

WOKING BOROUGH COUNCIL

CONSTITUTION

# **Part 3**

## **Responsibility for Functions, Management Arrangements and Scheme of Delegations**



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

Who is responsible	Membership	Functions
		xiii) Appoint Leader xiv) Appoint to Committees etc xv) Elect Mayor/Deputy Mayor
<b>The Leader</b>		Appoint Members to the Executive
<b>The Executive</b>	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"> <li>i) Determine all proposals, within existing policy, which require Member approval for action to be taken</li> <li>ii) Determine the Council Tax - Tax Base.</li> <li>iii) Make recommendations to Council on:               <ul style="list-style-type: none"> <li>o all the items under (i) to (iii) of the Council list above; and</li> <li>o Notices of Motion.</li> </ul> </li> <li>iv) Monitor and manage the effects of trends and developments affecting the Council's business</li> <li>v) Monitor and manage the effects of trends and developments for consistent application of corporate standards</li> <li>vi) Carry out all functions that are not otherwise reserved to the Council, its Committees or delegated to officers</li> <li>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"> <li>o any functions conferred by local Acts;</li> <li>o functions relating to contaminated land;</li> <li>o functions relating to control of pollution or management of air quality; and</li> <li>o functions relating to statutory nuisances.</li> </ul> </li> <li>viii) Responsibility for Risk Management</li> <li>ix) Responsibility for the implementation and regular monitoring of Treasury Management policies and practices</li> </ul>

Who is responsible	Membership	Functions
<b>Standards and Audit Committee</b>	6 members (including 1 independent co-opted member).	<p>Committee responsible for:</p> <ul style="list-style-type: none"> <li>i) promoting and maintaining high standards of conduct by councillors and co-opted members;</li> <li>ii) assisting councillors and co-opted members to observe the Members' Code of Conduct;</li> <li>iii) advising the Council on the adoption or revision of the Members' Code of Conduct;</li> <li>iv) monitoring the operation of the Members' Code of Conduct;</li> <li>v) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;</li> <li>vi) determining allegations that there has been a breach of the Members' Code of Conduct in accordance with arrangements adopted by Council;</li> <li>vii) act as the Council's Audit Committee. In performing this task the Standards and Audit Committee will: <ul style="list-style-type: none"> <li>o approve the plans of Internal Audit and consider the External Audit plan;</li> <li>o receive the Annual Audit and Inspection letter from External Audit;</li> <li>o receive Internal Audit recommendations for improvements and assurance that action has been taken where necessary;</li> <li>o review summary Internal Audit reports (located on the intranet);</li> <li>o receive a half yearly and annual report from the Chief Internal Auditor on the work of Internal Audit;</li> <li>o receive appropriate matters of concern raised by either External or Internal Audit or other agencies; and</li> <li>o ensure that there are effective relationships between internal and external audit and promote the value of the audit process;</li> </ul> </li> <li>viii) overseeing the Council's Risk Management, Anti Fraud and Whistleblowing strategies, and Health and Safety policies and strategies;</li> <li>ix) the receipt of the Annual Governance Statement, and</li> <li>x) oversight of payments in cases of maladministration which are neither disputed nor significant (which are dealt with by the Monitoring Officer).</li> </ul>

Who is responsible	Membership	Functions
<b>Planning Committee</b>	13 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"> <li>○ planning applications</li> <li>○ enforcement action</li> <li>○ planning agreements</li> <li>○ lawful use or development</li> <li>○ advertisement control</li> <li>○ listed buildings</li> <li>○ conservation areas</li> <li>○ tree preservation</li> <li>○ minerals and waste disposal</li> <li>○ hazardous substances</li> <li>○ development proposals by County Council and Borough</li> </ul> <p>ii) All matters relating to Building Control functions not otherwise delegated to officers.</p>
<b>Licensing Committee</b>	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"> <li>○ public entertainments</li> <li>○ cinemas and theatres</li> <li>○ hackney carriage and private hire vehicles</li> <li>○ animal welfare</li> <li>○ sex establishments</li> <li>○ betting, gaming and lotteries</li> <li>○ caravan and camping sites</li> <li>○ food preparation</li> <li>○ markets and street trading</li> <li>○ night cafes and take-away food shops</li> <li>○ registration of door-staff</li> <li>○ licensing of hypnotism</li> <li>○ licensing of premises for acupuncture, tattooing, ear-piercing and electrolysis</li> <li>○ health and safety (other than in Council's capacity)</li> </ul> <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> <p>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.</p>

Who is responsible	Membership	Functions
<b>Appeals Committee</b>	3 members	Housing appeals.
<b>Overview and Scrutiny Committee</b>	10 members	<p>Functions:</p> <p>(a) Policy development and review.</p> <ul style="list-style-type: none"> <li>i) assist the Council and the Leader/Executive in the development of its budget and policy framework by in-depth analysis of policy issues;</li> <li>ii) conduct research, community and other consultation in the analysis of policy issues and possible options;</li> <li>iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;</li> <li>iv) question the Leader, members of the Executive and/or Committees and Corporate Management Group members about their views on issues and proposals affecting the Borough; and</li> <li>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.</li> </ul> <p>(b) Scrutiny</p> <ul style="list-style-type: none"> <li>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;</li> <li>ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;</li> <li>iii) question the Leader, members of the Executive, individual members exercising ward functions, Committees and Corporate Management Group members about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;</li> <li>iv) make recommendations to the Leader, Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;</li> <li>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;</li> <li>vi) question and gather evidence from any person (with</li> </ul>

Who is responsible	Membership	Functions
		<p>their consent) or require information from partner authorities;</p> <p>vii) review and scrutinise equality issues; and</p> <p>viii) effective scrutiny of the Treasury Management Strategy and Policies. .</p> <p>c) Discharge the functions of a crime and disorder committee under Section 19 Police and Justice Act 2006.</p>
<p><b>Joint Committee for the Oversight of Delivery of Surrey Public Authority Services (“Surrey First”)</b></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><b>Woking Joint Committee</b></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><b>Joint Waste Services Collection Committee</b></p>	<p>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.</p>	<p>The governance arrangements for the Joint Committee are appended</p>



## **JOINT COMMITTEE FOR THE OVERSIGHT OF DELIVERY OF SURREY PUBLIC AUTHORITY SERVICES (“SURREY FIRST”)**

### **Governance Arrangements**

#### **1. Background**

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

#### **2. Terms of Reference**

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

#### **3. Membership**

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

#### **4. Chairmanship**

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

#### **5. Meetings**

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

**6. Quorum**

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

**7. Voting Rights**

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

**8. Agenda Items**

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

**9. Work Programme**

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

**10. Task Groups and Sub-Committees**

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

**11. Attendance by Others**

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

**12. Decision Making**

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

**13. Meetings to be Public**

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

**14. Decisions having an adverse effect on an Authority**

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

**15. Accountable Body, Secretarial Support and Advice**

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

**16. Standing Orders of Woking Borough Council to apply**

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

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



**Woking Joint Committee****Constitution**

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## **Section 1 – Context and Purpose**

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

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

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

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

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

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





## **Section 2 – Functions and Funding**

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

### **(A) General Remit**

The general remit of the Woking Joint Committee is:-

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

### **(B) Delegated Powers**

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

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

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

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

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

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

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

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

**Non-Executive Functions** (delegated by Surrey County Council)

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

**Non-Executive Functions** (delegated by Woking Borough Council)

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

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

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

The Joint Committee may:

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

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

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

### **(C) Funding**

- (i) With regards to budget setting and planning, the County Council and Woking Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.
- (ii) Provision of venue:  
  
The meeting's venue and associated costs will normally be provided by Woking Borough Council, unless alternative arrangements are agreed by Surrey County Council.
- (iii) Committee management:  
  
Committee management and associated costs (as set out in paragraph 3.1) for the Joint Committee will be provided by Surrey County Council.
- (iv) Any resulting Joint Committee members' costs and expenses will be funded and administered by their respective authorities.

### **(D) Withdrawal from the Joint Committee**

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



## **Section 3 - Standing Orders**

### **1. MEMBERSHIP AND ATTENDANCE OF MEMBERS AT MEETINGS**

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

### **2. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**

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

### **3. MANAGEMENT OF THE COMMITTEE**

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

### **4. FORMAL MEETINGS**

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

### **5. DELEGATED POWERS**

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

### **6. OVERVIEW AND SCRUTINY**

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



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

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

## **7. NOTICE OF MEETING**

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

## **8. SPECIAL MEETINGS**

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

## **9. AGENDAS**

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

## **10. DECISIONS AND MINUTES**

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

## **11. CONFIDENTIALITY OF PAPERS**

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

### **Failure to observe**

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

## **12. QUORUM**

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

## **13. MEMBER QUESTIONS TO THE WOKING JOINT COMMITTEE**

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

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

## **14. PUBLIC PARTICIPATION IN WOKING JOINT COMMITTEE**

### **14.1. PETITIONS**

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

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

## **14.2. PUBLIC QUESTIONS AND STATEMENTS**

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

## **14.3. PUBLIC SPEAKING IN RELATION TO RIGHTS OF WAY**

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

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

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

## **15. RIGHT TO SPEAK AT COMMITTEE**

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

## **16. RELEVANCE**

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

## **17. POINTS OF ORDER**

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

**18. LENGTH OF SPEECHES**

18.1. Except with the consent of the chairman, the following time limits will apply to speeches:

- (a) The mover of a motion or an amendment. (5 minutes)  
(A Member may not speak for more than five minutes unless he/she has a seconder).
- (b) The mover of a motion either speaking to an amendment or replying to the debate. (3 minutes)
- (c) The mover of an amendment replying to the debate on the amendment. (3 minutes)
- (d) The seconder of a motion or an amendment. (3 minutes)
- (e) A Member speaking on a report or in a debate. (3 minutes)

**19. AFTER REPLY DEBATE IS CLOSED**

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

**20. PROCEDURE FOR MOTIONS AND AMENDMENTS**

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

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

**21. AMENDMENTS**

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

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

## **22. PROCEDURAL MOTION**

### **“That the question be now put”**

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

## **23. INTERRUPTIONS AND DISORDERLY CONDUCT**

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

## **24. VOTING**

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

## **25. MEMBERS CODE OF CONDUCT**

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

## **26. INTERESTS OF MEMBERS**

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

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

## **27. PARTICIPATION IN RELATION TO DISCLOSABLE PECUNIARY INTERESTS**

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

## **28. ATTENDANCE OF MEMBERS**

- 28.1. Members will sign a register of attendance.

## **29. EXCLUSION OF THE PRESS AND PUBLIC**

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

## **30. SUB-COMMITTEES AND TASK GROUPS**

- 30.1. The Woking Joint Committee may appoint:



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

**31. CONDUCT AT MEETINGS**

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

**32. STANDING ORDERS OF SURREY COUNTY COUNCIL TO APPLY**

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



## **Joint Waste Collection Services Committee**

### **Constitution**

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

#### **1. Establishment of the Joint Waste Collection Services Committee**

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

#### **2. Objectives of the Joint Waste Collection Services Committee**

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

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

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

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

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

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

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

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

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

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

## **6. Secretary to the Joint Waste Collection Services Committee**

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

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

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

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

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

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

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

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

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

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

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

## **10. Call-In by Scrutiny Committees**

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



- 10.4 Such matters shall within a further ten clear working days be referred and considered by a Meeting of the relevant Scrutiny Committee(s). The relevant Scrutiny Committee(s) may make such recommendations to the next Meeting of the Joint Waste Collection Services Committee on the matter as they think fit.
- 10.5 Where a Council or Councils have made such objection in respect of a matter, the Joint Waste Collection Services Committee shall then reconsider the matter within a further ten clear working days and come to a decision. That second decision shall take effect immediately and no Council then can Call-In that second decision.
- 11. Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules**
- 11.1 The Joint Waste Collection Services Committee shall operate under the Standing Orders for Executive Decision Making of the Lead Authority.

**12. Amendment of this Constitution**

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

**13. Definitions**

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

“Lead Authority” means Elmbridge Borough Council.

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

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

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

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



# Management Arrangements

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

## **MANAGEMENT STRUCTURE**

### **1. CORPORATE MANAGEMENT GROUP**

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

### **2. STATUTORY OFFICERS**

- 2.1 The Council designates officers to the following statutory positions:-
- Head of Paid Service (Section 4 Local Government and Housing Act 1989);
  - 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 Management Group when issues relevant to their areas of responsibility are being considered (Note: this right will apply in the event that Council determines that the Monitoring Officer and/or the Chief Finance Officer should not be a member of the Corporate Management Group);
- Contribute to papers for Corporate Management Group meetings in advance with access to decisions made (Note: this right will apply in the event that Council determines that the Monitoring Officer and/or the Chief Finance Officer should not be a member of the Corporate Management Group), and
- Advise, consult with or report to the Chief Executive, the Corporate Management Group or to Councillors whenever they consider it appropriate to do so.

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

- Internal Audit, including the ability to influence and control those parts of its work programme that relate to the discharge of her/his statutory duties, and
- External Audit to ensure that they enjoy complete and up-to-date information about the financial arrangements in operation within the Council.

# Scheme of Delegations

## 1. INTRODUCTION

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

## 2. OPERATING PRINCIPLES

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

2.10 The Head of Democratic and Legal Services is authorised to amend this Scheme of Delegations to:

- reflect organisational changes Such amendments shall only re-allocate existing delegations, and
- keep it up-to-date in the light of re-enactments or amendments to the statutory provisions referred to.

### 3. **RECORDING OF DECISIONS**

3.1 An Officer exercising a delegation in respect of an Executive function (i.e. a decision on a matter which would otherwise be made by the Executive/Leader) shall, as soon as reasonably practicable after making the decision, prepare a written record which includes:

- a record of the decision including the date it was made;
- a record of the reasons for the decision;
- details of any alternative options considered and rejected when making the decision;

- a record of any conflict of interest declared by any Member of the Executive who is consulted by the Officer which relates to the decision, and
- a note of any dispensation granted in respect of any declared conflict of interest.

3.2 An Officer exercising a delegation in respect of a non-Executive function (i.e. a decision on a matter which would otherwise be made by full Council or a Committee) must produce a written record of any decision which was made:

- (i) under a specific express authorisation, or
- (ii) under a general authorisation and the effect of the decision is to:
  - (a) grant a permission or licence;
  - (b) affect the rights of an individual, or
  - (c) award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

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

- the date the decision was taken;
- a record of the decision taken along with the reasons for the decision;
- details of alternative options, if any, considered and rejected, and
- where the decision was taken under a specific express authorisation, the names of any Member who has declared a conflict of interest in relation to the decision.

3.3 The written record must be forwarded to Democratic Services who will arrange for it to be available for public inspection at the Civic Offices and on the Council's website.

3.4 The Officer shall also forward to Democratic Services, for publication in the same manner, a copy of any report considered by the Officer which is relevant to the decision made.

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





## **CORPORATE MANAGEMENT GROUP (CMG): GENERAL DELEGATIONS**

### 1. Emergency/Urgency Powers

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

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

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

## **CHIEF EXECUTIVE**

### 1. Head of Paid Service

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

### 2. Elections

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

### 3. Powers of Entry

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

### 4. Conferences

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

### 5. Christmas and New Year Holiday Arrangements

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

### 6. Regulation of Investigatory Powers Act 2000

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

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

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

7. Thameswey Housing Limited

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

8. Staffing Levels

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

9. Temporary Staff

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

10. Petitions

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

**DEPUTY CHIEF EXECUTIVE**

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

2. Elections

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

3. Regulation of Investigatory Powers Act 2000

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

4. Meeting Rooms

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

5. Advertising

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

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

6. Sustainable Urban Drainage Systems (SUDS)

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

**STRATEGIC DIRECTOR (SUE BARHAM)**

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

- (iii) these works would qualify for a notice being served under section 352(l) Housing Act 1985 (maximum £15,000).

13. Review of Housing Policies: To approve changes to Housing Policies where they:

- (i) consolidate new legislation  
 (ii) give effect to statutory obligation; or  
 (iii) reflect changes to organisation structure (19/Executive/15.04.04/405).

14. Homelessness. To approve other initiatives to prevent homelessness in individual cases at reasonable cost to the Council and within approved budget limits.

15. Housing Act 2004

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

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

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. Woking Town Centre Public Spaces Protection Order (“PSPO”)

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

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

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

17. Housing Assistance Policy 2015-18

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

### **STRATEGIC DIRECTOR (MARK ROLT)**

1. Records Management

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

2. Assisted Moves

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

3. Rent Act 1977:

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

4. Housing PFI: Appointment of Consultants

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

### **CHIEF FINANCE OFFICER**

1. Chief Finance Officer

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

2. Internal Audit

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

3. Council Tax

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

4. Non-Domestic Rates

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

5. Council Mortgages

To approve transfers of mortgages / additional mortgagees

6. Housing Benefits

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

7. Banking Arrangements:

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

8. Mortgage Interest Rates:

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

9. Council Property – Option to Tax.

To opt to tax on Council property.

10. Thameswey Housing Limited

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

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

11. Housing Revenue Account Service Charges

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

12. Housing Revenue Account Rents

To set rents for new Housing Revenue Account properties.

13. Fees and Charges

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

14. Treasury Management

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

**HEAD OF DEMOCRATIC AND LEGAL SERVICES/MONITORING OFFICER**

1. Sealing of Documents: As Head of Democratic and Legal Services, to attest and execute documents giving effect to decisions of the Council, the Executive, a Committee or Member/Officer exercising delegated powers (SO 14)

2. Legal Proceedings: As Head of Democratic and Legal Services, to institute, carry on, defend, compromise or settle legal proceedings (civil or criminal) or other disputes in connection with any of the Council's powers, duties or functions, including the enforcement of any judgement or order obtained (SO 15.2).

3. Authentication of Documents: As Head of Democratic and Legal Services, to authenticate any document which will be a necessary step in legal proceedings, or shall otherwise need to be authenticated, on behalf of the Council (unless any enactment requires otherwise or

the Council has given the necessary authority to some other person for the purpose of such other proceedings) (SO 15.1).

4. Authority to Appear in Court: As Head of Democratic and Legal Services, to authorise officers to appear in Court for the Council.
5. Planning Enforcement (references to the 1990 Act are to the Town and Country Planning Act 1990): As Head of Democratic and Legal Services,
  - (a) Seeking of information: to seek to obtain by Notice information as to interests in land or activities on land (for the purposes of Section 16 of the Local Government Act (Miscellaneous Provisions) Act 1976 and Sections 171C and 330 of the 1990 Act); and to prosecute in the event of non-compliance;
  - (b) Emergency Enforcement/Stop Action: to issue Enforcement/Stop Notices in an emergency, take all necessary steps in relation thereto, and to prosecute in the event of non-compliance;
  - (c) Breach of Condition Notices: to issue Notices alleging Breach of Condition pursuant to Section 187(A) of the 1990 Act, to take all necessary steps in relation thereto, and to prosecute in the event of non-compliance;
  - (d) Injunctions: to seek injunctive relief, in consultation with the Chairman of the Planning Committee (where practicable), to restrain actual or apprehended Breaches of Planning Control (Section 187B of the 1990 Act) Tree Preservation Control (Section 214A of the 1990 Act) or Listed Building Control (Section 44A of the Planning (Listed Building and Conservation Areas) 1990 Act);
  - (e) Obstruction: to prosecute persons wilfully obstructing officers acting in pursuance of the enforcement function (Section 178(6) of the 1990 Act), in the exercise of a right of entry (Section 196C(2) and 214D(3) of the 1990 Act), in the carrying out of operations in default of a planning obligation (Section 106(8) of the 1990 Act), in executing works in default pursuant to a Listed Building Enforcement Notice (Section 88B(3) Planning (Listed Buildings and Conservation Areas) Act 1990), or in enforcing the duty to plant replacement trees (Section 209(6) of the 1990 Act); and
  - (f) Misstatement/Deception: to prosecute persons who, in response to a planning contravention notice (Section 171D(5) of the 1990 Act), in the course of an application for a Certificate of Lawful Use or Development (Section 194(2) of the 1990 Act) or in providing evidence that an application for planning permission has been properly publicised (Section 65(6) of the 1990 Act) make false or misleading statements or with intent to deceive, use any document which is false or misleading or withhold any material information.
  - (g) Breach of Condition Enforcement Notices: to issue Enforcement Notices (failing to comply with a condition or limitation subject to which planning permission has been granted) under Section 172 of the 1990 Act, and to take all necessary steps to secure compliance with such Enforcement Notices including (without limitation) direct action under Section 178 of the 1990 Act and prosecution under Section 179 of the 1990 Act.
6. Officer Interests: As Head of Democratic and Legal Services, to maintain a register of officer interests and to record the receipt by officers of gifts/hospitality.
7. Regulation of Investigatory Powers Act 2000: As Head of Democratic and Legal Services to amend the RIPA policy and procedures to keep them up-to-date and/or to take account of



emerging good practice. Amendments shall be reported to the Executive in the annual RIPA report.

8 Freedom of Information

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

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

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

9. Environmental Information Regulations

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

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

10. Assets of Community Value

As Head of Democratic and Legal Services:

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

11. Housing Benefit Overpayments

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

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

As Head of Democratic and Legal Services:

- (i) To issue Closure Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (ii) To undertake court proceedings in respect of the Anti-Social Behaviour, Crime and Policing Act 2014.

13. Monitoring Officer: Subject to appointment by the Council, to act as Monitoring Officer pursuant to section 5(1) Local Government and Housing Act 1989.

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

### **DEVELOPMENT MANAGER**

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

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

- (w) applications for a determination of whether the prior approval of the Local Planning Authority would be required pursuant to the Town and Country Planning General Permitted Development Order 1995; and
- (x) in consultation with the Chairman, applications that the Planning Committee has resolved should be approved subject to the prior completion of a Section 106 Agreement where such Agreement has not been completed within a time-scale considered reasonable by the Development Manager.
- (y) 'High Hedges': The Development Manager (or his/her appointed officers) is authorised to determine applications of complaint over high hedges under the Anti-Social Behaviour Act 2003 (29.04.05/Standing Order 23.2).
- (z) Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 and Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009:
  - o Extensions to the time limits for implementing existing planning permissions and consents (including applications submitted by Woking Borough Council and Thamesway Group companies);
  - o Non-material amendments to existing planning permissions and consents (including applications submitted by Woking Borough Council and Thamesway Group companies), and
  - o Minor material amendments to existing planning permissions and consents (including applications submitted by Woking Borough Council and Thamesway Group companies).

- NOTE:
- (1) These delegations will not apply insofar as an application:
    - i) involves an elected Member of the Council; or
    - ii) involves a member of the Council's staff; or
    - iii) has been submitted by Woking Borough Council (save in respect of the delegation at paragraph 3(z) above).
  - (2) The Development Manager (or in his/her absence an authorised Deputy) shall determine applications at weekly meetings. The officers shall refer, at their discretion, particular applications to the Planning Committee for determination.
  - (3) No decision shall be made on any delegated application until 21 days have elapsed from the date of the neighbour notification letter.
  - (4) It is intended that the delegation at paragraph 3(x) above will be exercised where the Development Manager is satisfied that there is no reasonable prospect of the Section 106 Agreement being completed within a reasonable timescale.
4. Protection and Preservation of Trees and Hedgerows: To determine notifications within intended hedgerow removal; to approve or refuse consent as appropriate within the prescribed six week period; to issue or withdraw Hedgerow retention notices in respect of hedgerows classified as "important" within the statutory criteria; to issue Hedgerow replacement notices in appropriate cases; to take all necessary steps in connection with appeals.

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

### **ASSISTANT DIRECTOR (PLACE)**

1. Skinpiercing, etc.: To register applicants engaged in the business of acupuncture, tattooing, ear piercing and electrolysis for registration under Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982 .
2. Advertisements: To remove posters and placards displayed in contravention of the Advertisement Regulations.
3. Air Pollution Control:
  - (i) to grant, vary and revoke authorisations to persons controlling prescribed processes under Schedule B of the Environmental Protection (Prescribed Processes and Substances) Regulations 1991;
  - (ii) to maintain a register of processes as required by Part I of the Environmental Protection Act 1990; and
  - (iii) to grant, vary and revoke permits under the Pollution Prevention and Control (England and Wales) Regulations 2000
4. Building Act 1984
  - Section 59: To serve notice to require satisfactory drainage systems to be provided to buildings.
  - Section 60: To serve notice to require the proper use of soil ventilation pipes.
  - Section 64: To serve notice to require the provision of closets in a building.
  - Section 65: To serve notice to require the provision of sanitary conveniences at certain work places.
  - Section 66: To serve notice to require the replacement of earth closets.
  - Section 67: To loan temporary sanitary conveniences.
  - Section 76: To serve notice to remedy the defective state of premises when unreasonable delay would occur if the procedure provided in the Public Health Act 1936 were followed.

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

5. Caravan Site Licences:

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

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

6. Control of Pollution Act 1974:

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

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

7. Dog Controls:

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

8. Food Safety:

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

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

All instruments and regulations made under or amending the above legislation

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

9. Goods Vehicle Operating Centres: To vet operators licence applications, in consultation with Surrey County Council (as appropriate) .10. Local Government (Miscellaneous Provisions) Act 1976:

Section 8: To give notice and to take action to secure the safety of certain unoccupied premises.

Section 16: To serve notice to seek from individuals the nature of their interest in land subject to statutory action.

Section 29: To give notice and to take action to secure the protection of certain unoccupied buildings.

Section 33: To take action to ensure the restoration or continuation of supplies of water, gas or electricity.

Section 35: To serve notice to require the clearance of a blocked private sewer.

11. Local Government (Miscellaneous Provisions) Act 1982:

Section 27: To serve notice to require the repair of drains and to remedy stopped up drains.

12. Prevention of Damage By Pests Act 1949:

Section 4: To serve notice requiring steps to be taken for the destruction of rats or mice, or for keeping land free from rats or mice.

13. Public Health Act 1936:

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

14. Public Health Act 1961:

- Section 17: Notice to clear blocked drains.
- Section 34: To serve notice before clearing rubbish which is seriously detrimental to the amenities of the neighbourhood.

15. Contaminated Land: Contaminated Land (England) Regulations 2000: authority to serve remediation notices.

16. Statutory Nuisances: To serve Nuisance Abatement Notices under Section 80 of the Environmental Protection Act 1990 .

17. Sunday Trading Loading Control: To determine applications for consent, and vary or revoke them, for the purposes of Section 2 and Schedule 2 of the Sunday Trading Act 1994.

18. Various Licences:

- (i) to issue renewal licences under the Acts detailed below where no objections are received; and
- (ii) to issue new licences and register premises (as appropriate) under the Acts detailed below in consultation with the Chairman of the Licensing Committee:
  - Animal Boarding Establishments Act, 1963
  - Dangerous Wild Animals Act, 1976
  - 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)

19. Appointment of Inspectors: 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.



20. Control of Pesticides Regulations 1986:
- (i) Environmental Health Officers, by reason of their appointment, be authorised to exercise the powers under the provisions of the Food and Environmental Protection Act 1985 (Part III), in particular to exercise their powers relating to entry and inspection and the service of notices contained in Section 19 of the Act; and
  - (ii) Environmental Health Officers, by reason of their appointment, be authorised to exercise the powers available under the Food and Environmental Protection Act 1985 for the carrying into effect of the powers of entry and inspection contained in Section 19 of the Act .
21. Dangerous Wild Animals Act 1976: To carry out inspections and to request a veterinary surgeon to carry out initial annual inspections under the Act.
22. Documents: To sign all documents/notices as may be required to be issued in respect of the discharge of the Council's Environmental Health functions.
23. Health and Safety at Work Act 1974:
- (i) to authorise persons to accompany Inspectors appointed under Section 19 of the Health and Safety at Work Act 1974;
  - (ii) to empower persons under Section 19 of the Health and Safety at Work Act to carry out a selected range of duties under Section 20(2) of the Health and Safety at Work Act as appropriate ; and
  - (iii) Environmental Health staff by reason of their appointment be authorised to exercise the powers available under the Health and Safety at Work Act, regulations relating thereto and all other relevant legislation; in particular, to exercise the powers relating to entry and inspection, service of notices and institution of proceedings .
24. Public Health (Control of Diseases) Act 1984: To make arrangements for burial and cremation where no suitable arrangements exist.
25. Clean Air Act 1993: To approve or refuse chimney heights.
26. Appointment of Proper Officers (Public Health (Control of Disease) Act 1984. and National Assistance Acts 1948 and 1951: To appoint and authorise named Surrey PCT (up to 31/3/13)/Public Health England (from 1/4/13) staff as proper officers for the relevant purposes under the Public Health (Control of Diseases) Act 1984 and associated regulations and the National Assistance Acts 1948 and 1951.
27. House to House Collections: To licence charitable collections from house to house pursuant to Section 2 of the House to House Collection Act 1939 and to grant licences where no objections have been received.
28. Street Collections: To approve applications for street collection permits, where no objections have been received, and to administer/regulate street collections made pursuant to Section 5 of Police, Factories etc (Miscellaneous Provisions) Act 1916 (and regulations thereunder).
29. Gaming and Lotteries: To licence/register machines for gaming under the Gaming Act 1968 and lotteries under the Lotteries and Amusements Act 1976.

30. Gambling Act 2005: 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:-
- determining applications for premises licences where no representations have been received or representations have been withdrawn
  - 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
31. Health Act 2006: Enforcement of Smokefree Legislation. To authorise any such persons as deemed necessary to enforce the smokefree provisions of the Health Act 2006 and associated regulations.
32. Town Centre Policy. To approve bookings that differ from the policy in exceptional circumstances .
33. Christmas Car Parking: In consultation with the Leader of the Council, to settle special parking arrangements in the Council's car parks during the months of November, December and the first two weeks of January each year.
34. Fund-Raising Events: In consultation with the Leader of the Council, to give or withhold permission for fund raising events by charitable organisations in Borough Council controlled car parks.
35. Street Trading: To issue consents for street trading in Commercial Way and in certain streets specified by the Highways Committee on 4 February 1992.
36. Trading Licences: To determine applications for trading licences, in consultation with the Leader of the Council and the appropriate Ward Councillors.
37. Waste: To authorise any persons to issue fixed penalty notices under Section 34A of the Environmental Protection Act 1990.
38. Rights of Way: To respond to the County Council on all matters concerning proposals to amend Rights of Way, in consultation with the relevant Ward Member(s) and Portfolio Holder, except in cases where a serving member of the Council or member of staff has an interest in the application, in which case the matter shall be determined by the Executive.
39. Wheeled Bins. to determine operational matters within the agreed Council Policy.

40. Motor Salvage Operators Regulations 2002 – to register operators pursuant to the Regulations .
41. Signing Documents etc.  
To sign all documents/notices as may be required to be issued in respect of the discharge of the Council's environmental health function.
42. Consent Streets: To advertise the Council's intention to designate newly adopted streets as consent streets .
43. Litter:
- (i) To issue Orders designating Litter Control Areas pursuant to Section 90(3) of the Environmental Protection Act 1990;
  - (ii) To issue Street Litter Control Notices pursuant to Section 93(1) of the 1990 Act; and
  - (iii) To serve Litter Abatement Notices pursuant to Section 92(1) of the 1990 Act .
  - (iv) To authorise any persons to issue fixed penalty notices under Section 88 of the 1990 Act.
44. Air Quality Management Areas  
To declare an Air Quality Management Area where air quality does not meet the Government's objectives.
45. Naming and Numbering of Streets and Properties
- (i) to agree the naming of new streets or any amendment to a street name under the Public Health Act 1925; and
  - (ii) to agree the numbering/naming of properties within a street or any amendments to a property name/number within a street under the Towns Improvements Clauses Act 1874.
46. Land Drainage Act 1991  
To exercise the necessary powers under Section 25 of the Land Drainage Act 1991 in respect of clearing watercourses.
47. Anti-Social Behaviour, Crime and Policing Act 2014
- (i) To issue Community Protection Notices;
  - (ii) To authorise Registered Social Landlords to issue Community Protection Notices;
  - (iii) To issue Fixed Penalty Notices;
  - (iv) To authorise any persons to issue Fixed Penalty Notices, and
  - (v) To take remedial action when a Community Protection Notice has not been complied with
- Under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
48. Fly Tipping Reward Scheme

To award rewards under the Fly tipping rewards initiative.

49. Natural Woking Strategy

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

50. Transport and Highway Functions

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

**PLANNING POLICY MANAGER**

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

**STRATEGIC ASSET MANAGER**

1. Property Disposal

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

2. Sale of Land

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

3. Land Management

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

- provided that in his/her opinion, the proposed transaction does not raise an issue of principle which, regardless of the pecuniary amount involved, ought properly to be referred to the Executive.

- (ii) to approve terms for the sale of Council houses under the Right to Buy provisions of the Housing Act 1985, and the issuing of notices pursuant to these provisions.

#### 4. Assets of Community Value

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

### **INFORMATION TECHNOLOGY MANAGER**

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

### **LEGAL SERVICES MANAGER**

1. Taxi and Private Hire Licensing:

- (1) to determine applications for licences for:

- (a) private hire operators, private hire drivers and taxi drivers, and
- (b) private hire vehicles and taxis.

- (2). 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.

2. Licensing Act 2003.

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

<b>Matter to be Dealt With</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for personal licence	If a <b>Police</b> 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 <b>relevant</b> representation is made	If no representation made
Application for provisional statement	If a <b>relevant</b> representation is made	If no representation made
Application to vary premises licence / club registration certificate	If a <b>relevant</b> representation is made	If no representation made
Application to vary designated personal licence holder	If a <b>police</b> 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 <b>police</b> objection is made	All other cases
Application for Interim Authorities	If a <b>police</b> objection is made	All other cases
Application to review premises licence / club premises registration	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police representation to a temporary event notices	All cases	

### **CHIEF BUILDING CONTROL OFFICER**

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

### **ENVIRONMENTAL HEALTH MANAGER**

1. Licensing Act 2003

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

### **HOUSING NEEDS MANAGER**

1. Tenancy Policy

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

2. Allocations Policy

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

### **HOME INDEPENDENCE MANAGER**

1. Disabled Facilities Grant (DFG): Authority to:

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





## Terms of Reference

### Ostensible Authority Standing Panel

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

