigation/adaptation measures for Woking Town Centre to contribute towards our climate goals. These objectives will be achieved through the following means:

- Development will be required to follow the energy hierarchy and reduce the demand for energy by generating on-site renewable energy that produces an efficient supply of heat and power.
- Large scale non-residential or mixed-use proposals will be required to conduct a BREAM assessment and achieve at least a 'Very Good' rating.
- New development should incorporate measures to reduce water demand. For residential development this should not exceed 110 litres per person per day.
- Development should incorporate electric vehicle charging points.
- Unless otherwise justified to the satisfaction of the Local Planning Authority, development will be required to connect to the existing network of Combined Heat and Power.

Find out more in the Built Environment chapter.

Planning controls are however limited in their ability to control the energy efficiency of the existing housing and building stock, much of which will have been built when requirements were less stringent. Large scale retrofit programmes are required to improve the efficiency of such buildings.

7.6 Objectives

WBC and community action to:

- Reduce energy consumption through improved energy efficiency.
- Decarbonise energy supplies.
- Encourage sustainable development that promotes energy efficiency and supports renewable and low carbon energy and associated infrastructure.
- Tackle fuel poverty.

7.7 What we will do:

- Implement actions arising from the independent carbon footprint assessment. See chapter on Woking Borough Council's Journey to Net Zero.
- Council owned corporate buildings to continue on a renewable electricity tariff only.
- Optimise the energy performance of Council owned properties through energy efficiency improvements and energy demand reduction.
- Decarbonise all Council/ThamesWey energy supplies by 2050 or before – [linked to TW business plan](#)
- Work through Action Surrey to help homeowners make their homes more energy and water efficient.
- Promote take up of grant funding for household energy efficiency improvements.
- Continue retrofit and planned maintenance of Council owned housing properties to [SAP rating X / EPC rating X](#).
- New Council owned residential properties to be built to [X energy efficiency standard](#).
- Review the Council's Climate Change SPD to incorporate latest energy efficient guidance and requirements for developers.
- Deliver our [Renewable Energy Plan](#) targets.
- Encourage and facilitate through external grant funding the retrofit of existing owner-occupied and private rented housing stock to EPC level C or above.
- Support SME businesses to access funds and expertise for reducing carbon and improving energy efficiency.
- Promote community energy projects.
- Support and deliver enhanced EV infrastructure. See chapter on Transport.
- Develop a Building Control green guide for home extensions .

7.8 What you can do:

- Check which home energy grants may be available by contacting [Action Surrey](#).
- If you're a private landlord, help your tenants by offering energy saving advice and installing energy efficiency home upgrades. The [Energy Saving Trust has advice on how to improve your property to meet the Minimum Energy Efficiency Standards](#).
- An up-to-date Energy Performance Certificate (EPC) will offer recommendations on what measures will improve the energy efficiency of your property.
- Consider a renewable energy contract.
- Smart meters can help you save money on your energy bills by helping you monitor your consumption. [Find out more about smart meters online](#).
- As part of the UK Government's plan to reach net zero carbon emissions by 2050, fossil fuel heating systems are likely to be phased out over time. This will start with a ban on gas and oil boilers in new homes from 2025. When replacing your boiler, consider low carbon heating options such as a heat pump.
- Local business support and signposting to grants is available through Woking Works.
- Carbon footprinting and energy audits can help businesses target measures to reduce consumption.
- If you're a developer, consider how design principles such as building form, layout, orientation, solar shading and landscaping can improve energy efficiency. Follow the Council's Climate Change SPD to ensure you comply with our sustainable development guidance.

7.9 Case study: Household retrofits delivered by Action Surrey

In July 2020, the Chancellor announced £500m of funding for Local Authority Delivery (LAD), as part of the wider £2bn 'Green Home Grants' programme of economic stimulus, to build a green recovery in response to the economic impacts of Covid-19. [ThamesWey](#) in collaboration with Woking Borough Council secured £6.3m of Phase 1A funding in September 2020 to upgrade 600 low-income, hard-to-heat properties across Surrey. An additional £3.1m was awarded to expand the project to a further 300 households under Phase 1B in February 2021. Surrey County Council also provided £372,000 of 'top up' funding to enable further delivery by easing some of the core project constraints.

ThamesWey delivered both phases via its long-running energy efficiency service [Action Surrey](#). The scheme was marketed locally as "Green Jump Surrey" and ran from October 2020 through to March 2022. Green Jump Surrey was a major success, creating much needed and sustained benefits for low-income households. A total of 775 installations for almost 600 households were delivered and estimated to reduce annual energy bills by an average of £660 (at April 2022 prices). The installations will help protect the fuel-poor grant recipients from continued rises in energy prices. The lifetime greenhouse gas emission savings were estimated at 26 mega-tonnes of CO₂e, which is the equivalent to 3,211 years of the average household's carbon footprint (footprint encompassing energy, transport, aviation and waste).

The project was not without its challenges. The first phase of the project suffered delays caused by Covid-19 lockdowns and poor weather, preventing exterior installations from taking place. The second phase was affected by rising inflation to material costs, and supply chain delays exacerbated by the end of the Brexit transition period. However, despite those obstacles, the project delivered the third highest number of upgrades out of 90 national projects.

Following the success of the Green Jump Surrey project, Action Surrey delivered further fully funded energy efficiency measures under the government's Sustainable Warmth scheme (also known as LAD2) for eligible households across the county. The scheme launched mid-February 2022 with measures completed by end of September 2022. Over £1.1m of funding for 202 energy efficiency measures including solar photovoltaics (PV) and loft, cavity wall and floor insulation were delivered to 116 low-income households.

Furthermore, in October 2022, Action Surrey was again successful in its bid to become the delivery agent for Surrey County Council's Sustainable Warmth contract. The contract served the consortium of Surrey districts and boroughs in delivering £12 million funding for household energy efficiency improvements under the third wave of Sustainable Warmth funding (also known as LAD3 and HUG). Targeted at people living in hard to heat homes and on lower incomes, grants of between £10,000 and £25,000 were available to improve insulation and install renewable technology - helping to save energy, reduce emissions and combat rising energy prices. Improvement measures included loft insulation, cavity and external wall insulation, underfloor insulation and renewables, such as solar electricity panels. Written in past tense as if completed - insert completed measures here in March 2023.

7.10 Resources

Visit the [Action Surrey](#) website

Visit the [Woking Works](#) website

Read more about [Planning Policy, Woking 2027 and climate change planning guidance](#)

Read more about the Council's [Renewable Energy Plan](#)

Consultation questions:

- Do you agree with the theme's objectives?
- Are there other ways the Council or its partners can help residents and businesses reduce their energy demand?

DRAFT

8.0 Theme 2: Waste

Reduce, reuse, recycle – the old adage still rings true. Reducing the amount of waste we all produce is one of the most effective ways of reducing emissions. We can all rethink our approach to waste. Many of the items we throw away have not reached the end of their useful life. Landfill sites are fast filling up, and combined with the resulting greenhouse gases they create, the way we treat waste needs to be re-evaluated. Waste management accounts for almost 3% of the borough's greenhouse gas emissions. Furthermore, local projected population growth and additional homes will result in increased pressure to local waste collection and disposal services magnifying the environmental impacts.

In Surrey about £92 million is spent each year collecting, managing and processing recycling and waste (source: [Surrey Environment Partnership](#)). In 2020/21, 55.1% of Surrey's waste was recycled, ranking the county as third amongst the 30 waste collection authorities in England (source: Defra). However, almost 17,000 tonnes of recyclables had to be disposed of as rubbish as it was contaminated. In Woking in 2020/21 the total waste per household was 950kg; 54.3% of which was recycled. The government's household waste recycling target is 65% by 2035 (Resources and Waste Strategy, 2018).

8.1 Waste Management

In Woking borough, domestic waste management and recycling is managed by the Surrey Environment Partnership (SEP). SEP is made up of Surrey County Council and the 11 district and borough councils in the county. It aims to manage Surrey's waste in the most efficient, effective, economical and sustainable manner.

The 11 district and borough councils are 'waste collection authorities' and are responsible for the collection of Surrey's municipal waste which includes waste from households. The County Council is the 'waste disposal authority' and is responsible for the disposal and treatment of Surrey's municipal waste collected at the kerbside and waste and recycling from Surrey's community recycling centres.

To achieve SEP's aims, action is required both at the individual partner level and collectively via countywide, centrally funded initiatives. These initiatives are developed and delivered on behalf of SEP by the Joint Waste Solutions (JWS) team, which also manages a joint waste collection contract on behalf of four Surrey authorities, including Woking Borough Council.

December 2018 saw the publication of the government's Resources and Waste Strategy. Pending consultation results on various aspects of the strategy, it will see fundamental changes to the delivery of recycling and waste services. Essentially, the Strategy seeks to preserve material resources by minimising waste, promoting resource efficiency and moving towards a circular economy, keeping products in use for as long as possible, making them easier to reuse, repair, refurbish or recycle. Some of the key national ambitions include:

- Increase the municipal recycling rate to 55% by 2025 and 65% by 2035.
- Near elimination of biodegradable municipal waste to landfill from 2028.
- Work towards eliminating food waste to landfill by 2030.
- Business fleet owners and operators work towards 100% of vehicle fleets being zero emission by 2030, or earlier where markets allow.
- No more than 10% of municipal waste to landfill by 2035.

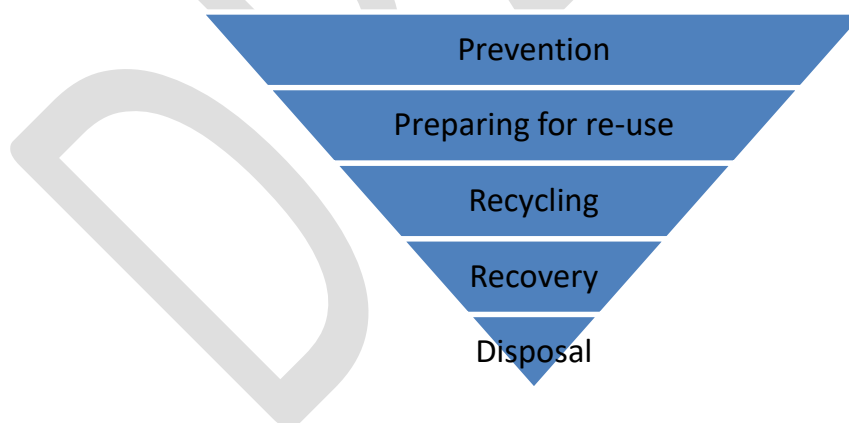
- 50% reduction in per capita residual waste (excluding major mineral wastes) by 2042 from 2019 levels (proposed).

In the meantime, SEP 2025 (currently in draft) has been developed to bridge the gap between the prevailing Joint Municipal Waste Management Strategy (published in 2015) and emerging national policy, reaffirming the partnership approach to waste prevention and recycling on behalf of all Surrey local authorities. To align with the national policy direction, the priorities for SEP to 2025/26 will be:

- Reduce all residual waste with a particular focus on food waste.
- Promote and maximise reuse, supporting the principle of a circular economy.
- Increase participation in food waste recycling, to eliminate food waste that remains in residual bins.
- Increase the quality and quantity of dry mixed recycling (DMR), to move towards the 65% target by 2035.
- Decarbonise waste collection and street cleansing vehicle fleet.
- Reduce fly tipping.

8.2 The Waste Hierarchy

A key principle behind waste management and driving SEP is the concept of a 'waste hierarchy' which prioritises waste management options. Ultimately, reducing the amount of waste going to landfill is the end goal, with waste prevention as a first step is the most favourable option. When waste is created, priority should be given to reuse, then recycling, then recovery, with disposal in landfill the last option.



Landfilling biodegradable waste has a detrimental impact on the environment through the production of greenhouse gases, methane and CO₂.

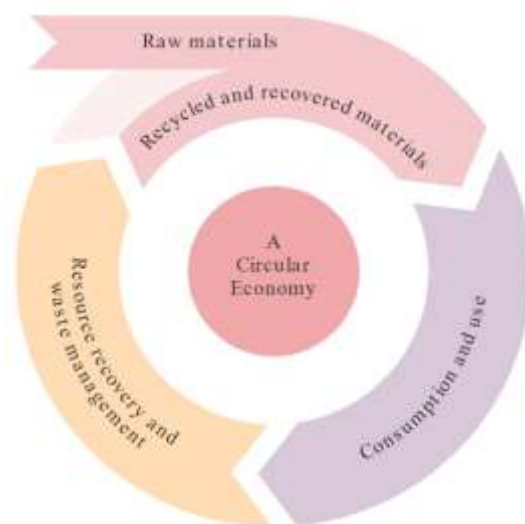
8.3 Circular economy

As a society we need to de-link unsustainable consumption and waste generation. We can do this by moving away from a linear economy – where resources are consumed to make products which are thrown away, often before their useful life ends - to a circular economy.

In a circular economy, waste is considered a raw material and the use of new resources to generate goods is reduced. This in turn reduces waste and emissions and benefits the

environment. The diagram below illustrates this concept in basic terms. Further information about the circular economy can be found online at the [Ellen Macarthur Foundation](#).

Circular economy diagram: Resources and Waste Strategy, 2018.



What we buy and where we buy it from can have an impact on the environment. Avoiding single use plastics; buying local produce; using long-life bags; etc can all make a positive difference.

8.4 Single Use Plastics

Single-use plastics are defined as all products that are made wholly or partly of plastic and are typically intended to be used just once or for a short period of time before being disposed of. Examples include drinks bottles, food packaging and containers such as shampoo or shower gel bottles. The problem with plastic waste is that it never fully breaks down. As it degrades into smaller parts it releases toxins and chemicals that pollute our environment and cause harm to wildlife for years.

The government has taken steps to tackle plastic pollution, banning microbeads in rinse-off personal care products, and restricting the supply of single-use plastic straws, stirrers and cotton buds. More is to come with additional emerging policy relating to the national Resources and Waste Strategy.

To coincide with its climate and ecological emergency declaration in July 2019, the Council adopted its own Single Use Plastic Policy. The policy identifies how we can eliminate avoidable single use plastics across our estate and operations. The Council has taken a number of actions to take this forward. As well as removing plastic water bottles from Council meetings and discontinuing vending machines offering single use drinks bottles; segregated waste bins help our staff recycle more. To help local residents and visitors, we launched Refill Woking in September 2018. There are now over XX participating cafes and restaurants where members of the public can refill their drinks bottles with free tap water. We've also installed four bottle filling stations encouraging people to refill their bottles on the

move. We continue to provide residents with a kerbside recycling service to enable them to recycle plastic bottles, pots, tubs and trays. Cartons and cups can be recycled at the mini recycling sites located at supermarket car parks in Brookwood, Goldsworth Park, Woking Town Centre and West Byfleet.

8.5 Food waste

According to [WRAP](#), UK households and businesses produce around 9.5 million tonnes of food waste each year equating to £19 billion in worth and accounting for 25 million tonnes in greenhouse gas emissions. This is equivalent to 5% of the UK's territorial emissions or 1 in 3 cars on the road (10 million cars). The production of food is also intensive in its use of energy, water and land which must also be considered.

In Surrey, food waste caddies are collected each week. In 2021, the capture rate for food recycling in Surrey was 43%. However, as found by the Surrey Environment Partnership, an estimated 50,954 tonnes of food waste remains in residual bins that could be recycled. Priorities for SEP 2025 will be to reduce food waste arising and to increase participation in food waste recycling.

As well as reducing waste processing costs and greenhouse gas emissions, according to the [Surrey Environment Partnership](#), a family of four could save £70 a month just by reducing the amount of food they throw away. Food waste can be avoided by planning meals, popping food in the freezer and using leftovers.

8.6 Objectives

WBC and community action to:

- Use resources efficiently.
- Reduce waste generation and increase recycling.
- Consume local produce and use local services.
- Facilitate a circular economy for a sustainable borough

8.7 What we will do:

- Work collaboratively with the Surrey Environment Partnership to progress the SEP 2025 targets.
- Lobby the government in support of bring / return schemes to increase the availability of recycling streams.
- Raise awareness about local waste and recycling schemes to continue to reduce consumption; reduce household residual waste and increase recycling rates.
- Encourage use of reuse schemes such as the Woking Community Furniture Project.
- Encourage behaviour change through promotion and awareness raising to avoid contamination of recycling.
- Through our contracts with JWS and SEP, ensure alignment with our shared net zero goals.

- Reduce the amount of waste generated by the Council across its own estate and operations.
- Increase recycling of the Council's own waste.
- Demonstrate our commitment to resources management and waste prevention through corporate actions and procurement processes, in particular the use of sustainable and environmental products and materials (links also to the Economy, Business and Supply Chains theme).
- Contribute to corporate waste prevention via the Council's digital and transformation strategies e.g. by reducing printing capacity and paperless working practices.
- Eliminate single use plastics across the Council estate and operations and progress our Single Use Plastics Policy.
- Continue to expand the Refill Woking network of retailers and bottle filling stations to help the public reduce single use plastic drinks bottles.
- Work with Woking Environment Action to introduce recycling facilities for hard to recycle items such as Tetrapak containers and medicine blister packs.
- Provide advice and support to local businesses on reducing waste and enhancing recycling via Woking Works and in partnership with Woking Chamber of Commerce.
- Continue to take action on littering and fly tipping and waste crime.

8.8 What you can do:

- Help minimise packaging and reduce single use plastics by buying loose fruit and vegetables and taking your own containers and bags when shopping.
- Follow Surrey Environment Partnership's guidance on [what to do with waste items](#) to maximise your household recycling.
- Reduce food waste and use your food caddy to dispose of any appropriate leftovers.
- Make do and mend. Repair and reuse products where you can, prolonging their useful life.
- Use bulky waste collections or schemes such as Woking Community Furniture Project to enable the reuse of furniture etc.
- Avoid fast fashion – did you know it takes 2,700 litres of water to create enough cotton to make just one t-shirt? That's enough water to sustain a person for 900 days (source: [WWF](#)).
- Home composting helps to divert garden waste and some uncooked fruit and vegetable waste from disposal, reducing greenhouse gas emissions and providing gardeners with their own supply of compost. [Planet Woking offers some tips on how to get started.](#)
- Businesses can play their part in reducing waste. Central sorting bins along with staff communications can help drive up recycling rates.

8.9 Case study: Bare + Fair

Bare + Fair, Woking's zero waste and refill shop stocks a wide range of refillable products. Starting out as a weekly market stall, the fully fledged store opened in October 2021 in Victoria Place and stocks over 250 refillable products, including food, toiletries, household

cleaning products, skincare and beauty. About a third of these are sourced on a fully circular supply, meaning they are sourced in bulk and when empty, go back to the suppliers to be reused and refilled. The majority of Bare + Fair's remaining products are sourced in plastic-free packaging which is either reused or recycled. The store is also working with several companies on pioneering circular returns schemes (where refilling in-store is not possible). Customers can return the empty packaging to store which is then sent back to the suppliers to be reused and refilled. Product examples using this model include refillable candles and nail varnish.



In 2022 alone, 30,000 containers have been refilled at Bare + Fair, demonstrating how collectively small actions can add up to make a big difference.

8.10 Resources

Find out more about [waste and recycling in Woking borough](#)

Visit the [Joint Waste Solutions](#) website

Visit the [Surrey Environment Partnership](#) website

Read Woking Borough Council's [Single Use Plastic Policy](#)

Find out more about [Refill Woking](#)

Consultation questions:

- Do you agree with the theme's objectives?
- Are there other ways the Council can help residents and businesses to reduce waste?

9.0 Theme 3: Water

This theme looks at water as a precious resource to conserve and protect, particularly in terms of its efficient use and availability. It also considers water in the context of climate adaptation and the consequences of drought and flooding. With the predicted rise in extreme weather events so will our need to adapt to increases in intensity and frequency of local flood events and extreme heat.

We can all change our approach to water to use it more efficiently and better protect ourselves from water scarcity and flooding. Population growth and increased demand on utilities and infrastructure, combined with the effects of climate change will cause increasing pressure on this already precious resource affecting future water availability. Likewise our ageing buildings and infrastructure that were designed for a cooler climate and less extremes highlight the need for greater adaptation and resilience.

9.1 Water consumption

According to Waterwise, the average amount of water used in England is 142 litres per person per day. Surrey supplier [SES Water](#) states the average consumption in the South East is higher at 150 litres per person per day. Additionally, the [Consumer Council for Water](#) highlights that 113 litres per property are lost through leakage every day. This combined with water stress in this region and lower rainfall, adds increasing pressure on already limited supplies. This level of use is not sustainable in the long-term. The Environment Act 2021 – the delivery tool for the government’s 25 Year Environment Plan - promises to deliver targets to improve water efficiency. The Plan states it will work with the industry to set an ambitious personal consumption target and agree cost effective measures to meet it.

The likelihood of continued drier, hotter summers will result in a greater need for irrigation and water resource management. Reduced water availability from river abstraction and from groundwater resources, combined with increased water demand (e.g. for irrigation, energy and industry and domestic use) and with reduced water drainage could result in increased water restrictions. Prolonged periods without rainfall can lead to a depletion of stored water (groundwater) reserves as seen during summer 2022 resulting in hose pipe bans across extensive parts of the country. Drier conditions can also lead to greater surface water runoff in turn resulting in flood events. In contrast, extreme rainfall can lead to fluvial and flash localised flooding quickly resulting in disruption and damage to buildings, transport and infrastructure.

9.2 Flooding

The International Panel on Climate Change’s (IPCC) [Sixth Assessment Report from the Intergovernmental Panel on Climate Change](#) (2022) concluded that heavy rainfall has increased over land since 1950.

Additionally, the [State of the UK Climate report](#) 2021 published by the Met Office in July 2022, shows that overall, the UK is expected to experience wetter winters and drier summers. However, data and trends also suggest future increases in intensity of heavy summer rainfall events, with knock on impacts noted for urban areas in terms of frequency and severity of surface water flooding.

The Met Office notes that “Flooding can be affected by a combination of many factors including (but not limited to) river flow rates, local soil type and the presence of flood defences.” Recognising the impact of local flood events on our community, the Council continues to work with partners to prepare and develop flood interventions across the borough.

The Sanway Road flood alleviation scheme in Byfleet is being progressed in partnership with the Environment Agency, Surrey County Council and others. This scheme seeks to improve the local environment and access to green space while also protecting 150 homes from flooding. Public consultation on the scheme’s design took place in May 2022 with completion anticipated in 2025.

The Sutton Green flood alleviation scheme was completed in 2021. It involved widening existing ditches and opening a piped section of watercourse to help attenuate excess flood water but also improve ecology and biodiversity and water quality from the area.

9.3 Raingardens and Sustainable Drainage Systems

Many redevelopments in the borough’s urban areas, such as the Dukes Court refurbishment, Chertsey Road public realm improvements and the Sheerwater regeneration scheme incorporate raingardens. These are surface water drainage features which help to reduce the risk of flooding during and immediately after high intensity rain events whilst improving water quality. A programme of retrofit raingardens within the highway across the Rive Catchment covering Woking town centre is being developed in partnership with Surrey County Council.

Increased urbanisation prevents rainwater from being absorbed into the groundwater. This results in increased flood risk, overused sewer infrastructure and reduced ability to refill aquifers. Sustainable Drainage Systems (SuDS) alleviate these issues by copying natural processes for managing rainfall by filtering and reducing surface water; reducing pressure on infrastructure and refilling groundwater supplies. SuDS that incorporate vegetation have additional benefits of carbon capture; increased biodiversity; spaces for recreation and relaxation and improved air quality.

9.4 Drought and water stress

With extremes in weather, we’re also susceptible to drought and the State of the UK Climate report 2021 notes a general trend for hotter, drier summers. Summer temperatures are due to increase along with the frequency of hot spells (temperatures exceeding 30C for two or more consecutive days). As recently as summer 2022, we saw high summer temperatures and a hose pipe ban introduced in August 2022 to limit water use. This follows the driest July since 1885 with the hottest temperatures on record.

Woking, like most other boroughs in the South East of England, is a densely populated area with relatively low levels of rainfall and a high level of per capita water consumption. Predictions for future water availability in the UK show that our region will suffer from high future water stress.

During the heatwaves of 2022, Thames Water recorded the highest demand for over 25 years with the company supplying 2.9 billion litres of water a day to customers across the

region. In some areas during the particularly hot weather, demand for water rose by 50% compared to the norm for the time of year.

We can all do our bit to be more water wise, using water more efficiently to reduce our impact on the environment.

Water use, conservation and adaptation matters are closely linked to other themes and actions within this strategy. For instance, according to Waterwise, “around 18% of energy consumption in UK homes is spent heating water, and about 12% of a typical gas heated home’s heating bill is from the water for showers, baths and the hot water tap.”

9.5 Water courses

And of course, water should not just be considered in the human context, we are lucky to have a variety of water courses in Woking borough that are home to an abundance of wildlife. They too can be impacted by climate change. Through our green infrastructure and biodiversity strategy, [Natural Woking](#), we have outlined our objectives for protecting, and where possible enhancing, the Borough’s watercourses for both wildlife and recreation.

9.6 Refill Woking

Bottled water is 900 times more carbon intensive than tap water (Source: [Water UK](#)). To help local residents and visitors, we launched Refill Woking in September 2018. There are now over **XX** participating cafes and restaurants where members of the public can refill their drinks bottles with free tap water. We’ve also installed four bottle filling stations encouraging people to refill their bottles on the move. The initiative not only helps cut single use plastics but also avoids the need to purchase bottled water on the go.

9.7 Objectives

WBC and community action to:

- Reduce water consumption.
- Manage water as a precious resource promoting its efficient use.
- Prepare for and adapt to the consequences of flooding and drought.
- Protect and enhance the Borough’s watercourses for both wildlife and recreation.

9.8 What we will do:

- Establish monitoring and targets for reduced water consumption in Council owned buildings.
- Raise awareness and promote water efficiency for householders and local businesses.
- Continue to improve the water quality and ecology of the main water channels and their tributaries in the borough: the River Wey, Hoe Stream, the Basingstoke Canal, River Bourne and The Wey Navigation.
- Ensure all new development incorporates well-designed and maintained SuDS and other water management solutions.
- Through planning policy and building regulations, encourage the incorporation of water efficiency and water recycling measures in residential extensions and new build developments.

- Through planning policy and building regulations, encourage the reduction of water demand and more efficient use of water through designing in water efficient devices and rainwater harvesting / grey water recycling into developments.
- Protect and enhance watercourses and their associated habitats as a water resource and for the benefit of wildlife and recreation.
- Continue to work with partners to implement flood risk management activities to help reduce the consequences of future flooding in the Borough.
- Continue to develop and expand the Refill Woking scheme.

9.9 What you can do:

- Seek out water efficient household appliances. There are a range of appliances which reduce water consumption in the home including; dual flush systems and hippos for toilets, water efficient washing machines and aerated taps and shower heads which mix air into the water jet and reduces the water flow.
- When purchasing products such as taps, showers, toilets, dishwashers and washing machines consider their water efficiency rating. Reduced consumption not only benefits the environment but can also save you money on household water and energy bills. Almost 20% of household energy bills is spent heating water.
- Use water efficiently at home and in the garden – use shorter washing cycles; harvest rainwater in a water butt; turn off the tap while brushing teeth; use a shower timer (these actions could also save energy too).
- Consider a water meter to help monitor water usage and reduce consumption. The Consumer Council for Water's [online calculator](#) can help you work out if you might benefit from having a meter.
- Encourage your workplace to incorporate water efficiency measures and monitoring to reduce consumption.
- Consider water harvesting at home. Water butts and whole building water harvesting systems collect rainfall and store it to be reused at a later date, for instance in the garden. This helps to alleviate water demand and also reduces the risk of flooding.
- If you live in an area that is susceptible to flooding, think about how to make your home more resilient by keeping sandbags easily accessible and investing in air brick protectors or door barriers. The [National Flood Forum has lots of advice for householders](#).
- Consider incorporating drought or flood resistant plants in your garden or even creating your own raingarden. As well as helping to reduce garden flooding; you'll also provide welcome habitats for wildlife and help improve air quality. The RHS has lots of advice for [climate resilient gardening](#).
- [RHS research](#) also shows that 'urban greening' can contribute to storm water mitigation which helps to reduce garden flooding; provide a source of habitats for wildlife; and improve air quality.
- When you're out and about take a reusable bottle. You can get free water refills from lots of [Refill Woking participants](#).

9.10 Case study: Raingardens

In urban landscapes, concrete and other impermeable surfaces, together with the removal of vegetation, results in increased surface water run-off.

The trend to pave our driveways and front gardens allows rainwater to be quickly directed into the drainage system, which during heavy rain and storms can cause local flooding.

First developed in the United States in the 1990s, rain gardens are a popular flood prevention approach. They comprise landscaped areas, designed to help slow down surface water run-off, reducing the rate at which it enters the surface water drainage system.

As well as helping to prevent flooding, rain gardens can make attractive features in front or rear gardens that can also benefit wildlife and attract bees and other pollinating insects.

Woking Borough Council is working in partnership with Surrey County Council and Highways to install rain gardens as part of a pilot project across the borough in areas that are susceptible to flooding. The first rain garden was installed in 2019 in Blackdown Close, Sheerwater, where the existing roundabout was converted with a range of plants that are also good for pollinating insects. The garden, which has successfully worked to manage surface water run off during heavy rain and storms, has also provided an attractive perennial garden for residents to appreciate.

Other recent examples include a second residential raingarden at Alpha Road in Sheerwater and the incorporation of raingardens as part of highways and landscaping improvements in Woking Town Centre.

The project team continues to identify further locations across the Borough that have suffered from past flood events that will benefit from the installation of rain gardens. An [online handbook](#) is available to guide residents wanting to create their own rain garden at home.

9.11 Resources

Find out more about [Refill Woking](#)

Use our [online guide to help create your own raingarden](#)

Learn more about green gardening from the [RHS website](#)

Consultation questions:

- Do you agree with the theme's objectives?
- Are there other ways the Council and its partners can help residents and businesses reduce water demand?
- Are there other ways the Council and its partners can improve local water resilience and adaptation?

10.0 Theme 4: Transport

This theme looks at how we can make positive changes to the sustainability of the Borough by adopting sustainable modes of transport.

As a largely fossil fuel-based sector, transport is a major contributor to air pollution and generates a variety of emissions that have a detrimental impact on the climate, our health and our environment. Transport accounts for almost a third of Woking Borough's carbon footprint (source Local Authority territorial greenhouse gas emissions estimates 2020 (kt CO₂e), BEIS, published June 2022). Decarbonising transport offers a fundamental way to cut carbon emissions. Other linked pollutants include nitrous oxides and particulate matter which can severely impact air quality and are linked to health concerns and respiratory diseases. Poor air quality can also adversely affect our wildlife and habitats.

Whether you live here, work here or are a visitor, we want getting around in Woking to be easy while also contributing to and maintaining a cleaner, greener Borough. We hope that walking, cycling and public transport will be the first choice for short trips. Not only does this benefit local air quality and carbon emissions, but there are clear health and well-being advantages of "active travel". We can make positive changes to the sustainability of the Borough by adopting greener modes of transport.

10.1 Electric vehicles

The sale of new petrol and diesel cars will end in 2030 and new plug-in hybrid vehicles will not be available after 2035.

Electric vehicles (EVs) are a cleaner alternative to petrol and diesel vehicles and the technology required – particularly for batteries and charging – is rapidly evolving.

EVs are becoming increasingly common on our roads and have a vital role in tackling climate change and air pollution. The total number of licensed plug-in electric vehicles in Woking borough was 1,195 in early 2022. This has risen from just six vehicles in 2013 (source: Department for Transport). According to the UK Government's EV Infrastructure Strategy, between 300,000 and 700,000 public chargepoints will be needed by 2030 to support the uptake of electric vehicles. SCC estimates that the county will need 10,000 electric vehicle chargepoints by 2030.

Woking Borough Council has installed over 80 chargepoints in public car parks in Woking Town Centre. As part of Surrey County Council's (SCC) On-Street Electric Vehicle Charging Point (EVCP) project, a total of 20 charging bays have been installed across the borough, with more planned over the next year.

We will continue to work with partners to expand EV infrastructure for Woking residents, workers and visitors, enabling a shift to zero emission transport.

10.2 Car clubs and car sharing

Department for Transport [statistics](#) show that there were 55,000 cars registered in Woking borough up to early 2022. That equates to 1.4? cars per household.

Car clubs and car sharing schemes could provide part of the solution in reducing private car ownership with benefits for the environment, air quality, and cost savings for the individual too.

Car clubs offer an alternative to private car ownership, giving affordable occasional access to cars on a pay as you go basis. Research shows that for every car club car provided, ten vehicles are removed from the road, helping to reduce congestion and improve air quality.

According to [Sustrans](#), low mileage drivers travelling less than 6,000-8,000 miles per year could save up to £3,500 a year by joining a car club, saving money on car tax, insurance and servicing. All you pay for is a membership and car hire.

Car sharing is when two or more people share a car to travel together. This can also bring environmental and cost benefits. [Liftshare.com](#) offers a formal way to arrange car sharing with secure storage of data and advice on safety and how to share fuel costs.

10.3 Active travel

Active travel refers to modes of travel that involve some level of physical activity, most commonly walking and cycling.

They offer the least carbon intensive ways to travel but according to the Department for Transport walking currently accounts for only 4% of the total distance travelled by households with access to a car. Journeys under two miles made up around 45% of all urban trips in England, in 2019, and journeys below five miles made up 58% of all car trips.

By walking or cycling short trips, a significant saving in carbon emissions can be made with added benefits for alleviating air and noise pollution, relieving congestion and improving people's physical and mental health and wellbeing. As well as the obvious benefits associated with physical activity, walking and cycling can also help in reducing incidences of heart disease and other conditions. Evidence suggests walking and cycling can also contribute positively towards mental health both through physical activity and other factors in comparison to commuting by car (Sustrans).

10.4 Public transport

Public transport provides a more sustainable alternative to car travel, reducing traffic and carbon emissions and improving air quality. Bus and rail services can improve quality of life by offering safe and accessible means of transport to town centres, jobs, education, healthcare, leisure facilities and other key destinations. They also offer a valuable means of social inclusion by improving community mobility and providing an equitable transport system that is more affordable than the private car.

10.5 Local Transport Plan

SCC is the local transport authority. In 2022, it published the latest [Local Transport Plan \(LTP4\)](#) which sets out how it plans to transform local transport networks to achieve net zero emissions by 2050 and the changes we will all need to make to achieve this goal. Alongside net zero carbon emissions, LTP4 objectives include sustainable growth, well-connected communities; and clean air and excellent quality of life.

Key to achieving these objectives are the principles of 'avoid, shift, improve'.

- **Avoid** unnecessary travel by reducing the number and length of trips needed. This will be achieved through improving planning for homes and employment sites, travel planning and levels of digital connectivity.
- **Shift** travel choices to more sustainable modes of transport, including public transport, walking and cycling, away from car use.
- **Improve** the energy efficiency of vehicles and operational efficiency of roads through technology improvements.

LTP4 covers a breadth of policies linking to sustainable transport including active travel and personal mobility; public and shared transport; promoting zero emission vehicles and planning for place to reduce the number of local car journeys.

WBC works in partnership with SCC to secure local travel improvements.

10.6 Local improvements to date

To enable a transition towards greener travel, the Council has worked with partners to:

- Enhance cycling and walking infrastructure through better connected and safer off-road routes, with further improvements identified through its [Local Cycling and Walking Infrastructure Plan](#);
- Operate a car club scheme using electric and low emission vehicles for Council business use to reduce the number of cars on the road and lessen the impact on the environment;
- Promote and facilitate publicly accessible car club schemes facilitating short term access to a car when needed;
- Ensure sustainable travel and travel planning is a consideration in all development schemes through our Planning policies;
- Install around 100 public electric vehicle charging points to date in Town Centre car parks and on-street locations across the Borough, with further installations planned;
- Raise awareness and promote schemes that incentivise active travel such as [BetterPoints](#);
- Incentivise lower emission vehicles through differential parking charges with a 40% discount applied to season tickets for vehicles with less than 100 g/km CO2 emissions (from April 2023 until April 2024);
- Encouraging our own staff to make sustainable travel choices through our Staff Transport Plan.
- Create an integrated travel network to improve connectivity and access to people and places on foot, by bike and by public transport through partnership schemes like the [Woking Integrated Transport Project](#).

10.7 Objectives

WBC and community action to:

- Encourage travel by more sustainable modes of transport to contribute to a cleaner, greener borough.
- Improve air quality.
- Benefit from the health and well-being benefits of active travel.
- Connect people and places without reliance on private car travel.

10.8 What we will do:

- Continue to promote and enable sustainable transport and active travel modes in order to contribute to a cleaner, greener Borough.
- Continue to encourage the use of car clubs and car sharing as an alternative to private car ownership.
- Continue to implement vehicle emissions thresholds for cars used on Council business.
- Work with partners to promote the local cycle network and increase the number of local cycle journeys in the Borough.
- Work with partners to deliver further EV charging points in publicly owned locations.
- Promote the use of the electric vehicle charging network in Woking borough.
- Continue to work with partners to provide an integrated transport system that promotes lower carbon and healthy transport choices.
- Work with partners to reduce the number of children travelling to school by car.
- Continue to bid for external grant funding for cycling, walking and electric vehicle infrastructure improvements (including e-bikes, e-scooters and e-mobility).
- Continue to improve connectivity to people and places within and beyond Woking aiding local prosperity and growth.
- Further enhance secure cycle storage provision in our town and village centres.
- Continue to provide safe and attractive walking and cycling routes.
- Continue to monitor and improve local air quality.
- Provide signposting and advice on local EV infrastructure.
- Encourage the take up of EVs by local taxi operators and signpost to available grants and advice.
- Facilitate and promote links between health partners and local agencies to enable health and wellbeing benefits through initiatives such as active travel GP prescribing.
- Support improvements to public and shared transport services operating in the Borough including provision of electric buses and minibuses.

10.9 What you can do:

- Consider walking and cycling for short journeys.
- Encourage your local school to join the [Eco School](#) programme which promotes active travel to and from school where possible.
- Staff travel plans for businesses are a great way to promote sustainable travel to and for work. Active travel can keep your workforce healthier and reduce your business' carbon footprint too.

- If you're considering an electric vehicle, the Energy Saving Trust and Department for Transport have created a [decision flow chart](#) and series of [Frequently Asked Questions](#) to help inform your decision.
- If you're a developer, incorporate sustainable travel into your scheme and think about providing prospective residents with travel plans and packs that promote active travel for shorter journeys;
- The government's [Workplace Charging Scheme](#) is a voucher-based scheme that provides eligible applicants with support towards the upfront costs of the purchase and installation of EV chargepoints.
- If you're a local employer, [Cycle Scheme](#) could help your employees save between 25 – 39% on a new bike and accessories.
- Enterprise Rent A Car operates a [car club](#) in partnership with SCC in locations around Woking and the wider county.

10.10 Case study: GP Social Prescribing Pilot for Cycling Referrals

This proposed pilot project in Maybury and Sheerwater is the focus of a SCC led bid in partnership with WBC for Department for Transport funding. The pilot is designed to complement the government's Green Social Prescribing 'test and learn' programme which began in the Surrey Heartlands Health and Care Partnership in April 2021. This programme is designed to test ways in which connecting people with nature can improve mental wellbeing via activities such as walking, cycling and community gardening. The proposed pilot scheme aims to tackle health inequality and deprivation through providing resources and skills/confidence training to enable people within the target area to take up walking and cycling as part of their everyday activities. **Need an update on this to determine its inclusion in the strategy.**

10.11 Resources

Find out more about [walking and cycling in Woking borough](#)

View Woking's [Local Cycling and Walking Infrastructure Plan](#)

Discover [guided Woking nature walks](#)

Read Surrey County Council's [Local Transport Plan](#)

Consultation questions:

- Do you agree with the theme's objectives?
- Are there other ways the Council can help residents and businesses adopt more sustainable modes of transport?

11.0 Theme 5: Economy, Business and Supply Chains

A prospering community is one of the key themes behind the Council's [Woking for All](#) strategy. The ambition is a borough of opportunity benefitting from new technology; a strong and sustainable economy; and a destination with a strong case for infrastructure investment.

Aspirations for a strong, enterprising borough do not have to compromise the local environment or conflict with our climate change and sustainability objectives. A strong economy can go hand in hand with a low carbon economy. In fact, sustainability is good for business, bringing the following benefits:

- Brand and reputation.
- Competitive edge.
- Increased efficiencies.
- Reduced costs.
- Increased profits.
- Enhanced profile.
- Future proofing against legislation and reporting requirements.

Commerce and industry accounts for 32% of Woking borough's carbon footprint (source Local Authority territorial greenhouse gas emissions estimates 2020 (kt CO₂e), BEIS, published June 2022).

This theme looks at how local companies can incorporate sustainability into their business. Reducing energy and water consumption; enhancing waste and recycling initiatives; promoting sustainable travel; incorporating sustainable procurement practices; and adapting to climate change can all make a positive difference – not only to the sustainability objectives for the Borough, but also economically for a business.

Our aim is to create a dynamic Borough that is a hub for business growth but one that also helps local businesses to play their part in contributing to a sustainable Woking.

11.1 Energy and water consumption savings

Your business and budgets will benefit from reducing energy demand which also benefits the environment.

According to the [Energy Saving Trust](#), the average small and medium sized enterprise (SME) could reduce energy bills by 18-25% by installing energy efficiency measures and implementing behavioural change.

Energy efficiency improvements and building maintenance can help reduce energy demand and improve thermal comfort for your employees. An energy and water audit can help a company to assess where savings could be made and put together a plan for action. Installing measures such as LED lighting; occupancy sensors and hippo bags in water cisterns can all help. Encouraging staff to switch off lights and computer screens when not in use can assist in saving energy. Energy management systems can proactively identify increases in energy use assisting in building maintenance.

Signing up to a renewable energy tariff is recommended. Your building may lend itself to installing your own on-site renewables.

11.2 Waste reduction, recycling and a circular economy

A waste audit can help determine the quantity and types of waste generated by your business. This can be done internally if you're a small business or with external help.

The principles of a waste hierarchy guide waste management which can assist your business to generate less waste and recycle more.

As recommended by the [Federation of Small Businesses \(FSB\)](#), there are practical steps that can be taken to manage waste:

- Work with your suppliers to remove unnecessary packaging;
- Minimise packaging associated with any products you produce;
- Switch away from paper to digital as far as possible;
- Segregate your recycling to improve recycling rates. Common separate bins would be cardboard, paper, glass, tin cans/aluminium, food, and (most) plastics.

As explored in the chapter on Waste, we can rethink the approach to consumption and waste generation by moving away from a linear economy to a circular economy where waste is considered a raw material and reduce the use of new resources to generate goods. The principles of a circular economy see a decoupling of growth from resource consumption – essentially reducing waste and supporting the environment. By adopting the principles of a circular economy, businesses can benefit from cost reduction, growth and resilience by considering repair and reuse; technological improvements, conserving materials and recycling.

11.3 Business mileage and company travel plans

Reducing business mileages has benefits for your company and your staff including:

- Money saved on travel costs;
- Lower environmental impact of business travel;
- A shift to sustainable travel to and from work;
- Improved staff health and well-being with a fitter, healthier workforce;
- Increased productivity and efficiency through digital connectivity;
- Improved corporate sustainability and lower environmental impact.

According to the [Energy Saving Trust](#), reducing the mileage of a driver covering 12,000 business miles a year by 10% would save around £131 on fuel costs and release around 30 hours for productive work. Their [Fleet Support](#) service can help businesses cut carbon and reduce fleet costs.

A company travel plan can help set out sustainable travel options and communicate to staff why they are necessary. Establishing a travel hierarchy which determines whether travel is needed and by what means can also help. Factors to consider include:

- Whether short journeys could be made on foot, by bike or by public transport;
- If multiple staff are travelling to the same location, could they travel together by public transport or carshare;
- Digital connectivity can play a key role in reducing mileage. Audio or video conferencing can be an effective alternative to a face-to-face meeting;
- Whether sustainable travel could be incentivised for example by offering a payment per mile for trips undertaken by active travel means or to those staff that share their car. Financial incentives that encourage business miles by car should be reconsidered.
- Whether electric vehicles (EVs) could be integrated into your fleet. EVs offer savings on fuel and maintenance costs and could lower your company's impact on the environment and air pollution.

11.4 Sustainable procurement practices

Environmentally sustainable procurement is the commissioning, purchase and management of goods, works and services in a way that reduces or negates negative environmental impacts within the supply chain.

Sustainable procurement practices help businesses manage the environmental impact of the goods and services they purchase. Benefits include reduced carbon and environmental impact; sustainable resource use and consumption; reduced waste, and lower energy consumption. Having a sustainable procurement policy can also have a positive knock-on effect throughout the supply chain. As well as greening your business, it can also help with ongoing contract management and improving resilience in supply chains.

Examples of sustainable procurement could include:

- Specifying emissions criteria for contractor vehicles.
- Requiring that any packaging meets a minimum percentage of recycled materials.
- Zero single use plastics.
- Printer cartridge recycling.
- The use of innovation and digital connectivity.
- Adopting the principles of a circular economy - making and using products made from non-virgin, repurposed and local materials.
- Procuring renewable energy supplies.
- When tendering for products or services, set environmental performance criteria and require that prospective suppliers provide evidence of environmental initiatives, credentials and plans to inform your decision.

Improving the green credentials of your business can positively influence customers and prospective employees seeking out environmentally responsible companies.

11.5 Be Prepared

The changing climate and increasing frequency of extreme weather events can have detrimental impacts on business and supply chains. The potential risks and impacts faced include:

- Increased frequency and severity of flooding, causing damage to property and infrastructure affecting business continuity.
- Overheating of buildings and thermal comfort affecting staff productivity.
- Displacement of businesses due to flood water ingress and subsequent damage and repair costs.
- Disruption to transport caused by extreme weather with subsequent impacts on business travel and supply chains.

By creating a **business continuity plan**, organisations can identify the risks and opportunities these changes can bring and help businesses to be better prepared for the future. The table below identifies some examples:

Risk	Opportunity
Extreme weather causing damage to physical assets and business interruption.	Building resilience into property using measures such as sustainable drainage systems and raingardens; and diversifying supplies.
Disruption of local infrastructure affecting supplies and workforce.	Technology development and innovation to secure markets, products and services. Digital connectivity to support business continuity.
Rising insurance costs.	Supporting the local community through sustainability projects that mitigate and adapt to changes in climate.
Sector specific businesses may be impacted in different ways e.g. a company that relies on water supplies during summer months may be adversely impacted by drought.	Identify ways to forward plan and build resilience to supplies e.g. rainwater harvesting; water storage.

11.6 Supporting your local community and environment

Business plays a vital part not only in securing local growth and prosperity but also in supporting the local community and environment. Local companies can contribute to a sustainable borough and pride of place by:

- Taking part in conservation corporate volunteering days;
- Investing in and supporting community energy or conservation projects;
- Donating to green infrastructure projects such as tree planting and community gardens;
- Sharing skills and knowledge with others;
- Offering placements and training to expand green skills.

As well as having a positive role in society these actions can directly benefit your workforce and help attract and retain staff.

11.7 Technology

Technology can help businesses improve efficiencies and reduce their environmental impact. Examples include:

- Video and audio conferencing can reduce business travel and aid productivity;
- Energy management software can proactively manage and monitor energy consumption;
- Going digital and paperless can save on printing costs; resource use and waste generation;
- Invest in renewable technology such as heat pumps and on-site solar photovoltaics (PV) to reduce energy consumption;
- Automated thermostats and room sensors can cut energy consumption to suit office occupancy.

11.8 Knowledge sharing, advice and green skills

There is a range of support available to boost local green growth and skills. Local networks such as the [Woking Chamber of Commerce](#) and [Woking Works](#) can help you green your business. The [Crest Awards](#) are also a source of inspiration, showcasing local businesses that have taken steps to embrace sustainability at the heart of their business.

There are grants and support available to assist with various improvements through schemes such as [LoCase](#), Local Enterprise Partnership [Enterprise M3](#) and national organisations such as the [Energy Saving Trust](#) and the [Carbon Trust](#).

There are also courses available to boost awareness and green skills offered by organisations such as [LoCase](#) and [Carbon Literacy Project](#).

11.9 Objectives

WBC and community action to:

- Secure prosperity through sustainable growth.
- Support business resilience and its ability to adapt to the risks and impacts brought about by climate change.
- Support green skills.

11.10 What we will do:

- Deliver actions with the Council's own [Digital Strategy](#) to support improved sustainability across services.
- Adopt and implement a Council-wide Sustainable Procurement Policy by 2024 (TBC).
- Reduce residual waste by X% and increase recycling by X% across the Council's estate and operations by XXXX (Building Services to be consulted).
- Encourage low carbon and sustainable growth for the Borough linking to our Woking for All objectives.

- Promote sustainability good practice amongst local businesses and signposting to support networks.
- Continue collaboration with the business community on climate change and sustainability through Council and business working groups and networks.
- Promote take up of external grant funding schemes that help businesses invest to go greener.
- Move to 100% electric vehicles used on Council business mileage by XXXX.
- Work with community groups to identify opportunities for green volunteering.
- Install software to proactively manage corporate energy consumption and identify measures for improved efficiency.
- Ensure our emergency and business continuity plans address climate adaptation and projected local impacts and risks.

11.11 What you can do:

- Reduce energy and water consumption at your business premises.
- Switch to a renewable energy tariff.
- Reduce waste generation and increase recycling.
- Consider opportunities to adopt the principles of a circular economy prolonging the life of products.
- Access advice and grant funding for improving sustainability.
- Be prepared. Build in resilience to your operations and supply chains that could be disrupted in the event of extremes in weather and other climate impacts.
- Electrify your fleet and consider options for reducing emissions associated with staff transport to and for work.
- Support your local community and environment through volunteering days and considering opportunities to invest in environmentally focused projects.
- Adopt and implement a sustainable procurement policy.

11.12 Case study: Ashtead Engineering

Ashtead Engineering is an engineering company based in West Byfleet, offering metal machining services, toolmaking, and injection moulding to a wide range of customer including the aerospace, defence, oil and gas, marine and automotive industries.

Determined to reduce the company's carbon footprint having completed a carbon footprint analysis, Ashtead Engineering applied to LoCASE to replace 87 efficient fluorescent lights with LED lighting. LoCASE awarded a grant of just over £3,000 towards the project which saved 6.54 tCO₂e and an estimated £2,749 per year on electricity.

Ashtead Engineering Director, Matt Parry, says, "Updating the lighting to LED has had a huge positive impact on the business. The quality of light has made work easier and lifted morale, and spurred us on to take an even bigger investment in a solar array. As owners of an SME with a relatively large energy usage, we now recognise the importance of 'greening' our operations in a commercially viable manner." [Taken from Woking Works green pages – seek permission](#)

11.13 Resources

Visit the [Energy Saving Trust business advice webpages](#)

Visit the [Volunteer Woking webpages](#)

View the [Surrey Chambers Climate Change Hub resources](#)

Visit the [Woking Works website](#)

Consultation questions:

- Do you agree with the theme's objectives?
- Are there other ways the Council and its partners can support local sustainable growth and green skills?

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12.0 Theme 6: The Natural Environment

This chapter promotes and celebrates our diverse countryside and urban environments. We want to enhance accessibility to our natural habitats and wildlife, where appropriate, and promote the benefits that enjoying the great outdoors can bring including to our own health and well-being. We also recognise the need for ensuring biodiversity security and protection so that future generations can benefit and the importance of working in partnership to achieve these aims.

Woking Borough Council is committed to supporting our local flora and fauna and the diverse environments these call home. Protecting biodiversity is one of our key objectives – playing our part locally to help reverse its global decline and address climate change.

Woking is a Borough of contrast: from the hustle and bustle of the thriving town centre to the green open spaces of our commons. The Borough comprises 1600(tbc) hectares of green spaces. The profile of these green spaces is diverse and includes:

- Parks, gardens and recreation grounds;
- Natural and semi natural urban green space including 12 countryside sites such as Horsell Common, Prey Heath, Smarts Heath, Brookwood Lye, Brookwood Country Park and Pyrford Common;
- Green corridors including areas alongside the Basingstoke Canal and River Wey;
- Outdoor sports facilities including private golf courses and recreation grounds;
- Amenity green space including green spaces within housing areas and village green;
- Allotments;
- Burial grounds and cemeteries including closed burial grounds and Brookwood Cemetery.

Nowhere in the urban area of the Borough is more than 1 mile from open countryside. This provides our population with a great opportunity to enjoy and benefit from the use of the Borough's green spaces for sport, recreation and social interaction and the benefits this can bring to health and well-being.

12.1 Natural Woking

Complementing this strategy is [Natural Woking](#) (adopted in 2016), the Council's equivalent strategy for biodiversity and green infrastructure. It is part of the Council's work towards a sustainable Woking. It sets out how the Council is seeking to enhance the provision and accessibility of green spaces; conserve existing biodiversity and habitats; and create opportunities for species to return.

It describes out how the Council works with partners to ensure biodiversity protection and security while also enhancing accessibility to our natural habitats and wildlife and promoting the benefits that enjoying our green spaces can bring.

Biodiversity encompasses all living things and the rich variety of habitats, species and ecosystems of which they are a part. It is not restricted to rare or threatened habitats and species but includes the whole of the natural world from the common place to the critically endangered. Protecting biodiversity for future generations is essential to creating a sustainable borough.

Natural Woking also sets out the Council's strategic approach to green infrastructure by identifying the existing network and gaps for potential new provision. It looks to connect the individual elements to make strong recreational, ecological and environmental networks in Woking Borough.

12.2 The role of nature in tackling climate change

Our climate and ecological emergency declaration in 2019 recognised that tackling climate change and stemming biodiversity loss go hand in hand. This combined pledge also highlights that nature can help us in the climate emergency.

As stated by the [UK Centre for Ecology and Hydrology](#), our green spaces, water courses, woodlands and heathland are not only home to a variety of flora and fauna but themselves offer benefits in reducing net emissions and taking carbon out of the atmosphere.

12.3 Opportunities and challenges for the natural environment

There are a range of opportunities and challenges to consider with regard to the urban and countryside environment. We want to balance these and ensure that the Borough copes with existing and future demands for green space and outdoor recreational facilities; the need to protect and secure our local wildlife and biodiversity; and the need to respond to issues such as changes in climate and development pressures.

Opportunities

- A clean, healthy and safe environment positively contributes to our sense of place, our quality of life and well-being.
- Accessible green spaces can have positive effects on local economic vitality and tourism.
- The diversity of our local habitats and wildlife provide valuable opportunities for education, awareness and engagement of local people and visitors.
- Whilst changes in climate give rise to challenges, they also offer opportunities for new species of flora and fauna to extend their range. Further ahead it could mean the opportunity for cultivation of otherwise more difficult to grow crops etc.
- The great outdoors offers our local residents and visitors the opportunity to enjoy a range of activities, sports, recreation and social interaction - all of which positively contribute to our health and well-being.
- 'Nature based solutions' offer co-benefits such as flood attenuation; carbon sequestration i.e. the ability of our green spaces and watercourses to act as carbon sinks; preventing soil erosion; shade and cooling; and supporting biodiversity.

Challenges

- Changes in seasonal weather characteristics such as drier, warmer summers and colder, wetter winters which will affect local plant and animal life.

- We are likely to experience greater and more frequent extremes in weather events such as flooding, drought and heatwave. See earlier chapter on The Co-Benefits and Challenges of Climate Action.
- Drier, hotter summers could result in a greater need for irrigation and water resource management and the need to plant vegetation that is more suited to changes in seasonal weather characteristics e.g. drought tolerant species.
- Changes in climate resulting in factors such as reduced soil moisture and greater risk of fire damage may adversely affect the Borough's hectares of heathland and woodland. Secondary impacts of these changes can mean that shallow rooted trees are more susceptible to high winds and root damage.
- Possible changing patterns of migration of species as they become intolerant to their surroundings following changes in the local environment and climate.
- A growing population may mean potential gaps in green infrastructure provision for future generations. The Natural Woking Strategy sets out a strategic approach to green infrastructure within the Borough by identifying the existing network and identifying gaps for potential new provision.
- Air quality is a further challenge to our environment. With population changes and possible increases in congestion (unless mitigated by a shift to sustainable transport) it is essential that we monitor and manage our air quality to maintain a clean, healthy and safe environment.

12.4 Biodiversity and nature-based solutions

As stated in the 2019 [State of Nature report](#), "climate change is driving widespread changes in the abundance, distribution and ecology of England's wildlife, and will continue to do so for decades or even centuries to come".

This is a pattern that is reflected locally, with the Surrey Nature Partnership's [The State of Surrey's Nature report \(2017\)](#), highlighting that Surrey can lay claim to important populations of around 30% of the tranche of rapidly declining species afforded 'priority' conservation status and that nearly 12% of our native wildlife has been lost.

The Council recognises the ecological services provided by habitat in the area and is working with partners on local nature based solutions for the benefit of boosting biodiversity and climate mitigation and adaptation.

One such example is the [Horsell Common SANG](#) project which has created three holding ponds with a combined capacity of over 16 million litres of surface water from the Rive ditch system. The aim of this project is not only to increase capacity of the drainage system to alleviate local flooding, but to improve accessibility and introduce new wetland ecosystems to enhance the biodiversity of the area. **TBC status / whether to include here.**

A Suitable Alternative Natural Greenspace (SANG) is an open recreational space created as an alternative to attract visitors away from designated sites that need protecting due to their valuable ecology and are sensitive to recreational activities such as dog walking. Horsell Common Preservation Society in partnership with Surrey County Council and Woking Borough Council identified the opportunity for providing flood storage within a proposed SANG extension, which will help alleviate downstream flood risk to housing within Woking.

The seasonally flooded areas will benefit invertebrates, reptiles, and amphibians. The site will include a new hibernacula which serves as an underground chamber that amphibians and reptiles use throughout the winter to protect themselves from the cold. Native trees and wildflowers will be replanted upon the scheme's completion to further boost biodiversity.

To improve accessibility for all, 400 metres of recycled plastic boardwalk over the new ponds has been installed creating over 2 kilometres of all-weather hard-standing and free-draining footways across the site.

12.5 Light pollution and nature

According to the International Dark Sky Association, light pollution is defined as any inappropriate or excessive use of artificial light, which affects humans, wildlife, and the climate. Components of light pollution include:

- Glare – excessive brightness that causes visual discomfort.
- Skyglow – brightening of the night sky over inhabited areas.
- Light trespass – light falling where it is not intended or needed.
- Clutter – bright, confusing and excessive groupings of light sources.

Studies show that light pollution is impacting animal behaviours, such as migration patterns, wake-sleep habits, and habitat formation. Research has found light pollution can disrupt the behaviour of nocturnal moths, reducing caterpillars numbers by half. The detrimental impacts on local insect populations have consequences for birds and other wildlife that rely on caterpillars for food.

The Council's Light Pollution Supplementary Planning Guidance offers guidance on the suitable design of artificial lighting to reduce adverse impact on the environment resulting from light. It also provides advice on how lighting can stimulate and enhance the night time amenity and economy of our built environment.

12.6 Partnership Working

Securing and enhancing biodiversity cannot be achieved by the Council in isolation. Partnership working is essential in achieving our local biodiversity goals and targets. The opportunities and challenges facing the local natural environment are complex and could affect many different aspects of the community and environment in which we live. By pooling together the knowledge and expertise of multiple organisations, we can achieve the most effective results. We work in partnership with a range of organisations, residents, landowners and developers to coordinate action across the Borough. Surrey Wildlife Trust; Basingstoke Canal Authority; WWF; Horsell Common Preservation Society; Natural England and Woking Environment Action to name but a few.

Swifts in Woking, the Woking Peregrine Project and the Great Crested Newt pilot project are examples of conservation projects supported by WBC.

12.7 Conservation volunteering

Engaging in nature conservation through volunteering is a great way to get involved and make a positive contribution to your local environment. Groups such as the Horsell Common Preservation Society, the Basingstoke Canal Society and the Basingstoke Canal Authority

welcome volunteers to help with maintenance and protection work. Conservation volunteering is also a great way for workplaces to improve staff wellbeing and encouraging team building.

12.8 Objectives

WBC and community action to:

- Ensure biodiversity security and protection.
- Enhance accessibility to our natural habitats and wildlife, where appropriate.
- Promote the benefits that nature and wildlife can bring to our health and well-being.
- Continue to realise the co-benefits of conservation for climate mitigation and adaptation.

12.9 What we will do:

- Continue to deliver against our Natural Woking strategy and actions to support local biodiversity and habitats.
- Work with partner organisations / groups to implement and support wildlife and species protection projects.
- Explore work with developers to go beyond national requirements for forthcoming Biodiversity Net Gain guidance (TBC).
- Continue to provide guidance on light pollution in new and existing developments to ensure sensitivity to wildlife and habitats.
- Raise awareness of the need for biodiversity conservation.
- Promote the use of the Borough's green spaces for sport, recreation and social interaction and the benefits this can bring to health and well-being.
- Work with partners to protect our green spaces and habitats in the face of challenges brought about by changes in climate.
- Continue to monitor and review local air quality in line with Government based health standards.
- Continue to seek out opportunities for nature based solutions such as habitat conservation and creation to support our climate change and biodiversity goals.

12.10 What you can do:

- Find out about local nature conservation volunteering opportunities. Organisations such as Woking Environment Action's Woking Biodiversity Group; Horsell Common Preservation Society and Surrey Wildlife Trust help conserve our diverse range of habitats and species and welcome new volunteers.
- Take part in local litter picks to help keep our local environment free of litter.
- Let our forthcoming Planet Woking Garden Guide [\(link when ready\)](#) show you how you can turn your garden into a haven for wildlife to support pollinators and species in decline.
- Avoid unnecessary light pollution in your garden and surroundings where possible (and while maintaining safety) for the benefit of insects and wildlife.

- Support community greenspace or gardening projects that help green the local environment.
- Take part in national wildlife surveys, like the [Big Garden Birdwatch](#) to help scientists record changing numbers in species.

12.11 Case study: Sheerwater Youth Centre community garden

In October 2022, Sheerwater Youth Centre was given a green make over by local volunteers supported by the [RHS Community Outreach Team](#). A group of 20 volunteers helped clear the paths, cut back overgrown plants, prepare flower beds and plant spring bulbs. With the assistance of RHS experts, volunteers aged as young as two and six got stuck in helping to transform the area and get it ready for spring. Sheerwater Youth Centre, in Blackmore Crescent, is managed by Woking Tigers and hosts a range of community activities, from kids' football and women's badminton to coffee mornings during the week. As well as greening the urban area, the project brought the community together to share knowledge and skills while also promoting the health and wellbeing benefits that gardening brings.

12.12 Resources

Read our [Natural Woking strategy](#)

Visit the [Volunteer Woking webpages](#)

Find out more about our [conservation projects](#)

Consultation questions:

- Do you agree with the theme's objectives?
- Are there other ways the Council and its partners can help secure the future of the borough's natural environment?

13.0 Theme 7: Communicating and Enabling Change

To achieve net zero we can only do this in partnership and in collaboration.

Woking Borough Council's climate and ecological emergency declaration seeks a zero carbon borough by 2050 or before. As explored throughout this strategy, climate action can be achieved across many activities. However there are often obstacles which need to be overcome to better enable change and understanding of how we can all make a difference. Sometimes people need advice on the most effective ways to reduce the impact of their own lifestyles.

The Council continues to take steps to better embed climate change at the core of our business, recognising the cross-cutting nature of sustainability across all of our services and operations. As highlighted earlier, our Woking for All strategy (adopted in 2022) includes a core greener communities theme acknowledging the commitment to climate change action by the local authority and in its role as a key influencer and enabler for engagement by others. It states:

"We take climate change and finding greener sustainable solutions very seriously. We aim to be a carbon neutral council by 2030 and will continue to encourage and support others to follow our lead."

13.1 How are we doing this?

- Integrating climate change mitigation and adaptation into Council decision making, policies and procedures.
- Undertook an independent assessment of our carbon footprint to most effectively focus action across our estate and operations.
- Lobbying national government for changes in policy and funding.
- Staff communications and training to raise awareness of the cross-cutting nature of sustainability across all of our services and operations.
- Investment planning for climate action across our estate and operations.
- Develop and implement a sustainable procurement strategy to ensure greener purchasing of products and services.
- Planned maintenance across our buildings and housing to optimise energy efficiency and reduce energy demand.
- Integrating climate change and biodiversity considerations into our parks' maintenance e.g. minimising pesticide use; electric fleets and tools?; less frequent mowing.
- Integrating our climate change strategy with other Council strategies and plans e.g. Natural Woking; air quality reporting; staff transport plan; Woking for All.

13.2 Rallying community support

However, to set our borough wide target in context, the public sector only accounts for 3% of borough wide greenhouse gas emissions. So, as well as influencing policy and regulation, Woking Borough Council has a key role in helping support communities by enabling change, through engagement and helping others to also take ownership of action on climate change. We all have a role to play in protecting our local environment. Community engagement that informed the Woking for All strategy, highlighted that work to tackle climate change is

important to residents. We need to rally this support from the community to achieve our area wide ambitions.

In fact, a report ([In our hands: behaviour change for climate and environmental goals](#)) by the House of Lords Environment and Climate Change Committee published in October 2022 found that “people power is critical” in meeting net zero goals and halting nature loss. It found that around one-third of the emissions reductions the UK must deliver by 2035 (in order to meet its legally binding climate targets) will involve people changing their behaviours. The reductions needed will require us all as “individuals and households to adopt low carbon technologies and choose low-carbon products and services, as well as reduce carbon-intensive consumption”.

13.3 Enabling change – how can we help?

One of the fundamental ways the Council can help is to raise awareness of climate change and how our local residents, businesses and community groups, large or small, can get involved and make a difference.

Soon after our climate emergency and ecological declaration, we launched the [Planet Woking](#) programme – our climate change communications campaign. Its purpose is to share what the Council has done and continues to do to meet our net zero targets; and to inspire local people to get involved and continue to make changes to live a greener, more sustainable life.

As stated by the [Natural History Museum](#), climate change does not and will not affect everyone in the same way, leading to inequalities between places, people and even generations. It is important to recognise the vulnerabilities of different groups within our community to ensure we target services and better enable change by and support for all.

The support of WBC and partner organisations is important in addressing social vulnerability to the impacts of climate change. Personal, social and environmental factors can combine to result in a greater vulnerability to climate change, requiring more support. These vulnerabilities could be linked to spatial/geographical considerations e.g. residents living in an area susceptible to flooding or in property that overheats during a heatwave. Other socio-economic factors can exacerbate these vulnerabilities too, for instance: income; age; mobility/accessibility; language; access to social/support networks or social isolation.

The [Joseph Rowntree Foundation](#) states that “Climate disadvantage is determined not just by the likelihood and degree of an individual or group being exposed to a hazard but also by their social vulnerability to such hazards. Vulnerability is a matter of how external events convert into changes in well-being. An individual or group is more vulnerable if they are less able to respond to stresses placed on their well-being.”

“Social vulnerability and climate disadvantage are linked to place” (Joseph Rowntree Foundation) and decision makers can assist with the combining factors.

As local decision makers, it is important for us and our stakeholders to recognise how climate change will impact the most vulnerable in our community and how we can help. Impacts could include the immediate aftereffects of an extreme weather event e.g. damage to property caused by flooding; but also longer term detrimental impacts such as loss of earnings; or

health and wellbeing concerns. Understanding how social vulnerability and climate disadvantage are linked to place, will enable us to focus support for these communities. This could take the form of fuel poverty support; improving jobs skills and access to training; accessibility to key services and housing; housing maintenance and flood protection measures; affordability of public transport and access to active travel.

By raising awareness we want to empower the local community to take ownership and action to reduce their own climate impact. Through communicating on climate change we want to inspire the community to do what they can for the benefit of our environment. Positive changes and sustainable behaviours all count and will make a difference. As shown in our case study below (Imperfect Footprints), the most effective change will come from making sustainability work for you and doing what you can to incorporate it into your daily life.

This chapter, and the wider strategy, will be further developed as we consult on this draft. We'll feedback how we've addressed your comments and suggestions in an accompanying report to the final strategy.

13.4 Objectives

WBC and community action to:

- Lobby government for support and action on climate change.
- Empower communities to play their part in reducing emissions and securing a green future for our borough.
- Work with stakeholders to help identify those who are vulnerable to the impacts of climate change and focus support for these communities.
- Continue to communicate on climate change.

13.5 What we will do:

- Continue to embed climate change in WBC organisational procedures, policies and decision-making ensuring “we have own house in order”;
- Deliver on the actions outlined as part of the corporate carbon footprint assessment and embed these in our Climate Emergency Action Plan.
- Develop and implement a sustainable procurement policy by 2024 (TBC) that accounts for the climate impact of all our contracts and services;
- Continue to lobby to national government for changes in policy and funding;
- Continue to communicate on climate change to our staff and councillors;
- Continue to facilitate take up of carbon and climate literacy training for staff and councillors;
- Support the community and local businesses to go greener by raising awareness and signposting to resources and grant funding;
- Work with community groups and local stakeholders to identify the most effective ways to target support for those that are more vulnerable and difficult to reach in our borough.

13.6 What you can do:

- Consider the themes in this strategy – are there ways you could reduce your energy consumption; travel greener; generate less waste?
- A carbon footprint calculator could help identify ways to reduce your environmental impact. [WWF](#) offers a free web based calculator while their app enables the user to choose and track challenges to help make small changes that all add up.
- Volunteering for a local environmental or conservation group is not only great for greening our borough but has a positive effect on personal wellbeing and feeling part of a network.
- Share your experiences of going green with family, friends and colleagues. Often people don't know where to start but word of mouth goes a long way.
- Check out our [Planet Woking website](#) and social media accounts for advice and resources on sustainable living.

13.7 Case Study: Take the Jump

[Take the Jump](#) by trying out six lifestyle shifts to live more sustainably. The aim of this volunteer-led campaign is “a world of less stuff and more joy”, balancing humanity with nature and reducing the impact of consumption in rich countries by 2030. Research behind the campaign highlights that citizens can have a huge role in making this happen and so encourage everyone to try out a shift for one, three or six months to see the positive change it can make. The shifts include:

- End clutter – keep products for at least seven years.
- Travel fresh – without personal vehicles if you can.
- Eat green – promoting a plant-based diet.
- Dress retro – limit new items of clothing to three a year.
- Holiday local – limiting the number of flights to one in three years.
- Change the system – encouraging one life shift to “nudge the system”.

Find out more on the [Take the Jump website](#).

13.8 Resources

Find out more about [Volunteer Woking](#)

Visit the [Surrey Wildlife Trust website](#)

Learn about [Horsell Common Preservation Society](#)

Visit the [Planet Woking Get Involved webpages](#)

Consultation questions:

- Do you agree with the theme's objectives?

- Are there other ways the Council and its partners can help you play your part in reducing emissions and securing a green future for our borough?

DRAFT

14.0 Theme 8: The Built Environment

The built environment: where we live, work, shop and socialise plus the infrastructure and facilities that connect us.

As stated in the UK Climate Change Committee's 2021 Report to Parliament [Progress in adapting to climate change](#), "The vast majority of people in England live in built-up areas, with about 92% of the population living in cities and towns. The built environment therefore has a strong influence on how climate change will impact upon people and communities".

14.1 Mitigation and adaptation

According to [the Climate Group](#), 40% of global greenhouse gas emissions come from the built environment. And when you look closer, as found by the [Open University](#), 28% of these emissions come from heating, lighting and cooling existing buildings; while the remainder comes from embodied carbon in the construction of new buildings.

Add to this the fact that much of the UK's building stock is relatively old and was built before more modern energy and thermal requirements were introduced. According to [RICS](#), 50% of residential and 39% of non-residential buildings were built before 1970, meaning large scale retrofit programmes are necessary to improve their energy efficiency and reduce their energy demand. [ONS statistics](#) up to March 2021, show that just 44% of all housing in Woking borough has an EPC rating of C or above. 73% of our housing relies on mains gas for heating.

The built environment therefore plays a key role in reaching our net zero goals.

As well as the need to mitigate the emissions associated with the built environment, there's also the question of adaptation and its resilience in our changing climate. Our buildings and infrastructure have been built and designed for a cooler climate with less frequent or severe extreme weather events. The [UK Green Building Council](#) says a "typical building constructed today will still be in use in 2070 and beyond, but the climate it encounters will have changed significantly. Many key elements of that building's design are based on historic records of climate data that are, even now, several decades out of date." As the hazards we face are likely to become more extreme, this compounds the need to adapt and to make our buildings, infrastructure and communities more resilient to change.

The built environment also has links with our natural environment in its use of the land it occupies, the resources needed for its power and the waste and emissions generated in its occupation.

14.2 Challenges and opportunities

Our vision includes a built environment that is developed sustainably, which meets local needs and enables the local economy to prosper.

The graphic below considers some of the key climate related issues arising from the built environment and how they can be addressed to contribute to our common environmental objectives. Some have been referred to in other chapters of this strategy, demonstrating their interlinking nature. *Information below to be converted to graphic – only presented in table here for ease of formatting.*

Healthy homes – not damp; too warm; or too cold. Safe and warm new and retrofit homes for the health and well-being of our local population.	The need for low carbon new developments – buildings and homes – both in terms of construction and energy use.	Treating hard to heat homes with poor thermal efficiency to help tackle fuel poverty.
Using planning and building regulations legislation and guidance to require and encourage low carbon and resilient building standards.	Incorporating urban greening to create shade and cooling (while also supporting biodiversity), reducing temperatures within buildings and built-up environments.	Addressing the future challenges of climate adaptation and resilience in new developments so that they are fit for the future.
Supporting the private rented sector to meet minimum energy efficiency standards.	Continuing to retrofit Council owned housing to meet and where possible exceed minimum energy efficiency standards.	Decarbonising our energy supplies, transitioning away from fossil fuels for our heat and power needs – lowering carbon and enhancing energy security.
Supporting businesses to reduce the carbon footprint of their premises and operations.	The scale of the retrofit challenge to reduce energy consumption but also to adapt buildings for the inevitable effects of climate change.	Incorporating flood protection measures at individual household level and at development scale to protect from future flood events.

14.3 Climate Change Supplementary Planning Document (SPD)

Planning policy and building regulations have key roles to play in the development of new homes and buildings in our Borough and how residents of the future will live. The Woking Local Development Framework Core Strategy sets out the overall strategic vision for spatial planning and management of development in the Borough up to 2027. It contains a number of policies that will help to reduce carbon emissions and build resilience to changes in our climate and environment, for instance through encouraging renewable and low carbon energy generation and delivering high standards of sustainable construction of buildings. The Council's Climate Change Supplementary Planning Document (SPD) provides more detailed guidance on the application of these planning policies.

First adopted in December 2013, the Climate Change SPD is now under review and will be subject to public consultation in parallel to this Climate Change Strategy. The review seeks to consolidate recent changes made to planning policy further to the emergence of national net-zero goals, in particular the introduction of the Environment Act 2021 and changes to Building Regulations earlier in 2022. The revised SPD will continue to support and strengthen the Council's climate change agenda covering themes such as low carbon and sustainable energy; design, materials and waste; sustainable transport and electric vehicles;

water efficiency; climate change resilience and adaptation including overheating and flood risk; green and blue infrastructure.

Furthermore, a review of the Core Strategy will commence in 2023 with the potential opportunity to increase relevant planning policy requirements, as far as national policy context allows.

14.4 Retrofitting our homes and buildings

Retrofitting homes and buildings is one of the biggest challenges in reaching net zero. As stated earlier, much of the country's residential and non-residential buildings was built before 1970, meaning large scale retrofit programmes are necessary to improve their energy efficiency and reduce their energy demand. Poor insulation means that many buildings are losing heat, wasting energy and costing more money. Retrofit refers to improving an existing building or home through measures such as loft and cavity wall insulation and draught-proofing.

Through a government funded programme, Action Surrey (part of the ThamesWey Group owned by WBC) has been delivering retrofit improvements to homes across Surrey. Between October 2020 and September 2022, £10.5m in funding was used to install 977 measures at 716 low-income, hard-to-heat properties. Measures included solar photovoltaics (PV) and loft, cavity wall and floor insulation. It is estimated that household energy bills will be reduced by an average of £660 (at April 2022 prices) with the installations helping to protect the fuel-poor grant recipients from continued rises in energy prices.

Further large-scale domestic retrofit is underway by Action Surrey via Surrey County Council's Sustainable Warmth contract. The contract serves a consortium of Surrey districts and boroughs in delivering £12 million funding for household energy efficiency improvements under the third wave of the government's Sustainable Warmth funding (also known as LAD3 and HUG). Launched in October 2022, people living in hard to heat homes and on lower incomes, could receive grants between £10,000 and £25,000 to improve insulation and install renewable technology - helping to save energy, reduce emissions and combat rising energy prices.

14.5 Objectives

WBC and community action to:

- Secure a built environment that is developed sustainably.
- Make our existing buildings and homes more energy efficient and resilient in a changing climate.
- Ensure warm and healthy homes for all.

14.6 What we will do:

- Continue to improve energy efficiency and reduce energy demand across our local authority estate (see also theme 9).
- Continue to improve the average EPC rating of all local authority owned housing.
- Improve the energy efficiency of our commercial properties.

- Continue to work with landlords to improve the energy efficiency of private sector rented accommodation.
- Promote uptake of grants and advice for household energy improvements.
- Consult on the revised Climate Change SPD to ensure Planning guidance continues to seek sustainable and climate positive development.
- Work with partners to reduce the number of households experiencing or vulnerable to fuel poverty and enable access to support and grant funding.
- Work with the business community to improve uptake of energy efficiency measures and grants where externally available.
- Work with partners such as the Surrey Local Resilience Forum to identify ways in which we can help build resilience and adaptation in our built environment e.g. cooling; flood protection, etc.
- Seek out ways to incorporate urban greening in new buildings or within the built environment as a natural cooling and shading measure.
- Develop a green guide for home extensions to provide guidance on the best ways to incorporate sustainable construction features and energy efficiency measures.

14.7 What you can do:

- If you're a private landlord, ensure your property meets the Minimum Energy Efficiency Standards (MEES). Help your tenants reduce their energy demand by considering going beyond these by further improving the energy efficiency of your property and seeking out grants or advice on how to do this from WBC's Housing Service.
- Businesses can contact [Woking Works](#) for advice on how to improve the energy rating of your premises and available grants.
- Energy and water audits can help businesses identify ways in which to reduce demand.
- Install a smart meter. Smart meters help you be more aware of how much energy you're using so you can try to be more efficient. They can also help pinpoint where energy might be being wasted, for instance where devices or lights may be being left on unnecessarily.
- Seek householder energy efficiency advice and where eligible, grant funding from Action Surrey. 'Fabric first' measures such as loft, underfloor and cavity wall insulation can help improve the thermal comfort of your home and reduce energy demand.
- Heating controls can help you make sure you're only using heating when necessary. Thermostats, thermostatic radiator valves and smart heating controls (which programme when your heating comes on and turns off) can all help.
- Be prepared. If your home is susceptible to flooding, seek advice on how best to protect it. Similarly, if you're home overheats in summer, follow advice on ventilation and cooling.

14.8 Case study: Hale End Court

Officially opened in November 2021, Hale End Court extra care is a unique housing scheme designed to meet the needs of frail or vulnerable people living in Woking. Located in

Old Woking, the scheme offers onsite care to help people with additional support needs to remain as independent as possible.

The scheme consists of 48 self-contained flats, 45 one-bedroom properties and three two-bedrooms, as well as communal facilities that include a range of essential and accessible services to help people live well.

The scheme won Building Project of the Year over £10 million at the Constructing Excellence SECBE Awards in July 2022. The award recognises developments that deliver outstanding outcomes for all those involved in a construction project. The criteria for the award include great teamwork between client and supply chain, a low environmental impact, high levels of innovation and technical achievement, outstanding customer satisfaction and being delivered on time and within budget.

Hale End Court's environmental credentials include:

- Solar photovoltaic (PV) panels with a capacity of 19 kWp.
- Green roofs with a sedum and wildflower mixture.
- Sustainable Drainage System (SuDS) flood attenuation tanks.
- Bird and bat boxes built into brickwork.
- Wildlife beneficial plant species and log pile.
- Bicycle storage hoops.
- Energy sub-metering.
- Responsible sourcing of materials including Forest Stewardship Council (FSC) certified timber.
- Electric car charging points.
- Heat metering for each flat.

14.9 Resources

Visit the [Woking Works website](#)

Find out more about household energy efficiency from the [Action Surrey website](#)

Consultation questions:

- Do you agree with the theme's objectives?
- Are there other ways the Council and its partners can secure a sustainable and climate positive built environment?

15.0 Theme 9: Woking Borough Council's Journey to Net Zero

In summer 2022, Woking Borough Council commissioned an independent carbon footprint assessment of the Council's corporate emissions. Our climate and ecological emergency declaration highlighted the need for more robust data and reporting to enable the Council to measure its progress.

The study, undertaken by Anthesis, improves the Council's knowledge of its footprint helping to identify key areas of focus in reaching our net zero target by 2030. Emissions trajectories were mapped according to varying degrees of intervention required to achieve our ambitions. The full report is available on our website [\(link\)](#).

15.1 Our footprint

The footprint boundary is determined by our climate and ecological emergency declaration which says we will reduce emissions across the Council's estate and operations to net zero by 2030. The study used GHG Protocol guidance to measure scope 1 and 2 emissions from buildings and operations within WBC's direct operational control, using a baseline year of 2020/21.

WBC is unique in its ownership of its energy company [ThamesWey Ltd](#) and its associated energy networks. They use combined heat and power (CHP) plant to generate heating, cooling and power within a private network. While currently still using natural gas, CHP offers greater efficiencies and lower carbon than power consumed directly from the grid. ThamesWey's Poole Road Energy Centre in Woking serves a range of Town Centre customers all benefitting from these efficiencies and security of supply. The system is designed for the future and is compatible with future changes in fuel source to fulfil our decarbonisation ambitions.

Understanding of the network ownership and responsibility for associated emissions is important in the context of the Council's total carbon footprint.

The headline emissions are shown below. The total footprint of 18,218 tonnes CO₂e (for 2020/21) has been compartmentalised to reflect this unique structure. WBC corporate emissions account for 17% of the total emissions.

Activity	Emissions in tonnes CO ₂ e and % of total			
	Total footprint	WBC Corporate Estate	ThamesWey Woking	ThamesWey Milton Keynes
Total	18,218 (100%)	3,041 (17%)	4,609 (25%)	10,567 (58%)
Fleet	91 (1%)	91 (3%)	-	-
Natural gas	13,738 (74%)	1,034 (34%)	3,088 (67%)	9,616 (91%)
Building use	4,387 (25%)	1,916 (63%)	1,520 (33%)	951 (9%)

15.2 Pathways to Net Zero

The assessment looked at WBC's emissions trajectories according to different carbon reduction scenarios. Future emissions reductions have been mapped in each financial year to 2030 based on differing levels of project intervention - Business as Usual, Medium Ambition and High Ambition.

- **Business-as-usual:** the Council does not adopt any significant low-carbon projects, and reductions in the footprint are led by the decarbonisation of the national grid.
- **Medium ambition:** Wide implementation of lighting and appliance upgrades at most Council sites, including leased sites. Building control and management measures are also installed. Energy centre supply is switched onto a non-natural gas source, such as hydrogen.
- **High ambition:** Lighting, appliance and building control measures are applied. Additional projects aimed at upgrading building fabric and heating systems of Council sites with significant energy consumption implemented. Energy centre supply switches to a fully renewable source, such as biogas or electricity (via heat pump).

15.3 The challenge ahead

What the study concludes is that early intervention and investment at scale will be needed to achieve our net zero goals. A range of measures will be needed including building improvements, energy demand reduction, electrification of heating and zero carbon fuel sources. The scale and range of interventions is reflected in the indicative cost estimates associated with these works (estimates run between £1.4m - £11m).

The scale of delivery will also influence the level of residual emissions remaining in 2030. An emissions removal hierarchy is the primary focus but options for dealing with residual emissions such as offsetting, insetting and local nature-based solutions are explored and costed.

The full study is available here ([include link when published](#)) and includes a number of actions for the Council to take forward in order to reach its net zero target by 2030 across its estate and operations. These are summarised below.

15.4 Monitoring and governance

Delivery against our climate commitments is monitored through regular reporting to the Greener Woking Working Group whose members include representatives from the community, business, environmental organisations, councillors and council officers.

Further to our climate and ecological emergency declaration, a [Climate Emergency Action Plan](#) (CEAP) was approved by the Council on 13 February 2020. This is designed to be a living document which is developed and updated as more information is gathered about progress and projects.

Once public consultation on this strategy update is concluded, the CEAP will be reviewed and updated further to incorporate the latest actions and themes found within this document, pending its adoption.

Furthermore, a set of performance indicators will be developed to accompany the CEAP to ensure we can easily monitor progress against measurable actions.

15.5 Objectives

WBC action to:

- Achieve a net zero corporate estate by 2030.
- Continue to identify external funding to retrofit our estate improving its energy efficiency and reducing its energy demand.
- Explore options to decarbonise our energy supplies.
- Continue to monitor our carbon footprint.

15.6 What we will do:

- Implement far reaching energy efficiency and energy demand measures as outlined in the High Ambition Pathway of the carbon footprint assessment. For example, implement upgrades to building fabric and building management controls from 2023, with all small appliances and lighting upgraded by 2025.
- Accelerate the decarbonisation and demand reduction of energy centres and corporate buildings. For example, by prioritising sites with very large energy demands (>100,000 kWh of heating) for fabric improvements and heat pump retrofits; and continuing feasibility work to understand the implications of installing biogas or pilot hydrogen infrastructure on the energy networks.
- Continue monitoring and reporting of emissions to improve the value and insight of the data, using the carbon footprint assessment methodology.
- Adopt a carbon insetting strategy or local carbon offset mechanism by 2026 to address residual emissions anticipated to remain in 2030.
- Reduce corporate emissions by X% each year as per carbon footprint assessment recommendation.
- Undertake a full assessment of the Council's Scope 3 emissions by 2025 (TBC), including the Council's supply chain.
- Continue to embed climate and sustainability in Council operations and at the centre of our governance to ensure carbon reduction is suitably prioritised.
- Be 'bid ready' and continue to identify external funding opportunities to support financing carbon reduction initiatives across the corporate estate.
- Consider the plan beyond 2030 to maintain net zero and / or go beyond this to carbon negative.

15.7 Case Study: ThamesWey decarbonisation pathways

As part of its net zero target and ongoing decarbonisation plans, ThamesWey has extended its low carbon Town Centre heat network to include two council-owned buildings previously reliant on mains gas and the grid. The work to connect Midas House and Export House was financed with £3.5 million Public Sector Decarbonisation Scheme funding. The design of the connections to these two buildings pioneers a novel arrangement of combining the heat network with water source heat pumps. These heat pumps enable older buildings to benefit from connection to the heat network without extensive and intrusive works to re-fit internal heating services, by intelligently boosting temperatures of the heat network supply where required. It is hoped that this design solution will provide a template enabling other older buildings to be connected to the low temperature heat networks in Woking town centre, further contributing to our net zero targets.

Furthermore, ThamesWey has received £9.4 million in government support through the national Heat Networks Investment Project (HNIP) to continue to facilitate its plans to expand and decarbonise the supply of heat to Woking town centre. Over the next seven years, the funding will assist in extending Woking's heat and cooling networks to supply energy to new developments in the Town Centre including sites south of the railway line. The HNIP funding will also enable further decarbonisation of heat through the addition of large-scale heat pumps and heat storage capacity at the Poole Road Energy Centre. When complete, Woking Town Centre will benefit from one of the lowest carbon heating systems in the UK.

These are significant milestones on our journey to net zero, facilitating the decarbonisation of electricity and heating supplies.

15.8 Resources

Find out more about our corporate carbon footprint assessment [\(link when published\)](#)

Visit the [ThamesWey Group website](#)

[Read the Council's climate change webpages](#)

Consultation questions:

- Do you agree with the theme's objectives?
- Are there other ways the Council could meet its corporate net zero goal?

16.0 Conclusion

Our objectives are clear and the challenge is set: a net zero Council estate by 2030 and a net zero borough by 2050 or earlier.

Our commitment is longstanding, demonstrated by our early work on energy efficiency and climate change dating back to the late 1990s and early 2000s. This has been strengthened and reaffirmed in recent years by the pledges made through our climate and ecological emergency declaration; continuing local action and our steadfast political and corporate priorities.

However, the scale of the challenge requires that this momentum not only continues but accelerates in order to reach zero carbon in less than seven years. And for our wider borough, we will need to rally support of the community to secure that area wide goal for the benefit of all.

This is set in the backdrop of huge financial and inflationary pressures facing households, businesses and of course, the public sector. However, what we know is that tackling climate change cannot be pitched head-to-head against other issues and shouldn't be a binary choice. The co-benefits of environmental action for the economy, for health and wellbeing and for the community are more pressing than ever.

There's no doubt that zero carbon will be challenging. However, we are in a strong position and clearer than ever what needs to be done to leverage much needed carbon reductions. Ongoing collaborative working plus the identification of vital external and innovative funding mechanisms will continue to be crucial to this agenda.

And by working together to make changes to the way we live and work, no matter how small, we can all make a positive difference.

17.0 Glossary

Term	Definition
Adaptation	The action or process of recognising inevitable changes and adapting to them.
Biodiversity	Biological diversity – or biodiversity – is the term given to the variety of life on Earth. It is the variety within and between all species of plants, animals and micro-organisms and the ecosystems within which they live and interact. (WWF)
Carbon neutral	The removal of the equivalent amount of CO ₂ as emitted through activities and operations.
Green infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities (NPPF).
Greenhouse gas emissions (GHG)	Gases in the Earth's atmosphere that absorb and emit radiation. This process is considered a fundamental cause of the greenhouse effect. The primary greenhouse gases are carbon dioxide, methane and nitrous oxide. Greenhouse gases affect the temperature of the Earth.
Net zero	The elimination of all associated greenhouse gases (not just carbon) generated by an activity or operation.
Renewable	In terms of resources, those that are renewable are not limited in availability. Their source will never run out. Coal and gas are finite resources as their stocks are exhaustible. Wind is renewable as it will forever be available.
Resilience	In the context of this Strategy we consider community resilience and our duty to ensure the community is able to withstand, and recover quickly from, an event or situation which threatens serious damage to human welfare or the environment.
Sustainable	This can refer to development or the use of a resource – its use or existence must be able to be continued without being detrimental to the environment, or endangering the resource for its use by future generations.

Greener Woking Working Group Terms of Reference

1.0 Summary

- 1.1 The Greener Woking Working Group is a cross political party, non-partisan working group of Woking Borough Council (WBC), which was established in March 2003 to discuss sustainability and environmental issues in the Borough.
- 1.2 The name of the task group was changed from the Climate Change Working Group to the Greener Woking Working Group in May 2022.
- 1.3 These Terms of Reference set out the roles and responsibilities of the Group and those appointed to it. These were considered and endorsed by the Greener Woking Working Group in November 2022 and were approved by the Executive in March 2023 [tbc].

2.0 Membership

- 2.1 The Greener Woking Working Group comprises elected members of the Council, representatives of relevant partner organisations and WBC officer support.
- 2.2 Member appointments to the Working Group are agreed by the Executive at the start of each municipal year. At the time of approval of these Terms of Reference, there are seven Councillors, representing all political groups on the Council based on proportionality and these include the Greener Woking Portfolio and Shadow-Portfolio holders.
- 2.3 Partner organisations represented are Action Surrey/ThamesWey, Woking Chamber of Commerce, Woking Environment Action (WE Act), and Surrey County Council (Surrey Heathlands Partnership, Cabinet Member for Environment).
- 2.4 The Working Group shall be advised by the following officers of the Council: Green Infrastructure Manager and Senior Policy Officer (Climate Change).
- 2.5 Substitutes are not necessary, however other representatives may be invited to attend the Working Group on an ad hoc basis, for example as guest speakers, at the discretion of the Chairman.
- 2.6 The quorum for the Working Group meetings is a third of the Borough Councillors appointed to the Working Group. At the time of approval of these Terms of Reference, there were seven Councillors appointed and so the quorum for meetings to take place would be three Councillors.

3.0 Chairman and Vice Chairman

- 3.1 The Chairman and Vice Chairman of the Working Group for each municipal year will be elected by the Councillors appointed to the Working Group at its first meeting of the new municipal year.

4.0 Role and Functions

- 4.1 The Greener Woking Working Group's role is to consider matters relevant to the improvement of the Borough's environment.
- 4.2 The Working Group's functions include, but are not solely limited to, the following environment-related topics:

- 4.2.1 To consider, develop, implement, monitor delivery of, and review, the Borough's climate change strategy and actions.
- 4.2.2 To consider, develop, implement, monitor delivery of, and review, the Borough's carbon neutral targets.
- 4.2.3 To consider develop, implement, monitor delivery of, and review, the Borough's green infrastructure and biodiversity strategy and actions.
- 4.2.4 To receive updates on the above and other environment related matters¹
- 4.2.5 To provide updates and make recommendations as necessary for the Council's consideration. The Working Group has no formal decision-making powers.
- 4.2.6 The Overview and Scrutiny Committee may refer matters to the Working Group for further scrutiny and consideration and vice versa.
- 4.2.7 The Woking Strategic Partnership Board may refer actions to the Working Group for further consideration and vice versa.
- 4.2.8 To identify areas of funding to support the implementation of relevant Borough Council strategies.
- 4.2.9 To be a sounding board for new environment related ideas and proposals and best practice.

5.0 Operations of the Working Group

- 5.1 The Greener Woking Working Group will have four regular scheduled meetings a year, which will be held in private. Additional meetings will be called if necessary and in agreement with the Chairman and Vice-Chairman.
- 5.2 The meetings will be held in the evenings, usually at 6.30pm in respect to non-Council representatives. Meetings will be held virtually to minimise travel requirements, unless otherwise agreed.
- 5.3 The Working Group's areas of responsibility are as set out above.
- 5.4 Officers supporting the Working Group will consult the Group - or for urgent matters its Chairman and Vice Chairman in consultation with the Strategic Director of Place via the agreed delegated responsibility - prior to the submission of any officer report to the Executive.
- 5.5 The Working Group will be serviced by the Democratic Services Team.
- 5.6 The Working Group will have agendas for, and minutes of, its meetings. The Working Group will also record actions and maintain an action sheet.
- 5.7 The agendas will be drafted in consultation with the Chairman and Vice Chairman and aim to be issued seven days before the date of the meeting.

¹ This does not include planning matters, which are within the remit of the Local Development Framework Working Group.

- 5.8 The agendas, reports, minutes, and discussions of the meetings of the Working Group shall be deemed confidential to allow free and open discussion of matters falling under the remit of the Group.
- 5.9 Email circulation of the agenda pack is limited to members of the group and to the officers of the Council and ThamesWey supporting the Working Group. Members of the Working Group may not share the agenda pack or its documents with any other party.
- 5.10 When a third-party guest speaker or observer is invited to attend a meeting of the Working Group, the agenda pack will not be shared with them, unless agreed by the Chairman if extraordinary circumstances apply. Guests to the meeting will however receive an agenda sheet, so they can follow the discussion.
- 5.11 In the interests of transparency of the key topics covered, summary notes of the meeting (not the full minutes) shall be published on the Council's website.

6.0 Responsibilities of Attendees

- 6.1 Ensure papers are read in advance of the meetings.
- 6.2 Ensure that any actions they are responsible for are completed and fed back to the Working Group.
- 6.3 Respect the confidentiality of all information received through the Working Group.
- 6.4 If unable to attend a meeting, to send a report of any actions from the last meeting that they own, and to advise the Democratic Services Team of their apologies in advance.

Document ends

EXECUTIVE – 23 MARCH 2023

RECOMMENDATION FROM OVERVIEW AND SCRUTINY COMMITTEE FOLLOWING WEACT PRESENTATION

Executive Summary

Attached is a report to be received by the Overview and Scrutiny Committee on 20 March 2023. A supplementary paper containing a minute extract and any recommendations to the Executive will be tabled at the meeting.

Background Papers: None.

Reporting Person: Giorgio Framaliccio, Strategic Director - Place
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Date Published: 15 March 2023

OVERVIEW AND SCRUTINY COMMITTEE – 20 MARCH 2023

RECOMMENDATIONS TO THE EXECUTIVE FOLLOWING WEACT PRESENTATION**Executive Summary**

Following the presentation made by representatives of WEAct at the meeting of the Committee held on 20 February 2023, Members agreed to provide recommendations to the Executive in support of Climate Change action to be taken, accelerated, or otherwise furthered by the Council. During the evening the Committee and WEAct discussed WEAct's recommendations: the Council strengthens the Climate Emergency Action Plan to reflect the recommendations of the Anthesis carbon footprint assessment; officers consider the feasibility of joining the UK100 network of councils (giving due consideration for the financial and resource implications); the Council continues to be a 'High Ambition' council on climate action; further support on embedding the Council's net zero ambition across the organisation; and the Council continues its leadership role in encouraging community climate action.

Recommendations

The Committee is requested to:

RECOMMEND TO THE EXECUTIVE that subject to the Committee agreeing the above Executive Summary, that the Executive refer those to the Greener Woking Working Group for consideration.

The item(s) above will need to be dealt with by way of a recommendation to the Executive.

Background Papers:	None
Reporting Person:	Cllr Ayesha Azad Email: CllrAyesha.Azad@woking.gov.uk
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Date Published:	10 March 2023

EXECUTIVE – 23 MARCH 2023

CLIMATE CHANGE SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Executive Summary

The report describes the draft Climate Change Supplementary Planning Document (SPD) and recommends the Executive to publish the SPD for public consultation.

The last SPD was adopted in 2013 and is in need of review to keep up to date with changes to building practice which has seen uplifts in emissions and a variety of other standards. The SPD outlines changes to building efficiency standards and provides guidance on best practise in support of adopted strategic policies within the Development Plan, Policies CS22 and CS23 in particular.

To enable the Council to reach net-zero targets across the Borough it is important that this SPD is released and reviewed in conjunction with the emerging Climate Change Strategy. Both documents provide a vision for a sustainable Woking and will enable all members of the public to contribute toward reducing carbon emissions.

The draft SPD has been considered by both the LDF Working Group and Greener Woking Working Group at meetings 1st/8th February. It has also been circulated to WBC officers, and feedback has been consolidated within the draft document. It is proposed to publish the document for public consultation post-election period, from 15th May 2023, for a period of 6 weeks and in parallel with the draft Strategy. Comments received (i.e. consultation statement) and the updated SPD will be presented to Executive and Full Council in late 2023 with a view to adoption.

In summary, the objectives of the SPD are:

- To set out in detail how the requirements of the development plan, in particular, policies CS22 and CS23 would apply to day-to-day planning decisions;
- To review and take into account changes in national policy and legislation on climate change since the adoption of the existing SPD;
- To provide guidance for Planning Officers that sets out the minimum expectations for development in the Borough, and provides examples of best practice that goes beyond this;
- To provide guidance for Council Members when assessing planning applications at Planning Committee; and
- To set out guidance for applicants/developers to utilise when preparing applications for development, that also makes clear the Council's intentions to reduce carbon emissions across the built environment.

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the contents of the draft Climate Change Supplementary Planning Document (SPD), attached at Appendix 1 to the report, be noted and approved for public consultation for a period of 6 weeks; and
- (ii) delegated authority be given to the Strategic Director - Place, in consultation with the Portfolio Holder for Planning and Regulation, to approve any minor amendments to the SPD before it is published for public consultation.

Reasons for Decision

Reason: To give the public an opportunity to comment on the draft revised Climate Change SPD, and for their comments to be considered before the SPD is adopted.

The Executive has the authority to determine the recommendation(s) set out above.

- Background Papers:** None.
- Reporting Person:** Giorgio Framalico, Strategic Director - Place
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- Date Published:** 15 March 2023

1.0 Introduction

- 1.1 Woking Borough Council adopted the current Climate Change Supplementary Planning Document (SPD) in 2013. The SPD sets out guidance to support the implementation of the Core Strategy and provides detail on how the requirements of the development plan apply to day-to-day planning decisions. Policies CS22 'Sustainable construction' and CS23 'Renewable and low carbon energy generation' provide the most applicable strategic policy context on how development within the Borough should help to reduce carbon emissions and manage the use of local resources such e.g., water and energy.
- 1.2 Since 2013 there have been significant changes to the planning system in wake of national ambitions to decarbonise all sectors of the UK economy and reach net zero by 2050. In addition, the Council's own ambitions around Climate Change have developed at pace, with the Council declaring a 'climate and ecological emergency' in July 2019 and putting in place a climate emergency action plan (CEAP) to help mitigate and reduce the carbon footprint of Council assets. The revised SPD will cement and bring together the relevant changes, particularly in light of recent changes to Building Regulations in June 2022 which saw uplift in minimum standards for development across the UK. These changes are in response to the Code for Sustainable Homes being scrapped and replaced by the Future Homes Standard (FHS). Current standards are therefore an interim to make way for further uplifts anticipated upon release of the FHS in 2025.
- 1.3 Given the breadth of change since the last SPD, this review will also provide a platform to endorse more recent building practice and promote further sustainable technologies. The Council remains supportive of schemes which evidence conformity with guidance and go beyond the minimum requirements. For a summary of changes from June 2022 see Appendix 2 of this report.
- 1.4 It should be noted that this SPD is supplementary planning guidance to existing Development Plan Policy (Core Strategy Policies CS22 and CS23), and as stated under national planning policy guidance, adds detailed guidance on the application of policy. SPDs are considered a 'material consideration' for decision-makers which 'should not add unnecessarily to the financial burdens on development'. CS22 recognises that in some cases, meeting the requirements of CS22 are unviable. In these cases, evidence should be demonstrated, and financial contribution should be given to the Council to offset the equivalent energy/water savings elsewhere in the Borough.
- 1.5 In parallel to the SPD update, the Council is also conducting a review of their **Climate Change Strategy**. The draft Climate Change Strategy outlines the objective for the Borough to become net-zero by 2050 (or earlier). To meet this objective, it will require all sectors of the Borough to contribute towards reducing carbon emissions. It is noted that 40% of greenhouse gases (GHG) come from the built environment both from usage of buildings and from the embodied carbon associated with construction. Therefore, it is important the supplementary planning document is updated to endorse best sustainable practice and encourage all types of development to go beyond minimum national standards. Both the draft SPD and draft Strategy will be subject to public consultation in 2023.

2.0 Summary of changes since the last Climate Change SPD was adopted

- 2.1 Executive Summary: the summary highlights the importance of responding to climate change as a means encourage development that is adaptable and mitigates future onset challenges. This section also makes reference to the emerging Climate Change Strategy which details the Council's aims to reach net-zero across the Council estate (by 2030) and the wider Borough (by 2045/2050). It is also important to highlight that while the Strategy outlines ambitions to reach net-zero, due to the nature of the SPD, guidance suggests development should aim to achieve carbon-neutrality as supported by CS22. As explained later in the SPD, viability is increasingly becoming a critical issue in determining applications for new development and the

Climate Change Supplementary Planning Document (SPD)

incorporation of low carbon/renewable requirements. Under CS22 there is leeway for developers to make 'provision for compensatory energy and CO² and water savings elsewhere in the Borough equivalent to the carbon savings which would have been made by applying this policy'.

- 2.2 (Page5-6) The revised SPD provides two summary pages that list the key measures for addressing climate change according to residential and non-residential development. These summary pages are intended to be an aid to both DM officers, developers, and members when making decisions at Planning committee.
- 2.3 The revised SPD expands on the themes of the 2013 SPD and details a new contents page. To note 'Sustainable energy' has expanded to 'Carbon and sustainable energy', 'Sustainable transport' to 'Sustainable transport and EV', and 'Adapting to Climate Change' has expanded to different three themes i.e., 'Water efficiency', 'Climate change resilience and adaptation....', 'Green and blue infrastructure'.
- 2.4 A glossary is provided to clarify terminology used throughout the SPD.
- 2.5 Introduction: this chapter follows much of the same format as the 2013 SPD i.e., setting out the purpose of the SPD and how to navigate the guidance provided. Relevant core strategic policies which support the SDP are set out with details on how they contribute towards climate change objectives.
- 2.6 Legislative and Policy context: this chapter details changes to local policy. The most significant policy changes relate to updates to the Development Plan following 2013 and changes to national strategy, which has set out new targets for net-zero; most notably the goal for all sectors of the UK to become net-zero by 2050.
- 2.7 Sustainability Through Standards: The UK-wide net-zero target has given ground for the interim uplifts to building standards in June 2022 (page 7). These standards will increase again upon adoption of the Future Homes Standard in 2025. Progressive uplifts are seen as necessary to achieve net-zero across the built environment.
- 2.8 Complying with the Standards sets out the key points during the planning process applicants should be prepared to engage with DM officers and demonstrate compliance with the core strategy, national standards, and this SPD. There is an additional note on viability/feasibility and meeting the requirements of CS22. It is expected that a detailed technical and financial appraisal is provided by the applicant to evidence why a development cannot meet core policy.
- 2.9 Carbon and Sustainable Energy
- 2.10 Energy Efficiency: proposals for development should evidence implementing the energy hierarchy and adopting a 'fabric first' approach. Uplifts in Building Regs, regarding the fabric efficiency standard should be followed. There is the requirement for non-domestic developments with high-energy consumption to achieve a 10% reduction in carbon emissions via BREEAM Ene04 credits.
- 2.11 Renewable or Low Carbon Energy: Development should consider using LZC technologies and demonstrate this within the Design and Access Statement. LZC technologies should have minimal impact on heritage assets in line with technical guidance on building regs.
- 2.12 Stand-alone Sustainable Energy Generation: as under CS23, development should make use of opportunities to capitalise on renewable energy in the Borough. These opportunities can be identified within Neighbourhood Development Plans. Attention should be paid to the effect of such energy generation initiatives on the Thames Basin Heaths SPA.

Climate Change Supplementary Planning Document (SPD)

- 2.13 Low Carbon Heat and Decentralised Energy Networks: low carbon heat for hot water and heating should be implemented across all developments. Development should connect to the Town Centre DEN if in proximity (i.e., within the connection zone). Development in the connection zone where the Town Centre DEN has not yet expanded to serve, should be designed to be 'connection-ready'.
- 2.14 Design, Material and Waste
- 2.15 Design and Layout: proposals should maximise on potential for solar gain, consider existing landform of site to benefit from shelter, utilise existing natural features on site, capture and use passive solar energy, consider measures to prevent over heating from solar gain in summer, and maximise potential for passive cooling/ventilation in summer.
- 2.16 Waste: development should follow Part H6 of Building regs, reduce waste and resource usage, provide high-quality waste facilities, use recycled (or reused) locally sources materials. Non-residential development is required to meet the 'waste and materials' targets for BREEAM and achieve 'Very Good' rating.
- 2.17 Sustainable Transport
- 2.18 Proposals should promote active travel, provide suitable pedestrian infrastructure, incorporate EV facilities in line with national/local standards, and provide a provision of secure storage for bikes and pushchairs in public areas.
- 2.19 Climate Change Resilience and Adaptation
- 2.20 Developers should provide an overheating assessment to future-proof development, design to anticipate flood-risk/allowances for climate change, implement SuDS/GBI, design for water efficiency of 110 l/p/d, for non-residential implement a min of 40% reduction in water consumption following BREEAM practice, and integrate GBI with NBS where possible to make best use of land for growth of local biodiversity.
- 2.21 Appendices: an updated 'Climate Neutral Checklist' will be provided at the end of the SPD and on Woking 2027 website upon adoption of the SPD.

3.0 Further considerations

- 3.1 A review of the Core Strategy is planned for 2023. This provides a platform to review policies within the Core Strategy. Dependent on the outcome of the review, it is expected that there will be potential to update existing policy to align better with the Council's ambitions on Climate Change alongside national guidance, and supported by a viability assessment. This provides a vehicle for policy evolution that can go further than the SPD's remit in adding detailed guidance on the application of existing policy.
- 3.2 The Environment Act (2021) has made 10% BNG mandatory for development from November 2023. Officers are working to draft the necessary guidance and establish procedure in response. While linked, this work is outside the scope of the Climate Change SPD.

4.0 Next Stages of the process

- 4.1 Subject to the decisions of the Executive, the draft SPD will be published for consultation between 15th May and 26th June 2023. It is intended that a revised version will be taken to Executive then Council for adoption in late 2023. When adopted, the SPD will take immediate effect from the date of adoption.

5.0 Corporate Strategy

- 5.1 The revised SPD contributes towards the wider strategic vision of a sustainable Woking. This SPD, in addition to the revised Strategy, will enable all members of the public to become engaged in reducing environmental impact across the Borough and will make development more adaptable, sustainable and flexible in response to national targets to decarbonise.

6.0 Implications

Finance and Risk

- 6.1 The SPD work was completed via appointed consultant ('WSP'). The only financial implications stem from payment for completing the works as agreed at inception/upon raising the Purchase Order. It is not anticipated that further costs will be added due to further revisions made to the SPD.

Equalities and Human Resources

- 6.2 There are no human resources implications for preparing the SPD.

Legal

- 6.3 The SPD should be prepared to be in general conformity with the development plan for the area, in particular, the Core Strategy. Officers will continue to ensure that this requirement is met to avoid the risk of legal challenge.

7.0 Engagement and Consultation

- 7.1 The draft SPD will be subject to public consultation after the local elections starting 15th May 2023 and concluding 26th June 2023.
- 7.2 The details of the consultation programme and engagement methods for the draft Strategy and Climate Change SPD are to be determined by Green Infrastructure and Planning Policy in consultation with the Council's Lead Engagement Officer in Marketing and Communications.
- 7.3 The full draft SPD will be made available online via the Woking 2027 website, with full details on how the public can submit comments to WBC.
- 7.4 Following public consultation, comments received will be reviewed by officers and inform the final draft SPD for adoption. Once finalised the SPD will be taken to the same relevant Working Groups to seek approval to Exec and then full Council before adoption late 2023.

REPORT ENDS



Woking Borough Council

Climate Change

Supplementary Planning Document (SPD)

DRAFT



PLACEHOLDER IMAGE

Report for

Jade Bowes
Planning Policy Officer
Woking Borough Council

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Document revisions

No.	Details	Date
0	Draft for internal review	12/12/2022
1	Draft for client comment	04/01/2023
2	Revised draft	25/01/2023
3	Handover draft to WBC	21/02/2023

Executive Summary

Climate change is regarded as one of the most significant threats of our times and increasing focus is being paid to mitigating and adapting for the future. Actions on climate change are being taken at all levels of the planning system, from international agreements and national targets to local planning commitments and strategies for individual developments.

This Climate Change Supplementary Planning Document (SPD), updates and builds upon the previous 2013 Climate Change SPD, reflecting changes in national or local policy and objectives, ensuring sustainable outcomes through the planning system.

Woking Borough Council declared a 'climate and ecological emergency' in 2019 and adopted a Climate Emergency Action Plan (CEAP) in 2020 which set out a range of priority actions, including the need to update local guidance to reflect how development can be adapted to encourage the adoption of low or zero carbon technologies. The Council has revised their current Climate Change Strategy ('Woking 2050'), which sets out the Council's Net-Zero ambitions according to the following overarching objectives:

- Objective 1: A net zero Council estate by 2030
- Objective 2: A net zero Borough by 2050 (or 2045)

It is important to recognise that while the Council is committed toward achieving net-zero, for the purposes of planning policy guidance and ensuring development remains viable, development should endeavour to achieve carbon neutrality as supported under Policy CS22 of the Core Strategy. This SPD details technologies that are considered 'best practice' and proposals which go beyond energy efficiency standards are encouraged. To clarify net-zero means no GHG (greenhouse gas) emissions are released, whereas carbon neutrality means GHG emissions that are released are then offset elsewhere to maintain a balance of both released and eliminated gases.

The way in which we shape new and existing communities in the Borough can make a significant contribution to tackling climate change, both by building resilience to its impacts and by reducing carbon emissions. Spatial planning plays a key role in mitigating and adapting to climate change through decision-making on the location, scale, mix and character of development. Therefore, it is imperative that new housing and developments brought forward meet and exceed performance requirements of the Core Strategy, utilising the guidance in this SPD, to ensure further buildings are not 'locked in' and require costly retrofitting in the future. This SPD sets out the specific detail and information required by the Council to determine whether development proposals align with local needs whilst addressing the challenges of a changing climate.

The following two pages summarise the recommendations for both residential and non-residential buildings, illustrating the key measures for addressing climate change. **Sections 4 to 7** provide the detailed guidance relevant to Woking Borough Council's climate change policies.

Residential Development

Carbon and Sustainable Energy



Apply the energy hierarchy to any new development, adopting a ‘fabric first’ approach (see **Table 4.1**).



Developments are encouraged to exceed minimum local planning policy and Building Regulations Part L requirements.



Sources of renewable / LZC power should be considered. Review design issues and planning requirements associated with these technologies.



Consider opportunities and constraints associated with stand-alone sustainable energy generation – see **Table 4.3**.



All new buildings should utilise low carbon heat for heating and hot water.



Connect to Woking Town Centre DEN if within proximity (see **Figure 4.2**)

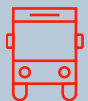
Sustainable Transport



Designs should prioritise walking, cycling and public transport. Provide strong links to existing footpaths, cycle routes and public transport nodes.



Secure and covered cycle parking should be located close to a property, with appropriate provision provided based on occupancy



Certain developments (major development or highly disruptive to transport) will be required to conduct Transport Assessments and provide Travel Plans to manage travel needs sustainably (see **Box 6.2**).



Provision of car parking should be consistent with cutting emissions, including through providing for EV charging infrastructure.



Meet the minimum requirements for the provision of EV charge points in accordance with the current Building Regulations Part S (see **Table 6.2**)

Residential Development

Design, Materials and Waste



To maximise passive solar gain, buildings should be oriented with the longest façade being south facing (+/- 30°) – see **Figure 5.1**. Good integrated design will also avoid summertime overheating.



Glazing-to-wall ratio on each façade is a key feature of energy efficient design.



Reduce the amount of resources used and the waste produced. Use recycled, re-used and / or local, sustainably sourced materials.



The selection of materials should be informed by the scale of embodied carbon associated with their production.



Provide high-quality waste facilities. Part H6 of the Building Regulations sets minimum requirements in relation to provision for solid waste storage.



Applications for large scale development should be accompanied by a Site Waste Management Plan (SWMP).

Climate Change Resilience and Adaptation



Overheating assessment to design for future climate, employing principles of the natural cooling measures (see **Table 7.1**) in order to future-proof the development



Designing development to be resilient to flood risk including allowances for climate change.



Use of SuDS in development to integrate GBI and design for allowances for climate change, utilising the principles within **Table 7.1**.



Design for a minimum water efficiency of 110 l/p/d, aiming to exceed this, utilising the principles of the water hierarchy (see **Figure 7.2**).



Integrate GBI into development, utilising nature-based solutions to achieve multiple benefits.

Non-residential Development

Carbon and Sustainable Energy



Apply the energy hierarchy to any new development, adopting a 'fabric first' approach (see **Table 4.1**).



Developments are encouraged to exceed minimum local planning policy and Building Regulations Part L requirements. For developments with high energy consumption – include three credits from BREEAM Ene04.



Sources of renewable / LZC power should be considered. Early-stage review design issues and planning requirements associated with these technologies.



Consider opportunities and constraints associated with stand-alone sustainable energy generation – see **Table 4.3**.



All new buildings should utilise low carbon heat for heating and hot water.



Connect to Woking Town Centre DEN if within proximity (see **Figure 4.2**).

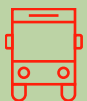
Sustainable Transport



Designs should prioritise walking, cycling and public transport. Provide strong links to existing footpaths, cycle routes and public transport nodes.



Secure and covered cycle parking should be located close to a property, with appropriate provision provided based on occupancy



Certain developments (major development or highly disruptive to transport) will be required to conduct Transport Assessments and provide Travel Plans to manage travel needs sustainably (see **Box 6.2**).



Provision of car parking should be consistent with cutting emissions, including through providing for EV charging infrastructure.



Meet the minimum requirements for the provision of EV charge points in accordance with the current Building Regulations Part S (see **Table 6.2**)

Non-residential Development

Design, Materials and Waste



To maximise passive solar gain, buildings should be oriented with the longest façade being south facing (+/- 30°) – see **Figure 5.1**. Good integrated design will also avoid summertime overheating.



Glazing-to-wall ratio on each façade is a key feature of energy efficient design.



Reduce the amount of resources used and the waste produced. Use recycled, re-used and / or local, sustainably sourced materials. Achieve credits from the waste and materials elements of BREEAM.



The selection of materials should be informed by the scale of embodied carbon associated with their production.



Provide high-quality waste facilities. Part H6 of the Building Regulations sets minimum requirements in relation to provision for solid waste storage.



Applications for large scale development should be accompanied by a SWMP. Some projects will require SWMPs to comply with BREEAM standards.

Climate Change Resilience and Adaptation



Thermal modelling incorporating climate change projections, incorporating the principles of natural ventilation where possible (see **Table 7.1**).



Designing for durability to climate change impacts such as heat deterioration and driving rain, including designing for ease of maintenance.



Designing development to be resilient to flood risk including allowances for climate change.



Use of SuDS in development to integrate GBI and design for allowances for climate change, utilising the principles within **Table 7.2**.



Design for a minimum of 40% reduction in water consumption compared to a baseline building (see BREEAM methodology) whilst aiming to exceed this, utilising the principles of the water hierarchy (see **Figure 7.2**).



Integrate GBI into development, utilising nature-based solutions to achieve multiple benefits.

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Acronyms and Abbreviations

Acronym	Definition
BEIS	Department for Business, Energy and Industrial Strategy
BNG	Biodiversity Net Gain
BRE	Building Research Establishment
BREEAM	Building Research Establishment Environmental Assessment Method
CCRA	Climate Change Risk Assessment
CEAP	Climate Emergency Action Plan
CfSH	Code for Sustainable Homes
CHP	Combined heat and power
CIBSE	Chartered Institution of Building Services Engineers
CLT	Cross laminated timber
CO ₂	Carbon dioxide
DEN	Decentralised Energy Network
DER	Dwelling Emissions Rate
DPD	Development Plan Document
EIA	Environmental Impact Assessment
EPC	Energy Performance Certificate
EPD	Environmental Product Declaration
EV	Electric vehicle
FRA	Flood Risk Assessment
GBI	Green and Blue Infrastructure
GDPO	General Permitted Development Order
GHG	Greenhouse Gas
GWR	Greywater Recycling

Acronym	Definition
IPCC	Intergovernmental Panel on Climate Change
LDF	Local Development Framework
LNRS	Local Nature Recovery Strategies
LZC	Low and Zero Carbon
NBS	Nature Based Solutions
NDO	Neighbourhood Development Order
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework
PD	Permitted Development
PPG	Planning Practice Guidance
PV	Photovoltaic
RCP	Representative Concentration Pathway
RWH	Rainwater Harvesting
SFRA	Strategic Flood Risk Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
SUDS	Sustainable Drainage Systems
SWMP	Site Waste Management Plan
TER	Target Emissions Rate
UNFCCC	United Nations Framework Convention on Climate Change

1. Introduction

1.1 Purpose

- 1.1.1 The Woking Local Development Framework (LDF) Core Strategy, adopted in October 2012, sets out the overall strategic vision for the spatial planning and management of development in the Borough up to 2027. It describes a strategic vision for the Council in which sustainability is embedded in aspects of design, sustainable construction as well as renewable and low carbon energy generation. Following a review in 2018, the Core Strategy was deemed up to date and continues to provide the necessary strategic policy framework for managing development across the Borough.
- 1.1.2 Climate change encompasses many disparate yet interconnected topics of the Core Strategy; associated policies (where relevant) therefore inform this SPD in driving reduced carbon emissions and resource impacts (climate change mitigation) and enhanced resilience to climate change impacts (climate change adaptation). (see **Appendix A**).
- 1.1.3 The purpose of this SPD is to provide more detailed guidance on the application of the planning policies related to climate change, thereby helping applicants make successful applications and aiding the delivery of highly sustainable forms of development in Woking Borough. This SPD is key to ensuring sustainable outcomes through the planning system and positively contributing to the Borough's climate change and biodiversity goals.
- 1.1.4 The key objectives of this SPD are to ensure all new developments are:
- Designed to the highest achievable sustainability standards;
 - Designed to reduce their carbon emissions and incorporate sustainable energy;
 - Designed to make efficient use of natural resources, particularly water and energy;
 - Designed to mitigate and adapt to the effects of climate change;
 - Integrating Nature-Based Solutions into development; and,
 - Designed to be future-proofed in response to socio-environmental shifts associated with climate change.

1.2 How to use this Document

- 1.2.1 This document provides guidance on implementing certain policies in the Core Strategy. It provides important advice on how to meet various criteria set out in the policies contained within **Table 1.1**.

Table 1.1 Core Strategy – Relevant Policies

Policy	Description	Relevance to Policy CS22 and Climate Change Objectives	Page Number
CS7	Biodiversity and nature conservation	Creation of green spaces and green infrastructure for adaptation purposes – managing risks such as flooding, high temperatures and urban heat island effect – as well as enhancing biodiversity.	Page 55

Policy	Description	Relevance to Policy CS22 and Climate Change Objectives	Page Number
CS9	Flooding and water management	Incorporation of sustainable drainage systems (SUDS) – range of benefits including flood risk management and carbon storage and sequestration.	Page 61
CS17	Open space, green infrastructure, sport and recreation	Provision of green and blue spaces and green infrastructure for adaptation purposes, as well as enhancing biodiversity.	Page 89
CS18	Transport and accessibility	Provision of sustainable transport system and modes, reducing carbon emissions and growth of green corridors for adaptation purposes.	Page 93
CS21	Design	Incorporating measures to minimise energy consumption, conserve water resources, use principles of sustainable construction and provide renewable energy and SUDS.	Page 102
CS22	Sustainable construction	Development designed to take account of layout, landform, orientation and landscaping, as well as reducing carbon emissions and incorporating adaptation measures.	Page 106
CS23	Renewable and low carbon energy generation	Generation of energy from renewable and low carbon sources.	Page 112

- 1.2.2 It is recommended that applicants refer to this document in the early stages of project planning and design, with cross-reference to other planning policies across the local development framework. Climate change and sustainability should be considered at the start of the design process and throughout the project lifecycle to achieve the best performance in the most economic manner.
- 1.2.3 It is highly recommended that the pre-application service is used to engage Woking Borough Council on the proposals with due consideration of the content within this SPD.
- 1.2.4 The **Executive Summary** provides overviews for both residential and non-residential buildings, illustrating the key measures for addressing climate change. **Sections 2 to 7** provide the detailed guidance to addressing Woking Borough Council's climate change policies.
- 1.2.5 If you are in any doubt about the guidance, or require any further clarity, please get in touch with the planning policy team at the contact details below:
- Planning Policy, Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL
 - Tel: 01483 743871
 - Email: planning.policy@woking.gov.uk

1.3 Sustainability Appraisal

- 1.3.1 This SPD forms part of the Woking LDF. It has not been necessary to prepare a sustainability appraisal as there is no requirement to do so under current Regulations¹. The SPD does not introduce any additional requirements beyond those set out in the LDF and therefore will not cause any significant environmental effects arising from its implementation.

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¹ Section 19(5) of the planning Act 2008 removed the requirement for a Sustainability Appraisal Report to be prepared for all Supplementary Planning Documents.

2. Legislative and Policy Context

2.1 Overview

- 2.1.1 Local policy is informed by national commitments, that in turn reflect the UK's international commitments as a signatory to the United Nations Framework Convention on Climate Change (UNFCCC).
- 2.1.2 The Climate Change Act 2008², provides the basis for climate action in the UK (both mitigation and adaptation). Related planning legislation sets out a duty on local planning authorities to mitigate and adapt to climate change. The National Planning Policy Framework (NPPF)³ sets out the Government's planning policies for England and how these are expected to be applied. The UK Net Zero Strategy⁴ sets out the steps the UK needs to take to achieve the target of net zero by 2050.

2.2 Borough Context

- 2.2.1 A number of documents have been produced by the Council which accompany this SPD which should be read in conjunction to this SPD during development planning.

Greener Woking Climate Change Strategy

- 2.2.2 The emerging Climate Change Strategy (produced by Greener Woking) cements the Council's objectives; to reach a net-zero Council estate by 2030, and, to reach a net-zero Borough by 2050 or earlier. The revised guidance provides a platform to encourage all sectors of the community to engage with the Council's efforts to meet their targets, under the umbrella of nine themes, including 'Theme 8: The Built Environment' which outlines opportunities to reduce the impact buildings have on the environment.
- 2.2.3 The emerging SPD and Strategy are complimentary documents which depict the wider vision of a sustainable Woking and should be read in parallel. It is anticipated that both documents will be released for public consultation and adopted together.

Core Strategy

- 2.2.4 Woking Borough Council's Core Strategy⁵ is the main document within the Council's Local Development Framework (LDF) and underpins all other Development Plan Documents for the Borough. The document describes a strategic vision for the Council to 2027 in which sustainability is embedded in aspects of design, sustainable construction as well as renewable and low carbon energy generation, complementing the principles of the Climate Change Strategy. It puts robust metrics in place for measuring performance. It continues to provide the necessary strategic policy framework for managing development across the Borough.

² Climate Change Act 2008 c. 27. Available at: <https://www.legislation.gov.uk/ukpga/2008/27>

³ Ministry of Housing, Communities & Local Government (2021). National Planning Policy Framework. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁴ Department for Business, Energy & Industrial Strategy (2021). Net Zero Strategy: Build Back Greener. Available at: <https://www.gov.uk/government/publications/net-zero-strategy>

⁵ Woking Borough Council (2012). Woking Local Development Framework Core Strategy. Available at: <https://www.woking2027.info/developmentplan/corestrategy/adoptedcorestrategy.pdf>

- 2.2.5 The Council is committed to reducing risks and tackling the adverse impacts of climate change through appropriately designed spatial development. The inclusion of Green and Blue Infrastructure (GBI) in new development, for example, can help to alleviate surface water run-off and reduce temperatures. There are a number of planning policies within the Core Strategy which facilitate this aim – see **Table 1.1**.
- 2.2.6 A review of the Core Strategy will commence in 2023, and will provide an opportunity to assess the current expectations of development within the Borough, against national policy.

Development Management Policies Development Plan Document

- 2.2.7 The Woking Development Management Policies DPD⁶ was adopted by the Council in October 2016 and subject to review in October 2021⁷. The provisions of the DPD will be given full weight for the purposes of development management and other planning decisions. The main purpose of the DPD is to provide detailed policies to help determine day to day planning applications. This facilitates the delivery of the Woking Core Strategy. The policies of the DPD are areas of policy where further detail was needed beyond that contained in the Core Strategy. The DPD does not cover policy areas where principles are fully addressed by national or Core Strategy policies. It provides further information of relevance to this SPD, relating to climate adaptation, specifically Flood Risk Assessments (FRA) and green infrastructure requirements.

Natural Woking: Biodiversity and Green Infrastructure Strategy

- 2.2.8 The Biodiversity and Green Infrastructure Strategy⁸ was introduced by Woking Borough Council in 2016 to promote the Borough's biodiversity whilst enhancing existing habitats and green spaces and improve accessibility. This strategy works alongside the Borough's Climate Change Strategy and identifies the role of the developer and landowners as essential in achieving these objectives.

Woking Strategic Flood Risk Assessment

- 2.2.9 The Strategic Flood Risk Assessment (SFRA)⁸⁶, produced in 2015, has been prepared in accordance with the NPPF and PPG, where the SFRA sets out suitable, reasonable and practical local development policies to manage flood risk. The SFRA provides an assessment of the impacts of climate change and provides guidance to developers on designing for climate change.

Design SPD

- 2.2.10 The Design SPD²⁴ was adopted by the Council in February 2015 and is a material consideration in the determination of planning applications. It provides detailed guidance to ensure that future development in the Borough is of the highest design standards, which will have a direct bearing on minimising the impact of development on climate change. This document should therefore be viewed in conjunction with the Design SPD.

⁶ Woking Borough Council (2016). Woking Local Development Documents - Development Management Policies Development Plan Document. Available at: <https://www.woking2027.info/developmentplan/management/dmpadp.pdf>

⁷ Woking Borough Council (2021). Review of the Development Management Policies Development Plan Document. Available at: <https://www.woking2027.info/developmentplan/management/dmpdpdreview.pdf>

⁸ Woking Borough Council (2016). Natural Woking: Biodiversity and Green Infrastructure Strategy. Available at: <https://www.woking.gov.uk/sites/default/files/documents/Nature/nwstrategy.pdf>

3. Sustainability Through Standards

3.1 Building Regulations

3.1.1 In June 2022, significant changes in the Building Regulations⁹ came into effect for new homes, extensions, existing buildings and non-domestic buildings. New homes and buildings in England will have to produce significantly less carbon dioxide (CO₂) under new rules. Under the new Regulations, CO₂ emissions from new build homes must be 31% lower than current standards and emissions from other new buildings, including offices and shops, must be reduced by 27%. Amendments include:

- Part F (ventilation)¹⁰ and Part O (overheating)¹¹ – uplift to ventilation and solar gain reduction requirements to avoid the issue of overheating (see **Section 7.2**);
- Part L (conservation of fuel and power)¹² – setting standards for the energy performance of new and existing buildings (see **Section 4**); and
- Part S (infrastructure for charging electric vehicles)¹³ – specification for the installation of electric vehicle (EV) charging points or cable routes (see **Section 6.2**).

3.1.2 These updates mark a steppingstone towards the introduction of the Future Homes Standard¹⁴ and Future Buildings Standard¹⁵ in 2025, which will introduce more stringent changes to Parts L and F.

3.2 BREEAM

3.2.1 Among voluntary measurement ratings for green buildings, the Building Research Establishment (BRE) Environmental Assessment Method (BREEAM) has become one of the most comprehensive and widely recognised measures of a building's environmental performance. BREEAM UK New Construction Version 6¹⁶ describes an environmental performance standard against which new, non-domestic buildings can be assessed.

⁹ The Building Regulations 2010 No. 2214. Available at: <https://www.legislation.gov.uk/ukxi/2010/2214>

¹⁰ Ministry of Housing, Communities & Local Government (2022). Ventilation: Approved Document F. Available at: <https://www.gov.uk/government/publications/ventilation-approved-document-f>

¹¹ Ministry of Housing, Communities & Local Government (2022). Overheating: Approved Document O. Available at: <https://www.gov.uk/government/publications/overheating-approved-document-o>

¹² Ministry of Housing, Communities & Local Government (2022). Conservation of fuel and power: Approved Document L. Available at: <https://www.gov.uk/government/publications/conservation-of-fuel-and-power-approved-document-l>

¹³ Ministry of Housing, Communities & Local Government (2022). Infrastructure for charging electric vehicles: Approved Document S. Available at: <https://www.gov.uk/government/publications/infrastructure-for-charging-electric-vehicles-approved-document-s>

¹⁴ Ministry of Housing, Communities & Local Government (2021). Consultation outcome: The Future Homes Standard: changes to Part L and Part F of the Building Regulations for new dwellings. Available at: <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

¹⁵ Ministry of Housing, Communities & Local Government (2021). Consultation outcome: The Future Buildings Standard. Available at: <https://www.gov.uk/government/consultations/the-future-buildings-standard>

¹⁶ BRE (2022). BREEAM UK New Construction Version 6. Available at: https://files.bregroup.com/breeam/technicalmanuals/sd/uk-new-construction-version-6/?utm_campaign=2361144_BREEAM%20NEW%20USA%20New%20construction%20manual%20downloads&utm_medium=email&utm_source=BRE&dm_t=0,0,0,0,0&dm_i=47CQ,1C1KY,7TVZLP,667EQ,1#_frontmatter/schemedoc.htm?TocPath=7

- 3.2.2 The Council has adopted BREEAM standards in Policy CS22 to deliver more sustainable non-residential development across the Borough. New non-residential development of 1,000 m² or more (gross) floorspace is required to comply with BREEAM ‘Very Good’ standards (or any future national equivalent). For a full description of the building types that this policy refers to see the latest BREEAM guidance.
- 3.2.3 In order to achieve a BREEAM ‘Very Good’ rating, a building must achieve the minimum standards of performance in the key areas described in **Table 3.1** (to guarantee performance against fundamental environmental issues), in addition to the minimum score of 55%. This is the minimum requirements of Policy CS22; developers are encouraged to exceed these standards where possible.

Table 3.1 Minimum Requirements for BREEAM ‘Very Good’

BREEAM Issue	Minimum Standard	Further Guidance	Manual Section ¹⁶
Man 04 Commissioning and handover	One credit (commissioning-test schedule and responsibilities)	A schedule of commissioning and testing must be produced, in accordance with appropriate standards such as current Building Regulations, Chartered Institution of Building Services Engineers (CIBSE) guidelines, amongst others.	59
	Criterion 11 (Building User Guide)	Prior to handover, develop two building user guides for non-technical users for occupiers and for the facilities managers.	61
Ene 02 Energy monitoring	One credit (First sub-metering credit)	Sub-metering to be installed so that at least 90% of the estimated annual energy consumption of each fuel is assigned to its end-use category. The energy consumption will be monitored by end-use category if the total useful floor area is > 1,000 m ² . Below this area, an energy monitoring and management system could be used, or separate accessible sub-meters. (see Section 4).	148
Wat 01 Water consumption	One credit	Utilising the BREEAM Wat 01 calculator or alternative method to compare the water consumption (litres/person/day) for the building against a baseline. At least a 12.5% improvement must be demonstrated. The yield of any greywater and rainwater systems can be offset from the demand (see Section 7.2).	208
Wat 02 Water monitoring	Criterion 1 only	A water meter must be installed on the mains water supply to the building, including via a borehole or private source (see Section 7.2).	219
Mat 03 Responsible sourcing of construction products	Criterion 1 only	100% of timber and timber-based products used on the project will be ‘legal’ and ‘sustainable’ in accordance with the UK Government’s Timber Procurement Policy ¹⁷ (see Section 5).	249

¹⁷ Defra (2013). UK Government Timber Procurement Policy (Fifth Edition) (Online). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/320982/2013_05_08_-_CPET_Deft_Legal_Sustainable_5th_ed_-_Final.pdf

3.3 Complying with the Standards

- 3.3.1 To ensure compliance with the standards set out in this SPD, the Council advises that clear evidence (i.e. Energy Statement or Sustainability Statement) is provided with a planning application to demonstrate compliance with CS22 and CS23. The general principles for demonstrating compliance are set out here.
- **Early commitment:** The Council recommends the developers' early commitment to the standards set out in Policy CS22 and the additional guidance in this SPD. This avoids costly design amendments and delays in achieving planning permission.
 - **Environmental rating evidence:** The Council recommends that applicants submit documentation from qualified assessors to confirm that the development will comply with the environmental rating requirements of Policy CS22. It is strongly recommended that a pre-assessment is carried out early in the design process and before a planning application is submitted. If this is not the case, then the evidence will be required via a planning condition prior to the commencement of the development, should the planning application be approved. If applicants are unsure, it is advised they speak to the Council.
 - **Carbon reduction evidence:** A clear rationale setting out how fabric performance and overall CO₂ targets have been achieved is helpful, and, should demonstrate the feasibility of connecting to any local energy networks for heating, cooling and/or power. This can be evidenced within an Energy Statement or summary of performance metrics determined using approved national methodologies.
 - **Climate Neutral Development Checklist (See Appendix C) :** It is advised that all applications for new development should include a completed copy of the Council's Climate Neutral Development Checklist (with the exception of very minor developments such as minor exterior alterations).
 - **Cooperation:** The Council encourages co-operation between developers on larger sites where two or more separate development schemes are proposed. Opportunities for connection to a decentralised, renewable or low-carbon energy supply, where available, is encouraged as are opportunities for working together to benefit from the economies of scale related to the amount of development.

Technical and Financial Viability

- 3.3.2 The Council recognises that viability is increasingly becoming a critical issue in determining applications for new development and the incorporation of low carbon / renewable requirements. Policy CS22 allows scope for a case to be made if a developer considers the requirements unattainable on technical or financial viability grounds.
- 3.3.3 Where the applicant / developer states that they cannot achieve the requirements due to financial reasons, the Council will require evidence to back up this position. Financial viability arguments will only be accepted if:
- Achievement of the policy requirements would make the proposal unviable – where the applicant has identified a potential shortfall, they will need to submit a sound and fully justifiable case alongside an open-book viability analysis for why the policy requirement cannot be met;
 - A variety of sustainable energy sources and generation methods have been assessed and costed; and

- The development proposal would contribute to achievement of the objectives, strategy and policies of the Core Strategy.

- 3.3.4 The Council will expect clear evidence and justification to be presented on why a development cannot achieve either part, or the whole of the standards set out in Policy CS22. This should include a detailed technical and financial appraisal; open to clear inspection, demonstrating why required standards would render the development unviable or that standards cannot be achieved for technical reasons. This should include the details of any rejected options and take full account of any subsidies and grants likely to be available at the time of construction and ongoing operation.
- 3.3.5 Any financial viability appraisal will need to take account of all other planning obligations for the development, such as affordable housing, and therefore should take place at outline or full application stage, or at reserved matters stage in some circumstances. The appraisal is not appropriate at discharge of condition stage in most cases.
- 3.3.6 If requested, the Council will treat any information provided by the applicant as commercially confidential and will enter into appropriate confidentiality agreements with developers. Should there be an issue with providing commercially sensitive information, an independent assessor may be appointed to undertake the analysis of the scheme viability and the ability of it to achieve the planning objectives and / or planning obligations deriving from the policy. However, this will be at the cost of the applicant.
- 3.3.7 The onus is on the developer to demonstrate why meeting the standards set down in the policy is not viable based on reasonable market assumptions.

DRAFT

4. Carbon and Sustainable Energy

- 4.1.1 The Council aims to address the causes and potential impacts of climate change at a local level by increasing energy efficiency and reducing carbon emissions within new development / refurbishment, as well as promoting the development and take-up of renewable energy within the Borough.
- 4.1.2 The Building Regulations Approved Document¹² provides the full technical guidance regarding standards for the energy performance of new and existing buildings in Part L, including special provisions for those connecting to existing or new heat networks. 'Primary energy' will be used in combination with CO₂ metrics to assess compliance with Part L. Primary energy calculations take into account factors such as the efficiency of the building's heating system; power station efficiency for electricity; and energy used to produce fuel and deliver it to the building.
- 4.1.3 New and redeveloped buildings should be built to high environmental standards and are encouraged to exceed minimum local planning policy and Building Regulations requirements. Whilst the 2016 Zero Carbon Homes target has been replaced with the Future Homes Standard¹⁵, new residential development is encouraged to pursue net zero standards where feasible. Larger scale non-residential or mixed-use proposals will be required to conduct a BREEAM¹⁶ assessment and achieve at least a Very Good rating in accordance with Policy CS22, but higher standards are achievable. A new-build exemplar is the Living Planet Centre¹⁸, which achieved BREEAM 'Outstanding', and the refurbishment of Victoria Gate¹⁹, which achieved BREEAM 'Excellent'.
- 4.1.4 Planning applications will need to show how the proposed development will meet the low carbon energy requirements set out in policies CS22 and CS23.

Standard for Residential Development

- 4.1.5 Policy CS22 sets out how from 1 April 2016 new residential development on both previously developed land and greenfield sites is required to meet the energy and carbon dioxide and water components of Code for Sustainable Homes (CSH) Level 5 "or any future national requirement". At the time the policy was adopted, CSH Level 5 energy efficiency standard was defined by government to be a 'zero carbon development', and addressed only 'regulated' energy – that from heating, fixed lighting, hot water and building services.
- 4.1.6 This was considered to be an achievable standard that was intended to be a national requirement via Building Regulations by 2016. However, in recognition of the latest policy context, the Council will interpret "any future national requirement" to refer to the emerging Future Homes and Building Standards, which have succeeded the Government's 2016 zero carbon homes policy intentions.
- 4.1.7 The Council therefore requires new residential development to comply with Part L of Schedule 1 to the Building Regulations and the energy efficiency requirements for dwellings as follows:

¹⁸ WWF (2022). The Living Planet Centre. Available at: <https://assets.wwf.org.uk/custom/stories/lpc/>

¹⁹ Scott Brownrigg (2022). Victoria Gate. Available at: <https://www.scottbrownrigg.com/work/projects/victoria-gate/>

All new residential development will be required to achieve as a minimum the interim requirements set out in the Building Regulations etc (Amendment) (England) Regulations 2021 (or any future national requirement). This currently requires around a 31% reduction on the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on the 2013 Edition of the 2010 Building Regulations (Part L). A fabric first approach shall continue to be prioritised.

All new residential development will be required to meet the Future Homes Standard when it comes into effect.

Standards for Non-residential Development

- 4.1.8 The Council expects new non-residential development to comply with the new 2021 uplift in energy performance standards implemented through changes to the Building Regulations and publication of new statutory guidance, and subsequently with the new Future Buildings Standard once it is introduced. The interim standard is intended to deliver an average 27% improvement in CO₂ emissions per building, relative to 2013 Part L standards, across the build-mix of non-domestic buildings. This would typically be delivered by very high fabric standards, resulting in lower levels of heat loss from windows, walls, floors and roofs, improved services such as lighting, and low carbon technologies such as heat pumps or photovoltaic panels.
- 4.1.9 These minimum energy performance standards implemented through amended Building Regulations will naturally lead to improved performance under the Energy category of the BREEAM assessment. Developers are encouraged to go beyond both the Building Regulations and BREEAM minimum standards if they wish and continue pushing the boundaries of innovation.

4.2 Energy Efficiency

Box 4.1 Aims – Energy Efficiency

What to aim for:

- Apply the energy hierarchy to any new development, adopting a ‘fabric first’ approach;
- Comply with the Building Regulations Fabric Energy Efficiency Standard; and
- In the case of non-domestic developments with high energy consumption - include three credits from BREEAM Ene04 to achieve a 10% reduction in carbon emissions.

- 4.2.1 Proposals that follow best practice and consider the energy hierarchy are endorsed by the Council. The best and easiest way to reduce carbon emissions in any new development is to reduce the energy requirements once in use to a minimum. Once appropriate design features are integrated then low carbon energy generation options can be considered for adoption. The energy hierarchy in **Table 4.1** will help guide decisions about which energy measures are appropriate in particular circumstances.

Table 4.1 Energy Hierarchy

Stage	Description	Sustainability
Reduce the need for energy (LEAN)	The site layout and orientation of buildings can reduce the energy demand of buildings by capitalising on passive solar gain for heat and light (see Section 5).	<p>Best</p> <p>Worst</p>
Use energy efficiently (LEAN)	There are a range of measures that can be incorporated which help save and efficiently use energy, including thermal efficient glazed windows, draught proofing, insulation, and energy efficient appliances (e.g. light fittings) (see below).	
Supply energy efficiently (CLEAN)	Greenhouse gas (GHG) emissions can be significantly reduced by using existing energy supplies more efficiently e.g. by distributing waste heat energy via power networks or using decentralised energy networks (DEN) (see Section 4.5).	
Use renewable energy (GREEN)	Incorporate technologies that obtain energy from natural sources such as the wind, water and sun (renewable energy sources) (see Section 4.3).	

4.2.2 If our homes and businesses do not need as much power and heat to operate, this, in turn, will have a positive impact for the occupier through reduced energy bills. For example, utilising local energy networks reduces transmission losses, improves access to local low-carbon and sustainable energy supplies / storage and allows for better community utilisation of local assets.

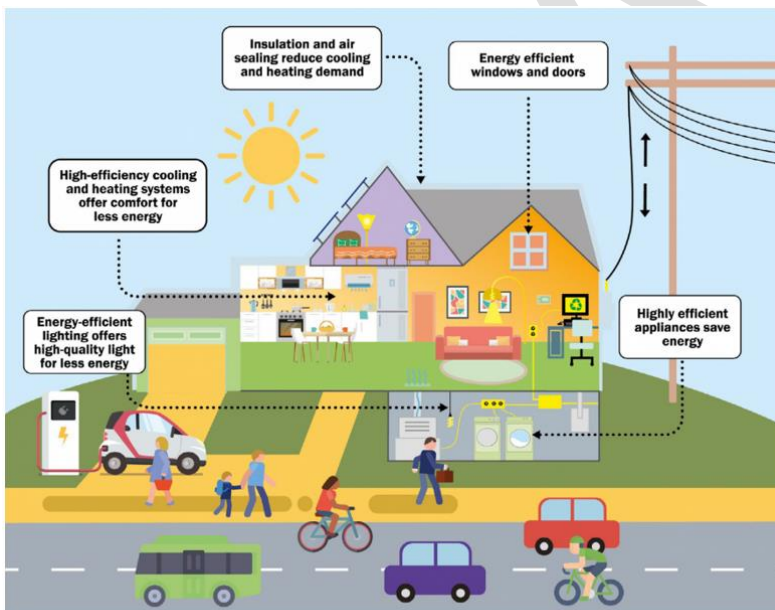
4.2.3 The ‘fabric first’ approach prioritises improvement of thermal properties of the building fabric via high levels of thermal insulation and air tightness. This follows the hierarchy above, where increased performance of the fabric of the building can improve the efficient use of energy, then followed by increases of various energy systems (e.g. heating and hot water). If done in a retrofit context, then re-sizing of systems may be necessary, but this should come after the fabric stage (particularly prior to heat pump installation). Other examples of design could also include passive shading design, natural daylighting (see **Section 5.1**), natural ventilation and appropriate sizing of building systems. An example case study of retrofit to improve energy efficiency is shown in **Box 4.1**.

Box 4.1 Case Study – Former Military Properties, Brookwood, Woking²⁰

ThamesWey’s energy efficiency “make-over” of 50 former military properties was completed towards the end of 2018. Solid wall insulation, insulated roof tiles and solar panels were installed to help make these properties more comfortable and lower the fuel bills for tenants. ThamesWey’s aspiration was to eliminate defective building fabric with the outcome of providing homes that are warm, damp free, economical to run for the residents and low maintenance. A result of the works is an enhanced environmental performance, demonstrated by an improved Energy Performance Certificate (EPC) rating of a C from a former E rating. The resulting potential fuel saving per year for each resident is over £500. The transformational impact is homes that are now modern looking, high-energy efficient, warm and more cost effective to run.



Figure 4.1 Residential Energy Efficiency



Source: Department for Economy

4.2.4 Where a residential extension requires planning permission, and for small new non-residential development which is not covered by BREEAM requirements¹⁶, the Council will require simple, cost effective energy efficiency and water efficiency measures to be carried out if possible and practical (see **Section 7.2** for water efficiency). Investing in these measures will assist in gaining planning permission and can increase the value of the building. Examples of energy efficiency measures are given in **Figure 4.1**.

²⁰ ThamesWey (2019). ThamesWey Housing completes energy efficiency programme. Available at: <https://www.thamesweygroup.co.uk/energy-efficiency-project-complete/>

4.3 Renewable or Low Carbon Energy

Box 4.3 Aims – Renewable or Low Carbon Energy

What to aim for:

- Apply the energy hierarchy to any new development, adopting a ‘fabric first’ approach;
- Consider design issues associated with installing LZC technologies and describe your preferred approach in the Design and Access Statement; and
- LZC technology additions should cause minimum intervention to any heritage assets.

4.3.1 The Council has not set a specific target for developers to secure a proportion of energy demand through the installation of renewable and low and zero carbon (LZC) technologies as this is incorporated in the Building Regulations⁹ (as amended) and the BREEAM methodology¹⁶.

4.3.2 This section aims to guide developers as to the range of renewable and LZC technologies available and guides applicants for developments with exceptionally high total energy consumption how to reduce the total carbon emissions through the use of sustainable energy measures on site.

4.3.3 Once a development has been designed to a high level of energy efficiency to achieve greater levels of carbon emission savings, then sources of decentralised energy and renewable power should be considered. These can be undertaken on-site or in the immediate locality of the development.

4.3.4 Renewables and LZCs can be broadly split into three categories as shown in **Table 4.2**.

Table 4.2 Renewable and LZC Technologies

Electricity Producing	Heat Producing	Combined Heat and Power
<ul style="list-style-type: none"> • Photovoltaic (PV) solar panels • Wind turbines • Hydro-electric turbines 	<ul style="list-style-type: none"> • Solar hot-water collectors • Ground source heat pumps • Water source heat pumps • Air source heat pumps • Biomass fuelled boilers • Biomass fuelled stoves • Anaerobic digesters 	<ul style="list-style-type: none"> • Combined heat and power (CHP) plants

4.3.5 Developers considering installing any renewable or LZC technologies are advised to take professional advice at the earliest possible stage. This can identify whether or not your site is suitable, and which technology would be most appropriate.

Planning Permission for Micro-Generation Technologies

- 4.3.6 The General Permitted Development Order (GPDO)²¹ grants the right to carry out certain limited forms of development without the need to apply for planning permission. Planning considerations for micro-generation technologies should be in accordance with the GDPO, but please be aware that there are some exceptions and clarity should be sought from the Council.
- 4.3.7 The Council encourages the integration of DENs in developments (as per **Section 4.5**). However, this will depend on the suitability, scale and location of the proposal and a range of technologies should be explored. In evaluating particular energy technologies, developers should be aware of causing any other planning problems such as adverse impacts on design or character, unnecessary loss of heritage significance, noise pollution, odour or air pollution, or impacts on protected trees or important buried archaeology.

Developments with High Energy Consumption

- 4.3.8 Policy CS22 in the Core Strategy sets out requirements for developments with high total energy consumption as summarised in **Box 4.4**.

Box 4.4 Core Strategy – Renewable and Low Carbon Energy Policies

CS22: Sustainable construction

Applications for developments with exceptionally high total energy consumption, such as large leisure facilities with a high heat demand or buildings with exceptionally high power / cooling loads (such as data centres), will be required to reduce the total carbon emissions from the development by 10% through the use of renewable energy measures on site.

- 4.3.9 It is anticipated that BREEAM UK New Construction¹⁶ standards will be used to assess the types of buildings to which this policy applies (including those of less than 1,000 m² gross floorspace if energy consumption is exceptionally high). Within the scheme, Ene04 'Low carbon design' aims to first reduce carbon emissions with a fabric first approach and then encouraging local energy generation from renewable sources to supply a significant proportion of the energy demand.
- 4.3.10 In order to comply with the policy criteria set out above, it will be required that, in addition to (or as a means to) achieving a 'Very Good' rating, the proposed development achieves all three credits available in Ene04 by:
- Passive design analysis that includes thermal modelling and associated assessment of free cooling options for the proposed development; and
 - Conducting a feasibility study at concept design (or equivalent procurement stage) carried out by an energy specialist to establish the most appropriate local (on-site or near-site) LZC energy source for the building / development.

²¹ The Town and Country Planning (General Permitted Development) (England) Order 2015. Available at: <https://www.legislation.gov.uk/ukSI/2015/596/contents/made>

- 4.3.11 Full details, including a methodology for calculating energy savings, are provided in the Technical Manual¹⁶ for the BREEAM scheme.
- 4.3.12 The Council expects all new development in proximity to the Borough's existing/proposed DEN to connect, therefore this connection should be included in calculating a 10% reduction in carbon emissions, utilising the specific approach for heat network connections as set out in the Part L Approved Documents. Due to the significant technical and cost implications of developments of this nature, applications should include a feasibility study and preassessment report confirming that these requirements will be achieved.

Design Considerations

- 4.3.13 There are a number of design issues that should be taken into consideration when installing LZC technologies. For individual buildings where small-scale LZC technologies are used, design issues include:
- The siting of the technology;
 - Efficiency (e.g. pitch of solar PV panel or viable wind speed);
 - Requirement for battery storage;
 - Safety;
 - Any noise associated with it;
 - Colour and appearance of the technology; and
 - Ecological and landscape impacts.
- 4.3.14 Opportunities should be taken for small-scale technologies (including nature-based solutions) to incorporate beneficial features for species such as bats and birds, to improve biodiversity (see **Section 7.2**).
- 4.3.15 For multiple buildings where DENs (see **Section 4.5**) are used, design issues can include:
- Access (for fuel provision e.g. biomass);
 - Visual intrusion;
 - Location of plant;
 - Noise from traffic and plant operations;
 - Health and local ecology;
 - The best 'technology mix' to balance the demand for energy;
 - Installation, connection and transmission costs;
 - Adjoining developments and heat networks; and
 - Potential ecological and landscape impacts.
- 4.3.16 Any design issues arising from the installation of LZC technologies for a development should be covered in the Design and Access Statement, where a statement is required to support a planning application.

4.4 Stand-alone Sustainable Energy Generation

Box 4.5 Aims – Stand-alone Sustainable Energy Generation


What to aim for:

- Optimise key opportunities for renewable energy development in the Borough;
- Pay particular attention to Thames Basin Heaths SPA; and
- Identify sustainable energy opportunities in NDPs.






4.4.1 The Council supports renewable and low carbon energy generation both as part of residential and commercial development, and as stand-alone development, provided they do not have an unacceptable effect on the local environment that would out-weigh their wider community and/or environmental benefits. This is reflected in Policy CS23 of the Core Strategy.

4.4.2 A ‘Climate Change and Decentralised, Renewable and Low Carbon Energy Evidence Base’²² study was commissioned in 2010 to determine the Borough’s key opportunities and constraints for sustainable technologies development. Development proposals may come forward for all types of schemes, but some technologies are considered to have more potential for development in the Borough than others. The study concluded that a number of physical and environmental constraints limit the opportunities for large-scale renewable energy generation in the Borough. Opportunities and constraints for each technology are summarised in **Table 4.3**. For any medium or large-scale developments, it is likely that an Environmental Impact Assessment (EIA) would be required.



Table 4.3 Renewable Energy Generation – Opportunities and Constraints

Technology	Overview	Suitability in Woking
<p>Medium and large-scale wind energy</p> 	<p>Wind turbines harness the power of the wind. When the wind blows the blades are forced round, driving a turbine which generates electricity. Wind speed is critical to the performance of wind turbines. Wind speed is influenced by geographical location, elevation of site, local terrain, proximity of buildings, trees or other structures and the height of the turbine above ground level.</p>	<p>Very few unconstrained sites in the Borough for large-scale generation of energy from wind. Any building scale deployment would require detailed studies to assess potential adverse impacts such as noise nuisance, wildlife and ecology, flood risk, shadow flicker and interference with telecommunications. It is not anticipated that roof-mounted turbine designs will be deployed.</p>

²² Woking Borough Council (2010). Climate Change and Decentralised, Renewable and Low Carbon Energy Evidence Base. Available at: <https://www.woking2027.info/ldfresearch/ccdrlceeb.pdf>

Technology	Overview	Suitability in Woking
<p>Solar energy</p> 	<p>Solar water heating systems ('solar thermal') use heat from the sun to warm domestic hot water that is stored in a tank. Solar electricity systems capture the sun's energy using photovoltaic (PV) cells which convert the sunlight into electricity.</p>	<p>Good potential for exploiting solar energy in Woking for both residential and commercial development. No physical constraints other than the availability of a roof / structure that provides a good solar orientation and angle. Visual and other environmental impacts of large-scale solar farms will need to be considered.</p>
<p>Biomass energy</p> 	<p>Biomass technology uses organic materials, either directly from plants or indirectly from industrial, commercial, domestic or agricultural products to generate heat. Second generation fuels (using biomass as a by-product of other processes) may be more sustainable than fossil fuel alternatives.</p>	<p>Any use of biomass will need to demonstrate compliance with local air quality standards. The scale of fuel storage required on-site (and suitable access for delivery vehicles) is another important consideration.</p>
<p>Landfill gas and energy from waste</p> 	<p>Landfill gas, produced when waste materials break down, can be collected and used to produce electricity, heating and / or cooling. The term 'energy from waste' can describe a number of treatment processes and technologies used to generate a usable form of energy and which also reduce the solid volume of residual waste.</p>	<p>The Surrey Waste Local Plan (SWLP) 2019-2033²³ provides a policy framework that is supportive of the development of waste facilities that can be used to generate biogas along with other reclaimed materials. It is recommended that prospective developers refer to the Surrey Waste Plan for details.</p>
<p>Sewage gas</p> 	<p>Sewage gas ('biogas') is generated as a by-product from the anaerobic digestion of sewage sludge or other organic wastes and is a mixture of methane, carbon dioxide, nitrogen, hydrogen and hydrogen sulphide gases. If compressed and purified, biomethane can be used to power a generator or CHP plants.</p>	<p>It is unlikely that locally produced biogas from sewage treatment plants will make a contribution to the sustainable energy mix in Woking.</p>
<p>Hydroelectricity</p> 	<p>Hydroelectricity systems generate electricity from running water - usually a small stream – to turn a small turbine which generates electricity. The faster the water flows and the more water there is the more electricity can be generated. Hydro systems can be connected to the grid.</p>	<p>Woking has a number of small rivers flowing through the Borough and along its boundaries. In the majority of cases the flow within the local streams and rivers is relatively small, and there is very limited potential for installation of low head hydro generation of power. Suitability very much depends on the nature of the development.</p>

²³ Surrey County Council (2020). Surrey Waste Local Plan. Available at: https://www.surreycc.gov.uk/data/assets/pdf_file/0003/246882/2020-11-20-SWLP-Part-1-for-Adoption-Final.pdf

Technology	Overview	Suitability in Woking
<p>Waste heat recovery</p> 	<p>Some industrial activities produce large amounts of waste heat that are dumped through the use of cooling towers or heat dumping into rivers, lagoons or the sea.</p>	<p>There are currently no power stations or industrial installations in Woking producing large volumes of waste heat that are available for re-use. However, there may be the potential to capture the heat discharged from some other types of buildings with very high cooling loads (such as data centres) and re-using it in buildings nearby.</p>
<p>CHP and district heating</p> 	<p>CHP is the use of a turbine or fuel cell to simultaneously generate both electricity and useful heat. The heat is recovered and distributed via insulated pipes to provide hot water and comfort heating in buildings. CHP can be fuelled by a number of fossil fuels including natural gas and oil, or low-carbon and renewable fuels such as biomass, biogas or 'green' hydrogen, with or without carbon capture and storage. Being locally produced and distributed, there are reduced losses associated with the electricity produced and it can help to reduce the need for less efficient and more carbon intensive generation on the national energy grid.</p>	<p>There is great potential for extending the existing network in Woking Borough. Developments in identified 'district heat zones' are expected to connect to heat networks or be designed to ensure compatibility with the network. Further details on this are provided in Section 4.5.</p>

Planning Constraints

- 4.4.3 There are numerous planning constraints that will affect the suitability of the various renewable / low carbon energy technologies. More than one constraint on a site is possible. The Renewable and Low Carbon Energy PPG⁷⁸ sets out a range of planning considerations that the Council will consider that relate to renewables and low carbon energy. This is a useful reference point for prospective developers and will be referred to when making planning decisions. It also emphasises that local planning authorities can use planning conditions or planning obligations to help mitigate the impacts described.
- 4.4.4 Particular attention should be given to potential adverse effects of energy developments on the Thames Basin Heaths Special Protection Areas (SPA). Within the parts of the Borough covered by Green Belt designation, extensive areas of heathland are present. These include Horsell Common, Sheets Heath and Brookwood Heath, which are considered to be of European significance and are designated as part of the Thames Basin Heaths SPA. Any proposals for energy development with potential significant impacts on the SPA will be subject to a Habitats Regulations Assessment.
- 4.4.5 A variety of studies exist which can be referenced by those conducting energy feasibility studies ahead of submitting development proposals:
- Climate Change and Decentralised, Renewable and Low Carbon Energy Evidence Base (2010);²¹

- Woking Design SPD (2015);²⁴
- Thames Basin Heaths Special Protection Area Avoidance Strategy (2022);²⁵ and
- Greener Woking Climate Change Strategy (2023).

Community-led Initiatives

- 4.4.6 Policy CS23 encourages applications from community-based and community-owned renewable and low carbon energy generation projects. Working as a community to generate renewable energy has advantages to doing it individually. Many energy technologies work better at a larger scale; and they can provide valuable incomes for communities. Both planning and land ownership issues need to be considered in the earliest stages of a community energy project. It is advised that all communities hold pre-application discussions with the Council in advance of putting in any planning application and to fully engage with the wider community before approaching the Council.
- 4.4.7 A community's energy feasibility study should include consideration of planning issues and what impact they could have on the choice of technology. Some key issues to consider are:
- Neighbours: how close will the installation be to houses and what effect might it have on them? (see Policy CS21 of the Core Strategy);
 - Amenity, visual impact and landscape: how conspicuous is the installation and have regard to landscape character areas (see Policy CS24 of the Core Strategy);
 - Conservation areas and protected species: particular attention should be given to the impact on the Thames Basin Heath SPA, and whether an EIA will be required;
 - Rights of way: presence of public paths on potential sites;
 - Infrastructure: are transport networks adequate for the proposed installation – will any resources need to be transported? (see Policy CS18 of the Core Strategy)
- 4.4.8 The Localism Act 2011²⁶ reformed the planning system and handed new opportunities to communities to get involved in planning their local area. A voluntary neighbourhood planning process, including Neighbourhood Development Plans (NDPs), was introduced. The Act also provides for Neighbourhood Development Orders (NDOs). If a community energy scheme or development is in an agreed NDP, it is more likely that a planning application will be supported as the provisions of a NDP will be a significant material consideration in determining the application.
- 4.4.9 Community Energy guidance²⁷ is provided by the Department for Business, Energy and Industrial Strategy (BEIS) aimed at local groups interested in setting up a community energy project. The Council is very supportive of this and can play an active role in facilitating community projects.

²⁴ Woking Borough Council (2015). Woking Design SPD. Available at:

<https://www.woking2027.info/supplementary/designspd/httpwwwwoking2027infosupplementarydesignspdpdf.pdf>

²⁵ Woking Borough Council (2022). Local Development Documents – Updated Thames Basin Heath Avoidance Strategy. Available at: <https://www.woking2027.info/supplementary/tbhspasped/strategy2022.pdf>

²⁶ Localism Act 2011 c. 20. Available at: <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

²⁷ BEIS (2015). Guidance – Community Energy. Available at: <https://www.gov.uk/guidance/community-energy>

4.5 Low Carbon Heat and Decentralised Energy Networks

Box 4.6 Aims – Low Carbon Heat and Decentralised Energy Networks

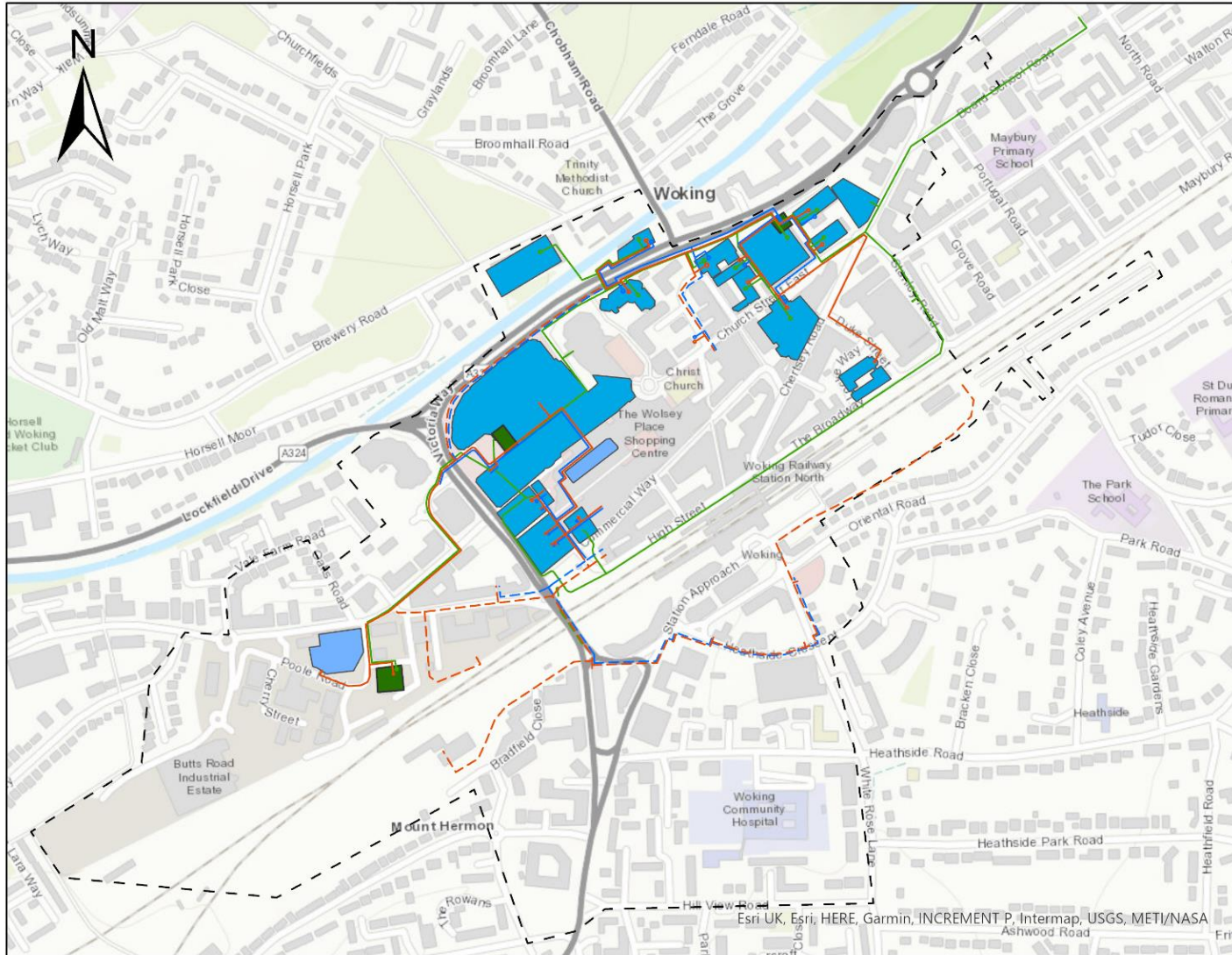
What to aim for:

- All new buildings should utilise low carbon heat for heating and hot water;
- Connect to Woking Town Centre DEN if within proximity (see **Figure 4.2**)

- 4.5.1 Heat networks, often referred to as district heating schemes, deliver heat via hot or chilled water from a decentralised energy centre to buildings in a larger local area. This means that individual homes and businesses do not need to generate their own heat or cooling on site. Heat networks can be supplied with heat from a diverse range of sources including biomass, energy from waste, CHP plants or renewables. Further growth of the existing DEN will increase the benefits felt by the Borough and accelerate the transition to local, lower carbon energy generation.
- 4.5.2 There is a well-established low carbon DEN in Woking Town Centre, with high feasibility for new and redeveloped buildings to connect (see **Figure 4.2**) ThamesWey Ltd (energy services company for Woking) provide an interactive map²⁸ of the Woking Energy Network. New developments should look to secure an efficient supply of heat, cooling, and power, including through connection to the existing Town Centre DEN.
- 4.5.3 The map shown within **Figure 4.2** illustrates the extent of the existing and planned heat network, and **the Connection Zone** in Woking Town Centre, portrayed on the legend as the black dashed line titled '**potential reach of Decentralised Energy Network**'.
- 4.5.4 All new development within proximity (typically 500m or less) including refurbishments and conversions where planning permission is required, will be required to connect to the existing Town Centre DEN.
- 4.5.5 Development in the connection zone where the Town Centre DEN has not yet expanded to serve, should be designed to be 'connection-ready' and connect to the DEN when the network expands to the proximity of the site.
- 4.5.6 Development outside the Town Centre connection zone should consider establishing a new network if appropriate. Please note that beyond the town centre, an existing DEN exists at Pool in the Park & Leisure Centre (see **Figure 4.3**) and a planned DEN within the Sheerwater Regeneration Area (see **Figure 4.4**). The regeneration scheme includes a new energy centre and phased expansion of network supplies to new domestic, leisure and commercial customers. For updated details of these schemes please contact the Council.

²⁸ Interactive map available at: <https://www.thamesweygroup.co.uk/interactive-map-woking/>

Figure 4.2 Woking Energy Network²⁸



- Legend**
- Heat Network Planned Extensions
 - Heat Network
 - Cooling Network Planned Extensions
 - Cooling Network
 - Electricity Network Planned Extensions
 - Electricity Network
 - Energy Centres
 - Connected Buildings
 - Planned Connections
 - Potential reach of Decentralised Energy Network

ThamesWey

Drawn: SP
Date: 2nd February 2022

Representative at time of drawing.
Contact ThamesWey or www.thamesweygroup.co.uk/interactive-map-woking for the latest information.

Source: ThamesWey Ltd. Ordnance Survey data © Crown copyright and database right 2022

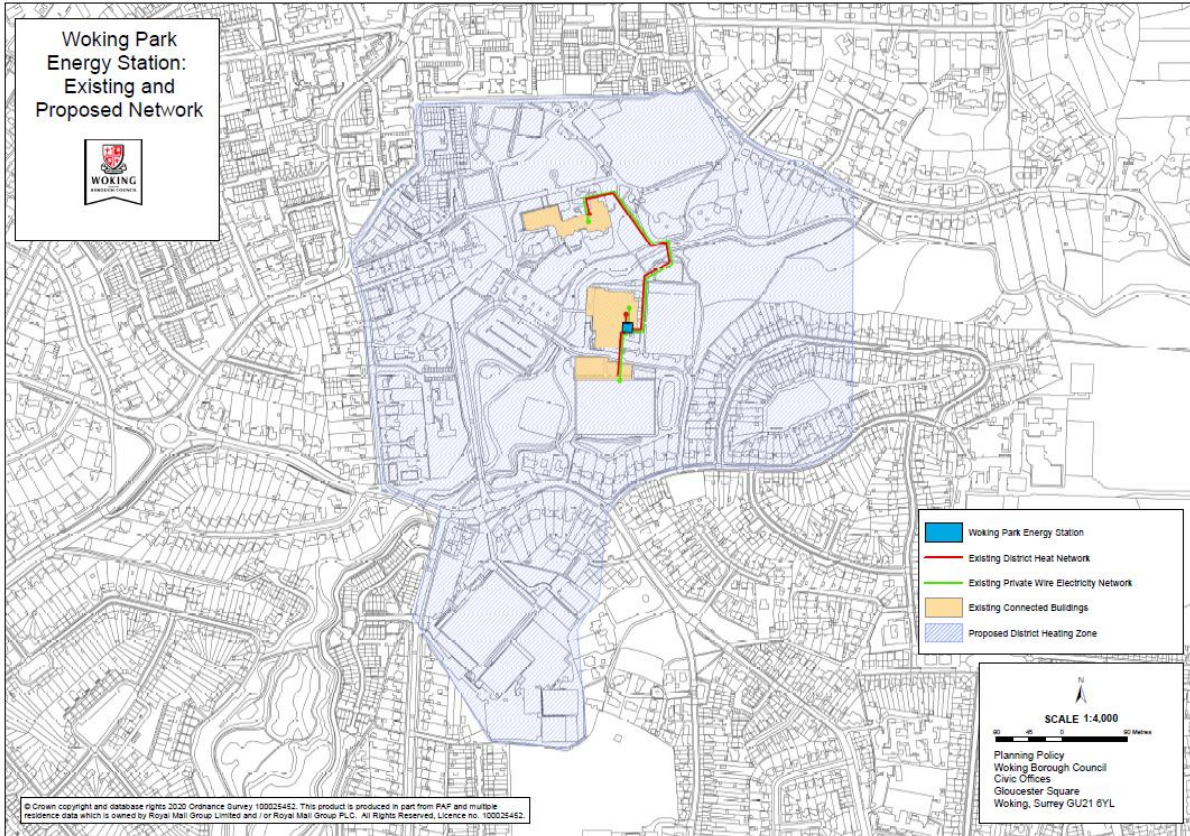


Figure 4.3 Woking Park Decentralised Energy Network and District Heat Zone as at Feb 2021

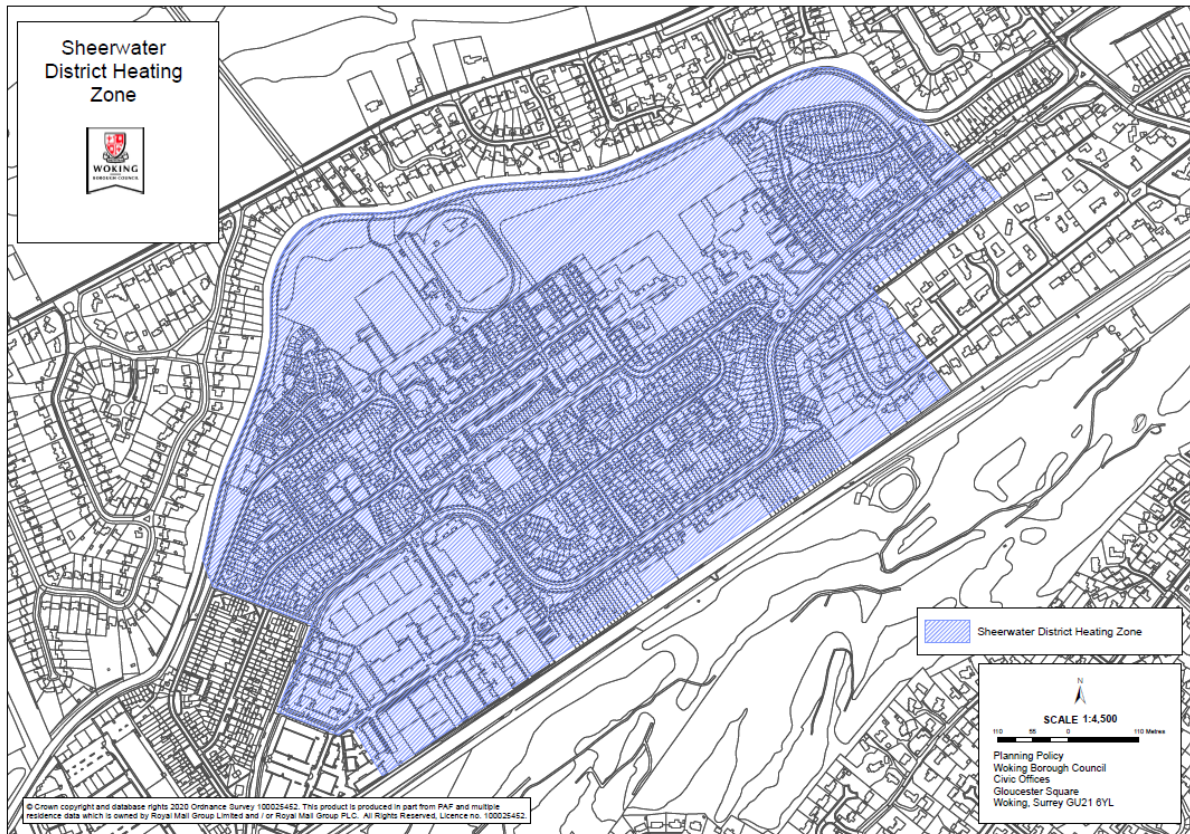


Figure 4.4 Sheerwater District Heat Zone as at Feb 2021

- 4.5.7 Woking's decentralised energy network 'Connection Zone' is a well established tool showing areas where energy demands should be met by the existing network. However, forthcoming 'Heat Network Zoning' legislation will give statutory powers to authorities to mandate that a new building connects to a heat network, whilst also requiring existing buildings to connect at key intervals such as renovation or heating system renewal. The authority will designate the zones this applies to, where heat networks are the lowest cost solution for decarbonising heat, similar to the existing 'Connection Zone', in future guidance. These powers will support delivery of CS22.
- 4.5.8 It is recommended that a feasibility study compliant to CIBSE CP1 standards is conducted at the earliest stage of the design process, investigating connection to the district heat and private wire networks. As part of this process, applicants should evidence correspondence with the local decentralised energy operator – ThamesWey Energy Ltd. Feasibility of new connections to these networks will be subject principally to proximity to existing network infrastructure, though major physical barriers between the existing network and potential connection point (e.g., the railway or the canal) may be relevant; so further case-by-case analysis will be pursued. In some cases, a contribution towards the connection costs will be sought from the building owner/occupier. This may be sought through negotiation of a legal agreement with the developer.
- 4.5.9 A case study on Skanska Hollywood House is included in **Box 4.7** that demonstrates the positive outcomes of applying these requirements to a dated building. Although considered a dated case study, it is important to recognise that all buildings irrespective of age should endeavour to meet these requirements as soon as possible (via retrofitting or refurbishment) in order to gain the benefits later as noted below.

Box 4.7 Case Study – Skanska Hollywood House, Woking Town Centre²⁹

Skanska extensively refurbished Hollywood House between 2010 and 2011. Originally constructed in the 1980s, the building was energy inefficient and had high operational costs. The £3.5 m extensive refurbishment took 32 weeks to complete and involved the installation of new heating, lighting, ventilation, and energy management systems. A 20 kW solar PV array, 9.8 kW solar domestic water heating system and heat pump were installed to generate renewable energy on site. The building was also fitted with sophisticated energy monitoring and control systems and was connected to ThamesWey's Town Centre CHP system which provides low carbon electricity and district heating. Waste management and water efficiency were also addressed, with a rainwater harvesting system and water efficient fixtures installed as part of the refurbishment. The building now uses around 3 m³ of water per person per year which is 55% less than what the Environment Agency considers to be good practice for an office building. The retrofit also considered healthy working environments with natural ventilation and a daylight dimming control system that regulates artificial lighting levels. Hollywood House now uses over 50% less energy than prior to the project and the total cost of the refurbishment is estimated to be repaid in approximately 13 years.



²⁹ ThamesWey (n.d.). Enabling Green Retrofit of Commercial Buildings. Available at: <https://www.theade.co.uk/assets/docs/case-studies/Skanska.pdf>

5. Design, Materials and Waste

5.1 Design and Layout

Box 5.1 Aims – Design and Layout

What to aim for:

- Maximising the potential for passive solar gain when designing site layouts;
- Design the layout to use landform and landscape to benefit from shelter;
- Use existing and proposed trees and shrubs to provide shade;
- Design buildings so that passive solar energy is captured and used;
- Design in measures to prevent excess solar gain in summer; and
- Maximising the potential for passive cooling and ventilation in summer.

- 5.1.1 The design and layout of new development can make a significant contribution in minimising GHG emissions and therefore its contribution to climate change. Reducing the energy demand of a building or group of buildings through passive design techniques (such as massing, daylighting or form) will generally offer a sound basis for implementing LZC technologies cost effectively. Policy CS22 of the Core Strategy requires this, which is supported by Policy CS21 on Design (and further details are available in the Design SPD) – see **Box 5.2**.

Box 5.2 Core Strategy – Design and Layout Policies

CS21: Design

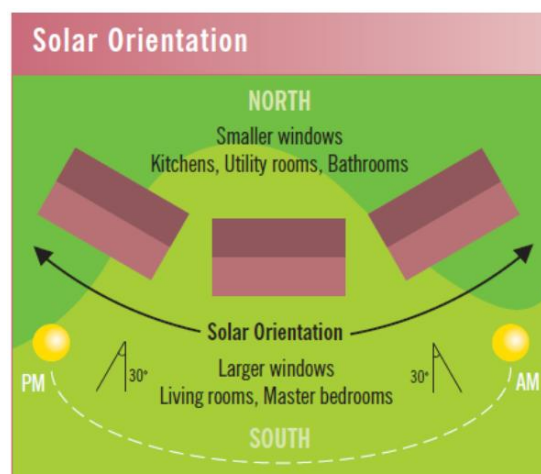
Proposals for new development should incorporate measures to minimise energy consumption, conserve water resources, use the principles of sustainable construction and provide for renewable energy.

CS22: Sustainable construction

The design of all new developments will be required to take into account of layout, landform, orientation and landscaping to maximise efficient use of energy and adapt to the impacts of climate change.

Figure 5.1 Optimum Solar Orientation

5.1.2 Solar energy can minimise the energy demand of buildings by reducing space heating demand; contributing to daylighting inside and outside, supply heat for solar heated hot water, and generate electricity with PV panels. To maximise passive solar gain, buildings should be oriented with the longest façade being south facing ($\pm 30^\circ$) (see **Figure 5.1**). Overshadowing of buildings should be avoided as it reduces the heat gain from the sun in winter. Getting the right glazing-to-wall ratio on each façade is a key feature of energy efficient design: minimise heat loss to the north (smaller windows), while providing sufficient solar heat gain from the south (larger windows). This means prioritising occupied spaces with larger windows on the south (such as living rooms and bedrooms in residential buildings, for example).



5.1.3 Good integrated design will also avoid summertime overheating and provide future adaptation for a rise in temperatures (see **Section 7.2**). This is recognised in the introduction of Part O to Building Regulations, specifically addressing the risk of overheating in buildings. It is important that developers avoid maladapted design, where energy efficiency measures (e.g. to increase solar gain and reduce winter heat loss) have the potential to exacerbate summer heat risks.

5.1.4 New developments should be designed to reduce cooling load as far as possible using passive solutions (e.g. through planting and shading) and then find the best mechanical solution to meet any remaining cooling requirement.

5.2 Waste

Box 5.3 Aims – Materials and Waste

What to aim for:

- Reduce the amount of resources used and the waste produced;
- Part H6 of the Building Regulations sets minimum requirements in relation to provision for solid waste storage;
- For non-residential development, achieve credits from the waste and materials elements of BREEAM to achieve 'Very Good' rating;
- Provide high-quality waste facilities; and
- Use recycled, re-used and / or local, sustainably sourced materials.

5.2.1 Tackling waste in the design of new buildings and places is crucial in reducing the effects of climate change because of the impact it has on the production of greenhouse gases (GHGs). Working residents produced around 39,000 tonnes of

household waste in 2021/22.³⁰ Add to this the waste derived from commerce and industry, and the prerogative for its reduction and minimisation becomes clear, particularly as the population of Woking continues to grow. Policy CS22 facilitates the reduction of waste, and the reuse and recycling of buildings materials as shown in **Box 5.5**.

- 5.2.2 In 2020, Surrey County Council adopted the Surrey Waste Local Plan (SWLP) 2019-2033 which provides guidance on how and where different types of waste will be managed in Surrey. The SWLP also details a planning policy framework for the development of waste management facilities which ensures that the planning process can contribute towards national and local ambitions.
- 5.2.3 Woking Borough Council work within targets set by the Surrey Environment Partnership (SEP)³¹ to reduce residual waste and increase recycling rates. SEP comprises of Surrey County Council (who act as the waste disposal authority) and the 11 Boroughs/District Councils within the County (who act as the waste collection authorities). SEP is responsible for domestic waste management and recycling across Surrey and aims to manage the County's waste in the most sustainable and economical manner possible. To enable SEP's targets to be met initiatives are developed and implemented via the Joint Waste Solutions (JWS) team. The Council advises that applicants refer to the 'Recycling and waste provision guidance for property developers' published by JWS³² in 2022.
- 5.2.4 The publication of the national 'Resources and Waste Strategy' from central government in 2018 anticipates further changes to the delivery of recycling and waste services, and sets out how materials/ resources will be preserved by minimising waste, promotes resource efficiency and recognising the need to adopt principles of the circular economy. The strategy is subject to amendments from consultation, so in anticipation of further clarity from central government, the SEP 2025 plan³³ has been developed to provide interim guidance since the release of the Joint Municipal Waste Management Strategy in 2015 which is out-of-date.

Box 5.4 Core Strategy – Waste Policies

CS22: Sustainable construction

The design of all new developments should facilitate the reduction of waste and the recycling and composting of the waste produced. All developments should consider the use of sustainable construction techniques that promote the reuse and recycling of building materials. All development is encouraged to use responsible resourcing of materials and is encouraged to source materials locally.

³⁰ Surrey Environment Partnership (2021). What happened to Surrey's waste 2020-21. Available at: https://www.surreyep.org.uk/wp-content/uploads/2022/03/surreywaste2021-22_report_web-2.pdf

³¹ Further information available at: <https://www.surreyep.org.uk/about-us/our-strategy/>

³² Joint Waste Solutions (2022). Recycling and waste provision guidance for property developers. Available at: <https://www.woking.gov.uk/planning-and-building-control/planning/planning-policies-and-guidance/waste-and-recycling>

³³ SEP 2025 (2023). A partnership approach to waste prevention and recycling. Available at: <https://www.surreyep.org.uk/about-us/sep-2025-strategy-document/>

- 5.2.5 The Council is committed to curbing the growth in household waste, reducing the overall tonnages of waste collected and increasing the quantity of material sent for recycling and composting. Waste minimisation can be effectively addressed in the design and layout of new development, thereby contributing to this objective.
- 5.2.6 Sustainable waste management is guided by the ‘waste hierarchy’ as set out in UK law within the Waste (England and Wales) Regulations 2011³⁴, see **Table 5.1** for details of the waste hierarchy.
- 5.2.7 Preventing waste is the preferred option and sending waste to landfill should be the last resort. The design of neighbourhoods and supporting services should encourage and enable communities to follow the waste hierarchy.

Table 5.1 Waste Hierarchy³⁵

Stage	Description	Sustainability
Prevention	Use less material in design and manufacture. Keeping products for longer; re-use. Using less hazardous material.	<p>Best</p> <p>Worst</p>
Preparing for re-use	Checking, cleaning, repairing, refurbishing, whole items or spare parts.	
Recycling	Turning waste into a new substance or product. Includes composting if it meets quality protocols.	
Other recovery	Includes anaerobic digestions, incineration with energy recovery, gasification and pyrolysis which produce energy (fuels, heat and power) and materials from waste; some backfilling operations.	
Disposal	Landfill and incineration without energy recovery.	

Building Materials and Construction Waste

- 5.2.8 Development proposals should contribute towards reducing and recycling construction waste, and work towards ‘designing out waste’. The best opportunities for improving materials resource efficiency occurs at the design stage of a development project. Implementing these opportunities can provide significant reductions in cost, waste and carbon. Circular economy principles should be applied in selecting materials, products and systems for a development, considering how these are sourced, and how they can be successfully reused, repaired, refurbished and recycled through their serviceable life.
- 5.2.9 Use of materials should be minimised as far as possible. The selection of materials should be informed by the scale of embodied carbon associated with their production (see example case study in **Box 5.5**). Examples of high embodied carbon materials include concrete, aluminium, and steel, which can be replaced

³⁴ The Waste (England and Wales) Regulations 2011 No. 988. Available at: <https://www.legislation.gov.uk/ukxi/2011/988/contents/made>

³⁵ Department for the Environment, Food and Rural Affairs (2011). Guidance on applying the Waste Hierarchy. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb1353-0-waste-hierarchy-guidance.pdf

with lower carbon alternatives like timber, earth, straw, secondary aggregates and recycled products. BRE provide a free to use Green Guide³⁶ which examines the relative environmental impacts of construction materials.

- 5.2.10 Proposals should look to re-use materials from the development site and reclaimed and/or recycled materials for a range of uses. Re-use of building materials is more environmentally friendly than recycling. The demolition of buildings should be minimised as far as possible and materials derived from any demolition should be re-used, such as crushed concrete and hardcore aggregate in the new foundations. The retrofit of existing buildings is encouraged, this has multiple tangible environmental benefits alongside reducing carbon emissions – see **Box 4.7** for example case study.
- 5.2.11 The Council strongly recommends that materials should be specified from suppliers who participate in an applicable responsible sourcing scheme such as the BRE BES 6001:2008 Responsible Sourcing Standard. All timber should be sourced from schemes supported by the Central Point of Expertise for Timber Procurement, such as the Forest Stewardship Council accreditation, which ensures that the harvest of timber and non-timber products maintains the forest's ecology and its long-term viability.
- 5.2.12 Whilst not a policy requirement at this stage, the Council encourages the submission of a Whole Life Carbon Assessment, including embodied carbon, for all applications proposing substantial demolition. Whole Life-Cycle Carbon emissions are the carbon emissions resulting from the construction and the use of a building over its entire life, including its demolition and disposal. They capture a building's operational carbon emission from both regulated³⁷ and unregulated³⁸ energy use, as well as its embodied carbon i.e., those associated with raw material extraction, manufacture and transport of building materials, construction and the emissions associated with maintenance, repair and replacement as well as dismantling, demolition and eventual material disposal.
- 5.2.13 Consideration should also be given as to whether the materials are resilient to expected changes in climate (see **Section 7.2**). Resilient building materials will minimise the need to replace materials, reducing embodied carbon and waste.

³⁶ Available at: <https://tools.bregroup.com/greenguide/podpage.jsp?id=2126>

³⁷ The carbon emissions arising from energy used by fixed building services, as defined in Approved Document Part L of the Building Regulations. These include fixed systems for lighting, heating, hot water, air conditioning and mechanical ventilation

³⁸ The carbon emissions relating to cooking and all electrical appliances and other small power.

Box 5.5 Case Study – Hale End Court, Woking³⁹

The new specialist residential facility provides 48 independent living apartments along with combined communal, administrative and care facilities. Constructed from cross laminated timber (CLT), achieving a BREEAM 'Excellent' rating, the project is a highly sustainable response which contributes to the local housing need in and around Woking. All environmental briefing targets were exceeded dramatically, particularly minimising carbon where the selection of CLT sequestered some 845,510 kgCO₂e. The design delivered less than half the kgCO₂e/m² compared with a typical build and 35.9% improvement in energy performance compared with a typical build.



Recycling

- 5.2.14 The transport, treatment and disposal of waste are all energy demanding activities and contribute to harmful greenhouse gas (GHG) emissions. Developers are expected to ensure the design and layout of new developments supports sustainable waste management; and will be encouraged to take measures over and above the statutory requirements.
- 5.2.15 In the design phase the provision for the storage, collection and recycling of waste needs to be considered carefully. Developments can provide facilities for individual or groups of properties or premises for the source separation of and storage of different types of households and business waste for collection. To reduce the volume of refuse requiring collection, individual or community composting facilities should also be included in developments. It is encouraged that all proposals for development to include provision for individual compost bins within new dwellings. All waste facilities should be of high quality, should be visually attractive and should not detract from their immediate surroundings.
- 5.2.16 Larger scale developments provide an ideal opportunity to demonstrate how waste management facilities can be successfully integrated into the townscape. Innovative waste management systems are now available, such as piped underground refuse collection systems. These can have a significant effect on the design of a development and can encourage segregation and recycling. See **Box 5.6** for an example of the innovative waste management system at Wembley Park, which although not in Woking, sets an example of best practice which the Council would encourage applicants to consider taking inspiration from.

³⁹ SECBE (2022). SECBE Awards 2022 finalist - Hale End Court. Available at: <https://www.secbe.org.uk/blog-post/599/SECBE-Awards-2022-finalist---Hale-End-Court>

Box 5.6 Case Study – Wembley Park Waste Management⁴⁰

Over 10 years after the installation of the Envac waste management system, Wembley Park residents are recycling five times more than the national average for apartments. The Envac system vacuums waste that has been emptied into inlets through a series of underground tunnels at speeds of up to 70 kph into a single collection station, reducing the need for unsightly on-street bins and significantly reducing the need for refuse lorry collections. Since opening, the system has collected around 3,000 tonnes of recycling. It has helped increase the local authority's recycling rates by 30%. Refuse lorry trips have been dramatically reduced, meaning emissions have gone down by 90%, saving an estimated 700 tonnes of carbon emissions each year from the local environment from completion. Waste that is unable to be recycled is more sustainably disposed of than traditional refuse. Excess waste from Wembley Park is taken to a waste-to-energy plant to be incinerated and converted into electricity, so nothing from the Envac system ends up in landfill.



Assessing Waste Management

- 5.2.17 Planning applications will be assessed against two frameworks to ensure that waste management needs are adequately addressed: via the requirements from both the Building Regulations⁹ and BREEAM¹⁶. Part H6 of the Building Regulations sets minimum requirements in relation to provision for solid waste storage.
- 5.2.18 New non-residential development of 1,000 m² or more (gross) floorspace is required to comply with BREEAM 'Very Good' standards. Although there are no minimum standards to be complied with for waste and materials elements to achieve a 'Very Good' rating, developers are encouraged to gain BREEAM credits for these issues in order to achieve this rating. By achieving maximum points for waste and materials elements developers can achieve a high BREEAM level.

Site Waste Management Plan

- 5.2.19 Applications for large scale development⁴¹ should be accompanied by a Site Waste Management Plan (SWMP) that clearly sets out how waste produced during all stages of a development will be minimised and managed in a sustainable manner. A SWMP should both contain target rates for recycling and define processes to manage different waste streams. The impacts of the processes involved in the recycling or reuse of wastes on site will be considered when determining the

⁴⁰ Quintain (2020). Quintain celebrates results of over a decade of recycling with Envac at Wembley Park. Available at: <https://www.quintain.co.uk/news-and-media/press-releases/2020/envac-wembleypark>

⁴¹ Under the Site Waste Management Plans Regulations 2008, all construction projects in England worth over £300,000 were required to have a SWMP in place before a project could begin. These Regulations were repealed, but the Council continues to strongly encourage such sites to undertake SWMPs.

acceptability of the proposed development. Designing out waste is a key element of good practice in the preparation of a SWMP. Some projects will require SWMPs in order to comply with BREEAM standards.

- 5.2.20 A number of tools have been developed to assist constructors, such as BRE's web-based tool SmartWaste⁴² (which can be aligned to BREEAM). It can be used on all types of construction projects including new build and refurbishment, and suits both large and small construction projects, domestic or commercial.

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⁴² Further information available at: <https://www.bresmartsite.com/products/smartwaste/>

6. Sustainable Transport

Box 6.1 Aims – Sustainable Transport

What to aim for:

- Promote active travel for shorter journeys via travel packs and plans;
- Ensure that streets widths are sufficient to allow easy walking and cycling, where possible consider formal cycle paths and traffic calming measures;
- Incorporate EV charging facilities in garages and parking spaces as per relevant standards; and
- Provide secure, covered storage / parking for bikes and pushchairs in public areas.

6.1 Prioritising Walking, Cycling and Public Transport

6.1.1 A large percentage of carbon emissions come from transport habits of the occupants of new developments. Spatial planning shapes the pattern of future development, influencing the location, scale, density, design and mix of land uses. It can help reduce the need to travel and the length of journeys and make it safer and easier for people to access jobs, shopping, leisure facilities and services by public transport, walking and cycling. Providing more appealing walking, cycling (with secure cycle parking and changing facilities where appropriate) and public transport options is the best way to reduce car use. Sustainable and active transport has multiple benefits beyond saving energy and carbon, such as improved local air quality, health and wellbeing benefits from being more active, greater potential for social interactions, the creation of green spaces, and reducing car-dependency.

6.1.2 The fourth Local Transport Plan (LTP4)⁴³ for Surrey sets out an ambitious roadmap for rethinking and transforming Surrey's transport to 2032 and beyond. The LTP4 aims to significantly reduce transport carbon emissions to meet the net zero challenge and to support delivery of Surrey's other priority objectives of enhancing Surrey's economy and communities, as well as the quality of life of residents. **Table 6.1** below summarises the core policy areas of LTP4.

Table 6.1 6.1 Surrey LTP4 Policy Areas

Policy Area	Description
Planning for Place	Design and improve local neighbourhoods and other parts of towns and villages to provide attractive environments for people and increase opportunities to live and work locally.

⁴³ Surrey County Council (2022). Local Transport Plan 2022–2032 – Draft for Consultation. Available at: <https://s3-eu-west-2.amazonaws.com/commonplace-customer-assets/surreyltp4/Surrey%20Transport%20Plan.pdf>

Policy Area	Description
Digital Connectivity	Promote and encourage: access to high quality digital connectivity for all; and provision of online public and community services.
Active Travel / Personal Mobility	Provide facilities to encourage many more journeys to be made actively (on foot, by bicycle, scooting etc).
Public / Shared Transport	High-quality, reliable, affordable and joined up public, shared and demand responsive transport, supported by accessible and easy to use travel information and booking systems.
Demand Management for Cars	Measures to decrease use of cars for some journeys.
Demand Management for Goods Vehicles	Measures to decrease use of certain goods vehicles, and / or at certain times, or in certain locations.
Efficient Network Management	Managing the operation and maintenance of the highway network so that it runs smoothly, and the effects of traffic on communities and the environment are minimised.
Promoting Zero Emission Vehicles	Promoting rapid uptake of EVs (and hydrogen vehicles where appropriate).
Supporting Behaviour Change	Awareness campaigns and other activities to encourage walking, cycling and use of public transport and EVs.

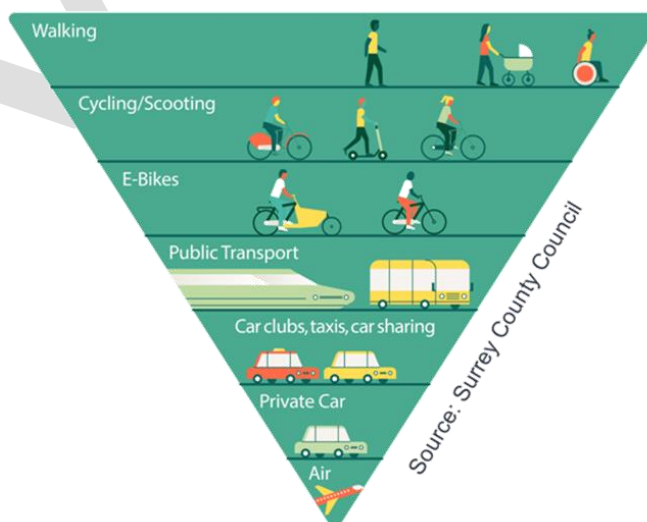
6.1.3

All development proposals should endeavour to support shifts in transport and travel behaviour as detailed within the sustainable transport hierarchy in **Figure 6.1**, which ranges from walking as the most sustainable transport mode, through to air travel as the least sustainable.

Proposals should review the wider context of their site and provide strong links to existing footpaths (consider desire lines for walking), cycle routes (particularly in the Town Centre) and public transport nodes.

Development proposals should also demonstrate flexibility to respond to future changing modal shifts. Developers should ensure the provision of car parking is consistent with cutting greenhouse gas (GHG) emissions, including through providing for electric vehicle (EV) charging infrastructure.

Figure 6.1 Sustainable Transport Hierarchy



- 6.1.4 Secure and covered cycle parking should be located close to a property, with appropriate provision provided based on occupancy and in compliance with other supplementary guidance. E-bikes and E-cargo bikes should be considered, with a larger parking space and charging facilities required. Cycle lanes should also be designed to accommodate E-bikes and mobility scooters which require wider cycle lanes.
- 6.1.5 The Woking Town Local Cycling and Walking Infrastructure Plan (LCWIP)⁴⁴ identifies where Woking (in partnership with Surrey County Council) want to prioritise investment for walking and cycling over the next ten years and sets out some initial recommendations for improving walking and cycling in the town. The Woking Town LCWIP aims to create a wider walking and cycling network for the Borough and focusses on the strategic planning required to enable the development of local transport infrastructure.
- 6.1.6 Proposals should review the wider context of their site and provide strong links to existing footpaths, cycle routes and public transport nodes. The principles of Healthy Streets⁴⁵ should be applied wherever possible. Although Healthy Streets is set within the context of London, the guidance provides relevant considerations for sustainable streets and non-motorised modes of transport.
- 6.1.7 In accordance with Policy CS18 of the Core Strategy (see **Box 6.2**), certain developments will be required to conduct Transport Assessments and provide Travel Plans to minimise impacts and manage travel needs sustainably. Design and Access Statements should also address issues around walking, cycling, parking and public transport.

Box 6.2 Core Strategy – Sustainable Transport Policies

CS18: Transport and accessibility

Ensuring development proposals provide appropriate infrastructure measures to mitigate the adverse effects of development traffic and other environmental and safety impacts. Transport Assessments will be required for development proposals, where relevant, to fully assess the impacts of development and identify appropriate mitigation measures.

Requiring development proposals that generate significant traffic to be accompanied by a Travel Plan, clearly setting out how the travel needs of occupiers and visitors will be managed in a sustainable manner.

6.2 Electric Vehicle Charging Points

- 6.2.1 In 2020, the UK Government announced a ban on the sale of all new petrol and diesel cars and vans by 2030, with all new cars and vans to be fully zero emissions at the tailpipe by 2035. As part of the Council's commitment to achieving an energy efficient transport system and to cut carbon emissions, spatial planning will be used

⁴⁴ Surrey County Council (n.d.) Woking Town Local Cycling and Walking Infrastructure Plan (LCWIP). Available at: <https://www.surreycc.gov.uk/roads-and-transport/cycling-and-walking/plans/woking-town-local-cycling-and-walking-infrastructure-plan-lcwip#section-1>

⁴⁵ Transport for London (2017). Healthy Streets for London – Prioritising walking, cycling and public transport to create a healthy city. Available at: <https://content.tfl.gov.uk/healthy-streets-for-london.pdf>

as a lever to boost the number of electric vehicle (EV) users in Woking. EVs also bring further advantages in terms of reducing noise pollution and improving air quality.

- 6.2.2 In order to achieve increased EV usage in the Borough, widespread charging infrastructure improvements will be necessary. Although the provision of public charging points will be important, many EV drivers will choose to charge their vehicles overnight at home. Recharging where people are employed will also be essential.
- 6.2.3 New development provides the best opportunity to accelerate the scale of provision for EVs and should include charging provision for EV use as standard. Policy CS22 of the Core Strategy states that new development in Woking Borough will be expected to contribute to charging infrastructure. This SPD sets out the minimum requirements for the provision of EV charge points in accordance with the current Building Regulations Part S as summarised in **Table 6.2**.

Table 6.2 Building Regulations – Part S¹³ EV Charging Summary

Development	Threshold	Minimum Requirement	Section ¹³
Residential	All new dwellings with parking	A minimum of either at least one EV charge point for each associated parking space or the number of dwellings that the car park serves.	S1. (2)
	>10 parking spaces or more parking spaces than dwellings	Cable routes must be installed in any parking spaces which do not have EV charge points.	S1. (3)
Non-residential	>10 parking spaces	A minimum of one EV charge point, with cable routes for one in five of the total parking spaces.	S4.

- 6.2.4 The Approved Document¹³ provides the full technical guidance regarding the installation and charge point requirements in Part S to the Building Regulations. It applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.
- 6.2.5 The type of charging point will be decided on a case-by-case basis depending on the type and scale of development. All new EV charge points being installed will need to provide a minimum power supply of 7 kW or have the cable routes ready for this supply. It may be prudent to install cable routes that are capable of charging at a faster rate.
- 6.2.6 The design of parking facilities will affect the location and ease at which EV charging points can be installed. Charging points should be sited so that they are easy to access, in prominent locations that are well-signed for quick recognition by EV drivers. Consideration should be given regarding mobility and access for wheelchair users. It is recommended that charging infrastructure provided at development adopts 'smart metering' enabling users to be charged for the energy they use.
- 6.2.7 In order to reduce clutter in parking areas the installation of charge points with two outputs could be considered, i.e. one charge post with an outlet on either side to

serve two active parking spaces. EV charging points can be provided at low cost within dedicated off-street parking courts. Basement or under-croft parking provides particularly suitable environment for EV charging points. In these locations it is possible to provide secure charging points for vehicles where it would otherwise be impractical for private individuals to connect vehicles at home.

- 6.2.8 Management and maintenance of the charging infrastructure will be the responsibility of landowners and the chosen energy supplier. Those car parks privately managed should have appropriate enforcement procedures for the misuse of their parking stock.

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7. Climate Change Resilience and Adaptation

7.1 Introduction

Box 7.1 Aims – Climate Change Resilience and Adaptation

What to aim for:

- Overheating assessment to design for future climate, employing principles of the natural cooling measures in order to future-proof the development;
- Designing development to be resilient to flood risk including allowances for climate change;
- Use of SuDS in development to integrate GBI and design for allowances for climate change;
- Integrate GBI into development, utilising nature-based solutions to achieve multiple benefits.
- For residential development, design for a minimum water efficiency of 110 l/p/d, aiming to exceed this, utilising the principles of the water hierarchy;
- For non-residential, design for a minimum of 40% reduction in water consumption compared to a baseline building (see BREEAM methodology) whilst aiming to exceed this; and

7.1.1 The Core Strategy requires new development to adapt to the impacts of climate change. Consideration of climate change adaptation within the built environment is an amalgamation of discrete but connected issues such as overheating within buildings and thermal comfort, flood risk and sustainable drainage, water efficiency and reuse, the integration of Green and Blue Infrastructure (GBI), whilst designing for changing ground conditions, winds and damp.⁴⁶ Integration of these competing issues into sustainable design within development needs to be carefully considered, whilst complementing the requirements for climate change mitigation through energy efficiency.

7.1.2 Existing housing stock in the UK faces challenges in adequately addressing a changing climate, partly due to the age profile of buildings, but also due to 'issues with knowledge, skills, supply chains, occupant behaviour and quality assurance'⁴⁶. It is therefore imperative that new housing and developments brought forward meet and exceed performance requirements of the Core Strategy, utilising the guidance in this SPD, to avoid costly retrofitting in the future. Future-proofing of new development encourages well-designed sustainable development, with the ease of

⁴⁶ Kovats and Brisley (2021). UK Climate Risk Independent Assessment (CCRA3) Technical Report Chapter 5: Health, Communities and the Built Environment (Online). Available at: <https://www.ukclimaterisk.org/wp-content/uploads/2021/06/CCRA3-Chapter-5-FINAL.pdf>

ability to adapt to changing environmental, social and economic conditions over the lifetime of the development.

- 7.1.3 The 2021 update to the NPPF sends the clear signal that climate change adaptation should be integral to new development:

“Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.”

- 7.1.4 Planning policy around adaptation is intrinsically linked to the Building Regulations as set out within the SPD, and should be used to form the minimal performance requirements.

7.2 Adaptation Through Design

Resilience to Rising Temperatures

- 7.2.1 The latest assessment of the risks and opportunities facing the UK from climate change (UK Climate Change Risk Assessment i.e. CCRA3) noted limited incorporation of adaptation issues into planning policy as one of the significant barriers to addressing climate change risks.⁴⁶

- 7.2.2 One of the major climate risks to the UK relates to high temperatures. The UK CCRA3 considers that the risks of combined exposure to high temperatures, air pollution, drought and wildfires could result in excess mortality. This is a higher risk for vulnerable community members such as those within residential care, older persons or persons with pre-existing conditions. Despite this, it notes that policies relating to the thermal comfort of occupied buildings were under-developed (see UK CCRA H1).

- 7.2.3 The introduction of Approved Document Part O in 2022 directly addresses design of residential development. It directly addresses how to minimise unwanted solar gains in summer periods and ensure adequate removal of heat from the indoor environment.

- 7.2.4 The rationale in Part O recognises that buildings with increasingly efficient insulation and airtightness are at risk of overheating if their design does not adequately address ventilation requirements.⁴⁷ It therefore supplements Part F requirements for ventilation standards, while also promoting natural removal of heat so as to avoid additional energy requirements associated with mechanical systems,

UK CCRA Risk H1: Risks to health and wellbeing from high temperatures.

While there is more evidence since CCRA2 about the risks of overheating in homes, hospitals and care homes, and the effectiveness and limitations of strategies for passive and space cooling, policies to protect people from overheating in new and existing homes and other buildings including care homes are still to be developed fully across the UK.

⁴⁷ Morten, W. (2015). Strategies for mitigating the risk of overheating in current and future climate scenarios: Applying lessons from PassivHaus to contemporary housing. (Online). Available at: <https://www.passivhaustrust.org.uk/UserFiles/File/Technical%20Insight%20-%20December%202015%20-%20Mitigating%20Overheating%20Risk%20in%20Future%20Climates.pdf>

which would conflict with targets for reducing the energy intensity of dwellings set out in Part L.

7.2.5 Within non-residential buildings, the BREEAM UK New Construction and BREEAM Refurbishment and fit-out guidance sets out what exemplary performance with respect to climate change adaptation looks like. This includes criterion Hea 04 Thermal comfort, which addresses risks of overheating, alongside ventilation design.

7.2.6 Exemplary performance also includes avoiding increased risks of deterioration and higher maintenance demands due to the impacts of climate change previously mentioned (driving rain, winds, heat related deterioration). By achieving Mat 05 Designing for durability and resilience the development should demonstrate exemplary performance where the exposed parts of the building are protected from material degradation from environmental factors including climate change, where water ingress and damage is prevented. This includes designing for maintenance (e.g. ease of access for replacement, cleaning and repair).

7.2.7 Increased internal temperatures pose serious health implications.⁴⁸ Thermal discomfort within buildings is directly correlated with increasing external temperatures; however, a range of conditions are at play which may be individual to the occupier and there is no single value for indoor temperature which is considered comfortable. Therefore, it is imperative that building design allows for flexibility in removing heat from the building.

7.2.8 In addition to whole-building consideration of overheating, there may be localised overheating associated with high glazing proportions, restriction of window opening, internal heat sources and a lack of shading objects.⁴⁹

7.2.9 Window opening will become an increasingly ineffective method for cooling as external temperatures continue to increase. Shading and ventilation (i.e. passive and/or mechanical) are key to naturally controlling overheating in the summer months; key design measures are within **Table 7.1**.

BREEAM Exemplary performance in climate change adaptation

✓ **Hea 04** Thermal modelling results in thermal comfort, limiting the risk of overheating, taking into account future climate change projections within the modelling inputs.

✓ **Mat 05** Buildings are designed for durability and resilience to future environmental conditions with climate change.

⁴⁸ Race, G. L. (2010). CIBSE Knowledge Series: KS16 How to manage overheating in buildings. London, England: Chartered Institution of Building Services Engineers.

⁴⁹ Palmer, J. (2021). Avoiding summer overheating. Guidelines for summer comfort in PassivHaus buildings and the PHT Summer overheating tool. (Online). Available at: <https://www.passivhaustrust.org.uk/UserFiles/File/Technical%20Papers/Avoiding%20summer%20overheating.pdf>

Table 7.1 Types of cooling measures that can be incorporated into design of residential and non-residential buildings⁴⁷










	Type of cooling	Examples
	Ventilation	Displacement ventilation, opening windows, night purging, breathing buildings
	Internal shading	Blinds, curtains, shutters, films on glass
	External shading, especially for south facing facades	Overhangs, shutters, Brise Soleil, recessed glazing, vegetation, fins
	Thermal mass	Exposed concrete floors and ceilings, thick stone/block walls on south/west facades, masonry partitions
	GBI	Green roof, green walls, planting around building
	Building form	Reduce glazing size, locate glazing away from sun, glazing to limit solar gain e.g. low g-value glass
	Reducing occupant input	Automatic controls
	Reflective	Reflective roof, solar control glass, white paint
	Active cooling	Air Conditioning units, reversible heat pumps, district cooling

Figure 7.1 Brise Soleil, Chobham Road, Woking Town Centre



Box 7.2 Case Study: Moor's Nook, Retirement Village, Woking⁵⁰



Moor's Nook is a high-specification retirement village near Horsell Common. The development contains an integrated south-facing courtyard, complementing aspects of the nearby green space. Natural light was used where possible whilst understanding any conflicts with unwanted solar gains with an overheating assessment. It was demonstrated that several living rooms were subject to overheating through solar gain, therefore a number of measures were employed: the use of low g-value windows; high specification glazing; and blinds or curtains. This reduced this risk to an acceptable level. Additionally, natural ventilation was provided through openings, windows and roof lights, maximising air changes.

- 7.2.10 The case study within **Box 7.2** shows how the overheating assessment highlighted additional design measures to be considered. However, the assessment did not include an analysis of the changing future climate, which is a requirement for new developments subject to this current guidance.
- 7.2.11 Nature based solutions (NBS) can be applied at the property-level to address the impacts of overheating through natural shading with vegetation. Beyond overheating within buildings, the health and wellbeing of the population may become impacted by increasing experience of the urban heat island effect associated with urban areas. This has strong links with the integration of urban cooling measures such as green infrastructure and NBS, explored further in this section.
- 7.2.12 Further guidance in terms of design considerations can be found in the references noted here:

▶ **Approved Document Part O: Overheating for further technical guidance.**

▶ **CIBSE, 2013. TM52 The limits of thermal comfort: avoiding overheating in European buildings.**

▶ **CIBSE, 2019. TM59 Design methodology for the assessment of overheating risk in homes.**

⁵⁰ Milieu Consult (2015). Energy Strategy.

Resilience to Flood risk

Box 7.3 Core Strategy – Flood Risk Policies

CS9: Flooding and water management

The Council will require all significant forms of development to incorporate appropriate sustainable drainage systems (SuDS) as part of any development proposals. If this is not feasible, the Council will require evidence illustrating this.

- 7.2.13 The UK Climate Change Risk Assessment (CCRA3) highlights the aspects of society which are, and could become more at risk, from flooding, this includes our services (Risk I2), people, communities and flooding (Risk H3) and businesses (Risk B1). An aim of our Climate Change Strategy is to work with partners to implement flood risk management activities across the Borough. Nevertheless, individual new developments need to ensure flood risk / resilience is a key consideration as part of local climate adaptation, accounting for projected future climate change in the design of any flood resilience measures. Designs also need to take into account the flood risk implications of impermeable materials associated with urban environments, such as concrete, asphalt and tarmac.
- 7.2.14 The Surrey Local Flood Risk Management Strategy 2017 – 2032⁵¹ highlights that new development has increased the importance of holistic drainage systems design that is both sustainable and does not increase the risk of flooding elsewhere in the catchment. There are opportunities presented through the planning of new development to make communities more resilient to climate change. A key element of this is use of sustainable drainage systems (SuDS)⁵¹, as required by Policy CS9 (see **Box 7.3**).
- 7.2.15 SuDS are designed to maximise benefits from the management of surface water, by controlling the quantity and quality of runoff as well as providing larger areas of green and blue infrastructure (GBI) supporting enhanced biodiversity in neighbourhoods.⁵²
- 7.2.16 SuDS can be used within residential and non-residential development, even when spatially constrained (see examples of use in **Figure 7.4**). Early consultation is imperative for the most effective use of SuDS in development, engaging cross-topic specialists such as landscape architects, flood risk engineers, ecologists and spatial planners. The principles of SuDS design in development are within **Table 7.2**.

UK CCRA Risk I2: Risks to infrastructure services from river, surface water and groundwater flooding.

UK CCRA Risk H3: Risks to people, communities and buildings from flooding.

UK CCRA Risk B1: Risks to business from flooding.









Communities, infrastructure assets and business sites will face increased exposure to surface water risk in absence of adaptation action.

⁵¹ Surrey County Council (2016). Surrey Local Flood Risk Management Strategy 2017 – 2032 (Online). Available at: https://www.surreycc.gov.uk/_data/assets/pdf_file/0005/136724/Surrey-Local-Flood-Risk-Management-Strategy-FINAL_v2.pdf

⁵² CIRIA (2015). The SuDS Manual. London, England: CIRIA.

7.2.17 The Council supports proposals that integrate natural based solutions (NBS) within plans to mitigate flooding and provide further benefits such as increased biodiversity and the creation of green spaces.

Table 7.2 Principles of SuDS design⁵²

Principles of SuDS design			
	Using surface water runoff as a resource		Promoting evapotranspiration
	Managing rainwater close to where it falls		Slowing and storing runoff to mimic natural runoff characteristics
	Managing runoff on the surface		Reducing contamination of runoff through pollution prevention and controlling the runoff at source
	Allowing rainwater to soak into the ground		Treating runoff to reduce the risk of urban contaminants causing environmental pollution.

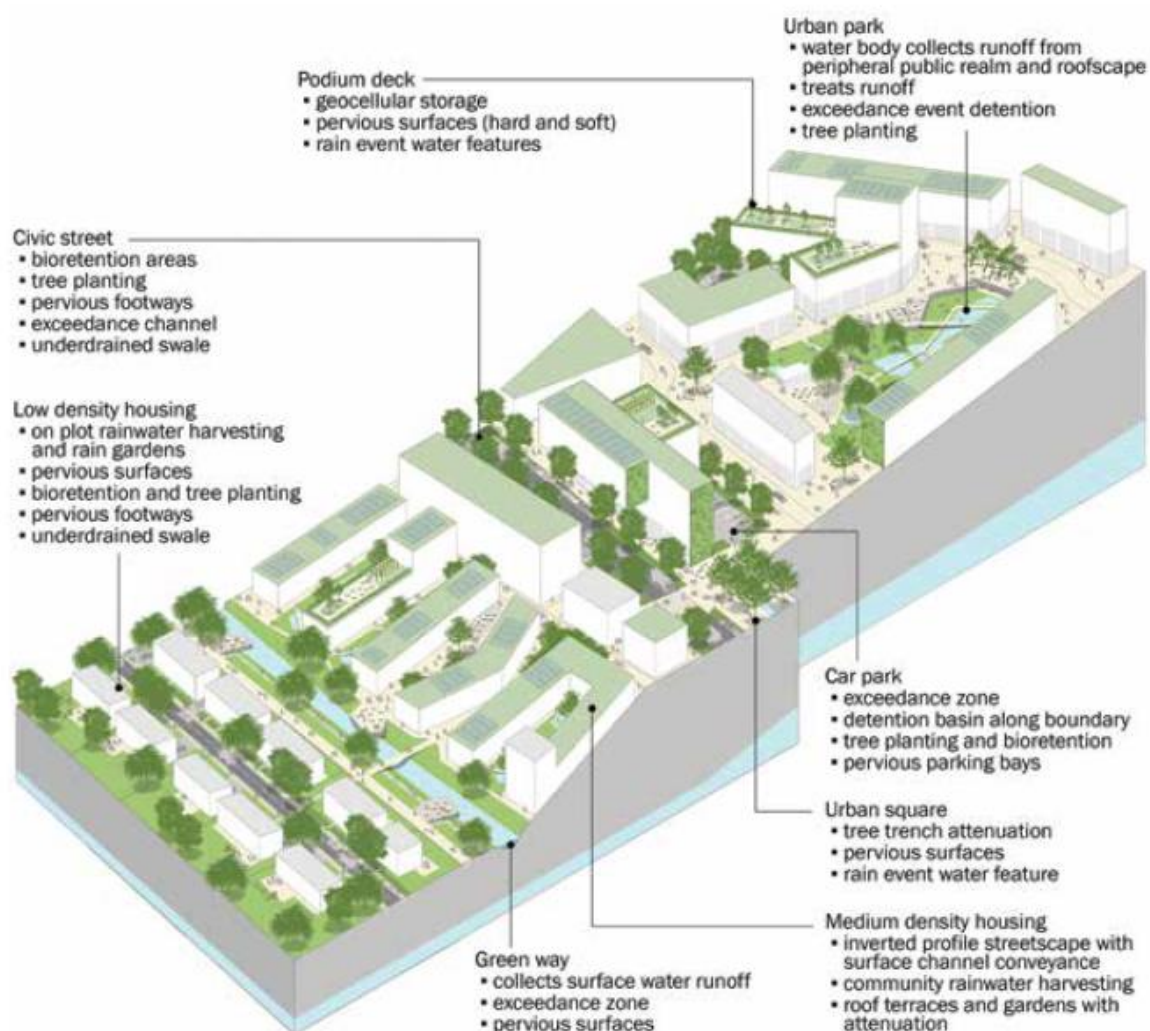
Rain Gardens

Rain gardens are areas of shallow greenspace, usually featuring plantings such as hedges, trees and flowers. They are intended to absorb surface run-off and can contribute towards a wider SuDS strategy. New developments are encouraged to seek opportunities to establish rainwater gardens as part of ambitions to integrate green infrastructure, and thereby contribute towards Woking’s initiative to reduce local flood risk, improve water quality, and enhance biodiversity. There are several planning and design considerations associated with rainwater gardens, that must be taken into account to ensure successful delivery.

Figure 7.2 Rainwater Garden, Chertsey Road



Figure 7.4 Application of SuDS in different environments⁵²



7.2.18 Non-residential development can demonstrate exemplary performance related to climate change adaptation through BREEAM by targeting the Pol 03 Flood and surface water management credits to minimise the risks of increased flood risk and surface water run-off affecting the site or other receptors in the catchment. This entails:

- Flood resilience: A site-specific Flood Risk Assessment (FRA) confirms that the development either remains within a location of low flood risk, even after taking into account future sources of flooding with climate change or

BREEAM Exemplary performance in climate change adaptation

✓ **Pol 03 Flood resilience**
Designing to be resilient to future sources of flooding with climate change.

✓ **Pol 03 Surface water run-off**
Drainage measures which improve peak rate and/or volume of run-off including climate change allowances.

demonstrates that measures to increase the resilience to future flooding is incorporated into the final design of the building.

- Surface water run-off: Sustainable design of surface water management measures where all calculations must include an allowance for climate change, made in accordance with current Planning Practice Guidance (PPG). Ease of maintenance must be integrated into SuDS design.

Water Availability and Efficiency

7.2.19 In the coming century, there will be increasing pressure on water demand largely due to population growth and climate change effects on resource availability.⁵³ This has been reported in the UK Climate Change Risk Assessment (CCRA3) as a risk to public water supplies due to reduced water availability (Risk I8) and the knock-on effect to the public of periods of water scarcity (Risk H10). To place this in a local context, the majority of the water supplied by Affinity Water comes from groundwater sources⁵⁴. Groundwater abstraction is highly dependent on rainfall.

Changing patterns of rainfall in summer (see **Box 8.3**) increase the risk of stress on the potable water supply to Woking.

7.2.20 The policies within the Core Strategy related to water efficiency are summarised in **Box 7.4**.

UK CCRA Risk H10: Risk to household water supply.

Reduced summer precipitation will increase the likelihood of periods of water scarcity.

UK CCRA Risk I8: Risk to public water supplies from reduced water availability.

Simulating future water balances show a UK-wide supply-demand deficit.

Box 7.4 Core Strategy Policies – Water Efficiency

CS22: Sustainable Construction

New residential development on previously developed land will be required to meet the... water components of the Code for Sustainable Homes... Code level 5 from 1 April 2016.

New residential development on greenfield sites will be required to meet the Code for Sustainable Homes level 5 (or any future national requirement).

New non-residential development of 1,000 sq.m or more (gross) floorspace is required to comply with BREEAM very good standards (or any future national equivalent).

The Council will encourage proposals for residential extensions and non-residential developments of 1,000 sq.m or less (gross) floorspace to incorporate energy and water efficiency measures.

⁵³ Lawson, R., et al. (2018). Ofwat: The long term potential for deep reductions in household water demand (Online). Available at: <https://www.ofwat.gov.uk/wp-content/uploads/2018/05/The-long-term-potential-for-deep-reductions-in-household-water-demand-report-by-Artesia-Consulting.pdf>

⁵⁴ Affinity Water (2022). Affinity Water Drought Plan: Strategic Environmental Assessment Environmental Report (Online). Available at: <https://www.affinitywater.co.uk/docs/corporate/SEAconsultation/Drought-Plan-2022-Strategic-Environmental-Assessment-Environmental-Report.pdf>

- 7.2.21 Since the adoption of the Core Strategy, the Code for Sustainable Homes (CfSH) has been withdrawn and replaced by the requirements of the Building Regulations Part G: Sanitation, hot water safety and water efficiency.⁵⁵ the Council implements the optional requirements for water efficiency as set out within Building Regulations 2010 (as amended), as follows:

All new residential development will be required to achieve as a minimum the optional requirement set through Building Regulations for water efficiency that requires estimated water use of no more than 110 litres/person/day.

- 7.2.22 This is a minimum expectation; the Council encourages developers to seek greater efficiency in seeking to future proof development against possible water scarcity.⁵³ The energy demand implications of water consumption are also an important consideration for the energy efficiency of developments.
- 7.2.23 Currently, it is estimated that average water consumption in homes in the UK is in the region of 142 l/p/d⁵⁶. Even using technology and products that are available on the market today, water consumption can be reduced to 85 l/p/d by water efficient fittings, changing behaviours and the installation of rainwater harvesting.⁵⁷ Ofwat projections suggest it is possible to achieve 50 – 70 l/p/d within 50 years; other research within the UK domestic homes sector suggests water demand can be reduced to 49 l/p/d.⁵⁷
- 7.2.24 Within non-residential buildings, BREEAM UK New Construction and BREEAM Refurbishment and fit-out guidance sets out exemplary performance targets with respect to water consumption (Wat 01). The minimum standard is to achieve 12.5% reduction in water consumption from the baseline; however, exemplary performance entails a minimum of 40% which equates to a minimum of three credits. This ensures water demand is minimised in periods of droughts.
- 7.2.25 The WaterWise Water Efficiency Strategy⁵⁸ for the UK sets out an important strategic objective for the future of water consumption within homes which is to ensure new development does not put additional pressure onto future water availability challenges and introduces the aspiration for homes to be ‘water neutral’, (see **Box 7.**).

BREEAM Exemplary performance in climate change adaptation

✓ **Wat 01** A minimum of 40% reduction in water consumption compared to a baseline building to ensure water demand is minimised in periods of droughts.

⁵⁵ Ministry of Housing, Communities & Local Government (2016). Sanitation, hot water safety and water efficiency: Approved Document G. Available at: <https://www.gov.uk/government/publications/sanitation-hot-water-safety-and-water-efficiency-approved-document-g>

⁵⁶ Energy Saving Trust (2013). At home with water. (Online). Available at: <https://www.energysavingtrust.org.uk/sites/default/files/reports/AtHomewithWater%287%29.pdf>

⁵⁷ Makin, L. et al. (2021). WaterWise: A Review of Water Neutrality in the UK. (Online). Available at: <https://database.waterwise.org.uk/wp-content/uploads/2021/10/A-Review-of-Water-Neutrality-in-the-UK-03.02.2021-1-1.pdf>

⁵⁸ WaterWise (2022). UK Water Efficiency Strategy to 2030. (Online). Available at: https://database.waterwise.org.uk/wp-content/uploads/2022/09/J37880-Waterwise_Water_Efficiency_Strategy_Inners_Landscape_WEB.pdf

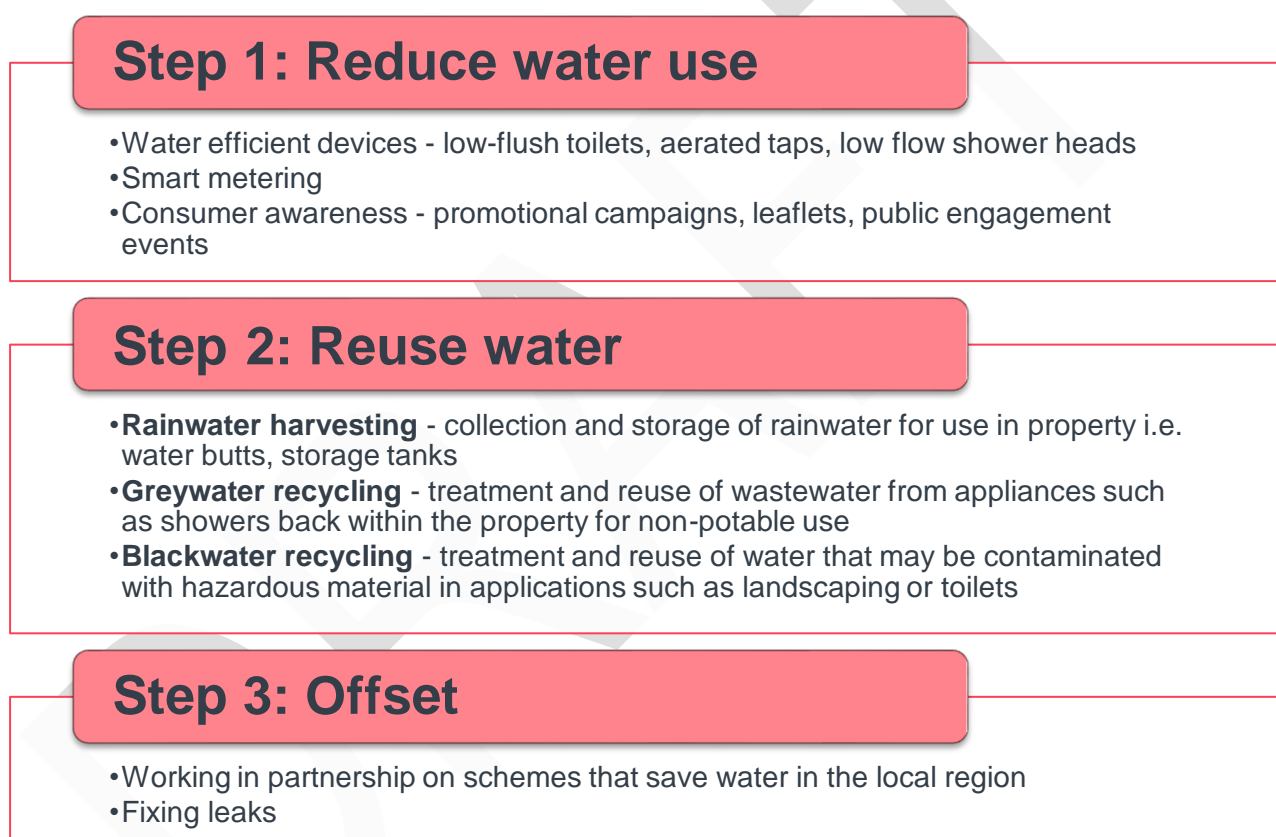
Box 7.5 Key Term: Water Neutrality⁵⁷

Key term: Water Neutrality

Where proposals for development seek to achieve water neutrality, water demand should be minimised first, then any remaining water demand offset, so that the total demand on the public water supply in a defined region is the same after development as it was before.

- 7.2.26 Water neutrality is implemented by following the water neutrality hierarchy (see **Figure 7.2**), where the key water reduction measures that are applicable and under the influence for new development are:


Figure 7.2 Water hierarchy



- 7.2.27 Rainwater harvesting (RWH) for potable and non-potable use can be applicable to single dwellings or to larger systems in commercial sites or community scale applications. RWH can be integrated with the design of surface water attenuation (as described in this section) such as SuDS and utilising green infrastructure such as reed beds to filter water, all linking to provide multiple benefits. The Council encourages applications for new development, particularly residential, to implement RWH measures. For example, water butts are a low impact means of collecting water for use in domestic gardens.
- 7.2.28 Greywater recycling (GWR) from appliances such as showers is considered to have low levels of contaminants, requiring low levels of treatment for non-potable purposes. Up to 75% of the water consumed in residential properties becomes

greywater. Typically, the water is treated using membrane-based technology.⁵⁹ GWH produces a net benefit for medium to significant buildings systems; these increase in size for individual households/shops.

7.2.29 A case study for water efficiency, RWH and GWR is found within **Box 7.**

 **BS 8525-1:2010 - Grey water systems – Part 1: Code of practice**

DRAFT

⁵⁹ WaterWise (2020). Independent review of the costs and benefits of rainwater harvesting and grey water recycling options in the UK. Available at: https://www.susdrain.org/files/resources/evidence/Ricardo_Independent-review-of-costs-and-benefits-of-RWH-and-GWR-Final-Report.pdf

Box 7.6 Case Study: WWF Building, Woking Town Centre⁶⁰

The WWF Building in Woking is the Head Quarters for the WWF. The WWF building applied the water hierarchy and sought to reduce consumption intensity in the first instance. Taps within WCs were fitted with 'passive infrared' motion sensors and showers have timer switches.

To reduce the amount of fresh water from the mains supply in necessary activities such as landscape watering and typical WC usage, the reuse of water was considering by the integration of rainwater harvesting into the design and operation of the building. Rain is collected from the roof, pavements, and other areas and attenuated in gutters and gullies and into attenuation tanks within the entrance level structure and onto an underground tank with the ability to hold. 35,000 litres.

On top of this, a greywater harvesting system was put in place to collect water from hand basins and showers reused within the WCs.

These systems were integrated with the SuDS design, where in the event of surplus rain, the excess is collected in the wetland area, with any additional overflow entering the Basingstoke Canal.

To show the many interactions with good master planning, the tree protection plan and landscape proposals were designed around the below-ground drainage system to minimise impact on tree stability.



⁶⁰ WWF (2017). The Story of WWF-UK's Living Planet Centre. Available at: <http://assets.wwf.org.uk/custom/stories/lpc/>

Green and Blue Infrastructure (GBI)

- 7.2.30 A national ecological emergency and the risk of the widespread loss of species, is highlighted in the UK Climate Change Risk Assessment (CCRA3- Risk N1). This is being addressed within development management through the introduction of Biodiversity Net Gain (BNG) as a mitigation driver.
- 7.2.31 The Environment Act gained ascension in November 2021 and has a two-year transition period for its requirements to come into effect. From November 2023 the Act requires mandatory BNG of 10% on development sites for which planning permission is granted under the Town and Country Planning Act 1990 (there are a few exemptions). The Council does not have a Local Plan Policy which requires 10% BNG on site. However, it is important to note that the current up to date policies of the development plan highlights the need for biodiversity enhancement as a result of development, which needs to be applied when determining day to day planning applications until the mandatory requirements are introduced (i.e., policy CS7). The emerging BNG legislation will enable a greater focus on the integration and extension of GBI to promote biodiversity and implement Natural Based Solutions (NBS). Thus, providing secondary benefits regarding climate mitigation actions in respect of both reducing urban heat island effects and offering additional shading benefits for buildings.
- 7.2.32 It is anticipated that the Council will release further guidance in late 2023 which will set out how developers will be expected to implement mandatory BNG within proposals for development within Woking.
- 7.2.33 Local Nature Recovery Strategies (LNRS) are another form of spatial strategy made mandatory under the Environment Act 2021. LNRS cover the breadth of the UK and are designed to plan, map and guide investment in areas with opportunities for natural recovery, to the benefit of the wider Nature Recovery Network (NRN). It is anticipated that LNRS will support BNG and act as a lever to implement Nature-based Solutions (NBS).
- 7.2.34 A further important aspect of adaptation measures is the use of NBS⁶¹. These are defined as “actions to protect, sustainably manage and restore natural and modified ecosystems in ways that address societal challenges effectively and adaptively, to provide both human well-being and biodiversity benefits”. In a local context, this means diversifying land use so as to integrate larger areas of natural vegetation (‘green infrastructure’) and water (‘blue infrastructure’) within our urban environment. These are explored in more detail in **Section 7.2**.

**UK CCRA Risk N1:
Risk to terrestrial
species and habitats
from changing
conditions.**

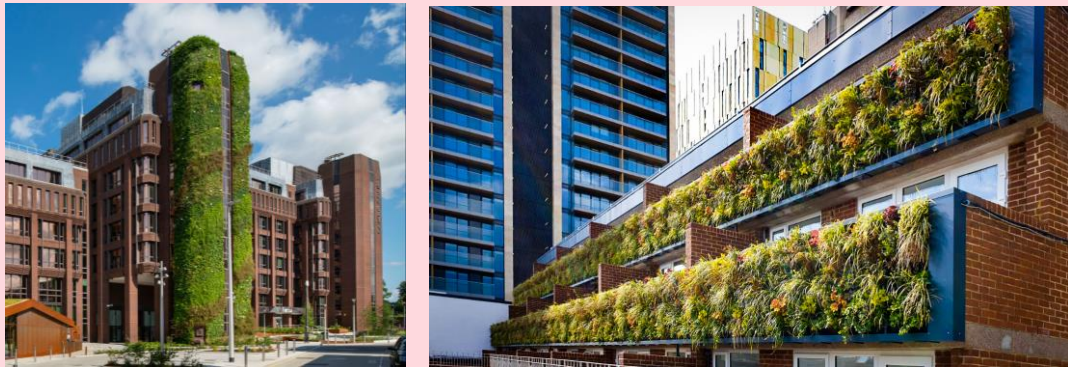
Potential for local and more widespread extinctions and losses.

⁶¹ International Union for Conservation of Nature and Natural Resources (2020). Global Standard for Nature-based Solutions (Online). Available at: <https://portals.iucn.org/library/sites/library/files/documents/2020-020-En.pdf>

Box 7.7 Key term: Green and Blue Infrastructure (GBI)

Key term: Green and Blue Infrastructure (GBI)

A network of nature-based features based on vegetation (green), water (blue), or both, integrated into typically grey infrastructure development. Examples of these features are parks and gardens, natural and semi-natural green space, green corridors, green roofs, green walls, grassed areas, outdoor sports facilities, allotments and urban farms, river and canal corridors, SuDS, rain gardens, swales, trees, ponds, amongst others. GBI is important as a climate change mitigation and adaptation measure and has a host of wider benefits to people and wildlife.



- 7.2.35 The importance of nature conservation and provision of open space and green infrastructure is already recognised through Core Strategy policies CS7 and CS17 (see **Box 7.**).

Box 7.8 Core Strategy - Green and Blue Infrastructure Policies

CS7: Biodiversity and nature conservation

The Council will encourage new development to make positive contribution to biodiversity through the creation of green spaces, where appropriate, and the creation of linkages between sites to create a local and regional biodiversity network of wildlife corridors and green infrastructure. It will seek to retain and encourage the enhancement of significant features of nature conservation value on development sites.

CS17: Open space, green infrastructure, sport and recreation

All new residential development (other than replacement dwellings) will be required to contribute towards the provision of open space and green infrastructure.

Developers will be expected to contribute to provision through the Community Infrastructure Levy (CIL) or on larger sites through on-site provision and/or a S106 contribution as appropriate.

Development which would create additional pressures on the Green Infrastructure network should, as part of the planning process, incorporate details of how it is intended to mitigate against these pressures.

The Council encourages the improvement of the quality and quantity of the Green Infrastructure.

- 7.2.36 The Borough's Climate Emergency Action Plan recognises that the ecological emergency should be addressed in tandem with the climate emergency. Woking Borough Council are capturing strategies to address the ecological emergency through the Natural Woking Strategy.⁶² This includes a built environment that is developed sustainably by weaving the ambition for biodiversity and GBI into the Borough, enhancing accessibility to green space.

Natural Woking: Strategy.

- 7.2.37 Adopted in 2016, Natural Woking provides the Council's strategy for biodiversity and green infrastructure. It promotes the far-reaching benefits of biodiversity and accessible natural spaces within the Borough, such as improved health and wellbeing of visitors and residents, and resilient wildlife. In addition to the emerging Climate Change Strategy, Natural Woking lays out the Council's vision and strategic direction for achieving a sustainable Woking.
- 7.2.38 The benefits of outdoor activities to the health and wellbeing of residents and visitors to the Borough are well known, including the opportunity to grow access to bridleways / footpaths, and integrate with existing green infrastructure. The benefits of green infrastructure have secondary impacts such as natural shading and reducing the urban heat island effect (improving wellbeing of residents during higher temperature events). These benefits are defined as 'ecosystem services'. Examples of these ecosystem services in a residential context, and what benefits these bring is shown in **Figure 7.3**.

Box 7.9 Key Term: Natural capital and ecosystems services⁶³

Natural capital is the term for stocks of the elements of nature that have value to society, for example, forests, rivers, and biodiversity.

Stocks of natural capital provide flows of environmental or ecosystem services over time, these include:

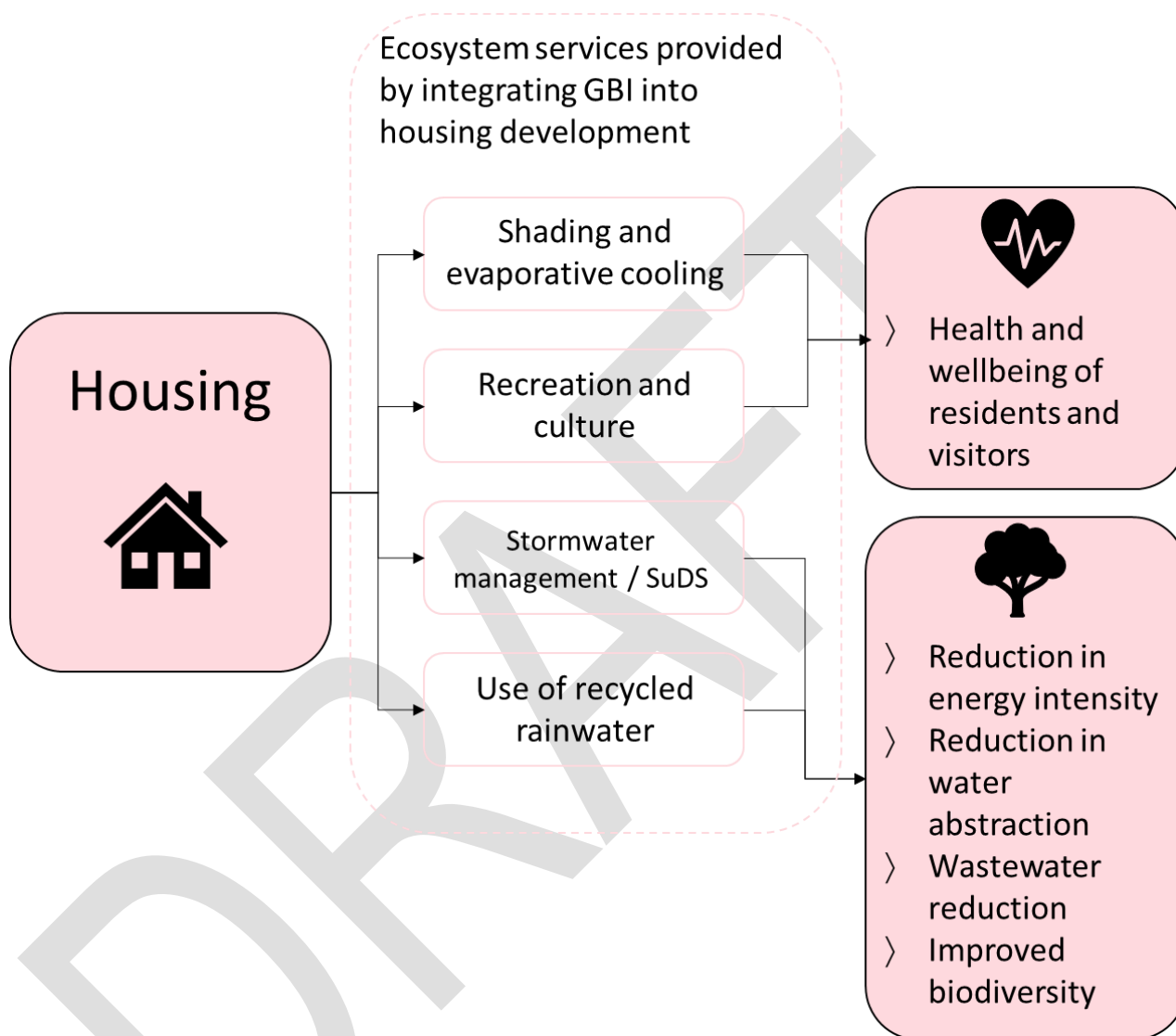
- ▶ Provisioning services – outputs that can be obtained from ecosystems for human needs such as food, timber, water supply, crops
- ▶ Regulating services – ecological processes that regulate and reduce pollution such as carbon sequestration, water regulation.
- ▶ Cultural services – environmental settings that enable cultural interaction and activity such as recreation, education and tourism.
- ▶ Flows of natural capital – flows which aren't dependent on ecosystems such as minerals, solar, wind and tidal power.

A natural capital approach reframes nature positively as an asset that can support a range of social and economic outcomes, rather than simply as a constraint on or a victim of policy or development.

⁶² Woking Borough Council (2016). Natural Woking: Biodiversity and Green Infrastructure Strategy. Available at: <https://www.woking.gov.uk/sites/default/files/documents/Nature/nwstrategy.pdf>

⁶³ Department for Environment, Food & Rural Affairs (2021). Enabling a Natural Capital Approach guidance. Available at: <https://www.gov.uk/government/publications/enabling-a-natural-capital-approach-enca-guidance/enabling-a-natural-capital-approach-guidance#introduction-to-natural-capital>

Figure 7.3 Systems mapping of the GBI role in the urban system resulting in socio-economic benefits, adapted⁶⁴



7.2.39 Nature based solutions and green infrastructure should underpin climate change adaptation measures, while also being used within development design work addressing impacts such as overheating and flooding. Over time this will improve on the current situation, since an increase in habitat extent, condition and connectivity will improve the resilience of natural assets to climate change. This has a parallel benefit in enhancing the climate resilience of homes and businesses.

⁶⁴ Brown, K., and Mijic, Dr. A., (2019). Grantham Institute Briefing Paper No. 30: Integrating green and blue spaces into our cities: Making it happen. (Online). Available at: <https://www.imperial.ac.uk/media/imperial-college/grantham-institute/public/publications/briefing-papers/Integrating-green-and-blue-spaces-into-our-cities---Making-it-happen-.pdf>

Box 7.10 Case Study – Dukes Court, Woking Town Centre⁶⁵

Dukes Court was extensively refurbished between 2019 and 2021 as part of a £77 million regeneration scheme in Woking. Originally built in 1986, Dukes Court was viewed as a symbol of Woking’s economic growth offering 220,000 sq. ft. of office accommodation. The refurbishment of the iconic office building at the centre of Dukes Court included a 460 m² “ANS Living Wall System” believed to be the tallest green wall in the UK outside of London. The green wall is estimated to extract 598 kg of carbon per year whilst producing 782 kg per year of O₂. The wall also aims to support local biodiversity and improve the air quality, through the use of soil, bird boxes and providing a variety of pollinators throughout the seasons. As well as the implementation of the green wall the development also included new drainage works along with, construction of a restaurant, resurfacing of pedestrian footways and parts of Duke Street, Locke Way and Chertsey Road, creation of new drop off and pick up area and creation of five new disabled parking bays on Duke Street.



7.2.40 Other examples used throughout the Borough include the WWF Living Planet Centre building use of a green roof for bike and storage sheds. The green roof used sedum and saxifrage and low-growing perennial plants which improve biodiversity and can soak up excess rainwater. Taking into account future climate change, the species chosen were drought-tolerant and required little maintenance, to ensure the continued effectiveness.

⁶⁵ Dukes Court. Available at: <http://dukescourt-woking.co.uk/>

Box 7.11 Case Study: Hoe Valley Regeneration⁶⁶

As part of the Hoe Valley Regeneration Scheme to reduce flood risk in Woking (introduced in the Flood Risk section above), extensive public open space including a new community centre, two new play parks, footpaths and cycleways, habitat reinstatement and new habitat creation integrated into the development including planting 1,000 saplings, creating ponds, installing bat boxes and creating habitats for water voles and great crested newt, a low maintenance living roof.



 Refer to any upcoming guidance from Woking Borough Council for the implementation of Biodiversity Net Gain in development.

⁶⁶ ThamesWey (2012). Hoe Valley Scheme. Available at: <https://www.thamesweygroup.co.uk/case-study/hoe-valley-scheme/>

8. Glossary

Term	Definition
Adaptation	The process of adjustment in a design or operational procedure to respond to the projected impacts of climate change, in order to moderate harm or exploit beneficial opportunities.
Biodiversity	The variety of life on Earth, including plants, animals and micro-organisms which, together, interact in complex ways with the inanimate environment to create living ecosystems.
Biomass	A fuel derived from plant material or natural residues. A wide range of biomass can be used to generate electricity and / or heat and to produce transport fuel.
Carbon	'Carbon' is used as shorthand to refer to the basket of seven GHGs recognised by the Kyoto Protocol.
Carbon dioxide equivalent (CO₂e)	Carbon dioxide equivalent (CO ₂ e) is a term for describing different GHGs in a common unit. For any quantity and type of GHG, CO ₂ e represents the amount of CO ₂ which would have the equivalent global warming impact.
Carbon neutral	A development that achieves no net carbon emissions of energy use on an annual basis. It is usual for a development to have emitted some GHG emissions, so it is necessary to use carbon offsets to achieve neutrality.
Combined Heat and Power (CHP)	Technology for generating usable heat and power efficiently, and supplied to buildings or a network. In practice it is often combined with a Decentralised Energy Network (DEN) as it works best with a constant, large demand for heat.
Climate change	<p>The UNFCCC, in its Article 1, defines climate change as: "<i>a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods</i>".</p> <p>While climate change can be attributable to natural causes, the UNFCCC distinguish climate change as related to human activities altering the atmospheric composition and climate variability.</p>

Term	Definition
Climate change impact	An impact from a climate trend which affects the ability of the receptor or asset to maintain its function or purpose.
Combined heat and power (CHP)	The simultaneous generation of usable heat and power in a single process, therefore producing less waste. CHP's overall fuel efficiency is around 70-90% of fuel input compared to 40-50% efficiency in conventional generation.
Decentralised Energy Network (DEN)	A system of pipes and cables that move energy in the form of electricity, hot or chilled water from where it is created, directly to where it is needed. These systems replace the conventional arrangement of each building using individual on-site generation equipment, such as boilers or chillers, serving one site only. A DEN is generator-technology-neutral, meaning the heat, cooling or power may come from boilers, heat pumps, CHP, waste heat sources or other sources.
Decentralised energy supply	Energy supply from low carbon sources on a small or community scale and including electricity generation that is connected to a local distribution network rather than directly to the national grid.
Dwelling Emissions Rate	DER is the actual emission rate of the proposed building i.e., self-contained dwellings and individual flats (excluding communal areas). To remain in compliance with Part L (Buildings Regs 2021) the DER figure should not exceed the TER.
Design and Access Statement	A document which must accompany most types of planning applications explaining the design process for a development and providing details on how it can be accessed by everyone.
District Heat Network	Also known as Heat Networks – comprises the physical infrastructure for the generation, distribution and consumption of heat. This can be at a large scale - such as an area-wide scale – or small scale such as a central boiler house supplying a single block of flats.
Embodied carbon	The embodied carbon describes the carbon footprint of a material, allowing for the sum of the energy required in resource extraction, and any processing required, as well as the transport and supply logistics to the factory gate.
Energy Statement	A document which provides the specification for meeting the required energy targets including a calculation of the carbon emissions for a development and is a useful in demonstrating compliance with CS22.

Term	Definition
Forest Stewardship Council accreditation	FSC ensures that products are sourced from responsibly managed forests i.e., the harvest of timber and non-timber products with accreditation won't have a detrimental effect on forest ecology and promotes long-term viability.
Future-proofing	Future-proofing of new development encourages well-designed sustainable development, with the ease of ability to adapt to changing environmental, social and economic conditions over the lifetime of the development
Green and Blue infrastructure	A network of nature-based features based on vegetation (green), water (blue), or both, integrated into typically grey infrastructure development.
Greenhouse gas (GHG) emissions	GHG emissions are determined by the Kyoto Protocol (1997) to include seven gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.
Ground source heat pumps	Transfer the heat from the earth to a building by means of a heat exchanger. The heat can then be used for space heating and hot water. They can also be used to remove heat from a building and deposit it into the ground to cool the building in hot weather.
Local Development Framework (LDF)	A term used to describe a folder of documents, which includes all the Local Planning Authority's Local Development Documents, including the Core Strategy and other Development Plan Documents, Supplementary Planning Documents, and the Statement of Community Involvement amongst others.
Low or Zero Carbon (LZC) Technologies	Technologies that produce energy with low or zero carbon emissions.
Nature based solutions	Actions to protect, sustainably manage and restore natural and modified ecosystems in ways that address societal challenges effectively and adaptively, to provide both human well-being and biodiversity benefits
Net zero GHG emissions	Reduction in net GHG emissions by at least 100% below 1990 levels by 2050 (the 'UK carbon target', often referred to as 'net zero').
Passive solar gain	Refers to the siting, form, fabric and internal layout of buildings so that natural light and solar heat gains are harnessed and controlled reducing the need for artificial lighting, space heating, mechanical ventilation / cooling.

Term	Definition
Photovoltaics (PV)	Thin silicone wafers that convert any light, not only sunlight, directly into electricity. They can be fitted to buildings including panels and roof tiles.
Planning conditions	Sets of further actions / commitments placed on consent to enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission.
RCP8.5	RCP8.5 is considered a high emissions pathway and represents a potential future which is slow to transfer to low-carbon energy provision. With progress towards achieving National Determined Contributions, RCP8.5 is considered a possible, but conservative, emission scenario. RCP8.5 specifies the concentration of GHGs that would result in 8.5 W/m ² radiative forcing at the top of the atmosphere by 2100, relative to pre-industrial levels. The increase of global mean surface temperature by the end of the 21st century (2081–2100) relative to 1986–2005 is likely to be 2.6°C to 4.8°C under RCP8.5.
Renewable energy	Those energy flows that occur naturally and repeatedly in the environment - from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass.
Representative Concentration Pathway (RCP)	UKCP18 produces data for a range of scenarios projecting future emissions and concentrations of GHGs in the atmosphere, known as representative concentration pathways (RCPs). Each pathway is derived from international projections published in the Intergovernmental Panel on Climate Change's 5th Assessment Report
Standard Assessment Procedure (SAP)	This is a Government standard for energy rating of all new dwellings, and is now a compulsory component in Part L of the Building Regulations. It calculates the typical annual energy costs for space, water, heating and lighting, as well as CO ₂ emissions.
Supplementary Planning Document (SPD)	A Local Development Document that adds further detail to policies and proposals in a 'parent' Development Plan Document. Unlike Development Plan Documents, SPDs do not form part of the statutory development plan.
Sustainability Appraisal	An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.
Sustainable Drainage Systems (SUDS)	Drainage solutions that provide an alternative to the direct channelling of surface water through networks of pipes and sewers to nearby

Term	Definition
	watercourses. SUDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment.
Target Emissions Rate	This is the pre-defined building specification and sets the minimum standard permitted for the energy performance of a proposed building.
UKCP18	UK Climate Change Projections 2018 (UKCP18) is the most up-to-date assessment of how the climate of the UK may change over the 21st century. UKCP18 uses climate science to provide observations and climate change projections for the UK and globally until 2100.
Urban heat island effect	Means that the urban area is significantly warmer than the surrounding rural area. The heat difference is mainly caused through urban development, lack of green and blue infrastructure and the generation of waste heat.
Vulnerability	The propensity or predisposition of a system or receptor to be adversely affected. This encompasses the sensitivity of the system or receptor and its capacity to cope and adapt.
Water neutrality	For every new development, water demand should first be minimised then any remaining water demand offset, so that the total demand on the public water supply in a defined region is the same after development as it was before.

Appendix A Further Legislative and Policy Context

International

The approach taken by the UK to addressing climate change has been shaped by a range of international agreements and climate change obligations including the Kyoto Protocol⁶⁷, the Paris Agreement⁶⁸ and the 2021 Glasgow Climate Compact⁶⁹ reflecting the UK's role as a signatory to the UNFCCC. The UK has set national mitigation targets in line with the globally recognised requirement to urgently limit GHG emissions to maintain global average temperature increase below 1.5°C to 2°C.⁶⁸ This key international policy has strengthened the scaling up of action to improve the ability to adapt to adverse impacts of climate change.

National

Legislation

The Climate Change Act 2008 amended in 2019⁷⁰, provides the basis for climate action in the UK. It commits the UK to a 100% reduction in GHG emissions by 2050, known as the net zero commitment. In line with the international treaty on climate change, the Paris Agreement, the UK committed to an interim target of a 68% reduction in economy wide GHG emissions by 2030, from 1990 levels.

The Climate Change Act 2008 also commits the UK to adapting to potential impacts of climate change, such as flooding, high temperatures and drought. The Act requires production of five-yearly climate change risk assessments (CCRA) detailing current and predicted impacts of climate change in the UK. The Third CCRA⁷¹ was published in January 2022.

Planning legislation^{72,73} establishes a duty on local planning authorities to mitigate and adapt to climate change. The Localism Act 2011⁷⁴ brought about radical reform of the planning system, which the Government considers key to securing progress on meeting the UK's climate change targets. At the local level, the Act introduced the NPPF⁷⁵ and a new

⁶⁷ UNFCCC (1998). Kyoto Protocol. Available at: <https://unfccc.int/resource/docs/convkp/kpeng.pdf>

⁶⁸ UNFCCC (2015). Paris Agreement. Available at: https://unfccc.int/sites/default/files/english_paris_agreement.pdf

⁶⁹ UNFCCC (2021). Glasgow Climate Pact. Available at: https://unfccc.int/sites/default/files/resource/cop26_auv_2f_cover_decision.pdf

⁷⁰ The Climate Change Act 2008 (2050 Target Amendment) Order 2019 No. 1056. Available at: <https://www.legislation.gov.uk/ukSI/2019/1056/made>

⁷¹ Department for Environment, Food & Rural Affairs (2022). UK Climate Change Risk Assessment 2022. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1047003/climate-change-risk-assessment-2022.pdf

⁷² Planning and Compulsory Purchase Act 2004 c. 5. Available at:

<https://www.legislation.gov.uk/ukpga/2004/5/contents>

⁷³ Planning Act 2008 c. 29. Available at: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

⁷⁴ Localism Act 2011 c. 20. Available at: <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

⁷⁵ Ministry of Housing, Communities & Local Government (2021). National Planning Policy Framework. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

presumption in favour of sustainable development. Other provisions in the Act enable community action on climate change through the development of NDPs and NDOs, and a 'duty to co-operate' is important for strategic planning of adaptation and mitigation issues with surrounding councils.

National Planning Policy

Revised in July 2021, the NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in plan-making and development management decisions. The NPPF strongly reinforces the plan-led system as the primary mechanism to deliver sustainable development over the long term, allowing for proper engagement with communities. It highlights the key role of planning in helping to secure radical reductions in GHG emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

Paragraph 152 of the NPPF makes clear that climate change is a core planning principle:

"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".

The NPPF sets out in paragraph 153 that Local Plans: "should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply and changes to biodiversity and landscape, and the risk of overheating from rising temperatures".

Paragraph 154 states that: "New developments should be planned for in ways that:

- *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- *b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards".*

Furthermore, it is stated in paragraph 157, that "local planning authorities should expect new development to:

- *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption".*

The supporting Environment Agency planning practice guidance, flood risk assessments: climate change allowances⁷⁶, contains the percentage uplifts for climate change to be added to assessments.

Planning Practice Guidance

The Climate Change Planning Practice Guidance⁷⁷ (PPG) advises how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change. Addressing climate change is a core principle of spatial planning and planning also has an important role in delivery of new renewable and low carbon energy infrastructure to facilitate the transition to net zero. The Renewable and Low Carbon Energy PPG⁷⁸ provides further guidance on policies for renewable and low carbon energy.

The UK Net Zero Strategy

The UK Net Zero Strategy 2021 sets out a strategy for the UK to reach net zero by 2050. This strategy sets out sectoral policies and proposals for decarbonising all sectors of the UK economy to meet the coming carbon budgets, the Nationally Determined Contribution (NDC) and vision for a decarbonised economy in 2050.⁷⁹

⁷⁶ Environment Agency (2016). Flood risk assessments: climate change allowances. Available at: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

⁷⁷ Ministry of Housing, Communities & Local Government (2015). Climate Change. Available at: <https://www.gov.uk/guidance/climate-change>

⁷⁸ Ministry of Housing, Communities & Local Government (2015). Renewable and Low Carbon Energy. Available at: <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>

⁷⁹ Department for Business, Energy & Industrial Strategy (2021). Net Zero Strategy: Build Back Greener. Available at: <https://www.gov.uk/government/publications/net-zero-strategy>

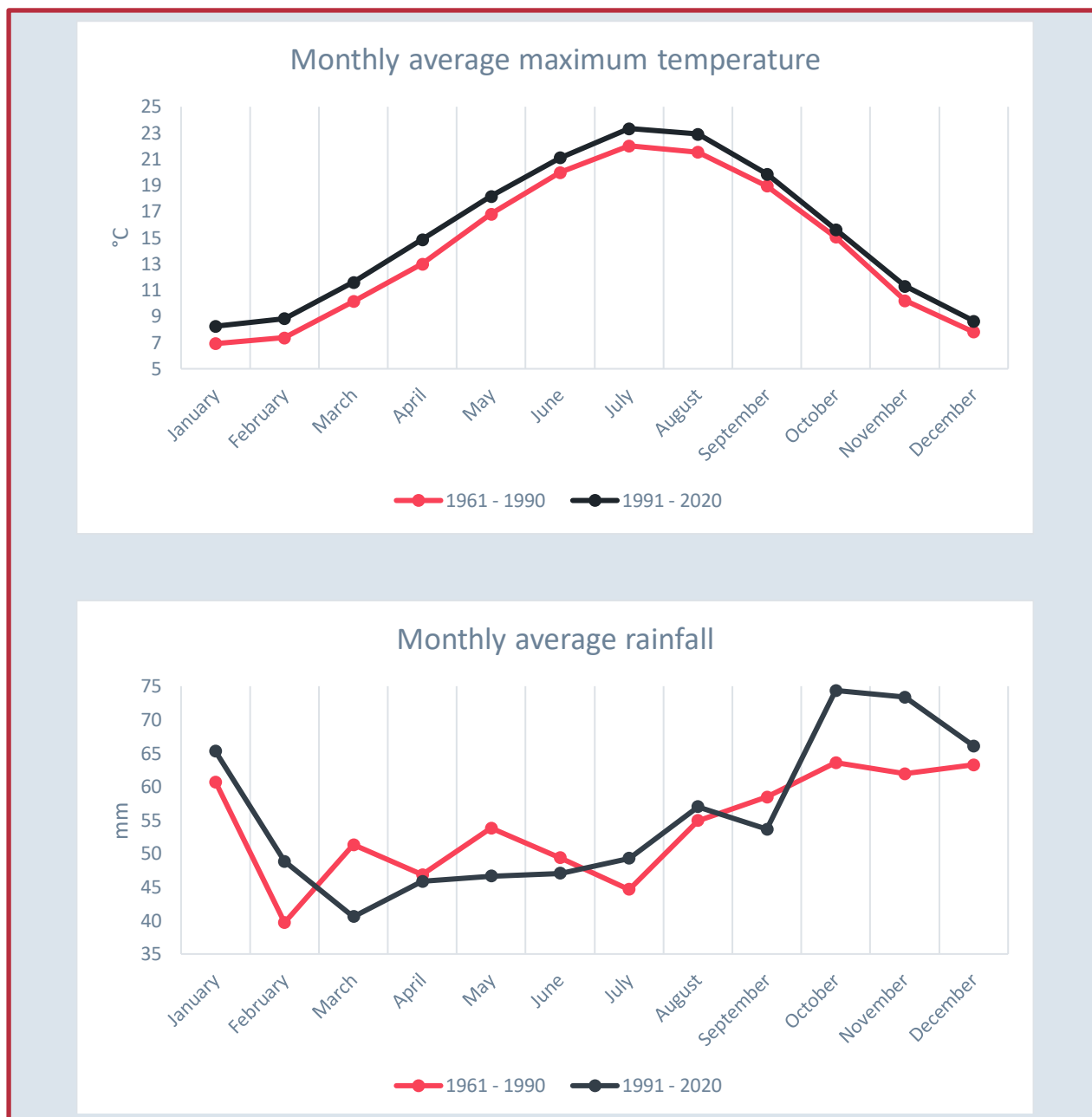
Appendix B Future Climate Change in Woking

Future Climate Change in Woking

- Woking's current climate is influenced by continental weather bringing cold spells in winter but hot, humid summers.⁸⁰ The South of England is also sheltered from weather associated with Atlantic depressions, making it a relatively dry region compared to the rest of the UK, with less seasonal influence. However, there is a trend towards peak rainfall being experienced in autumn / early winter. This is reflected within the meteorological data from climate stations operated by the Met Office; details from the Wisley Climate Station (located approximately 3.5 miles from Woking Town Centre) are provided in **Box 8.1**. The data shows the steady increase in average maximum temperatures, alongside the accentuation of the peak rainfall associated with early winter, coupled with a trend towards drier summers.

⁸⁰ Met Office (2016). Regional Climate Summaries. Southern England: climate. (Online). Available at: https://www.metoffice.gov.uk/binaries/content/assets/metofficegovuk/pdf/weather/learn-about/uk-past-events/regional-climates/southern-england_-_climate---met-office.pdf

Box 8.1 Current climate – Wisley Climate Station⁸¹



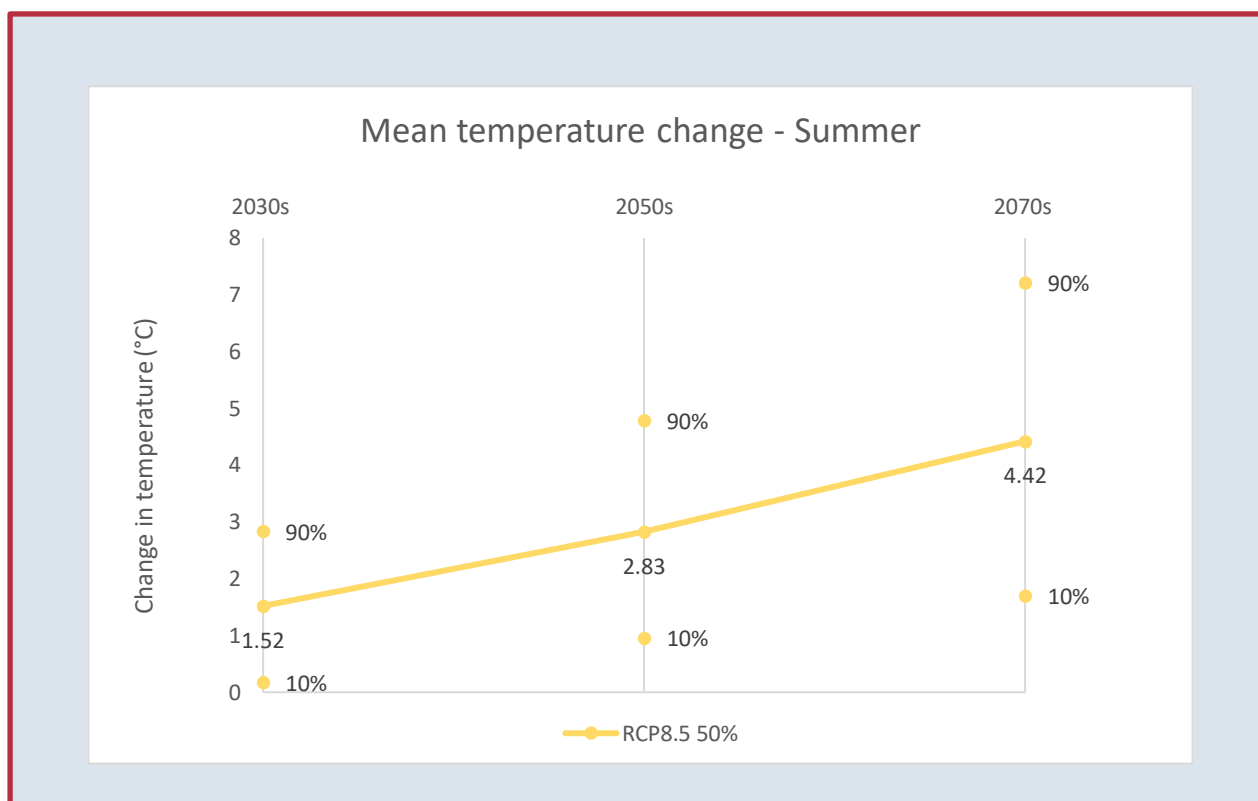
- UK Climate Projection 2018 (UKCP18)⁸² data provides a guide as to what future climate trends will likely need to be considered in development planning. UKCP18 produces data for a range of scenarios projecting future GHG emissions, known as representative concentration pathways (RCPs). Each pathway is derived from international projections published in the Intergovernmental Panel on Climate Change’s 5th Assessment Report⁸³.

⁸¹ Met Office (2022). UK Climate Averages – Wisley (online). Available at: <https://www.metoffice.gov.uk/research/climate/maps-and-data/uk-climate-averages/gcpevmgzn>.

⁸² Met Office (2018). UK Climate Projections User Interface. Available at: <https://ukclimateprojections-ui.metoffice.gov.uk/ui/home>

⁸³ IPCC (2014). Available at: <https://www.ipcc.ch/assessment-report/ar5/> (Accessed December 2022)

Box 8.2 UKCP18 Future climate – Summer temperature change

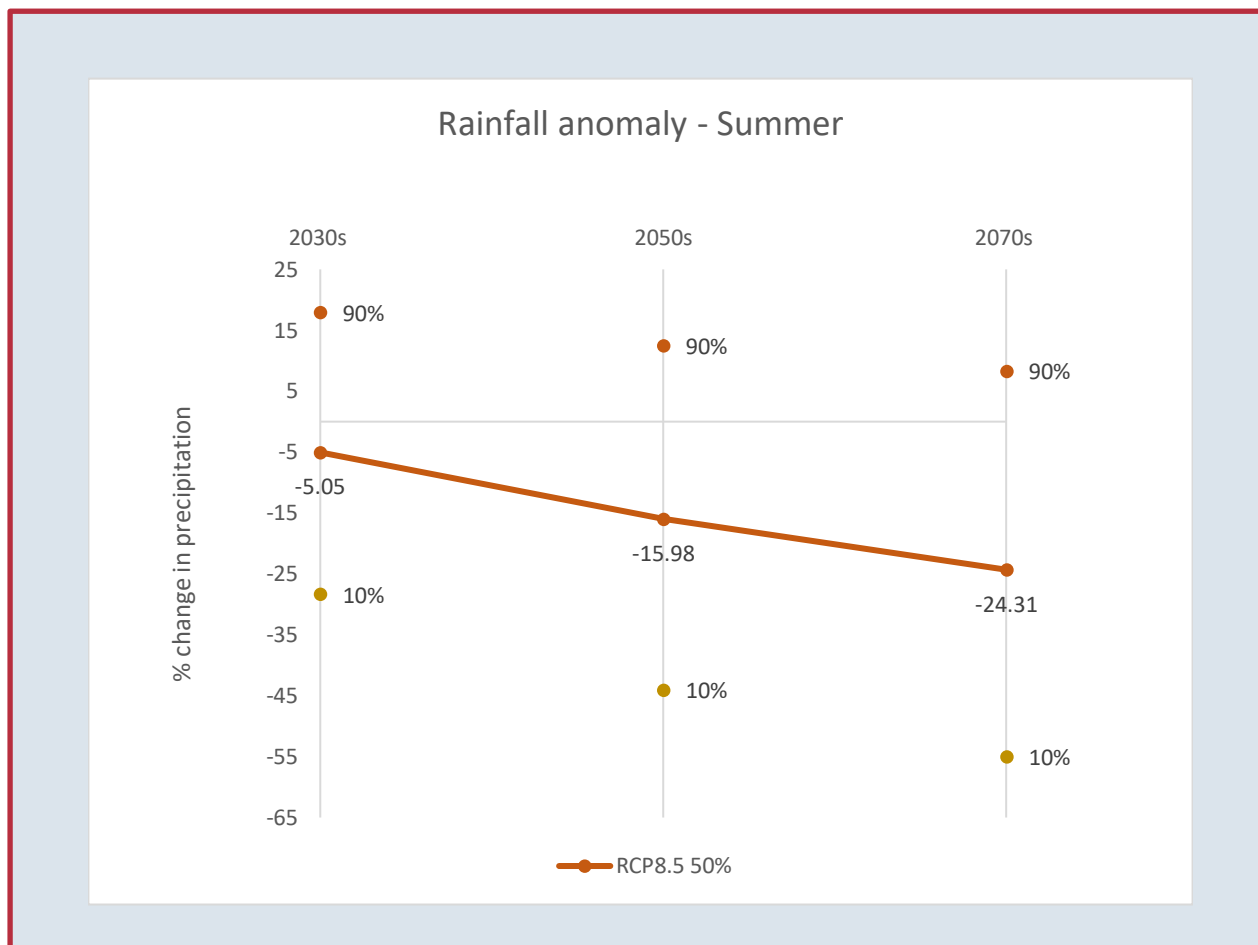


- RCP8.5 is considered a high emissions pathway and represents a potential future which is slow to transfer to low-carbon energy provision. With progress towards achieving National Determined Contributions, RCP8.5 is considered a possible, but conservative, emission scenario.
- For the RCP8.5, Woking Borough is projected to experience up to a 7.2°C increase in average summer temperatures by the 2070s (90th percentile or higher range projection), with the 50th percentile (mid-range projection) at 4.4°C (see **Box 8.2**).
- Affinity Water supply the fresh water to the Borough. The region operated by Affinity Water is designated as a region of serious water stress.⁸⁴ The Southeast of England is at the highest risk of potential for water scarcity.⁸⁵ The Borough is anticipated to experience a decrease in summer rainfall from the current baseline by up to -55% by 2070s under RCP8.5, with a 50th percentile (mid-range) projection of just under a 25% reduction (**Box 8.3**).
- Despite a fall in projected average rainfall, the Southeast is also anticipated to experience a higher intensity of rainfall on the days when it does rain in the summer.⁸⁵ This increases the potential for summer flooding events due to extreme rainfall on existing hydrophobic soils.

⁸⁴ Affinity Water (2020). Water Resources Management Plan 2020 – 2080. (Online). Available at: https://www.affinitywater.co.uk/docs/Affinity_Water_Final_WRMP19_April_2020.pdf

⁸⁵ Sustainability West Midlands (2021). Evidence for the third UK Climate Change Risk Assessment (CCRA3). Summary for England (Online). Available at: <https://www.ukclimaterisk.org/wp-content/uploads/2021/06/CCRA-Evidence-Report-England-Summary-Final.pdf>.

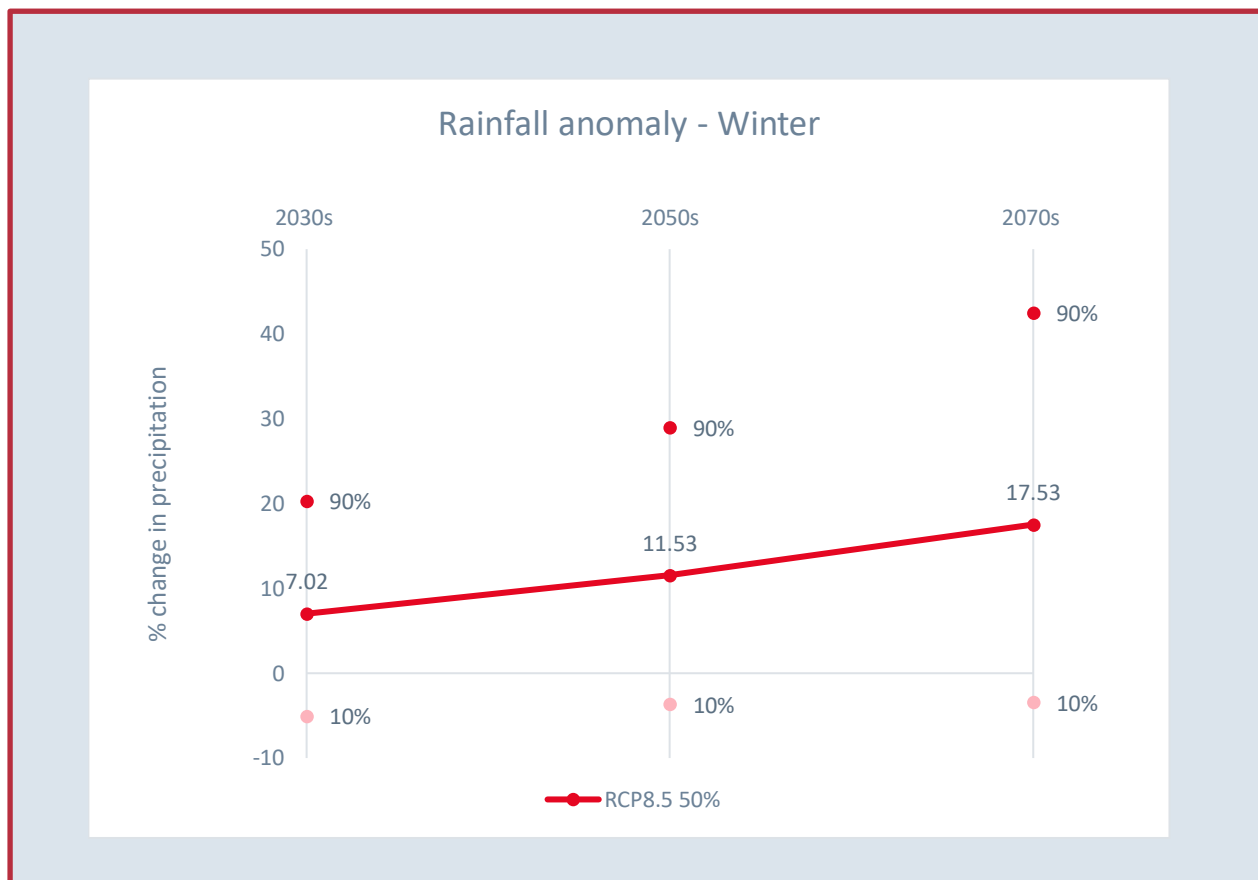
Box 8.3 UKCP18 Future climate – Summer rainfall change



- The Woking Borough Council Strategic Flood Risk Assessment (SFRA) 2015⁸⁶ has indicated higher risk of flooding associated with the floodplains of the Wey, Hoe Stream and Whitmoor Common Brook. Surface water flooding has also historically affected the Borough; whereas there are no historic incidents of groundwater flooding. There are existing defences along Hoe Stream associated with the Hoe Stream Flood Alleviation Stream and the Wey Flood Relief Channel.
- Any increase in average rainfall is likely to increase surface water flooding in the urbanised areas of the Borough, due to impermeable surfaces and the current capacity of the drainage network.⁸⁶ Future climate change predictions, for instance the increase in winter precipitation change shown in **Box 8.4**, suggest that surface water, sewer and groundwater flooding could become more frequent.

⁸⁶ Woking Borough Council (2015). Strategic Flood Risk Assessment Volume 2 Technical Report (Online). Available at: <https://www.woking2027.info/ldfresearch/sfra/sfra2015vol2.pdf>

Box 8.4 UKCP18 Future climate – Winter rainfall change



- The interaction of the climate change trends requires consideration of a holistic approach to climate change adaptation within the built environment. This means that individual developments can't be built in isolation from their surrounding environment. Instead, design work relating to overheating and flood resilience needs to integrate and complement existing areas. This will improve the overall climate resilience of our communities.
- A further important aspect of adaptation measures is the use of Nature-based Solutions (NBS).⁸⁷ These are defined as “actions to protect, sustainably manage and restore natural and modified ecosystems in ways that address societal challenges effectively and adaptively, to provide both human well-being and biodiversity benefits”. In a local context, this means diversifying land use so as to integrate larger areas of natural vegetation (‘green infrastructure’) and water (‘blue infrastructure’) within our urban environment. These are explored in more detail in **Section 7.2**.

⁸⁷ International Union for Conservation of Nature and Natural Resources (2020). Global Standard for Nature-based Solutions (Online). Available at: <https://portals.iucn.org/library/sites/library/files/documents/2020-020-En.pdf>

Appendix C Sustainable Construction Checklist – Residential Development

This checklist is to be read in conjunction with the Council's Climate Change Supplementary Planning Document, which gives detailed guidance on the implementation of policies CS22 'Sustainable construction', and CS23 'Renewable and low carbon energy generation' of the Core Strategy. The checklist forms the basis of Sustainability Statements (which should be submitted for major development proposals). For mixed-use developments, please complete both checklists.

Application Site Address

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1. Location & Transport	Yes	No	N/a
Aim: reduce the need to travel and distance travelled; increase the proportion of travel by sustainable modes such as walking, cycling, public transport and lower carbon vehicles; and reduce climate change vulnerability by locating development away from areas liable to flooding.			
Have you considered including measures to reduce dependence on private car-borne transport and influence a shift to more sustainable modes such as walking, cycling, and the use of public transport?			
Does the proposal provide appropriate levels and standards of Electric Vehicle parking?			
Does the proposal provide appropriate levels of cycle parking?			
Is it feasible to include provision for Car Clubs in the proposal?			
Have you submitted a Travel Statement (for smaller-scale developments) or Travel Plan (for proposals that generate significant traffic) with your proposal?			
Does the location of the proposed development minimise distances to the main employment centres, shops, recreation and community facilities and schools?			

Have you ensured the development is located away from an area liable to flooding, and is not dependent on transport links (roads, footpaths etc.) liable to flooding?			
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2. Layout & Design			
Aim: reduce energy demands for heating and cooling; build in resilience to the impacts of climate change such as flooding and heat through good layout and design.	Yes	No	N/a
Does the proposed site layout maximise the potential for passive solar gain?			
Have you considered how buildings could be designed to maximise the capture and use of passive solar energy?			
Have you considered designing in measures to prevent excess solar gain in summer?			
Have you designed the layout to use landform and landscape to benefit from shelter?			
Have you considered the potential for passive cooling and ventilation in summer?			
Have you considered how existing and proposed trees and shrubs could be used to provide shade for private and public open space?			
Has the development been designed to maximise natural lighting, incorporate private (and potentially public) amenity space, and ensure the building is adaptable to allow scope for changes to be made to meet the needs of the occupier?			

3. Energy and carbon reduction			
Aim: reduce the need for energy, use energy efficiently, supply energy efficiently and use renewable or low or zero carbon technologies.	Yes	No	N/a
Has the development been designed to optimise the use of the energy from the sun and limit heat losses?			
Has the development been designed to optimise natural daylight, energy efficient lighting, external lighting and natural ventilation?			
Does the development meet the energy efficiency requirements of the interim uplift in Part L of the Building Regulations (or Full Future Homes Standard from 2025)? Is this clearly illustrated?			
Will the design of the building make efficient use of energy? (e.g. use of thermally passive materials, levels of insulation, energy efficient white goods and use of green / brown roofs etc.).			

Will guidance for the non-technical building user be provided so they can understand and operate the building efficiently and understand how the design reduced the overall environmental impact of the building and raise environmental awareness?			
Has local energy generation from renewables and/or decentralised energy been considered as part of the scheme?			
Have you checked whether your proposed development falls within a zone requiring proposals to assess the feasibility of connecting to a decentralised heat network or be designed to be 'heat network ready'?			

4. Water & Drainage	Yes	No	N/a
Aim: incorporate measures to ensure development is resilient to increased risk of flooding or droughts; reduce water demand and increase more efficient use of water as periods of drought increase.			
Does the development incorporate the use of water saving devices to achieve the higher water efficiency standard under Regulation 36(3) of the Building Regulations?			
Have you considered incorporating rainwater recycling and harvesting systems?			
Have you considered incorporating recycling and harvesting facilities for grey water?			
Where a site-specific flood risk assessment is required, have climate change allowances ⁸⁸ been used?			
Have you considered designing in measures to minimise surface water run-off e.g. minimising paved areas and impermeable surfaces?			
Have you considered incorporating sustainable urban drainage (SuDS) into your development proposal? ⁸⁹			
Have you considered how any SuDS techniques used will achieve wider ecosystem functions (e.g. contribution to amenity, recreation, wildlife etc.)?			
Have you defined maintenance responsibilities for any proposed SuDS?			

5. Waste & Materials	Yes	No	N/a
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⁸⁸ Further guidance is available at: www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

⁸⁹ From 6 April 2015 all 'major' planning applications must consider sustainable drainage systems – see the Council's [Advice Note](#).

Aim: facilitate the reduction, recycling and reuse of waste and provide opportunities to improve materials resource efficiency.			
Have you considered how the design of the development can facilitate the reduction of waste and the recycling and composting of waste generated by occupants?			
Will the development make the maximum use of construction and demolition waste?			
Will the development make maximum use of re-used and recycled materials?			
Have you considered using locally and/or responsibly sourced building materials?			
Does the proposal encourage the use of re-used, recycled, recyclable and durable products e.g. salvage material or re-using/recycling demolition materials for hardcore and aggregate?			
Will selected materials ensure a low environment impact long-term – has embodied energy been considered?			

6. Green Infrastructure & Ecology	Yes	No	N/a
Aim: to retain, protect and enhance wildlife habitats and green infrastructure features to adapt the built environment to climate change impacts.			
Does the proposal include the provision of green and blue spaces (e.g. parks, gardens, green corridors, water bodies and sustainable drainage systems etc.)?			
Have you considered how green and blue spaces within the development will connect to the wider green infrastructure network?			
If the development involves the loss of any open space, is alternative and equivalent or better provision made elsewhere, or is the development directly related to the enhancement of the open space?			
Will the proposal avoid any loss of trees, hedgerows and other vegetation of amenity and/or environmental significance?			
Have the wildlife habitats and natural features on and adjacent to the site been appraised or assessed at an early stage in the project?			
Have you considered adopting measures to conserve, enhance and/or restore biodiversity in and around the development?			

Will you be protecting existing ecological features from damage during site preparation and completion of construction works where practicable?			
Does the proposal provide for on-going management of green and blue spaces, including biodiversity habitats?			

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Sustainable Construction Checklist – Non-Residential Development

This checklist is to be read in conjunction with the Council’s Climate Change Supplementary Planning Document, which gives detailed guidance on the implementation of policies CS22 ‘Sustainable construction’, and CS23 ‘Renewable and low carbon energy generation’ of the Core Strategy. The questions are intended to help provide pointers as to the type of considerations that the development should be taking into account in order to achieve BREEAM standards and form the basis of Sustainability Statements (which should be submitted for major development proposals). For mixed-use developments, please complete both checklists.

Application Site Address

1. Location & Transport	Yes	No	N/a
Aim: reduce the need to travel and distance travelled; increase the proportion of travel by sustainable modes such as walking, cycling, public transport and lower carbon vehicles; and reduce climate change vulnerability by locating development away from areas liable to flooding.			
Have you considered including measures to reduce dependence on private car-borne transport and influence a shift to more sustainable modes such as walking, cycling, and the use of public transport?			
Have public transport networks been considered in terms of the location of the development and proximity to local amenities?			
Does the proposal provide appropriate levels and standards of Electric Vehicle parking?			
Does the proposal provide appropriate levels of cycle parking?			
Is it feasible to include provision for Car Clubs in the proposal?			
Have you submitted a Travel Statement (for smaller-scale developments) or Travel Plan (for proposals that generate significant traffic) with your proposal?			

Have you ensured the development is located away from an area liable to flooding, and is not dependent on transport links (roads, footpaths etc.) liable to flooding?			
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2. Layout & Design			
Aim: reduce energy demands for heating and cooling; build in resilience to the impacts of climate change such as flooding and heat through good layout and design.	Yes	No	N/a
Does the proposed site layout maximise the potential for passive solar gain?			
Have you considered how the building could be designed to maximise the capture and use of passive solar energy?			
Have you considered designing in measures to prevent excess solar gain in summer?			
Have you designed the layout to use landform and landscape to benefit from shelter?			
Have you considered the potential for passive cooling and ventilation in summer?			
Have you considered how existing and proposed trees and shrubs could be used to provide shade for public open space?			
Has the development been designed to ensure users have sufficient daylight, an external view, adequate and appropriate lighting, ventilation, air quality and drinking water?			

3. Energy and carbon reduction			
Aim: reduce the need for energy, use energy efficiently, supply energy efficiently and use renewable or low or zero carbon technologies.	Yes	No	N/a
Has the building been designed to minimise CO ² emissions associated with their operational energy consumption?			
Has the development been designed to optimise the use of the energy from the sun, natural daylighting and controlled natural ventilation?			
Does the development meet the energy efficiency requirements of the interim uplift in Part L of the Building Regulations (or Full Future Buildings Standard from 2025)? Is this clearly illustrated?			
Will the design of the building make efficient use of energy? (e.g. use of thermally passive materials, levels of insulation, energy efficient white goods and use of green / brown roofs etc.).			

Have renewable energy sources or decentralised energy been considered for the development?			
Have you checked whether your proposed development falls within a zone requiring proposals to assess the feasibility of connecting to a decentralised heat network or be designed to be 'heat network ready'?			

4. Water & Drainage			
Aim: incorporate measures to ensure development is resilient to increased risk of flooding or droughts; reduce water demand and increase more efficient use of water as periods of drought increase.	Yes	No	N/a
Does the development incorporate the use of water saving devices to achieve the high standards of water efficiency?			
Have you considered incorporating harvesting and re-use of rainwater?			
Does the development meet the requirements of CS9: <i>Flooding and water management</i> ?			
Where a site-specific flood risk assessment is required, have climate change allowances ⁹⁰ been used?			
Have you considered designing in measures to minimise surface water run-off e.g. minimising paved areas and impermeable surfaces?			
Have you considered incorporating sustainable urban drainage (SuDS) into your development proposal? ⁹¹			
Have you considered how any SuDS techniques used will achieve wider ecosystem functions (e.g. contribution to amenity, recreation, wildlife etc.)?			
Have you defined maintenance responsibilities for any proposed SuDS?			

5. Waste & Materials			
Aim: facilitate the reduction, recycling and reuse of waste and provide opportunities to improve materials resource efficiency.	Yes	No	N/a

⁹⁰ Further guidance is available at: www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

⁹¹ From 6 April 2015 all 'major' planning applications must consider sustainable drainage systems – see the Council's [Advice Note](#).

Will selected materials ensure a low environment impact long-term – has embodied energy been considered?			
Have you considered reusing materials in-situ, responsibly sourcing materials and re-using existing structures?			
Has an audit of the materials present on the site been conducted with an assessment of the extent to which materials could be re-used?			
Will development make maximum use of construction, demolition waste and recycled materials?			
Have you considered how the design of the development can facilitate the reduction of waste and make provision for the storage and recycling of waste for all users of the site/building?			

6. Green Infrastructure & Ecology	Yes	No	N/a
Aim: to retain, protect and enhance wildlife habitats and green infrastructure features to adapt the built environment to climate change impacts.			
Have opportunities to enhance the provision of green and blue infrastructure been identified?			
Will the proposal avoid any loss of trees, hedgerows and other vegetation of amenity and/or environmental significance?			
Have the wildlife habitats and natural features on and adjacent to the site been appraised or assessed at an early stage in the project?			
Have you considered adopting measures to conserve, enhance and/or restore biodiversity in and around the development?			
Will you be protecting existing ecological features from damage during site preparation and completion of construction works where practicable?			
Does the proposal provide for on-going management of green and blue spaces, including biodiversity habitats?			

SUMMARY OF CHANGES FROM JUNE 2022

Development Type	Minimum Standard as at June 2022	What the council wants to see...	What this means for developers....	Financial/technical implications
New residential development – energy and water efficiency	Interim Future Homes Standard which requires around a 31% reduction on the Dwelling Emission Rate against the Target Emission Rate (based on the 2013 edition of Part L to the Building Regulations). A fabric first approach should continue to be prioritised. Meet the full Future Homes Standard once it comes into effect. Proposals for zero carbon development are strongly supported.	A combination of low carbon heating and increased fabric standards e.g., a fabric first approach should continue to be prioritised and evidenced. <i>Fabric first: maximising the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems</i>	Proposals consider high levels of thermal insulation, air tightness, shading design, natural daylighting, natural ventilation and appropriate sizing of building systems.	(CS22) On sites where it has been proved to be unviable for development to meet the standards set out in policy CS22 on-site, one way that applicants could achieve equivalent energy and water savings elsewhere in the Borough would be to make a financial contribution to the Council to enable it to help to fund schemes that would make the savings. The Council will publish updates of energy and water schemes that will be eligible and the cost per tonne of carbon dioxide and per cubic metre of water saved.
	Optional requirement set through Part G to the Building Regulations for water efficiency.	Design for a minimum water efficiency of 110 l/p/d, aiming to exceed this, utilising the principles of the water hierarchy	Further consideration of energy efficient appliances within schemes Further engagement with council/local area on consumer awareness Implementing adequate wastewater facilities and Sustainable Drainage Systems (SuDS)	
New non-residential development of 1,000sqm or more (gross) floorspace	Non-domestic buildings must achieve an average of 27% reduction in CO2, relative to 2013 standards. BREAM Very Good standards, with energy component achieving progressive uplift in Part L to the Building Regulations in line with Government objective for non-residential buildings to achieve the Future Buildings Standard. BREAM assessment is also available for mixed-use schemes, combining both	Apply fabric first approach Comply with the Building Regulations Fabric Energy Efficiency Standard Non-residential developments with high energy consumption - include three credits from BREEAM Ene04 to achieve a 10% reduction in carbon emissions..	Proposals consider high levels of thermal insulation, air tightness, shading design, natural daylighting, natural ventilation and appropriate sizing of building systems.	

	residential and non-residential development.			
	Achieve mandatory credits under water category of BREEAM assessment.	The minimum standard is to achieve 12.5% reduction in water consumption from the baseline.	Utilising the BREEAM Wat 01 calculator or alternative method to compare the water consumption (litres/person/day) for the building against a baseline.	
Minor non-residential development	Incorporate energy measures in accordance with interim requirements of Part L to the Building Regulations and full Future Buildings Standard once it comes into effect.	Apply fabric first approach Comply with the Building Regulations Fabric Energy Efficiency Standard Non-residential developments with high energy consumption - include three credits from BREEAM Ene04 to achieve a 10% reduction in carbon emissions.	Proposals consider high levels of thermal insulation, air tightness, shading design, natural daylighting, natural ventilation and appropriate sizing of building systems.	
	Incorporate water efficiency measures (as per Climate Change SPD guidance).	Proposals follow water hierarchy as best practice <ul style="list-style-type: none"> - Water efficient devices - low-flush toilets, aerated taps, low flow shower heads - Smart metering - Consumer awareness - promotional campaigns, leaflets - Collection, storage, treatment and reuse of water (particularly rainwater) 	Further consideration of energy efficient appliances within schemes Further engagement with council/local area on consumer awareness Implementing adequate wastewater facilities	
Development with exceptional high energy consumption / power/cooling loads	Reduce total carbon emissions from development by 10% through use of on-site renewable energy measures.	To achieve CS22, in addition to (or as a means to) achieving a 'Very Good' rating, the proposed development achieves all three credits available in Ene04 i.e., through passive design analysis and/or a feasibility study at concept design to establish the most appropriate local (on-site or near-site) LZC energy source for the building / development.	Schemes that consider building location and orientation on the site; building layout; window design; insulation (including window insulation); thermal mass; shading; and ventilation.	

All new development	Consider integration of Combined Heat and Power or other forms of low carbon district heating in the development. Connect to an energy station or district heat network, or be designed to be connection-ready, if located within town centre 'connection zone', unless a better alternative for reducing carbon emissions can be demonstrated.	Proposals are designed to be connection-ready or connect to existing DEN in first instance.	Costs associated with connecting to existing network. Financial contributions toward establishing a new network	
	Electric vehicle charging point provision in accordance with Part S to the Building Regulations.	Proposals provide a provision of EV charging points and cable routes as stated under Part S and Climate Change SPD guidance	Proposals consider ease of access and location of EV provision.	
	Take into account layout, landform, orientation and landscaping to maximise efficient use of energy and adapt to the impacts of climate change. Accord with uplift in Part F (ventilation) and new Part O (overheating in new homes) to the Building Regulations, and full Future Homes and Building Standards once they come into effect.		Guidance is followed as appropriate	
	Designed to facilitate reduction of waste, and then recycling and composting of waste produced.		Proposals provide appropriate recycling facilities and waste management.	
	Use sustainable construction techniques that promote the reuse and recycling of building materials. Responsible resourcing of materials, and locally sourced where possible.		Proposals use materials with lower embodied carbon, particularly those with potential to be recycled.	
	Make biodiversity enhancements such as green roofs/walls and bird and bat boxes.		Building design implements green initiatives to support growth of local biodiversity e.g., flora and fauna.	

EXECUTIVE – 23 MARCH 2023

COST OF LIVING CRISIS UPDATE

Executive Summary

This report is an update on the Woking response to the cost-of-living crisis. In September 2022, the Council hosted a Cost of Living Summit and a joint action plan involving a range of partners was presented to the Executive in November, with an update in January 2023. Two months on, progress is continuing to support vulnerable residents through a range of outputs, linking with strategic networks and partnerships to provide local data and intelligence.

Surrey Minority Ethnic Forum (SMEF) has conducted research from local communities into the effects of the cost of living. The Needs Based Assessment Report highlights key areas that are pertinent to the wider determinants of health, and these will be reported into the Woking Wellbeing Group in June 2023 for partnership discussion. Surrey Coalition for Disabled People has also reported on the effects on their members, with 97% of them reporting that the cost of living has impacted them and 35% reporting that they have borrowed money to supplement their essential income. The recommendations include ensuring that all community services are inclusive, and this has been shared with Woking community partners and will also be highlighted formally at the Woking Wellbeing Group.

The Surrey online energy advice tool has launched and is functioning. This provides tailored recommendations to residents for financial support and energy efficiency. It is available online and has been promoted through Council communications channels, partnership forums and warm hubs.

Following the Cost of Living Summit, Woking food support networks have met together to start to agree shared principles, share data and work together strategically. This includes mapping the support to identified need using local neighbourhood data and linking with the Cost of Living Partnership Group and the Surrey Food Strategy which is being developed. A focus will be on ensuring effective resources for crisis support such as foodbanks, and enabling support such as cooking classes and wider training, across the Borough.

Residents continue to be supported through the Household Support Fund and examples of impact are included in this report. The third tranche of the fund will be spent by the end of March 2023 and a full year fund for 2023/24, over £10 million for Surrey, is expected for ongoing support.

Community developments continue to progress, as updated in the action plan.

Recommendations

The Executive is requested to:

RESOLVE That

the ongoing local response to the Cost-of-Living crisis from the Council, partners, and organisations across the voluntary and faith sector be noted, in line with the action plan.

Reasons for Decision

Reason: To ensure Woking residents access the support they need this Winter with the Cost of Living and to monitor progress against the action plan.

The Executive has the authority to determine the recommendation(s) set out above.

- Background Papers:** Previous update reports presented to the Executive in [November 2022](#) and [January 2023](#).
- Reporting Person:** Louise Strongitharm, Strategic Director - Communities
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Email: cllrayesha.azad@woking.gov.uk
- Date Published:** 15 March 2023

1.0 Introduction

- 1.1 In September 2022 the Council brought local stakeholders together to plan how best to support vulnerable residents locally this Winter, in view of the increasing challenges due to the Cost-of-Living crisis. The action plan that followed this event was reported to the Executive in November 2022 and updated in January 2023. Two months on, this report provides a current review of the need, this time focussing on particular community groups, updates from the organisations providing support including the Warm Hubs, and an updated action plan.

2.0 Ethnic Minority Communities and the Cost of Living

- 2.1 In November and December 2022, Surrey Minority Ethnic Forum (SMEF) conducted workshops in Woking and across Surrey to hear from residents from black and minoritised ethnic communities. The full findings are reported in the Needs Based Assessment Report which is published on the SMEF website: www.smef.org.uk.
- 2.2 Over 200 people took part in the focus group sessions, representing communities from Hong Kong, Bangladesh, Pakistan, Nigeria, Albania, Syria, Iraq, India, China, the Caribbean, Somalia and Nepal. The discussions focussed on the key lifestyle areas, pertinent to the wider determinants of health, including youth issues and education, access to healthcare, mental health, employment and advocacy.
- 2.3 Woking Borough Council continue to support SMEF through access to local premises, and the Woking focus group sessions for the report were conducted at Export House. SMEF attended the Woking Cost of Living Summit in September 2022, and this has helped to strengthen engagement with local community groups, creating stronger partnership opportunities. The full report and findings will be discussed in the new Woking Wellbeing Group meeting in June 2023. This will help to ensure that issues raised by residents from black and minoritised ethnic communities in Woking are incorporated into future local health and wellbeing initiatives.

3.0 Disabled People and the Cost of Living

- 3.1 The countywide Partnership Cost of Living Group met in February 2023 and Nikki Roberts, CEO of Surrey Coalition of Disabled People (the Coalition) reported on how the cost of living has affected, and continues to effect, disabled people. The full update is published on the Coalition's website: www.surreycoalition.org.uk.
- 3.2 The Coalition's members have reported the following:
 - 97% said the cost of living had impacted them;
 - 45% had gone without food at some stage this Winter;
 - 76% had not turned their heating on at some stage this Winter;
 - 43% reported no longer being able to meet the additional costs for a disabled person;
 - 62% had not made use of community fridges, warm hubs and foodbanks; and
 - 35% had borrowed money to pay bills.
- 3.3 The recommendations from the report highlight the need to recognise that disabled people have been arguably most impacted by the cost of living crisis, and ongoing support from the

Household Support Fund is required. There is also a need to ensure that community support initiatives are accessible and inclusive to disabled people.

- 3.4 Following this update, these needs have been shared by Officers with the Woking Foodbanks and Warm Hubs. In Woking, there are already delivery options for crisis food provision, and the need to prioritise disabled people and to be inclusive is paramount. The recommendations from the Coalition's work will also be shared with the Woking Wellbeing Group.

4.0 Household Support Fund Update

- 4.1 The third tranche of the Household Support Fund is still being distributed, with a deadline of the end of March 2023. A detailed update of its use can be provided in a subsequent update report once the full data has been collated. People with disabilities have been prioritised and a grant was given to Surrey Coalition of Disabled People to distribute as well as through the District and Borough Councils.

- 4.2 Locally, Woking Borough Council has been distributing small grants to households through its community services teams to target the most vulnerable residents. Citizen's Advice Woking has distributed most of the grant and residents have been able to make applications directly through them. Case studies and feedback from Woking Borough Council teams are included below.

4.3 Floating Housing Support staff:

- "We helped a homeless family in temporary accommodation. They had three girls under six years old girls. The fund provided essential furniture and a food voucher."
- "We helped a gentleman who had suffered a stroke and was struggling financially. His mobility was poor and he needed his car fixed. We were able to provide him with a food voucher so he could buy his food and then afford to get his car fixed which meant he was able to go out."
- "We helped a gentleman recently discharged from hospital. When we visited him at the Travel Lodge he had no money, no benefits in place and no food. We were able to buy him food for the day while we waited for Community Meals to be delivered the following day."

4.4 Family Services staff:

- "Mum works but only part-time, so the fund aided her with both electricity top up and with a supermarket vouchers. There are two children, and one is disabled. Mum previously fled from an abusive relationship and has started life again on her own with her children and is struggling in every area. The fund made a huge difference to the pressure on her and her mental health."
- "For another family, being able to access this fund has helped in many ways. The money allowed them to do a good food shop, stocking up on long life items as well as fresh fruit and veg which is imperative with the mother being pregnant, providing nutrients for both her and baby.

The fund also allowed them to free up some money to then pay debts, which in the long term really helped them out. They would not have been able to do this previously. They are currently in temporary accommodation with the Council and reducing their debts has allowed them to be in a better place for housing.

Both parents were so grateful for this and said, 'For this life changing help and I don't think there is anything I can say or do to express how grateful I am.'

- 4.5 The Household Support Fund will continue in 2023/24 and allocated for the whole year rather than in separate tranches as has been the case in 2022/23. Over ten million pounds will be given to Surrey County Council to be distributed. There will be a priority focus on carers and the support will be targeted as well as locally distributed, discussions for this are in progress.

5.0 Warm Hubs Update

- 5.1 The warm hub initiative was a key theme of the Cost of Living Summit and across Woking these have been a success, as highlighted in the previous update report. One warm hub in a church in Woking recently reported that operating in this way has helped to reinvigorate volunteer support to reach out to the local community which is great.
- 5.2 The Energy Advice Tool launched in February 2023. This is a free resource for residents. It provides tailored recommendations for financial support and measures to improve energy efficiency. iPads have been supplied to Surrey Coalition for Disabled People as part of the community 'Tech to Connect' scheme. Feedback and data from this online tool will be fed back through the Cost of Living Partnership Group.
- 5.3 Another initiative is to provide slow cookers to households who would benefit, with a countywide commitment to give away 500 this Winter. This scheme was piloted in Merstham, and Woking Officers have connected Foodwise to the scheme so this can be delivered in Woking. This will add further value to the Woking Foodwise cooking classes in Sheerwater, Goldsworth Park and the town centre at the Lighthouse.

6.0 Wider Community Updates

- 6.1 An action from the Cost of Living Summit was to bring the Woking providers of Foodbanks, Community Fridges and wider initiatives together to enhance their connectivity and support across the Borough. The first meeting was held this year, hosted by the Woking Foodbank and included key representatives from different organisations and community groups. A helpful discussion focussed on sharing key principles and mapping the support with neighbourhood data to target need. This includes emergency crisis support such as the foodbanks, and training and equipping interventions such as the Foodwise cooking courses and various initiatives run through Welcome Church.
- 6.2 The CEO from Fareshare Surrey & Sussex, and the CEO of Foodwise joined the meeting and updated the group on the plans for a new food distribution hub in Surrey, using surplus food through the Fareshare supply chain. Plans are progressing for this initiative, and suitable warehouses are being explored in the area.
- 6.3 The group agreed to share data and to link, through Woking Borough Council, with the Cost of Living Partnership Group. This will enable Woking to develop its local food strategy in conjunction with the wider Surrey Food Strategy which is currently being developed.
- 6.4 Welcome Church are hosting a Cost of Living Workshop on 13th March 10am-12pm in their café onsite. This will focus on practical tips for addressing the current challenges. Details of this have been shared with partners and through local comms channels.

- 6.5 The Council has launched a Cost of Living community consultation online through the Woking Community Forum. This will enable us to hear from Woking residents and engage with their needs at this time. The consultation has been shared with a wide range of partners and is live until 19th March.

7.0 Corporate Strategy

- 7.1 The Council is committed to supporting Healthier Communities. The Cost-of-Living Summit was a positive and pragmatic way to bring local support networks together to strengthen the local offer for residents for this Winter and beyond.

8.0 Implications

Finance and Risk

- 8.1 The action plan does not increase financial risks on the Council and seeks to strengthen support for vulnerable residents through collaboration and early intervention.

Equalities and Human Resources

- 8.2 The summit included representation from a range of communities who inputted into the day. Surrey Minority Ethnic Forum (SMEF) recently completed targeted engagement sessions in Woking and the outcomes when published will be included in future update reports.

Legal

- 8.3 There are no significant legal implications.

9.0 Engagement and Consultation

- 9.1 The Cost-of-Living Summit was a successful way to bring local stakeholders together, to collectively identify what can be done to strengthen the local offer. Feedback from the event was positive and one representative wrote, "I wanted to drop you a note to say thank you for a fruitful day at the Cost-of-Living Crisis Summit. There was good content, and the different sessions and conversations across the day were encouraging".
- 9.2 Ongoing engagement continues strategically through the Cost-of-Living Partnership Group and locally with the Woking Community Forum, voluntary sector and wider teams, partners and stakeholders.

REPORT ENDS

Cost of Living Action Plan

	Activities	Lead Person & wider stakeholders	Target date	Progress	Date Completed
1.	<p><u>Communication</u> <i>Ensure that communication is clear, accessible and updated for residents and partners throughout the period.</i></p> <p><i>This was key area highlighted at the Cost-of-Living Summit and participants stressed the importance of connecting the local offer both digitally and for those without regular access to the internet.</i></p>				
1.1	<p>Woking Borough Council to ensure information from national and County sources are updated on website.</p>	<p>Andy Denner (WBC) SCC</p>	<p>Initially October 2022- Ongoing</p>	<p>The Council's website includes a range of support for households. This includes:</p> <ul style="list-style-type: none"> • Financial payments • Preventing homelessness • Help for families • Foodbanks and ways to reduce food costs • Bill saving advice • Managing debt and mental health • Local helpful organisations <p>www.woking.gov.uk/costofliving</p> <p>This is an important 'go-to' place for Woking residents, linking with the countywide offer, and will be continually updated.</p> <p>The online energy advice tool is now launched and has been promoted through countywide and local communications channels.</p>	<p>October 2022 – ongoing</p> <p>Feb 2023</p>

1.2	Woking magazine to include support for residents in Winter edition, supporting those who are unable to access online services.	Andy Denner (WBC)	October 2022	<p>Cost of Living support services included in Woking Magazine Winter Edition, delivered to c,50,000 households. This is important so that all residents have access to the information they need, including those who do not regularly use the internet.</p> <p>The central spread in the magazine consists of a wide range of support for residents. The information has been sent to Woking households and complements the Surrey County Council Cost of Living brochure delivered to all Surrey residents.</p> <p>Winter 2022 edition: www.woking.gov.uk/council-and-democracy/about-council/woking-magazine</p>	October 2022
1.3	Volunteer Woking to ensure the website links to the key areas and information is shared to the local voluntary and faith sector through newsletter.	Elspeth Andrews (WBC)	Ongoing	<p>Volunteer Woking has created a Wellbeing section on website. Ongoing update required. This complements the wider information available to residents, providing another access point for information.</p> <p>Volunteer Woking: Health & Wellbeing – Volunteer Woking</p> <p>Volunteer Woking promoted online energy advice tool.</p>	<p>October 2022 – ongoing</p> <p>Feb 2023</p>

	Activities	Lead Person & wider stakeholders	Target date	Progress	Date Completed
2.	<p>Warm Hubs <i>Support residents with affordable local places to spend time this Winter, providing support and guidance for household needs. Warm Hubs were an important discussion point in the Cost-Of-Living Summit. The need for these to be accessible, engaging and without stigma was highlighted. This action plan incorporates mapping, promotion, training and additional funding for Warm Hubs in Woking.</i></p>				
2.1	<p>Map warm hub spaces in areas of need across the borough including community, leisure and charity venues.</p>	<p>Jack Gallop (WBC) & Jess Lee (SCC)</p>	<p>November 2022</p>	<p>‘Warm Hubs’ have been mapped across the borough including MASCOT Hub in Sheerwater, The Lighthouse in the town centre and St. Andrew’s café in Goldsworth Park. These are identified as providers for targeted areas of need.</p> <p>Wider support is provided in the Centres for the Community, Eastwood Leisure Centre (free family activity on Sundays) and various faith centres.</p> <p>Map of ‘Warm Hubs’ launched 1st November 2022: www.surreycc.gov.uk/health-and-welfare/support/welfare-support/everyday-living/warm-hubs/list-of-warm-hubs-in-surrey#Woking</p> <p>Feedback from local Warm Hubs shared in Executive report (January 2023)</p>	<p>October 2022</p> <p>November 2022</p>
2.2	<p>Promote energy and finance support in all warm hub spaces and wider leisure and community venues using SCC promotion material.</p>	<p>Andy Denner (WBC)</p>	<p>November 2022</p>	<p>WBC have produced banners promoting support for households, outlining the areas within this action plan. These are being promoted at the Working Together for Woking event (volunteer fair) at the Leisure Centre 03/11/22.</p>	<p>November 2022</p>
2.4	<p>Ensure warm hubs are funded where required, through SCC available funding.</p>	<p>Jack Gallop (WBC) & Jess Lee (SCC)</p>	<p>November 2022</p>	<p>Funding from SCC to be confirmed for providers, if required to support additional resource including utilities and provisions.</p>	<p>Ongoing</p>

	Activities	Lead Person & wider stakeholders	Target date	Progress	Date Completed
3.	<p>Food <i>Develop a cohesive food support offer across the borough.</i></p> <p><i>It was highlighted at the Cost-Of-Living Summit that there is a well-stocked, central Foodbank that is connected across the borough. There is scope to develop the offer further and to bring the different providers together to achieve a local offer that is even better connected, sharing good practice and increasing resilience.</i></p>				
3.1	<p>Create a food focus group to bring together the Foodbank, Community Store, Community Fridge and wider support together; to share ideas and resources and innovate together.</p>	<p>Alison Buckland (Woking Foodbank) & boroughwide partners</p>	<p>December 2022</p>	<p>The focus group met in February 2023 and agreed to share data and work towards shared principles and a collective approach. This will link with the countywide Food Strategy that is being developed. Woking providers will map need according local neighbourhood data and develop a cohesive approach that differentiates between crisis response support (such as foodbanks) and enabling support such as training and food courses.</p>	<p>Feb 2023 – meetings ongoing</p>
3.2	<p>Explore options for a town centre ‘Grocery’ store managed and funded by Welcome Church.</p>	<p>Dub Everitt (Welcome Church) & Ian Tomes (WBC)</p>	<p>TBC</p>	<p>Welcome Church are committed to delivering a ‘Community Grocery’ store. This initiative is similar to the ‘Shopwise’ store in Sheerwater run by Foodwise. Customers have a membership and can use the store to purchase a range of items at discounted prices; 10 items for 3 pounds.</p> <p>The membership element enables the customers to be supported to engage in various courses including debt advice and employment support. The initiative is based on a ‘hand-up not hand-out’ principle rather than crisis support so complements the wider offer.</p> <p>Welcome Church and WBC Estates are exploring potential venues to run the Community Grocery.</p>	<p>Ongoing</p>

3.3	Explore options for a Surrey food distribution hub, bringing Fareshare food stock (unused wholesale food) into the area to be distributed.	Martin Vodden (Foodwise) & Adam Thomas (WBC)	TBC	<p>The purpose of this initiative is to increase the supply chain of food into the county using food stock that would otherwise be wasted by wholesalers. The stock is not near its sell-by date; it may be wasted due to a supply/demand issues or a packaging defect.</p> <p>Fareshare Sussex (www.faresharesussex.org.uk) are the supplier and local Woking/Guildford charity Foodwise (www.foodwisetlc.care) are the conduit to using and distributing the food stock across the county.</p> <p>WBC Officers have been working with Foodwise to support the initiative. It will benefit Woking residents through local food provision, plus stock for wider Surrey D&Bs and the voluntary and faith sector to use. Currently all Fareshare stock is transported to Surrey from Brighton which is not efficient.</p> <p>Start-up capital funding for this project is being granted by Surrey County Council.</p> <p>Foodwise and Fareshare are exploring a warehouse in Guildford. The Head of Family & Community Services (Woking) is chasing this regularly.</p>	<p>March 23</p> <p>Ongoing</p>
3.4	Expand cooking classes for vulnerable residents delivered by Foodwise.	Martin Vodden (Foodwise) & Nicola Norman (WBC)	November 2022	<p>This action supports vulnerable families to learn to cook healthily on a budget. It therefore also supports the Council's health and wellbeing priority of reducing obesity.</p> <p>A new cooking class commenced 02/11/22 at Parkview Centre for the Community, delivered by Foodwise and supported by the Family Centre. Another new class commenced in Knaphill during half term in partnership with the Knaphill Community Fridge.</p> <p>Classes successfully completed and further courses now happening in Sheerwater and Goldsworth Park.</p>	November 2022

	Activities	Lead Person & wider stakeholders	Target date	Progress	Date Completed
4.	<p>Financial Support <i>Support resident to access direct financial support through Central Government schemes. Support local funding initiatives for the voluntary sector and employment support services.</i></p>				
4.1	<p>Distribute the Household Support Fund to households who are eligible.</p>	<p>Adam Thomas (WBC)</p>	<p>March 2023</p>	<p>In 2022/23 to date, £201,187 has been distributed to households through the 2nd tranche of the Household Support Fund. This targeted pensioners and vulnerable families and was successfully spent within the Q2 deadline.</p> <p>A further £192,105 to be distributed this financial year from tranche 3, with a particular focus on supporting people with disabilities. The DWP are unable to directly support with targeting residents with disabilities but will refer into the scheme. Citizen's Advice Woking will therefore administer the majority of the funds, supporting their clients (as described above) and wider residents. Funds will also support vulnerable families in Housing, Family Services and help people struggling to afford essential Community Meals.</p>	<p>September 2022</p> <p>March 2023</p>
4.2	<p>Woking Works to promote the Woking Community Fund to local businesses, to increase donations from the private sector to the fund.</p>	<p>Chris Norrington (WBC) & Taravat Taher-Zadeh (Community Foundation for Surrey)</p>	<p>March 2023</p>	<p>Promoting the Woking Community Fund is a way to encourage local businesses to donate to the endowment, to increase sustainable community grants to the voluntary sector in Woking. Details of the fund can be found here: www.cfsurrey.org.uk/fund/woking-community-fund/</p> <p>A joint planning meeting with Woking Works, Volunteer Woking and the Community Foundation for Surrey was completed in October. Actions from the meeting include recruiting new panel members who will actively promote this to local businesses across the Woking communities.</p> <p>Two additional Panel Members representing local businesses have been successfully recruited to the Woking Community Fund (endowment fund) Panel. First business donations were received January 2023.</p>	<p>October 2022</p> <p>January 2023</p>

4.3	Support young people (16-25) in receipt of benefits to secure employment. The Woking Youth Hub to meet its 2022/23 target of supporting 150 young people.	Cathy Leamon (Surrey Care Trust)	March 2023	<p>The Woking Youth Hub is funded through the DWP and delivered by Surrey Care Trust, based from Moorcroft Centre for the Community. To date since its inception in April 2021 it has supported 95 young people to successfully move off benefits and into employment.</p> <p>At the end of Q3 this year the Woking Youth Hub had supported 113 young people and achieved 50 job outcomes which is a highly positive achievement.</p>	January 2023
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EXECUTIVE – 23 MARCH 2023

REVOCATION OF THE AIR QUALITY MANAGEMENT AREA (AQMA) AT ANCHOR HILL, KNAPHILL

Executive Summary

To seek approval for the Air Quality Management Area (AQMA) on Anchor Hill, Knaphill, to be revoked, following several years of continued compliance with the national Air Quality Objectives (AQO).

Nitrogen Dioxide levels have complied with the AQO at every Anchor Hill monitoring site since 2017 due to the upgrading of the traffic light system.

Appendices:

Appendix 1 - A map showing the boundary of the AQMA to be revoked.

Appendix 2 - Detailed Assessment of Air Quality on Anchor Hill 2022.

Appendix 3 - Letter to residents.

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the Air Quality Management Area (AQMA) on Anchor Hill, Knaphill, be revoked; and
- (ii) the Council revoke the AQMA officially by means of an AQMA Revocation Order and notification to Defra (The Department for Environment, Food and Rural Affairs).

Reasons for Decision

Reason: To comply with legislative requirements and DEFRA guidance related to air quality, as well as support Woking For All Strategy objectives to improve air quality across the Borough.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers:

[Anchor Hill Air Quality Action Plan](#)

[Air Quality Annual Status Report 2022](#)

Reporting Person:

Giorgio Framaliccio, Strategic Director – Place
Email: giorgio.framaliccio@woking.gov.uk, Extn: 3440

Revocation of the Air Quality Management Area (AQMA) at Anchor Hill, Knaphill

Contact Person: Emma Bourne, Environmental Health Manager
Email: emma.bourne@woking.gov.uk, Extn: 3654

Portfolio Holder: Councillor Liam Lyons
Email: cllrliam.lyons@woking.gov.uk
Councillor Peter Graves
Email: cllrpeter.graves@woking.gov.uk

Shadow Portfolio Holder: Councillor Gary Elson
Email: cllrgary.elson@woking.gov.uk
Councillor Josh Brown
Email: cllrjosh.brown@woking.gov.uk

Date Published: 15 March 2023

Revocation of the Air Quality Management Area (AQMA) at Anchor Hill, Knaphill

1.0 Introduction

- 1.1 The Environment Act 1995 places a legal duty on all Local Authorities to regularly monitor the levels of Air Quality within their borough and identify areas where the Government's air quality objectives are likely to be exceeded. This is determined by monitoring levels of Nitrogen Dioxide (NO₂), which is a pollutant produced by vehicles. The Government's objective for NO₂ is an annual average of no greater than 40ug/m³ (micrograms per cubic metre). If monitoring identifies high levels of NO₂, then the objectives are likely to be exceeded, and further action is required. Where exceedance are identified, the Local Authority is required to declare an Air Quality Management Area (AQMA) and produce an Air Quality Action Plan (AQAP) setting out the measures that will be taken to improve Air Quality in the AQMA.
- 1.2 The Local Air Quality Management (LAQM) Framework has required Local Authorities to carry out regular reviews of Air Quality in their areas since 1998. These reviews used to be known as the Updated and Screening Assessment (USA) reports. The USA has now been replaced with the Annual Status Report (ASR), which provides an overview of air quality and fulfils the requirements of Local Air Quality Management (LAQM) as set out in Part IV of the Environment Act (1995) and the relevant Policy and Technical Guidance documents.
- 1.3 Local air quality reviews have led to Woking Borough Council declaring two Air Quality Management Areas in their jurisdiction, one on Anchor Hill and the second on Guildford Road.

2.0 Historical Air Quality Data at Anchor Hill

- 2.1 The USA 2012 identified that NO₂ was in exceedance of the national objectives at Anchor Hill and that the Local Authority needed to proceed in producing a Detailed Assessment for the area.
- 2.2 The Detailed Assessment identified NO₂ levels were being exceeded, which subsequently required Woking Borough Council (WBC) to declare an AQMA. It also highlighted a need for WBC to install additional diffusion tubes at the façade of the buildings on the northern side of Anchor Hill and gather detailed 24hr traffic data for the junction and Anchor Hill.
- 2.3 Once the AQMA had been declared, WBC were required to produce a progress report within the first 12 months, and an Air Quality Action Plan (AQAP) within 18 months from the date of declaration.
- 2.4 WBC declared the Anchor Hill AQMA in January 2014 following a detailed modelling assessment in 2007, 2012 and 2015 that highlighted monitored and modelled exceedances of the annual mean AQO for NO₂ at the Anchor Hill Junction.
- 2.5 The AQMA incorporates the top of Anchor Hill at the junction with the High Street, Highclere Road and Lower Guildford Road in Knaphill, Woking. A map of the AQMA boundary is attached as Appendix 1.
- 2.6 Movement across this junction was controlled by traffic lights, which was causing queues at peak times, resulting in emissions that were higher than would be the case for free-flowing traffic. Emissions were further increased due to the gradient of the hill.
- 2.7 An Air Quality Action Plan was produced and published in June 2015, detailing how Woking Borough Council would work with other organisations to bring the NO₂ concentrations on Anchor Hill back down to be compliant with the Air Quality Objectives (AQOs). As part of the AQAP, the junction was upgraded to Microprocessor Optimised Vehicle Actuation (MOVA) operation, which uses microprocessors to assess the best signal timings, and changes the lights according to the traffic flow. A copy of the AQAP is available on the Council's website - [Woking Borough Council AQAP Anchor Hill.pdf](#).

Revocation of the Air Quality Management Area (AQMA) at Anchor Hill, Knaphill

3.0 Current Air Quality Data at Anchor Hill

- 3.1 NO₂ levels have complied with the AQO at every Anchor Hill monitoring site since 2017 due to the upgrading of the traffic light system. However, in 2018 and 2019 the highest concentrations recorded, without distance corrections, were 39 µg/m³ and 38 µg/m³, which is just below the annual mean AQO of 40 µg/m³.
- 3.2 In addition, guidance was provided by Defra, which stipulated that AQMAs were not to be revoked based upon compliance being achieved in 2020, due to the Covid-19 pandemic resulting in a period of national lockdown and traffic levels that were not representative of the norm.

4.0 Intention to Revoke

- 4.1 In accordance with Defra guidance, an AQMA should be revoked when monitoring results from three consecutive years show no exceedances of the AQO, so that a permanent improvement in air quality can be demonstrated.
- 4.2 It is therefore recommended that the AQMA for Anchor Hill be revoked at the beginning of 2023, due to continued compliance since the upgrade of the traffic signals, and concentrations for 2021 recording between 20.6 µg/m³ and 30.5µg/m³, well below the objective of 40µg/m³. A copy of the full data set of NO_x levels recorded between 2017 and 2022 is attached in Table A.2 of the 2022 Annual Status Report available on the Council's website - [Woking Air Quality Report 2022 Final.pdf](#) and in the Detailed Assessment of Air Quality on Anchor Hill 2022 doc. (Appendix 2).
- 4.3 WBC's intention to revoke the AQMA was referenced in the 2022 Annual Status Report and there were no adverse comments raised in the Appraisal Letter from Defra. In addition, Prior advice and agreement has been sought from the LAQM Helpdesk, who have confirmed that the ASR and appraisal is sufficient consultation with Defra for the revocation to move forward and for the Local Authority to raise the revocation order.
- 4.4 A revocation can be completed without public consultation as long as all of the information used to make the decision is widely accessible, e.g. published on the council website. However, it is WBC's intention to consult with residents on the revocation with a letter drop to all residents living in the vicinity. A copy of this letter is attached as Appendix 3.
- 4.5 Woking Borough Council's second Air Quality Management Area, located on Guildford Road, will not be revoked at this time and will remain in situ until such a time that the annual mean AQO is well under the limit of 40µg/m³. Between 2017 and 2019 there were locations in exceedance of the AQO along Constitution Hill prior to distance correct being applied, and it is only in the last two years that pollutant levels have started to come down in this location. Locations CH1, CH2, CH3 & CH4 recorded averages ranging from 34.3µg/m³ (minimum) to 43.5µg/m³ (maximum) between 2017 and 2019. In these locations there were a total of 5 exceedances of the annual AQO recorded over the three year period of 2017-2019 (before distance correction). Since 2020 however, pollutant levels have dropped to high 20s(µg/m³)/ early 30s(µg/m³) at the Constitution Hill monitoring locations. The full monitoring data can be found in Table A.2 of the 2022 Annual Status Report available on the Council's website - [Woking Air Quality Report 2022 Final.pdf](#). Having considered the monitoring data, it was agreed that it is too early to revoke the Guildford Road AQMA. It has also been agreed that the Guildford Road AQMA should remain in place to monitor the effects of the anticipated increase in traffic resulting from town centre works and associated road traffic diversions. Compliance is improving, but uncertainty remains given the near completed highways works on Victoria Way and the future of the HIF project to replace the railway arch before WBC can be satisfied that Air Quality is, and will remain, compliant in the Guildford Rd/ Constitution Hill area in the future.

Revocation of the Air Quality Management Area (AQMA) at Anchor Hill, Knaphill

5.0 Corporate Strategy

- 5.1 The additional measures arising from this report will support delivery of the corporate plan objectives for maintaining our physical environment, by improving air quality through more targeted monitoring. Through consultation we will also engage the communities most affected by the AQMA in the decision-making process, whilst increasing transparency for residents as a whole.
- 5.2 The Council's priority, as outlined in the Woking for all 2022- 2027 Strategy, to embed wider carbon reductions in our operations has been considered in this decision to revoke the AQMA, as it will enable monitoring capability and equipment to be used in other areas of poor air quality within the Borough.
- 5.3 Other corporate priorities have been met through engagement and consultation improvements by subsequently improving communication rapport and the health and wellbeing of Borough residents.

6.0 Implications

Finance and Risk

- 6.1 Removing the additional monitoring requirement under the Anchor Hill AQMA will save on the costs of monitoring and analysis and will allow resources and additional monitoring to be focused in other areas of the Borough.
- 6.2 There is a risk that pollutant concentrations could start to increase again, meaning that the Council would have to re-declare the AQMA. There is a further risk that the new national Air Quality Objectives (AQO) for NO₂ under the Environment Act 2021, could be set a statutory target below that of the existing concentrations measured at Anchor Hill. The NO₂ readings at Anchor Hill have complied, and been well under the national AQO limit, for several years now, meaning that the likelihood of these risks occurring is low.

Equalities and Human Resources

- 6.3 No human resource or training and development issues are arising from this paper.

Legal

- 6.4 Local authorities are required to revoke their AQMAs officially by means of an AQMA Revocation Order, which will have resource implications on the Council's Legal department.

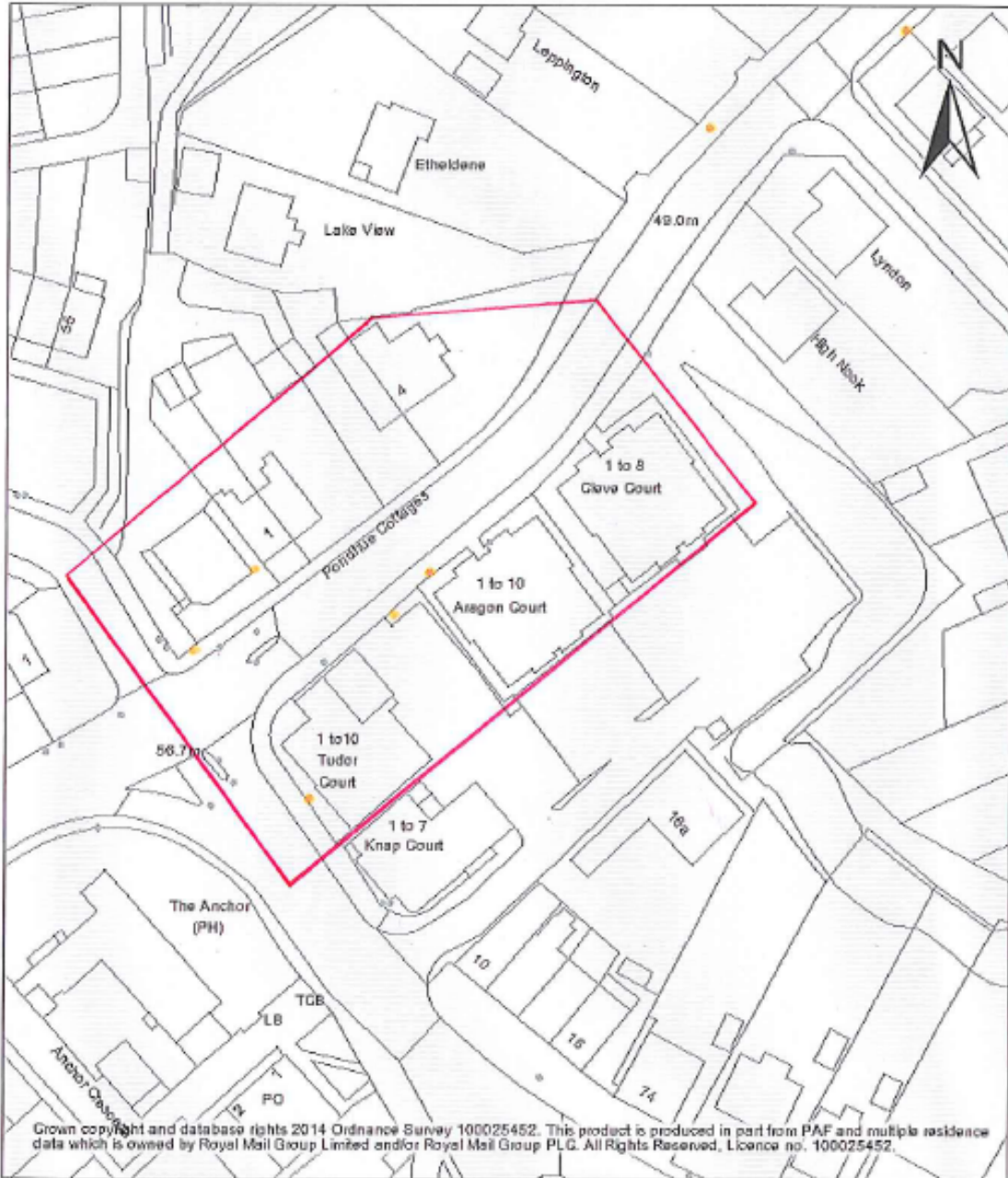
7.0 Engagement and Consultation


- 7.1 The Council's relevant Portfolio Holders, Councillor Liam Lyons and Cllr Graves, the Shadow Portfolio Holder, and professional environmental health bodies have been engaged in the preparation of this report.

REPORT ENDS

Revocation of the Air Quality Management Area (AQMA) at Anchor Hill, Knaphill

Map of Anchor Hill AQMA



 Woking Borough Council	Title	Scale 1:750
		Date 10/04/2014
	Project / Details	XY centrepoint 496628,158696
		Drawn by / Department
		Drawing / Reference Number

- Location of NO₂ monitoring tubes
- Area covered by Air Quality Management Area

Detailed Assessment of Air Quality on Anchor Hill 2022

Summary

Committee to consider the revocation of the Air Quality Management Area on Anchor Hill, Knaphill, which is no longer required because the measured levels of nitrogen dioxide are well below the levels set by the national Air Quality Objective.

Recommendation

To revoke the Air Quality Management Order for Anchor Hill under section 83(2)(b) of the Environment Act 1995.

Financial implications

Revocation of the Anchor Hill AQMA will remove the need for additional monitoring and reporting which is resource intensive and will allow resources to be focused elsewhere, or additional monitoring to be installed in other areas of the Borough, if/where required. The number of monitoring locations in Anchor Hill's AQMA is no longer necessary because there is no likely exceedance of air quality national objective levels.

Background

Part IV of the Environment Act 1995 introduced a requirement on all local authorities to carry out duties in relation to local air quality management. All local authorities are obliged to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives for different pollutants are likely to be achieved. Where it is likely that air quality levels are such that certain pollutants are above specified levels the Local Authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

WBC declared the Anchor Hill AQMA in January 2014 following a detailed modelling assessment in 2007, 2012 and 2015 that highlighted monitored and modelled exceedances of the annual mean AQO for NO₂ at the Anchor Hill Junction. The AQMA incorporates the top of Anchor Hill at the junction with the High Street, Highclere Road and Lower Guildford Road in Knaphill, Woking. Movement across this junction is controlled by traffic lights, which was causing traffic queues at peak times, resulting in emissions that are higher than would be the case for free-flowing traffic. Emissions were further increased due to the gradient of the hill.

An Air Quality Action Plan was produced and published in June 2015, detailing how Woking Borough Council will work with other organisations to bring the NO₂ concentrations on Anchor Hill back down to be compliant with the Air Quality Objectives (AQOs). As part of the AQAP, the junction was upgraded to Microprocessor Optimised Vehicle Actuation (MOVA) operation, which uses microprocessors to assess the best signal timings, and changes the lights according to the traffic flow.

Revocation of the Air Quality Management Area (AQMA) at Anchor Hill, Knaphill

In accordance with Defra guidance, an AQMA should be revoked when monitoring results from three consecutive years show no exceedances of the AQO, so that a permanent improvement in air quality can be demonstrated.

NO₂ levels have complied with the AQO at every Anchor Hill monitoring site since 2017 due to the upgrading of the traffic lights. However, in 2018 and 2019 the highest concentrations recorded, without distance corrections, were 39 µg/m³ and 38 µg/m³, which is just below the annual mean AQO. In addition, guidance was provided by Defra, which stipulated that AQMAs are not to be revoked based upon compliance being achieved in 2020, due to the covid-19 pandemic resulting in a period of national lockdown. It is therefore recommended that the AQMA be revoked at the end of this year, 2022, due to continued compliance since the upgrade of the traffic signals, and concentrations for 2021 recording between 20.6 µg/m³ and 30.5µg/m³, well below the objective of 40µg/m³.

Full data set

Site ID	X OS Grid Ref (Easting)	Y OS Grid Ref (Northing)	Site Type	Valid Data Capture for Monitoring Period (%) ⁽¹⁾	Valid Data Capture 2021 (%) ⁽²⁾	2017	2018	2019	2020	2021
AH	496618	158699	Kerbside	84.6	84.6	34.6	39.0	38.0	28.4	35.3
AH2	496615	158696	Roadside	57.7	57.7	31.6	31.2	30.9*	25.7	30.5
AH3	496646	158750	Roadside	84.6	84.6	22.5	23.9	23.0	18.8	20.6
AH4	496679	158767	Roadside	84.6	84.6	27.3	28.6	22.0	23.0	28.7
AH5	496594	158698	Roadside	84.6	84.6	26.3	31.1	25.7	20.2	22.4
AH6	496586	158686	Roadside	84.6	84.6	29.2	34.0	37.2*	20.1	23.1
LGR	496601	158668	Roadside	84.6	84.6	23.7	27.0	26.7	21.6	20.6

Conclusions

Monitoring has shown that the Air Quality Objective for nitrogen dioxide in the Anchor Hill AQMA has not been exceeded for the past 6 years. Our intention to revoke the AQMA was highlighted in the 2022 Annual Status Report, with no objections highlighted by Defra in their appraisal of the report. The assessment indicates that the AQO is not likely to be exceeded in the future based on the downward trend of the concentrations over the last 6 years and the research carried out for the AQAP, which indicates that the reduction in emissions associated with the national replacement of older vehicles, with new lower emitting models are likely to further reduce NO₂ concentrations, so that the AQO is no longer exceeded. As such, the AQMA for Anchor Hill should be removed.

Residents Letter and Q&As



Civic Offices
Gloucester Square
Woking
Surrey GU21 6YL

Telephone (01483) 755855

Facsimile (01483) 788746

DX 2931 WOKING

Email wokbc@woking.gov.uk

Website www.woking.gov.uk

Ref AQMA/AHR/TS

January 2023

Dear Sir/Madam

**ENVIRONMENT ACT 1995, PART IV
REVOCATION OF AIR QUALITY MANAGEMENT AREA ORDER
AT TOP OF ANCHOR HILL, WOKING, SURREY WITH JUNCTION WITH LOWER GUILDFORD
ROAD AND HIGHCLERE ROAD**

Local authorities have a legal obligation to monitor air quality within their borough under the Environment Act 1995. To meet this legal requirement, Woking Borough Council currently have 38 Nitrogen Dioxide (NO₂) tubes located throughout the borough, proactively monitoring the levels of NO₂. Every year, progress reports are produced based on the results obtained, which is then submitted to the Department for Environment, Food and Rural Affairs (DEFRA).

The latest Annual Status Reports identified that the level of NO₂ at the top of Anchor Hill, which was designated an Air Quality Management Area in 2013, has reduced significantly over time, following the implementation of the Air Quality Action Plan and the installation of the MOVA traffic light system. Measured concentrations at this location have been compliant with the National Objectives consistently over the last 5 years, since 2018. The latest monitoring data can be found enclosed with this letter.

As per Government guidance, and the guidelines stated in the Air Quality Action Plan for Anchor Hill, the designation of an Air Quality Management Area should be revoked following three consecutive years of compliance with the National Air Quality Objective (AQO), of 40µg/m³.

The Environment Act 1995 lists statutory consultees we need to consult with prior to revoking the AQMA. The role of this consultation process is to provide information to all parties concerned regarding the reasoning for revoking the AQMA, and to this effect, a short report outlining the data and our conclusions can be found enclosed. A list of FAQs has also been included for your information.

If you require any further information or have any questions, please do not hesitate to contact me on the details below.

You will be notified when the AQMA order is revoked.

Yours faithfully

Tara Hellaby

Environment Officer

For further information please contact Tara Hellaby on 01483 743436 (Direct Line)

or Email tara.stevenson@woking.gov.uk

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We invest in people Silver

Air Quality Management Areas Frequently Asked Questions

What is the air pollution like in Woking?

Generally, the air quality within the borough is good. Recent monitoring shows that NO₂ Air Quality Objectives (AQO) are not exceeded at any relevant locations in the Borough, and this includes the relevant locations within the two designated AQMAs on Anchor Hill and Constitution Hill. The monitoring data has identified that the average annual level of Nitrogen Dioxide (NO₂) at the top of Anchor Hill by the junction with Lower Guildford Road and Highclere Road is now meeting the Government's National Objective and has been since 2018.

How is air quality monitored?

Woking Borough Council currently have 38 NO₂ diffusion tubes located throughout the Borough, which are changed over every month, with the old tubes sent off for analysis. Progress reports are then produced annually using the results from the monitoring and using modelling programs. These can be found at; <https://www.woking.gov.uk/airquality>

Where does nitrogen dioxide come from?

The burning of coal, natural gases and fuel produce oxides of nitrogen (NO_x) emissions, mainly in the form of Nitrogen Oxide (NO). Chemical reactions then occur in the atmosphere with the NO, which produces nitrogen dioxide. The main source of NO_x emissions are from road vehicles. Older and larger cars will produce higher levels of NO_x.

What are the health effects associated with high NO₂ Levels?

Nitrogen Dioxide can have both long and short term health effects on local residents. Short term effects include irritation of the eyes and throat and can lead to the increase of symptoms of respiratory conditions including asthma, and bronchitis. The long term health effects will increase the susceptibility to respiratory conditions among healthy individuals, and lead to gradual deterioration in health of people already suffering from respiratory problems, particularly in elderly people.

What is an Air Quality Management Area?

An Air Quality Management Area (AQMA) is declared for an area where the local air quality is unlikely to meet the Government's national objectives. Once an AQMA has been declared, further work is undertaken to monitor air quality in this area, and also identify what action can be implemented to improve the air quality.

What are the national air quality objectives?

The National Air Quality Strategy sets air quality objectives for England and Wales. These air quality objectives have been set with health effects in mind. The aim is to ensure that everyone is able to enjoy acceptable levels of air quality that meet these objectives, posing no significant risk to human health or quality of life. The main concerns within the Borough of Woking are the roadside locations which exceed the nitrogen dioxide annual air quality objective of 40µg/m³ (micrograms per metre cubed).

What steps have the council taken to resolve the matter?

Once an AQMA has been declared, an Air Quality Action Plan (AQAP) must be produced within 18 months. The AQAP is produced between different organisations, including Surrey County Council, and Highways Agency, and will identify steps which can be implemented to try and reduce the Air Quality within the AQMA below the national objectives. These steps included changing the re-phasing of the traffic lights to reduce the amount of 'Stop-Go' traffic going up Anchor Hill in 2015, which has proven to be effective in improving the Air Quality in the area.

Revocation of the Air Quality Management Area (AQMA) at Anchor Hill, Knaphill

When should an AQMA be revoked?

The process for revoking an AQMA is set out in DEFRA Local Air Quality Management Policy and Technical Guidance 2016 (LAQM.PG(16) & LAQM.TG(16)). Revocation should be implemented when LAs can demonstrate that air quality objectives are being met and will continue to do so. The LA should have confidence that the improvements will be sustained. Compliance with air quality objectives should be for three years or more prior to revocation. Where an Order is revised, a copy of the revocation or amendment Order should be submitted to Defra and other statutory consultees and made publicly available to ensure the public and local businesses are aware of the situation.

What happens after an AQMA is revoked?

It is expected that the local authority will take the relevant action imposed by the Order within four months following receipt of comments from Defra. Following a revocation, if the Council has no other AQMAs within its jurisdiction, then ideally the local authority should put in place a local air quality strategy to ensure air quality remains a high profile issue and to ensure it is able to respond quickly should there be any deterioration in conditions.

What will future monitoring look like?

Although the number of monitoring sites on Anchor Hill may be reduced, we will still continue to monitor in 1 or 2 locations to ensure concentrations remain below the national objective. Woking Borough Council and Surrey County Council continue to be active on measures and initiatives to improve air quality across the borough. Details of individual actions and initiatives are provided in table 2.2 of Woking's 2022 ASR. The AQMA for Guildford Road will remain in situ and will be closely monitored in respect of future Town Centre works and temporary diversions to ensure exceedances in the AQO do not occur.

What can I do if I'm worried about the effects of air quality on my health?

Woking Borough Council are a member of a scheme called airAlert. This service warns local residents who have respiratory problems, such as asthma, COPD or emphysema, when air pollution in Woking is going to be high. This scheme is subsidised by WBC and therefore the subscription service is completely free for Woking residents. By registering to receive alerts, you will receive either an email, text message or voicemail giving an advanced warning of high pollution levels.

EXECUTIVE – 23 MARCH 2023

APPOINTMENT OF INDEPENDENT DIRECTORS TO COUNCIL COMPANIES

Executive Summary

The Appointment of Independent Directors to the ThamesWey Group Companies brings oversight, experience and skills that are advantageous and appropriate to the companies. As part of the continuous programme of work in respect of the governance of the ThamesWey Group Companies, ThamesWey has undertaken a review of the skills required on the Boards and have developed a recruitment strategy to strengthen the Boards. This review has been considered and endorsed by the Board and Council Officers. The Executive is requested to note and endorse the proposals outlined in this report.

Recommendations

The Executive is requested to:

RESOLVE That

the report be noted and recruitment strategy be supported.

Reasons for Decision

Reason: To strengthen the Board of Directors of the ThamesWey Group to ensure that they continue to bring oversight, experience and skills that are advantageous and appropriate to the companies.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers:	None.
Reporting Person:	Joanne McIntosh, Director of Legal and Democratic Services Email: joanne.mcintosh@woking.gov.uk, Extn: 3038
Contact Person:	Joanne McIntosh, Director of Legal and Democratic Services Email: joanne.mcintosh@woking.gov.uk, Extn: 3038
Portfolio Holder:	Councillor Ann-Marie Barker Email: cllrann-marie.barker@woking.gov.uk
Shadow Portfolio Holder:	Councillor Ayesha Azad Email: cllrayesha.azad@woking.gov.uk

Appointment of Independent Directors to Council Companies

Date Published: 15 March 2023

Appointment of Independent Directors to Council Companies

1.0 Introduction

1.1 The Appointment of Independent Directors to the ThamesWey Group Companies brings oversight, experience and skills that are advantageous and appropriate to the companies. As part of the continuous programme of work in respect of the governance of the ThamesWey Group Companies, ThamesWey has undertaken a review of the skills required on the Boards and have developed a recruitment strategy to strengthen the Boards. This review has been considered and endorsed by the Board and Council Officers. The Executive is requested to note and endorse the proposals outlined in this report.

2.0 Background

2.1 The Cadbury Report states that ‘the responsibilities of the board include setting the company’s strategic aims, providing the leadership to put them into effect, supervising the management of the business and reporting to the shareholders on their stewardship.’

2.2 Woking Borough Council has determined following its review of Governance in July 2022 that the Board should consist of two classes of Director to fulfil this function. Officer Directors, who are also directly employed and salaried Council Officers and Independent Board Directors (normally referred to as Non-Executive Directors or NEDs). Both sets of Directors must comply with the requirements of the Companies Act (2006), the Cabinet Office’s Code of Conduct for Board Members of Public Bodies (2019) and also as ThamesWey is wholly owned by a public body, they must adhere to the Seven Nolan Principles of Public Life.

2.3 According to the Higgs Review (2003) the core role of a NED is to:

- Challenge and contribute to the development of the company’s strategy,
- Scrutinise performance of management in meeting agreed goals and monitor reporting of performance,
- Satisfy themselves on the accuracy of financial information and that financial controls and risk management are robust and defensible,
- Take a prime role in appointing/removing senior management.

2.4 The ThamesWey Group of Companies has three NEDs who sit on the ThamesWey Limited Board and are each also appointed to a number of the subsidiary companies. Under the current company governance arrangements each board is chaired by a NED. Two of the existing NED were appointed in 2010 for an initial three year fixed period which has been rolled on since and the third NED was appointed in 2021 following retirement of the existing 2010 appointee.

2.5 Given the time which has expired since the original appointment of the ThamesWey NEDs, the significant growth of the activity and scale of the ThamesWey Group and the 2022 changes to the Governance of Council Companies the Shareholder has agreed that the Independent Board Director roles should be reviewed. The intention being that the existing NED step down and are replaced via a new appointment process. This paper sets out this process.

3.0 Existing Independent Board Director Membership

3.1 The current NED experience is predominantly finance based with two of the appointments qualified accountants. One role has a corporate finance background and the other a housing finance background. The third NED has a background in sustainable technology development and sales.

4.0 Independent Board Director Proposed Skillset

4.1 The proposal in this paper is to have the following skillsets at NED level to contribute to the Board governance and development of ThamesWey. These roles would in effect be ‘technical NED roles’:

Appointment of Independent Directors to Council Companies

4.2 Residential Market experience

4.3 ThamesWey currently lets over 1000 units and this is expected to grow as the current phases of the Sheerwater development complete. The majority of this stock is within the private rented sector (PRS) and experience in this sector would be beneficial to the company, both in terms of marketing and positioning the offer as well as current trends in management and funding. In the last recruitment process it was proposed experience in residential development would be beneficial. However, with the change in the priority of the Shareholder and access to public funding, future development is likely to be significantly curtailed. As such, this skillset is no longer a priority and the priority focus is on operational PRS experience. Therefore a candidate is likely to come from a background in a large scale residential private landlord or the commercial arm of a RSL (registered social landlord).

4.4 Commercial Finance experience

4.5 ThamesWey's operations are funding by debt across the residential, environmental and energy sectors with the historic position being that this debt was provided by the Shareholder. However, the current Council administration has set out a manifesto commitment to 'bring the Council's finances under control' and combined with the DHLUC review the Shareholder's position will be to reduce its overall debt level. This is likely to limit ThamesWey's access to Public Works Loans Board (PWLB) funding. Experience in commercial funding would therefore be a benefit to ThamesWey. Linked to this would be experience in accounting standards and commercial finance risk. Therefore the candidate is likely to come from a background in a bank, broker/finance house or institutional investors.

4.6 Energy Market experience

4.7 ThamesWey operates TCMK and TEL who deliver small scale district energy (heat, power and cooling) to both domestic and commercial customers. Power has been a regulated market for some time and Heat is due to be a regulated market from 2024. Operational or business development experience in the energy market, ideally both district energy and the wider regulated a significant advantage to ThamesWey bringing a commercial understanding of the contractual and regulatory challenges of the market. Therefore the candidate is likely to come from a background in either an existing player in the district energy field or the business development side of a larger regulated provider.

4.8 Chairperson

4.9 The previous appointment process, person specifications and appointment letters for NED do not specifically reference the chairperson role. However, the role of Chair will generate significantly more work than the other proposed NED roles, particularly regarding running the Board meetings, liaison with the Shareholder and contribution to the Audit process.

4.10 The skillset is also different from the other proposed NED as the focus will be on governance and interpersonal rather than technical contributions to the Board process. As such it is proposed that the Chairperson is a separate role from the technical NED making 4 NED appointments.

4.11 It would be beneficial to have previous experience in chairing a Board but also working with public sector governance structures, for example an NHS trust, ALMO or another local authority owned company.

5.0 Independent Board Director Remuneration and Tenure

5.1 The current NED are paid directly through the Woking Borough Council payroll and the Council is reimbursed by ThamesWey quarterly in arrears. The most recent WBC advert for NED recruitment was posted on the WBC website and stated that they were paid based on the

Appointment of Independent Directors to Council Companies

number of appointments to subsidiary companies (£7,115 for the first company with 50% of that value for each subsequent one) with the pay level originally pegged to Councillor Basic Allowance and agreed on appointment. The advert set out an expectation of 3 Board meetings per annum with an unspecified number of ad-hoc 'additional meetings'. There is no mention of any special responsibility payment to reflect the appointment of Chair of any of the companies.

- 5.2 Provision 34 of the 2018 UK Corporate Governance Code states that: "The remuneration of non-executive directors should be determined in accordance with the Articles of Association or, alternatively, by the board. Levels of remuneration for the chair and all non-executive directors should reflect the time commitment and responsibilities of the role".
- 5.3 The current ThamesWey NED remuneration for 2022/23 paid by WBC payroll is £15,375. This rate was agreed outside of the Board process and has not been formally notified to ThamesWey however, we are expecting the next quarterly invoice to reflect this figure. At the moment, this flat rate approach does not reflect the code assumption set out above nor are the NEDs expected to provide a particular time commitment which currently varies between the individuals. In addition, the remuneration based upon the number of Boards an individual sits on doesn't reflect the current approach to Governance of ThamesWey (where all the Board business is dealt with at a single meeting rather than multiple individual boards) or the Business Plan direction of travel to consolidate companies, reducing the need for multiple appointments.
- 5.4 Current pay levels in the market for NED vary significantly by sector and scale of the organisation ranging from voluntary positions to compensation in the £100,000s. Given this extensive range, sector averages are also skewed so it is very difficult to read across a general NED 'market' position for ThamesWey. However, looking at Housing Association and NHS Board NED positions currently being advertised (as of 22/2/23) which are organisations in similar fields and public ownership the range seems to be £8-£18,000 for a normal NED with an additional premium applied to the Chairmanship.
- 5.5 In addition to the NED roles the Board is made up of Officer Directors who earn, on average (based on median pay scales for 2022/23), £60 per hour. If this base pay rate was applied to the NED role with the expectation that a NED would spend the equivalent of 3 days per month on ThamesWey business, with the Chair spending an additional day, it would equate to a salary of £16,500 and £21,600 respectively. This is based on the assumption that with sickness and leave the 'average' employee/NED is available 44 weeks of the year. This single rate would be applied irrespective of the technical number of appointments. The salary points would be market competitive, and this paper recommends that they are implemented and then linked to WBC Officer Director annual cost of living increases going forward.
- 5.6 The equivalent time used to calculate the figures in paragraph 5.5 equally sets out an expectation of time committed to the Board and contribution to Group Company activities. The current letter of appointment of the NEDs states that 'sufficient time' is expected to be allocated to ThamesWey business, however without context or an indicative expectation. As such the contribution and available time currently provided by the NEDs varies significantly. Going forward it is recommended that a time expectation is added to set a context to the level of contribution the Group and Shareholder expects the NED to provide.

6.0 Recruitment Process

- 6.1 The first step in commencing recruitment of new NED is to agree the end dates of the existing NED appointments. The existing NED do not all have up to date appointment documents but, as stated above, they were initially appointed for a 3 year term and have therefore carried over with the exception of NED 3 who was appointed in 2021. To avoid an immediate loss of ThamesWey knowledge and experience it is proposed that the end dates are staggered over a two year period commencing this April with an end date agreed for the following two Aprils. The logic being that the most recently appointed NED should leave ThamesWey in April 2025.

Appointment of Independent Directors to Council Companies

All of the existing NED have indicated a willingness to continue with their appointments to allow for this transition.

- 6.2 Another advantage of staggering the end of the existing NED terms is that it will embed a staggered tenure to avoid future incidences of the NED needing to be recruited on mass.
- 6.3 The last time that NED were recruited (2021) the advert was placed in the local paper and advertised on the Shareholders website. The overall response was low and the breadth of skills was also not what was needed. As such, despite there being more than one role available at the time, only one appointment could be made. It is proposed to widen the search this time and recruit with the assistance of a recruitment agency who specialises in the NED field. Subject to the Board agreeing the recommendations of this report recruitment will be commenced immediately with the aim of appointing the Chair and one of the technical roles this Spring.
- 6.4 The intention to use a recruitment search agency will also enable their advice to be taken on market acceptable job descriptions and person specifications as NED roles are not a day to day appointment for ThamesWey and their experience would be beneficial. The Davis review highlighted the benefits improving gender balance on Boards and Parker review found similar benefits regarding ethnic diversity. As part of this recruitment process advice will be taken regarding positioning the recruitment process to encourage diversity in the Board.

7.0 Conclusion

- 7.1 ThamesWey strategy should be supported. They should take steps to appoint 4 Independent Board Directors (NED) with three technical roles (Residential Market, Energy Market and Commercial Finance) and a separate Chair. Remuneration for the roles be set at £16,500 for the technical NED roles and £21,600 for the Chair linked to WBC cost of living going forward. Independent Directors shall be appointed for a period of 4 years with the option to extend once for a further 4 year period.
- 7.2 ThamesWey shall issue written notice to the existing independent board directors to formally clarify their appointment end dates. The end dates to be staggered to allow for a managed transition to the new appointments keeping existing knowledge within the group. End dates of the existing appointments to be April 2023, April 2024 and April 2025. The order of notice to be agreed with the Shareholder.
- 7.3 ThamesWey commences recruitment of the Independent Chair and one of the technical roles with immediate effect using a recruitment consultancy as opposed to direct advertising with the intention to appoint the Chair and one of the technical directors in Spring 2023.

8.0 Corporate Strategy

- 8.1 This report supports the Council's Corporate Strategy.

9.0 Implications

Finance and Risk

- 9.1 The continuous development and assessment of the specialist skills appointed to the Board ensures effective risk management.
- 9.2 The financial implications namely remuneration is outlined in the report.

Appointment of Independent Directors to Council Companies

Equalities and Human Resources

- 9.3 As outlined in the body of the report, there are benefits to improving gender balance and ethnic diversity on the Boards. As part of this recruitment process advice will be taken regarding positioning the recruitment process to encourage diversity in the Board.

Legal

- 9.4 Nothing specific arising directly from this report.

10.0 Engagement and Consultation

- 10.1 Nothing specific arising directly from this report.

REPORT ENDS

EXECUTIVE – 23 MARCH 2023

REGULATION OF INVESTIGATORY POWERS ACT 2000 – ANNUAL MONITORING REPORT

Executive Summary

This report considers the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") during the 2022 calendar year.

Recommendations

The Executive is requested to:

RESOLVE That

the Council's non-use of the Regulation of Investigatory Powers Act 2000 during the 2022 calendar year be noted.

Reasons for Decision

Reason: To comply with the Council's RIPA policy and Home Office Codes of Practice.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers:	None.
Reporting Person:	Joanne McIntosh, Director of Democratic and Legal Services Email: joanne.mcintosh@woking.gov.uk, Extn: 3038
Contact Person:	Joanne McIntosh, Director of Democratic and Legal Services Email: joanne.mcintosh@woking.gov.uk, Extn: 3038
Portfolio Holder:	Councillor Ann-Marie Barker Email: cllrann-marie.barker@woking.gov.uk
Shadow Portfolio Holder:	Councillor Ayesha Azad Email: cllrayesha.azad@woking.gov.uk
Date Published:	15 March 2023

Regulation of Investigatory Powers Act 2000 – Annual Monitoring Report

1.0 Introduction

1.1 The Regulation of Investigatory Powers Act 2000 (“RIPA”) provides for, and regulates, the use of a range of investigative powers by a variety of public authorities. RIPA will impact on the Council’s activities on the rare occasions when covert surveillance is undertaken, e.g. as part of investigations undertaken in connection with the Council’s environmental health, housing, taxi licensing and audit functions.

2.0 Use of RIPA during the 2022 Calendar Year

2.1 No RIPA authorisations were issued during 2022.

3.0 Corporate Strategy

3.1 RIPA powers would only be used for a purpose which was consistent with the Council’s Corporate Strategy.

4.0 Implications

Finance and Risk

4.1 None.

Equalities and Human Resources

4.2 None.

Legal

4.3 None.

5.0 Engagement and Consultation

5.1 None.

REPORT ENDS

EXECUTIVE – 23 MARCH 2023

WRITE OFF OF IRRECOVERABLE DEBT

Executive Summary

Financial Regulation 12.14 requires the Executive to authorise the write off of any debt over £10,000.

Ahead of the financial year end a small number of Housing Benefit, Business Rates and Sundry debts are identified as irrecoverable.

All avenues have been pursued to collect these debts, following the Council's debt recovery procedures and the statutory recovery policy for Business Rates. This includes the use of tracing agents, enforcement agents and legal action where appropriate. Debts are only recommended for write off when there is no possibility that the income can be recovered.

Appendix 1 sets out those debts over £10,000 recommended for write off by Officers.

Recommendations

The Executive is requested to:

RESOLVE That

the debts listed in Appendix 1 to the report be written off.

Reasons for Decision

Reason: To write off debts over £10,000.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers:	None.
Reporting Person:	Brendan Arnold, Interim Finance Director & Section 151 Officer Email: brendan.arnold@woking.gov.uk , Extn: 3792
Contact Person:	Brendan Arnold, Interim Finance Director & Section 151 Officer Email: brendan.arnold@woking.gov.uk , Extn: 3792
Portfolio Holder:	Councillor Dale Roberts Email: cllrda.le.roberts@woking.gov.uk

Shadow Portfolio Holder: Councillor Kevin Davis
Email: cllrkevin.davis@woking.gov.uk

Date Published: 15 March 2023

Business Rates Write Offs >£10,000:

Account No	Name	Amount £	Date recommended for write off	Reason
30658943X		£18,911.45	28.01.2023	Irrecoverable (IVA)
30665808X	Bowland Snails	£18,364.54	07.02.2023	Irrecoverable (Dissolved)
306599787		£16,345.17	28.01.2023	Bankrupt
306611707	Arcadia Group Ltd	£10,047.80	22.02.2023	Bankrupt
306619068	Epos Trading Ltd	£21,871.70	28.01.2023	Irrecoverable (Dissolved)
306620861	Twisted Stone Ltd	£100,054.49	28.01.2023	Irrecoverable (Dissolved)
306621956		£36,010.21	28.01.2023	Bankrupt
306632064	Peacocks Centre	£13,744.02	26.10.2022	Irrecoverable (Administration)
306647748	Peacocks Centre	£65,429.39	02.11.2022	Irrecoverable (Administration)
306639661	Woking Interiors Ltd	£16,689.24	20.02.2023	Irrecoverable (Liquidation)
306646297	T&G Fast Foods Development Ltd	£18,686.29	15.02.2023	Irrecoverable (Dissolved)
306657128	Bowland Snails	£18,440.99	07.02.2023	Irrecoverable (Dissolved)
306663820	A&B Menswear (Woking) Ltd	£68,574.87	18.02.2023	Absconded
306667626	Lonmos Bridge Ltd	£10,706.91	18.02.2023	Irrecoverable (Dissolved)
306640982		£40,112.66	17.06.2022	Absconded

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Housing Benefit Overpayment Write Offs > £10,000

Account No	Name	Amount £	Date recommended for write off	Reason
500095243		£13,264.67	23.11.2022	Appeal Board Decision
102350419		£12,190.73	06.03.2023	Deceased

Estate Management (Managing Agents) Write Offs > £10,000

Company name	Address	Amount	Date recommended for write off	Reason	Agent
999 Hire & Auto Repairs Ltd	Unit 4 Goldsworth Road Industrial Estate, Woking	£21,289.52	09.03.2023	Irrecoverable	Vail Williams
999 Hire & Auto Repairs Ltd	Unit 9-11 Goldsworth Road Industrial Estate, Woking	£64,967.91	09.03.2023	Irrecoverable	Vail Williams

EXECUTIVE – 23 MARCH 2023

MONITORING REPORTS - PROJECTS

Executive Summary

The Executive receives regular reports on the progress of projects in the interests of financial prudence and to ensure open and transparent corporate governance.

This report provides an update of progress in relation to the Council's project management arrangements, assurance, and processes.

A monitoring report detailing the status of every Council project (as at the end of January 2023), incorporating both capital and revenue projects, is attached at Appendix 1. The monitoring report provides a status update, and an assessment against project risks, issues, schedule, and budget.

There are no specific areas for concern or action by the Executive.

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the report be received; and
- (ii) the detailed project monitoring recorded in Appendix 1 to the report be approved.

Reasons for Decision

Reason: To monitor progress on development to the Council's project management approach.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers: None.

Reporting Person: Kevin Foster, Strategic Director – Corporate Resources
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Contact Person: Pino Mastromarco, Corporate Strategy Manager
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Dawn George, Business Improvement Officer
Email: dawn.george@woking.gov.uk, Extn: 3407

Portfolio Holder: Councillor Ann-Marie Barker
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Shadow Portfolio Holder: Councillor Ayesha Azad
Email: cllrayesha.azad@woking.gov.uk

Date Published: 15 March 2023

1.0 Introduction

- 1.1 The undertaking of projects is an integral part of Woking Borough Council business delivery, and a significant amount of Council resources are allocated to their successful completion. Project management processes have therefore been developed and maintained to bring consistency to how projects are managed, and to aid the project manager in delivering projects on time, to budget, and to the desired standard.
- 1.2 The process has been structured to be flexible and user friendly so it can meet the specific needs of the Council. It has been designed to add value to officers who are leading on projects and support the development of a common standard and capability. Every WBC project, regardless of size or type, is required to follow the corporate process.
- 1.3 In line with the Woking For All Strategy outcome 'A high performing Council', the developing Medium Term Financial Strategy, and in response to peer reports and learning from best practice, we are developing our project management practices so that we continually improve, use resources wisely, and deliver benefits from our investment into project activity.
- 1.4 The Medium-Term Financial Strategy (MTFS), reported to the 14th July 2022 meeting of the Executive, highlighted a number of unknowns and assumptions within its financial forecasting that pose a risk to the delivery of its MTFS. The MTFS also highlights the associated prudent and responsible approach it is taking to manage these risks through its Financial Resilience Strategy. The risk that this represents for the delivery of projects has not been reflected on each project assurance line but is instead reported in this introduction to represent a generic issue that may have an impact on the delivery of the portfolio of projects.

2.0 Progress Update

- 2.1 The key activity since the last report to the Executive has been:
 - The Project Support Office has met with every project manager to discuss project progress and assess performance.
 - Project portfolio reports have been produced and presented to CLT as part of the quarterly Corporate Programme Board meetings.
- 2.2 Detailed project status is contained within the project monitoring report at Appendix 1. The key points to note from the monitoring report are:
 - There are 40 projects in delivery and at practical completion, of which:
 - 82.5% (33) projects are green.
 - 7.5% (3) projects are amber.
 - 10% (3) projects are red.
 - There are 9 projects that have been closed in the period. Projects that have been closed during the period are not RAG (Red, Amber, Green) rated as this rating relates to projects in delivery. For projects that have been closed the report highlights with a blue shading where the project has exceeded the end date and/or where actual project costs exceeded planned project costs.

3.0 Financial Exception items

3.1 In accordance with Financial Regulations, there are no project(s) being highlighted because actual spend exceeds the approved budget by the greater of £10k or 5%.

4.0 Items of Note

4.1 Victoria Place: Please note that the project budget remains green despite the fact that actual spend is showing as over budget - the reason for this is that the Final Account process is yet to be undertaken which will resolve the value of compensation events and bring the project back within agreed budget once concluded.

4.2 Victoria Way Central Reservation: Project has not yet started. Value engineering and redesign has been completed by the project team and a consultant, however as part of the process to implement cost controls across the Council, it has been agreed to suspend this project and defer the £300k expenditure allocated to it. Implications relating to the suspension of the project will be reported through to CLT as part of the management of cost controls. The project is red to reflect the suspension.

5.0 Corporate Strategy

5.1 The ongoing review and monitoring of all projects initiated within the Council, directly relates to the 'A high performing Council' outcome as listed in the Woking For All Strategy.

6.0 Implications

Finance and Risk

6.1 There are no financial implications arising from this report.

Equalities and Human Resources

6.2 There are no specific Equalities or Human Resource implications arising from this report. Additional project management training is being scoped and assessed and will be considered subject to costs and budget provision.

Legal

6.3 There are no legal implications arising from this report.

7.0 Engagement and Consultation

7.1 None.

REPORT ENDS

Ref	Project Name	Overview	Status since last report	Overview Reason	Risks	Issues	Budget	Schedule	Project Manager	Project Sponsor	Start Date	End Date	Revised End Date	Original Planned Budget	Approved Budget	Actual Spend
10206	Playground Improvements Phase 4	Green	→	The Play Strategy has been agreed and priorities for improvements and refurbishments of play areas have been determined. Funding now agreed for the remaining three play areas at Horsell Moor, Oakfield and Sutton Green. Contractor appointed for Horsell Moor and Oakfield, with public consultation completed. Officers have been working with the supplier and local ward Councillors to agree amendments to the design in line with feedback - works anticipated to start in Spring 2023. Separately working with Sutton Green Residents Association to progress refurbishment of Sutton Green Play Area.	Green	Green	Green	Green	Arran Henderson	Giorgio Framalocco	01/08/2007	30/04/2009	31/03/2024	£ 883,000	£ 693,155	£ 586,729
10297	Local Development Framework	Green	→	The Development Management Policies (DPD) has been adopted and is now part of the Development Plan for the area. The Site Allocations DPD has also been adopted. The Council is just about to embark on the review of the core strategy, and the expectation is that a new project will be set up for this work. The original programme is completed and now needs to be closed.	Green	Green	Green	Green	Beverley Kuchar	Giorgio Framalocco	01/04/2010	01/12/2014	31/03/2023	£ 389,550	£ 689,550	£ 636,513
10916	Hoe Valley Flood Alleviation And Enhancement Appraisal	Green	→	Project originally commenced work in 2016, when a contractor was appointed to develop the outline design work ready for planning. Public consultation was also undertaken in 2017. The project was temporarily suspended in 2020, following a review of the investment programme. Next steps are now being considered.	Green	Green	Green	Green	Tracey Haskins	Giorgio Framalocco	01/04/2016	31/10/2017	31/07/2023	£ 600,000	£ 1,103,205	£ 772,835
20000	Sheerwater Regeneration	Red	↓	The leisure and recreational facilities in the grounds of Bishop David Brown were completed in September 2021. Eastwood Leisure Centre was officially opened 16 October 2021. The purple phase of the project was completed in September 2021. Work has started on site on both the red and the copper phases. Yellow phase has been cleared. Confirmation of the Compulsory Purchase Order has been agreed by the Secretary of State. <u>Project is red because of financial risks and issues, including build cost inflation, rising interest rates and availability of funding. In agreeing the Thamesway Business Plans, the Council has not approved funding for the next stages of the project. A review of the future phases of the project will now be undertaken.</u>	Amber	Red	Amber	Green	Paola Capel-Williams	Louise Strongitharm	22/07/2018	30/09/2027	None.	£ 491,657,023	£ 491,657,023	£ 173,562,685
20019	Heather Farm SANG	Green	→	Land has been leased to the Council and leased back to Horsell Common Preservation Society to manage the site as a Suitable Alternative Natural Green Space (SANG). All the original financial and legal requirements are complete. The site opened in January 2016. The Council has provided funding for the expansion of car parking spaces to support the increasing use of the SANG. The Heather Farm management plan sets out certain infrastructure items to be delivered as part of the maintenance of the SANG. The project end date enables those works to be carried out during these first ten years of its operation. Further consideration now needs to be given as to whether to close this project and manage the site as part of business activities.	Green	Green	Green	Green	Beverley Kuchar	Giorgio Framalocco	31/10/2014	31/10/2019	31/12/2025	£ 1,719,856	£ 1,749,856	£ 1,707,071
20067	Developing A Favourable Conservation Status Licence	Green	→	The project was established working closely with Natural England (NE). Habitat improvement works were completed in 2020. Surveys are undertaken each Spring. Joint working with NE to share best practice is ongoing and learning between the Woking pilot and the national district level licensing rollout by NE continues. The Council's Strategic Organisational Licence from NE was renewed in September 2020, and a further renewal is in progress. Scoping is in progress to inform future steps.	Green	Green	Green	Green	Tracey Haskins	Giorgio Framalocco	31/08/2015	31/03/2021	31/12/2023	£ 50,000	£ 181,000	£ 145,036
20120	Rainwater Gardens	Green	→	First pilot rain garden completed successfully in Blackdown Close, Sheerwater, in February 2019. Alpha Road rain garden also now completed. In principle funding has been allocated to the project from SCC over the next three years; this is to deliver further rain gardens within the Rive catchment.	Green	Green	Green	Green	Faouzi Saffar	Giorgio Framalocco	01/06/2018	31/03/2019	31/05/2025	£ 50,000	£ 50,000	£ 44,711
20122	CCTV Upgrade And New Control Room	Green	→	The Control Room has been constructed. The next phase of migrating each individual control room has commenced. The Public Space CCTV is now operating from within the new control room. The migration of the Woking Car Parks control room has been put on hold due to other WBC project priorities and staffing. Due to these delays and the need to review the Southside CCTV installation, work will not be completed by the original end date. Once a revised timetable has been agreed; a time extension will be submitted.	Green	Green	Green	Green	Trevor Kimber	David Loveless	24/06/2019	31/03/2020	31/05/2023	£ 2,175,000	£ 2,175,000	£ 1,411,441
20124	Woking Integrated Transport	Green	→	All major works with the main contractor have been completed, with only the snagging items identified during the retention period remaining. Other works with a different contractor include traffic safety audit and bollards in and around Christchurch Way. CLT has agreed to bring in cost controls and limit avoidable spend whilst the Council is preparing for the 2023/24 budget and the works to complete the bollards will not be completed at this time. A review will take place as to the options available taking into account access requirements. Works were initially planned to take place by June 2023, but this may need to be reviewed following the completion of the options appraisal. An extension of time has been approved. After a detailed financial review, it has been confirmed that the project will now be delivered within budget.	Green	Green	Green	Green	Louisa Calam	Giorgio Framalocco	01/06/2016	31/12/2020	30/06/2023	£ 24,900,000	£ 31,023,600	£ 30,766,000

Ref	Project Name	Overview	Status since last report	Overview Reason	Risks	Issues	Budget	Schedule	Project Manager	Project Sponsor	Start Date	End Date	Revised End Date	Original Planned Budget	Approved Budget	Actual Spend
20221	Microsoft Office 365 Implementation	Green	→	Implementation is progressing. The majority of M365 enabled mobile phones and laptops have been rolled out. The training resource is now on-line and a M365 Champions Group continues to raise issues and embed modern ways of working within the organisation. Show and Ask sessions in the Autumn with staff were successful and similar digital service and design updates to the organisation will continue.	Green	Green	Green	Green	Adam Walther	Kevin Foster	01/10/2020	31/05/2021	31/03/2023	£ 142,025	£ 463,000	£ 452,733
20226	Housing Infrastructure Fund (HIF) -Woking Town Centre	Red	→	Previous works include utility investigations under Victoria Arch to feed into diversion costings and design. Remaining acquisitions of the triangle site are in negotiation. Demolition of the triangle is paused until full acquisitions are complete. Planning application for Day Aggregates change of access has been submitted. Due to significant cost increases as a result of national inflation and cost pressures, and possible road closure disruption, it has been agreed to pause the project to enable it to be reviewed to assess its long-term viability. Discussions are ongoing regarding financial risk sharing with key project partners. <u>The project is red because of the risks and issues around the finances and the viability of the scheme.</u>	Red	Red	Red	Green	Louisa Calam	Giorgio Framaliccio	21/03/2020	15/03/2024	31/03/2027	£ 115,000,000	£ 115,000,000	£ 43,037,214
20229	Car Park Management Systems	Green	→	Supplier appointed and contract signed. Implementation of Victoria Way is completed. Equipment installation for the new Red and Green Car Parks began in January 2022. Installation is ongoing and car park went live in April 2022. Victoria Place Car Parks were completed in September 2022 and Brewery Road completed in October 2022. Heathside Crescent is due to start in April 2023.	Green	Green	Green	Green	Ian Reynolds	Giorgio Framaliccio	01/11/2020	30/11/2021	30/06/2023	£ 1,980,000	£ 1,980,000	£ 1,515,899
20233	Play Area Repairs	Green	→	The play area resurfacing works commenced in March 2022. Eight sites have been completed to date, and the remaining sites will be completed as part of the extended project, subject to funding. A report outlining the approach to future refurbishment has been considered by Overview and Scrutiny in January 2023 prior to submission to Executive in February 2023.	Green	Green	Green	Green	Arran Henderson	Giorgio Framaliccio	01/09/2021	30/09/2022	31/03/2025	£ 100,000	£ 100,000	£ 87,340
20234	Planet Woking	Green	→	Project is progressing well. Planet Woking launched in September 2020. Promotion of local climate change activities by the Council and it's partners is actively undertaken through social media channels with the help of Air Social. Social media engagement has grown threefold in the last year and the Greener Woking Working Group agreed in June 2022 that the contract with Air Social will continue as planned to July 2023.	Green	Green	Green	Green	Lara Beattie	Giorgio Framaliccio	01/09/2020	30/07/2021	31/07/2023	£ 94,580	£ 175,218	£ 156,833
20242	Idox Building Control Public Access Planning Portal Connector	Green	→	This project has now been delivered and is working well on a day-to-day basis. Outstanding supplier invoice has been chased for remaining budget deficit. Once received this project will be closed.	Green	Green	Green	Green	David Edwards	Giorgio Framaliccio	01/10/2020	16/11/2020	31/03/2023	£ 15,800	£ 15,800	£ 7,125
20244	IDOX Enterprise	Green	→	Project is progressing well. Environmental Health, Housing, Building Control, Licensing, and Planning departments have all assessed the module and agreed on implementation. Suppliers have now installed the system and ICT and users are undergoing training.	Green	Green	Green	Green	David Edwards	Adam Walther	01/06/2022	31/03/2023	None.	£ 43,400	£ 43,400	£ 18,400
20246	Woking Youth Hub	Green	→	Funding application has been approved by DWP and a tender exercise a provider (Surrey Care Trust) has been appointed to the end of 2023. The Council is currently applying for further funding for 2023/2024. The target support group are those aged 16-25 and on benefits, who will be mentored and supported to access employment opportunities. As of October 2022, the team have supported 210 young people of which 95 have been removed off benefits and successfully gained employment.	Green	Green	Green	Green	Adam Thomas	Louise Strongitharm	01/05/2021	31/05/2024	None.	£197,443 (fully funded by DWP)	£ 197,443	£ 197,443
20259	New Town Centre Signage - Wayfinding	Green	→	Nine navigational totems are in place. Project is substantially complete and closure is underway.	Green	Green	Green	Green	George Chisenga	Giorgio Framaliccio	01/10/2021	31/12/2021	31/05/2023	£ 250,000	£ 250,000	£ 100,121
20263	Grounds Maintenance and Street Cleaning Contract Retender	Green	→	This project is to re-tender the Grounds Maintenance and Street Cleaning Contract. Consultant has been recruited to support delivery and work is underway.	Green	Green	Green	Green	Mark Tabner	Giorgio Framaliccio	16/08/2021	31/03/2023	31/03/2025	£ 80,000	£ 80,000	£ 15,823
20264	The Old Woking Community Centre	Green	→	Works commenced on the 7th November 2022. Old Woking Community Association have been successful in obtaining circa £902,000 and a separate £80,000 contingency budget from Surrey County Council's Your Fund Surrey budget. As a consequence, the scope of works has increased significantly, and the completion date has been moved to the end of August 2023.	Green	Green	Green	Green	Ian Tomes	Giorgio Framaliccio	01/05/2021	31/12/2022	31/08/2023	£ 2,689,134	£3,136,787 £1,454,787 (WBC) £700,000 (Woking College) £982,000 (SCC)	£ 416,095
20265	Housing Maintenance Procurement	Green	→	The overarching aim of procuring core services before 1st April 2022 has been achieved. There are some residual procurement elements to undertake which will be prioritised and completed later in the year where necessary.	Green	Green	Green	Green	Adam Browne	Louise Strongitharm	22/03/2021	01/04/2022	31/03/2023	£ 80,000	£ 80,000	£ 60,302

Ref	Project Name	Overview	Status since last report	Overview Reason	Risks	Issues	Budget	Schedule	Project Manager	Project Sponsor	Start Date	End Date	Revised End Date	Original Planned Budget	Approved Budget	Actual Spend
20270	Woking Town Centre Masterplan	Green	→	The first phase of resident panel consultations has completed. The one to one consultations have also been completed. Work is being done by consultants on absorption rate and townscape strategy has been completed. Public consultation on the draft was carried out between the 25th July 2022 and the 17th October 2022. The results of the consultation are being reviewed and responded to and the Officers are determining what further actions need to be taken.	Green	Green	Green	Green	Beverley Kuchar	Giorgio Framallicco	01/08/2021	28/02/2023	None.	£ 173,320	£173,320 £100,000 (WBC) £73,320 (HIF)	£ 168,528
20272	Midas House Refurbishment (2nd and 3rd Floor)	Amber	↑	Third floor is now complete, but the second floor is on hold with tenant and managing agent still in discussion. The Tenant's surveyor has requested a site visit with his client so that they themselves can see the extent of the works required. We are awaiting the result of that site visit from the Managing Agents to enable us to agree a settlement figure and move forward. Costs/prices may need renegotiating due to inflationary pressures. <u>Project is amber due to these issues which will be resolved once final agreement has been reached with the tenant on the dilapidation negotiation. Project can only commence if the Council receives the dilapidation funds.</u>	Green	Amber	Green	Green	Mark Ferguson	David Loveless	01/04/2022	31/08/2022	31/03/2024	£ 300,000	£ 300,000	£ 30,358
20274	Woking Palace Repairs And Essential Works	Green	→	The works are in progress. All works are on target and in budget. A few minor additional on-site elements to be completed as agreed by the scheduled monument consent, as agreed with Historic England. Final snagging works will be completed in May 2023.	Green	Green	Green	Green	Richard Smith	David Loveless	01/11/2021	30/05/2023	None.	£ 47,500	£ 47,500	£ 34,917
20275	Victoria Way Central Reservation	Red	↓	Project has not yet started. Value engineering and redesign has been completed by the project team and a consultant, however as part of the process to implement cost controls across the Council, it has been agreed to suspend this project and defer the £300k expenditure allocated to it. Implications relating to the suspension of the project will be reported through to CLT as part of the management of cost controls. <u>The project is red to reflect the suspension.</u>	Red	Red	Red	Red	Faouzi Saffar	Giorgio Framallicco	20/08/2021	30/11/2021	31/03/2023	£ 750,000	£ 300,000	£0
20278	Redeployable CCTV	Green	→	Deployable CCTV cameras are installed. Once the final invoice has been received this project will be closed.	Green	Green	Green	Green	Trevor Kimber	Giorgio Framallicco	04/01/2022	31/03/2022	28/02/2023	£ 10,020	£ 10,020	£ 7,175
20280	Midas House Export House District Heat And Cooling	Green	→	The Council has had to submit a change request to the funding body to slightly vary the scheme to suit our buildings. A positive response to the revised scheme was received and subsequently approved. Grant spend deadline has been met and necessary information is being provided to the Grant Body ready for sign-off. All necessary information has been submitted to the Grant Body (SALIX) for review. Current practical completion is estimated for February/March 2023, due to commissioning and handover procedures.	Green	Green	Green	Green	Mark Ferguson	David Loveless	01/03/2021	31/03/2023	30/06/2023	£ 4,627,689	£ 4,627,689	£ 3,246,146
20281	Victoria Place	Red	→	The retail elements of the Victoria Place development opened in Spring 2022. The residential element was handed over to Native and marketing commenced at the end of February with 18 tenancies agreed at 6 April. The Hilton Hotel is planned to be open by Christmas 2023, however significant risks to the schedule remain due to risks relating to weather events and labour market supply which may disrupt the programme schedule and the ability to recover from any disruptions. Regular meetings with senior SRM officers continue with the Chief Executive, Project Director and the Victoria Square Woking Limited Board. SRM are fully engaged with its contractor to resolve a long term solution to the cladding. The financial implications of a delay to the opening of the hotel and the delayed opening of the centre from November 2021 are the subject of ongoing contract discussions and are being fully assessed. <u>Given these circumstances the risk rating is appropriate and a revised completion date will be agreed with SRM.</u> Please note that the project budget remains green despite the fact that actual spend is showing as over budget - the reason for this is that the Final Account process is yet to be undertaken which will resolve the value of compensation events and bring the project back within agreed budget once concluded.	Red	Red	Green	Green	Tim Wells	Julie Fisher	01/12/2016	30/04/2021	31/12/2023	£ 700,000,000	£ 700,000,000	£ 700,872,684
20291	Redevelopment Of Garages 1 To 12 Bonsey Lane Westfield	Amber	→	Project approved up to and including tendering process and is subject to review upon receipt of tenders and costs involved. A contractor has been recommended to CLT. <u>The project status is amber pending the planning process and CLT gateway review as well as affordability and costs risks.</u> A new planning application has been submitted detailing affordable rents rather than social rents and is scheduled to go to the March Planning Committee. The project schedule will be revisited once the planning application has been approved.	Amber	Green	Green	Amber	Jon Herbert	Louise Strongitharm	01/12/2021	31/12/2023	None.	£ 2,655,000	£ 2,655,000	£ 3,261
20301	EV Charging Points	Green	NEW	This project will enable payments to be taken for the Electric Charging points currently in the Red Car Park and the Victoria Way Car Park. In addition, the payment operator will now be responsible for charger operations and maintenance.	Green	Green	Green	Green	Kyle Gellatly	David Loveless	01/09/2022	30/05/2023	None.	£ 30,000	£ 30,000	£0
20303	Dukes Court Office Suite Refurbishment	Green	→	Project went out to tender but price could not be secured. Cost engineering has taken place and a report has been provided for review. Awaiting direction regarding latest costings. Scheme has been retendered for progression and completion within 2023/2024 financial year.	Green	Green	Green	Green	Mark Ferguson	David Loveless	01/04/2022	31/10/2022	29/09/2023	£ 265,000	£ 265,000	£0

Ref	Project Name	Overview	Status since last report	Overview Reason	Risks	Issues	Budget	Schedule	Project Manager	Project Sponsor	Start Date	End Date	Revised End Date	Original Planned Budget	Approved Budget	Actual Spend
Projects at Practical Completion																
10221	Private Finance Initiative	Amber	→	All of the 224 PFI houses are now occupied by families nominated from the Council's housing register. 147 private sale homes were completed in August 2018. <u>Project is amber due to the outstanding adoption of open spaces, however the project is now in the process of being closed.</u>	Green	Amber	Green	Green	Paola Capel-Williams	Louise Strongitharm	02/01/2005	31/12/2010	30/06/2022	£ 3,260,000	£ 4,490,307	£ 4,490,307
20146	Leisure Lagoon Modernisation	Green	→	Works are complete, and the project is in retention until the end of November 2022 whilst in defects period. A defect with part of the changing room floor has been highlighted which the contractor is working to resolve. Project will be closed once the defects have been addressed.	Green	Green	Green	Green	David Loveless	Giorgio Framaliccio	01/06/2017	30/04/2018	30/06/2020	£ 800,000	£ 1,855,000	£ 1,797,746
20186	Woking Park- CCTV Installation	Green	→	Project is now complete. This project will only be closed once the full scale of the CCTV control room connections are known and if any additional works are required.	Green	Green	Green	Green	David Loveless	Giorgio Framaliccio	01/12/2017	31/05/2018	None.	£ 235,000	£ 235,000	£ 199,700
20191	Old Woking Independent Living	Green	→	Project completed October 2021 and is now in defects period. Final account has been agreed and retention period finished at the end of October 2022. Defects correction certificate issued. Project closure paperwork in hand.	Green	Green	Green	Green	Ian Tomes	Louise Strongitharm	17/12/2017	21/09/2021	12/10/2021	£ 16,700,000	£ 16,700,000	£ 16,281,418
20209	Dukes Court Plaza	Green	↑	Since initiation the project has been divided into two parts. The service and highway works which are the responsibility of the WITP team, and the Green Wall and Restaurant Kiosk which has remained with Estate Management/Dukes Court Team. The green wall, new restaurant, and highway works are now complete, which concludes all elements of this project. The retention period has expired and the project is in the process of being closed.	Green	Green	Green	Green	Vanessa Tabner	David Loveless	01/06/2019	30/04/2020	None.	£ 4,525,000	£ 4,916,756	£ 4,916,734
20219	Pool In The Park Structural Works-Phase 1	Green	→	All works have been completed and the project retention period expired at the end of February 2022. Defects identified during the retention period have been addressed by the contractor. Awaiting final invoice from the consultant for their outstanding fee. Project will be closed once this invoice is paid.	Green	Green	Green	Green	David Loveless	Giorgio Framaliccio	01/06/2019	31/03/2020	28/02/2021	£ 750,000	£ 1,150,000	£ 1,141,914
20223	New Temporary Accommodation	Green	→	The project is now delivered. Both 121 Chertsey Road and Waterman House are both fully occupied. Project closure is in progress.	Green	Green	Green	Green	Jon Herbert	Louise Strongitharm	01/08/2019	31/12/2020	31/01/2022	£ 4,567,087	£ 5,752,063	£ 5,646,266
20266	Goldsworth Park Retail Centre Car Park Works	Green	→	This project is for repairs, surfacing works and white lining to areas of Goldsworth Park Retail Centre car park. This project has been in retention since August 2022. The final invoice is due from the contractor, when it is received the retention monies will be released and the project closed. The contractor is required to return to complete a small section of work.	Green	Green	Green	Green	Vanessa Tabner	David Loveless	01/01/2022	30/04/2022	31/05/2022	£ 65,505	£ 65,505	£ 60,526
20269	Community Meals Relocation To Monument Way	Green	→	Project is now complete and was delivered within schedule and budget. Project is now in a 12-month retention period until June 2023, after which it can close.	Green	Green	Green	Green	Pino Mastromarco	Louise Strongitharm	01/11/2021	29/04/2022	31/08/2022	£ 361,000	£ 361,000	£ 359,064
Projects Closed During Reporting Period																
20035	Personalisation And Prevention Partnership Fund	N/a	N/a	Completed and now closed.	N/a	N/a	N/a	N/a	Jade Woods	Julie Meme	31/12/2012	31/12/2017	31/03/2023	£ 510,000	£ 690,000	£ 690,000
20040	Hoe Valley School	N/a	N/a	Completed and now closed.	N/a	N/a	N/a	N/a	Ian Tomes	Giorgio Framaliccio	01/06/2015	31/05/2018	None	£ 44,680,000	£ 45,107,300	£ 44,896,121
20172	Open Housing Implementation	N/a	N/a	Completed and now closed.	N/a	N/a	N/a	N/a	Adam Walther	Louise Strongitharm	01/08/2018	31/03/2020	31/10/2022	£ 500,000	£ 936,000	£ 890,136
20251	Goldsworth Park Cycle Park Upgrade - Sport England	N/a	N/a	Completed and now closed.	N/a	N/a	N/a	N/a	Steve May	David Loveless	01/03/2021	31/03/2022	31/12/2022	£ 120,500	£ 120,500	£ 54,007
20283	Rydens Way Phase 3 Sundridge Rd	N/a	N/a	Completed and now closed.	N/a	N/a	N/a	N/a	Jon Herbert	Louise Strongitharm	01/11/2021	07/08/2022	30/09/2022	£ 928,046	£ 928,046	£ 828,361
20286	Celebrate Woking 2022	N/a	N/a	Completed and now closed.	N/a	N/a	N/a	N/a	Riette Thomas	Chris Norrington	01/01/2022	31/12/2022	None.	£ 100,000	£ 100,000	£ 81,983
20288	MFD Replacement 2021	N/a	N/a	Completed and now closed.	N/a	N/a	N/a	N/a	Tony Bird	Adam Walther	16/06/2022	31/07/2022	30/11/2022	£ 82,937	£ 82,937	£ 81,252
20289	Property Compliance ICT Solution Project	N/a	N/a	Completed and now closed.	N/a	N/a	N/a	N/a	Adam Walther	Louise Strongitharm	01/12/2021	30/04/2022	30/11/2022	£ 109,333	£ 109,333	£ 72,017
20310	Victoria Forms Attachments Module	N/a	N/a	Project progressed well. A test inbox has been set-up and testing has been completed. This project is now completed and has been closed.	N/a	N/a	N/a	N/a	Lyndsey Rolfe	David Ripley	22/03/2022	31/05/2022	28/02/2023	£ 3,750	£ 3,750	£ 3,850

Green Project is progressing according to agreed plans and targets and is within all tolerances.

Ref	Project Name	Overview	Status since last report	Overview Reason	Risks	Issues	Budget	Schedule	Project Manager	Project Sponsor	Start Date	End Date	Revised End Date	Original Planned Budget	Approved Budget	Actual Spend
KEY	Amber	Project contains areas of concern which are impacting on delivery and may need remedial action.														
	Red	Project is failing in one or more areas and is in need of immediate attention.														
	Blue	Project on closure, had variations previously highlighted.														
	↑	Overview RAG Flag has improved since the last Project Monitoring Report.														
	→	Overview RAG Flag is the same as the last Project Monitoring Report.														
	↓	Overview RAG Flag is worse than the last Project Monitoring Report.														
	Revised End	Indicates that CLT has authorised an extension to the schedule of a project. If a project exceeds its budget/timescale and a formal request for an extension to either is agreed, the rag flags will be baselined against the revised budget/timescale.														

