

To: All Members of the Standards and Constitution Committee

Dear Councillor,

STANDARDS AND CONSTITUTION COMMITTEE - WEDNESDAY, 25TH JANUARY, 2023 , Council Chamber - Epsom Town Hall,

Please find attached the following document(s) for the meeting of the Standards and Constitution Committee to be held on Wednesday, 25th January, 2023.


1. **COUNCIL CONSTITUTION** (Pages 3 - 226)

The Constitution Working Group has been working on reviewing the entire constitution during the course of the past year to update and simplify it as set out in point 2.2 below. As part of the principles for its work, the Group has looked to streamline the constitution so that the council has a shorter document which contains the main, essential elements of what should be in a modern updated core constitution. Other documents which are important, but which do not have to be in the core constitution, have been moved into a collection of documents we are referring to as the Council Operating Framework.

The Group is now ready to present its recommendations to the Standards and Constitution Committee, with a view to recommending to Full Council that the revised constitution as set out in Appendix 1, along with the Council Operating Framework which contains documents that have been reviewed and moved out of the core constitution as set out in Appendix 2, be adopted.

For further information, please contact Democratic Services, democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

Yours sincerely

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Interim Chief Executive

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COUNCIL CONSTITUTION

Head of Service:	Olwen Brown, Monitoring Officer
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	Appendix 1 – Updated Council Constitution Appendix 2 – Council Operating Framework

Summary

The Constitution Working Group has been working on reviewing the entire constitution during the course of the past year to update and simplify it as set out in point 2.2 below. As part of the principles for its work, the Group has looked to streamline the constitution so that the council has a shorter document which contains the main, essential elements of what should be in a modern updated core constitution. Other documents which are important, but which do not have to be in the core constitution, have been moved into a collection of documents we are referring to as the Council Operating Framework.

The Group is now ready to present its recommendations to the Standards and Constitution Committee, with a view to recommending to Full Council that the revised constitution as set out in Appendix 1, along with the Council Operating Framework which contains documents that have been reviewed and moved out of the core constitution as set out in Appendix 2, be adopted.

Recommendation (s)

The Committee is asked to:

- (1) Approve that Appendix 1, an updated core constitution for the council, be recommended to Full Council for adoption.
- (2) Approve the recommendation to Full Council to move the “Officers Code of Conduct” from the constitution into officer employment policies.
- (3) Approve the recommendation to Full Council to move the “Whistleblowing Policy” from the constitution into officer employment policies.
- (4) Approve the recommendation to Full Council to remove the “Recording, Photography and Use of Social Media Protocol and Guidance (Part 5, Section 10)” from the constitution.

- (5) **Approve that Appendix 2, being the remaining documents from the constitution reviewed and updated and moved from the constitution, and not covered off by recommendations 2, 3 and 4 above, be recommended to Full Council for adoption, as the Council Operating Framework.**
- (6) **Approve the recommendation to Full Council to replace the “Crime and Disorder Sub-Committee” with a new “Crime and Disorder” committee.**

1 Reason for Recommendations

- 1.1 Recommendation 1: To provide the council with a constitution that is up-to-date and easier for stakeholders to read and interpret.
- 1.2 Recommendation 2: It is recommended that this section of the constitution is removed as it is better placed within officers (staff) employment policies. Therefore, it is unnecessary to include it in the core constitution or Council Operating Framework.
- 1.3 Recommendation 3: It is recommended that this section of the constitution is moved as it is better placed within officers (staff) employment policies. Therefore, it is unnecessary to include it in the core constitution or Council Operating Framework.
- 1.4 Recommendation 4: It is recommended that this section of the constitution is removed as it can be replaced by including standard statements on this subject on all committee agenda front sheets. Therefore, it is unnecessary to include it in the constitution or Council Operating Framework.
- 1.5 Recommendation 5: This reflects the remaining documents, not referred to specifically under recommendations 2,3 and 4 above which have been moved from the core constitution into the Council Operating Framework. These are still important documents but do not have to be part of the core constitution.
- 1.6 Recommendation 6: It is recommended to provide a greater degree of strategic oversight over crime and disorder matters, including the scrutiny of the Borough Community Safety Partnership.

2 Background

- 2.1 In January 2022, Strategy and Resources Committee agreed that a cross-party working group be set up to take forward a full review of the council's constitution. This group is called the Constitution Working Group (“CWG”).¹ Since the CWG's formation, progress updates have been taken to Strategy and Resources,² and Full Council.³

- 2.2 In the July 2022 report to Full Council,⁴ it was stated that: “The CWG have considered the general principles which should be applied when rewriting the Constitution and feel that it should be made accessible, streamlined and enable the business of the council to be dealt with in as efficient and effective way as possible to enable the Council’s objectives to be achieved. It favours a “centre and spoke” model, with the core constitutional principles set out and the parts such as the Council’s Standing Orders, Code of Conduct, Scheme of Delegation and others to be linked across accordingly, whether in electronic or print versions.”

3 Review progress

- 3.1 To operationalise the centre and spoke model, the CWG has reformatted the existing constitution from a seven ‘Part’ and ‘Sections’ document to a single ‘core document’ with several appendices and a separate Council Operating Framework. Hence the structure of the proposed constitution at Appendix 1 has a clearly different look to the current version. This process has enabled duplication across the current format to be minimised, and enabled a greater degree of modulation. In other words, as elements of the constitution require updating in the future, the relevant appendix can be updated without having to amend the same text in other appendices. It is also made clear that minor changes and those reflecting decisions made by Full Council, can be updated by the Monitoring Officer in conjunction with the Chair of Standards and Constitution committee. Significant changes that alter the meaning of a passage or a process will still require approval by Full Council.
- 3.2 Since its inception, the CWG has reviewed every ‘Part’ and ‘Section’ in the current constitution, including their transfer into the new format.
- 3.3 Some documents, following review, are recommended to be removed from the constitution by the CWG, see recommendations 2-5. These documents are important but do not need to be in the core constitution. Instead, they will be either grouped under Council Operating Framework which gives further clarification about the way we work and the operation of the Council, the Officer Employment Policies, or incorporated into agendas as a standard policy.
- 3.4 In addition, the CWG have considered and produced new sections for the Council Operating Framework to add further clarity where it was felt needed. These sections are:
- Annex 2.6 – Indemnities to Councillors and Officers
 - Annex 4.6 - Protocol for Non-Committee Members Speaking at Committees
 - Annex 4.12 - Guidance on the Role of the Chair and Vice Chair
 - Annex 6.2 - Complaints Process

- 3.5 Gendered references have also been removed, where possible, from the proposed constitution at Appendices 1 and 2.
- 3.6 The “Councillors’ Allowances Scheme” has not been reviewed by the CWG, as a separate panel is required to make changes to this scheme. Therefore the version of this scheme in the current constitution will be moved verbatim into the updated Council Operating Framework, should it be recommended by this committee and then approved by Full Council.
- 3.7 The “Financial Regulations” (Part 4, Section 5) and “Contract Standing Orders” (Part 4, Section 6) have not been reviewed by the CWG, as they were recently updated,⁵ and consequently would not benefit from review by the CWG. Therefore, the versions of these documents in the current constitution will be moved, verbatim, into the updated Council Operating Framework (Appendix 2), should it be recommended by this committee and then approved by Full Council.
- 3.8 Details on how the reviews have been conducted can be requested, by contacting the Head of Policy and Corporate Resources / Chair of the CWG.
- 3.9 The majority of Appendix 1 and 2 was shared with all councillors prior to this meeting, and multiple drop-in sessions held, for feedback beyond the membership of the CWG to be considered.
- 3.10 Next steps: the documents still need further formatting and proof reading and finalising the cross references within the documents as well as amending the location of where the documents sit so that they can be easily found by officers, councillors and the public. This review will be done following this committee meeting. The constitution will continue to be kept under review by the Monitoring Officer.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

- 4.1.1 The CWG are of the view that the proposed constitution and council operating framework will have positive equality impacts; namely by: being easier to read; the removal of gendered language and being easier to keep up to date.
- 4.1.2 An equality impact assessment has been completed and reviewed by the CWG. While no significant impacts were identified within the scope of this project, a few suggestions were made as pieces of work to follow the project, such as: induction training to councillors to ensure they have a good understanding of their role in this area, and conducting a more in-depth review of specific appendices from an equalities perspective. Where appropriate these suggestions have been included in proposed service plans for next year.

4.2 Crime & Disorder

4.2.1 Appendix 1 includes the proposed new terms of reference for the Crime and Disorder committee. However there are no significant risks posed by the amendments.

4.3 Safeguarding

4.3.1 None for the purposes of this report.

4.4 Dependencies

4.4.1 The council's constitution is its primary governance document. Therefore much of the council's business and operations depends on its contents.

4.4.2 A complete re-structuring of a document of this kind will naturally carry risks around potential inconsistency and what is included and excluded. However key mitigations are the fact the existing constitution has inconsistency in its structure (hence the need for this project); that the new format proposed in Appendix 1 and 2 can be easily updated due to its modular format; that ultimately the Mayor is responsible for interpreting the constitution when questions of meaning arise, and that the constitution is also overseen by the Monitoring Officer; and meetings of Full Council can be called to respond to urgent matters. In other words, suitable options exist to rectify any significant issues with the proposed constitution as it becomes used in practice.

4.5 Other

4.5.1 None.

5 Financial Implications

5.1 **Section 151 Officer's comments:** None arising from the contents of this report.

6 Legal Implications

6.1 **Legal Officer's comments:** the constitution has been reviewed by the monitoring officer and changes have been made to ensure it is legally compliant

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.

- 7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** Not applicable.
- 7.4 **Sustainability Policy & Community Safety Implications:** Not applicable.
- 7.5 **Partnerships:** No significant impacts. However the proposed constitution, and the current version of the constitution, do include references to the council working with partners and terms of reference / details for its committees, advisory panels, and joint working arrangements.

8 Background papers

- 8.1 The documents referred to in compiling this report are as follows:
- 8.1.1 Constitution of Epsom and Ewell Borough Council, 17 June 2022. Online available: <https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=205&MId=1404&Ver=4&Info=1> [last accessed 14/12/2022].

Previous reports:

¹ Strategy and Resources Committee (2022) *Committee Terms of Reference Review*, 27 January. Online available: <https://democracy.epsom-ewell.gov.uk/documents/s22635/Committee%20Terms%20of%20Reference.pdf> [last accessed 09/12/2022].

² Strategy and Resources Committee (2022) *Constitution Working Group*, 29 March. Online available: <https://democracy.epsom-ewell.gov.uk/documents/s23296/Constitution%20Working%20Group.pdf> [last accessed 09/12/2022].

³ Full Council (2022) *Constitution Working Group Paper*, 19 April. Online available: <https://democracy.epsom-ewell.gov.uk/documents/s23386/Constitution%20Working%20Group%20paper.pdf> [last accessed 09/12/2022]; *Constitution Working Group*, 28 July. Online available: <https://democracy.epsom-ewell.gov.uk/documents/s24347/Constitution%20Working%20Group.pdf> [last accessed].

⁴ Ibid. endnote 3.

⁵ Epsom and Ewell Borough Council (2022) *Constitution: Part 4 – Rules of Procedure*. Online available: <https://democracy.epsom-ewell.gov.uk/documents/s23991/Part%204%20-%20Rules%20of%20Procedure.pdf> [11/01/2023].

CONSTITUTION

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Constitution of Epsom and Ewell Borough Council

1. Introduction

- 1.1. This is the Constitution of Epsom & Ewell Borough Council. The purpose of the Constitution is to set out how the council makes decisions and operates. It sets out the procedures that it follows to ensure that these decisions are effective and efficient, carried out in accordance with the legal requirements, and that the council is properly accountable to local people. It helps the council to achieve its corporate aims, objectives and priorities. The council must observe the duty of Best Value, that is, delivering value for money, in its functions and the way in which it operates, and that it acts within the law at all times.
- 1.2. Epsom & Ewell Borough Council is a borough council within the county of Surrey. Councillors are elected every four years. The whole council is elected at the same time. If a seat becomes vacant during the four-year period a by-election is held. The overriding duty of councillors is to act in the interests of the whole borough, as well as representing the people who live, work and study in their ward.

2. Councillors and the Mayor

- 2.1. All councillors must abide by a code of conduct which governs the way in which they carry out their duties when they are acting as a councillor. If councillors do not observe the code, they are open to a complaint being made about them to the Monitoring Officer. The Code of Conduct for councillors is available in **Appendix 1** and the arrangements for making a complaint and dealing with complaints can be found in the council's **Operating Framework** ('Framework'). The council's Monitoring Officer (see the **Framework**) is responsible for oversight of the code.
- 2.2. The majority party, i.e. the political group with the most councillors, is called the "Administration".
- 2.3. All councillors have the following responsibilities:
 - Collectively be the policy makers of the council.
 - Contribute to the way in which the council operates and encourage community participation and involvement.
 - Represent the interests of their ward and the people who live, work and study in the Borough.
 - Respond to enquiries and representations fairly and impartially.

- Maintain the highest standards of conduct and ethics, in accordance with the Nolan Principles and the councillors' code of conduct.
 - Represent the council on external committees and partnerships when appointed to do so, including at their meetings when requested.
- 2.4. Councillors receive an allowance in accordance with the Members' Allowance Scheme, which can be found in the **Framework**. The council sets the Scheme, but are advised in doing so by the Member Remuneration Panel. No councillors sit on the Remuneration Panel.
- 2.5. Councillors will have rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.
- 2.6. Councillors will not make information public which is confidential or exempt without the consent of the council, or divulge information given in confidence to anyone other than a councillor or officer entitled to know. For these purposes, "confidential" and "exempt" are defined in the Access to Information Scheme (see the **Framework**).
- 2.7. Epsom & Ewell Borough Council has a Mayor. The Mayor and Deputy Mayor are elected by the councillors at the Annual Council Meeting in May and serve for the following civic year. The Mayor is the "First Citizen" of the borough and acts as a non-political and ceremonial head, working to benefit the borough and its residents and businesses. The Mayor, often accompanied by their Consort, attends such civic and ceremonial functions as are considered appropriate, and if a resident or business would like the Mayor to attend an event, they can contact their office using the details provided on the council's website. The Mayor presides over meetings of the council and ensures that business at council meetings is carried out efficiently and effectively. The Mayor is responsible for interpreting the council's constitution at those meetings where necessary.
- 2.8. The Deputy Mayor is invited by the Mayor to attend civic and ceremonial functions that the Mayor is unable to attend.

3. Officers

- 3.1. Council employees, known as officers, advise councillors, implement council decisions and carry out the day-to-day operational delivery of services and other functions in accordance with the direction, strategies and policies set by councillors. The management structure can be accessed in the **Framework**.
- 3.2. Most of the functions of the council are delegated to officers to carry out. This is documented in the Scheme of Delegation (**Appendix 2**).

- 3.3. Some officers have a specific statutory role. The council has to appoint a Head of Paid Service, who is usually also the Chief Executive; a Section 151 Officer, who is responsible for overseeing financial matters; and a Monitoring Officer, whose role is to oversee the Councillors' Code of Conduct and ensure that the council acts in accordance with the law.

4. The Committee System

- 4.1. All councillors meet together at full council meetings. The council sets the overall budget and policy framework, which officers must comply with. Some decisions are specifically reserved for full Council (see Appendix 3). Other decisions are delegated to committees and panels, and to council officers through the Scheme of Delegation (Appendix 2). Decisions cannot be delegated to individual councillors.
- 4.2. The council's standing orders show how Full Council and committee meetings are run. The standing orders can be viewed in Appendix 4 and Appendix 5.
- 4.3. Members of the public are welcome to watch and listen to both full council and committee meetings. Information on how members of the public can ask questions during committees is available in the Framework. However, sometimes members of the public may be asked to leave a meeting if confidential matters are involved.
- 4.4. Committees are composed of councillors. A committee's membership is politically proportionate, in accordance with the overall political make-up of the authority. More information on each committee's terms of reference is available in Appendix 3.
- 4.5. The policy committees are responsible to the full council for developing the policies and strategies of the council, and they look at most decisions on service provision. Policy committees will direct officers to carry out and deliver on these policies and strategies.
- 4.6. The Audit and Scrutiny committee can scrutinise decisions made by the Full Council or policy committees. Further information on scrutiny can be found in the Framework. However separate processes exist for licensing and planning matters, see the Framework.
- 4.7. The council also works with other local authorities, and public and private bodies across and outside Surrey, to assist in achieving its corporate aims and objectives. The council may delegate any of its functions (a) to a committee, sub-committee or an officer of the council, or (b) to any other local authority. The council may contract out to another body or organisation, functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994.

5. Decision-making

- 5.1. The council will issue and keep up to date a record of what part of the council or which individual officer has responsibility for particular types of decisions, or decisions relating to particular areas or functions. Committee schemes of delegation are available in [Appendix 3](#) and the officer scheme is located in [Appendix 2](#).
- 5.2. Decisions made by the council will accord with the following principles:
- Compliance: with legislation and the council's own rules, procedures strategies and priorities.
 - Financial soundness: decisions will accord with the council's financial regulations, contract standing orders, and budget and policy framework.
 - Proportionality: decisions will be proportionate and have a clear desired outcome.
 - Transparency: decisions will be made in an open and transparent manner unless circumstances dictate otherwise.
 - Evidence-based: decisions will be made after due [consultation](#) and consideration of the advice received from officers, or appropriately qualified consultants.
- 5.3. Decision making by the council will follow our procedural rules, namely the constitutional annexes listed in this section and Section 4.
- 5.4. The council, a committee, a sub-committee or an officer, acting as a tribunal or in a quasi-judicial manner, or determining / considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice, and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- 5.5. The management of the council's financial affairs will be conducted in accordance with the Financial Regulations (see the [Framework](#)). Every contract made by the council will comply with the Contract Standing Orders (see the [Framework](#)).
- 5.6. Regarding legal proceedings, the Head of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council; or, in any case where they consider that such action is necessary to protect the council's interests.

6. Residents

- 6.1. People who live, work or study within the borough are welcome to participate in the work of the council, such as by: voting at local elections (if registered); contacting their local councillor about matters of concern; responding to council consultations and petition the council in accordance with the council's Petition Scheme (see the Framework).
- 6.2. Members of the public may attend, listen and observe meetings of the full council and committees, except when confidential matters are involved. Information on how members of the public can ask a question or make a statement at a committee can be found in (see the Framework).
- 6.3. The council operates an Access to Information Scheme which governs how members of the public can access council information in accordance with the law (see the Framework). The Scheme also includes how the council's financial accounts can be inspected and feedback submitted to the council's external auditor. Committee report papers and decisions are published on the council's [website](#).
- 6.4. Members of the public can make complaints about the Council - including its councillors, officers, and Monitoring Officer by following the complaints process (see the Framework).
- 6.5. Persons, in their contact with councillors or officers, must not be violent, abusive or threatening. In addition, they must not wilfully harm property of the council, councillors or officers.

7. Amending the Constitution

- 7.1. As this Constitution has been adopted by the council, the council will itself monitor and review the document to ensure that it is up to date. Minor changes can be made by the Monitoring Officer in consultation with the Chair of Standards and Constitution Committee, other changes will be made by the full council on the recommendation of the Standards and Constitution Committee. The same requirements apply to amending the Framework. Further information related to the Constitution is available in the Framework.

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Appendix 1 - Code of Conduct for Members

1. Purpose of the Code
2. Principles of Public Life at Epsom & Ewell Borough Council
3. Interests
4. Gifts & Hospitality
5. Dispensations
6. Complaints Process

Appendix

1. Glossary
2. Pecuniary Interests

1	Purpose of the Code
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- 1.1 The Localism Act 2011 requires this Authority to promote and maintain high standards of conduct by its Members. In discharging its duty, the Authority is required to adopt a Code of Conduct, which sets out the conduct expected of its Councillors.
- 1.2 The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the Authority, to their constituents and to the public at large by:
 - a. establishing the standards and principles of conduct expected of all Members in undertaking their duties;
 - b. ensuring public confidence in the standards expected of all Members and in the commitment of the Authority to upholding the Code through an open and transparent process.
- 1.3 In the interests of clarity, all references in this Section of Part 5 to the 'Authority' will mean Epsom & Ewell Borough Council as a corporate entity. Any references to 'Council' will mean the elected Members of the Council and any reference to 'Full Council' will refer to the Members sitting as a decision making body.

To what does the Code apply:

- 1.4 Any reference to "member" in this Code is taken to apply to elected Members of Epsom & Ewell Borough Council. The Authority does not have any co-opted Members, however, if any are appointed, this Code will apply to them.
- 1.5 All elected Members of the Authority must give a written undertaking to abide by the "Code of Conduct for Members" when taking office or on appointment.

To whom does the Code apply:

- 1.6 The Code applies to a Member's conduct, which relates in any way to their membership of the Authority. The Code does not seek to regulate the conduct of Members in their purely private and personal lives or in the conduct of their wider public lives unless such conduct significantly damages the reputation and integrity of the Authority as a whole or of its Members generally.

What are the Principles of Public Life?

- 1.7 The Seven principles of public life, sometimes referred to as the 'Nolan Principles' apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in in the public sector. The principles also apply to all those in other sectors that deliver public services. The application of the Nolan Principles to the Code are further enhanced by the addition of two new principles, to which the Authority also works. These Nine Principles are the Principles of Public Life at Epsom & Ewell Borough Council.

What Interests do Members have to declare?

- 1.8 The Localism Act 2011 requires the Authority to establish and maintain a register of interests of the members of the Council. The Register of Members' Interests is published on the Council's website and will be maintained by the Monitoring Officer.
- 1.9 In addition to disclosable pecuniary interests, in the interests of transparency, personal interests as specified in the Code, must be notified to the Monitoring Officer and declared at meetings. Any decision-making Member with a prejudicial interest must ensure they comply with the requirements of the Code.

2	Principles of Public Life at Epsom & Ewell Borough Council
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- 2.1 Local government impacts the lives of citizens every day. The proximity of local government to local people means the decisions of local authorities can directly affect a citizens' quality of life. As such it is accepted and expected that high standards of conduct are needed to protect the integrity of decision making to maintain public confidence and to safeguard local democracy.
- 2.2 When acting as a Member of the Council, Members must observe this Code in such a manner that complies with the Nine Principles of Public Life. These Nine Principles will be taken into account when considering the investigation and determination of any allegations of breaches of the Rules of Conduct. A breach of any of the Nine Principles will be seen as breach of the Code.
- 2.3 The Nine Principles of Public Life are:

Principle	Behaviours
1: Selflessness	Members should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2: Integrity	Members should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
3: Objectivity	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members should make choices on merit.
4: Accountability	Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5: Openness	Members should be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.
6: Honesty	Members should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
7: Leadership	Members should promote and support these principles by Leadership, and by example, and should act in a way that secures or preserves public confidence
8: Duty to uphold the law	Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.
9: Stewardship	In discharging their duties and responsibilities Members must ensure that the Council's resources are used both lawfully and prudently.

2.4 It is not the role of the Code to set out prescriptive 'dos' and 'don'ts'. The Nine Principles and the corresponding behaviours set the necessary context and framework for how Members should conduct themselves when the Code applies. However, it can be helpful to provide some examples, by way of illustration, of how the Code operates:

- a. championing the public interest, taking into account the needs of your

constituents, including those that did not vote for you, and the community as a whole;

- b. exercising independent judgement and not compromising your position by allowing individuals or organisations to improperly influence you in the performance of your official duties by means of any financial or other obligations;
- c. listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, and making decisions on merit;
- d. restricting access to information when the wider public interest or the law requires it, and not disclosing confidential information, unless you are entitled to by law. Please refer to the Monitoring Officer if you are unsure;
- e. behaving in accordance with all of the Council's legal obligations, alongside any requirements contained within the Council's policies, protocols or procedures, including on the use of the Council's resources;
- f. ensuring that, when using or authorising the use by others of the resources of the Council, such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- g. valuing your colleagues and officers of the Council and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local governance;
- h. not bullying, harassing (including sexually harassing), intimidating or attempting to intimidate any person;
- i. not doing anything which could reasonably be regarded as bringing your office or the Authority into disrepute;
- j. registering and declaring any private interests, both pecuniary and non-pecuniary, that relate to your public duties in a manner conforming with the Authority's procedures;
- k. understanding your role as a data controller which includes the use of your Council email address for Council business or constituents' casework;

2.5 Where a Member is elected, appointed or nominated by the Council to serve:

- a. on another Relevant Authority, or any other body, when acting for that other authority or body, the Member must comply with the code of conduct of that other authority or body if required to do so, save so far as any conflict may arise, in which case this Code takes primacy; or
- b. on any other body which does not have a code relating to the conduct of its members, the Member must, when acting for that other body, comply

with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

- 2.6 Members must ensure that all contact with Council Officers will comply with the protocol for Managing Member/Officer Relations. A distinction is made between contact with less senior staff as part of day to day enquires and council business and contact by members where contentious or political issues may arise. The table below sets some examples:

Examples of day to day contact with less senior Officers.	Examples of matters which should be addressed at Head of Service or above
Requests for routine information on a case or issue on behalf of a resident, e.g. who is dealing with a case or issue, and when it may be resolved.	Concerns around the application of a threshold or the entitlement to a service.
Requests for information on timescales of applications e.g. planning applications, licensing, housing allocation	Specific complaints about not granting consent or complaints about the application of eligibility criteria.
Requests for information on how processes work.	Suggestions for improving or changing services.

3

Interests

General

- 3.1 As a public figure, a Member's public role may, at times, overlap with their personal and/or professional life and interests, however when performing a public role as a Member, you must:
- act solely in terms of the public interest, and
 - not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 3.2 Members shall fulfil conscientiously the requirements in respect of the registration and declaration of interests.
- 3.3 Members shall always be open and frank in drawing attention to any relevant interest in any proceeding of the Council or its Committees, and in any communications with Members, public officials or public office holders. Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office as Members. Interests must be recorded and be capable of audit.

Notification & Registration of Member's Interests

- 3.4 A Member must, within 28 days of this Code being adopted or applied by the Authority or becoming a Member, notify the Monitoring Officer of any disclosable pecuniary interest (DPI) as defined by regulations made by the Secretary of State, through the completion of the Declaration of Interests Form.
- 3.5 A Member, must within 28 days of becoming aware of any new disclosable pecuniary interest or change to any disclosable pecuniary interest already registered, provide written notification to the Monitoring Officer via an amendment form obtainable from the Monitoring Officer. The Monitoring Officer shall, subject to the provisions on Sensitive Interests, enter any amendments.
- 3.6 A Member must observe the notification provisions relating to interests, which arise at meetings as provided for by this Code.

Disclosable Pecuniary Interests

- 3.7 A Member will have a disclosable pecuniary interest in any matter to be considered or being considered by the Council if it is of a description set out at Appendix 2 and either:
- a. it is the Member's interest, or
 - b. it is an interest of
 - (i) the Member's spouse or civil partner;
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partners and the Member is aware that that other person has the interest.
- 3.8 A Member must comply with the statutory requirements to register, disclose and withdraw from participating and voting in respect of any matter in which a Member has a disclosable pecuniary interest.

Personal Interests

- 3.9 A Member will have a personal interest in any matter to be considered or being considered by the Council where that interest is not a DPI in that matter and, either:
- a. the matter relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

- (ii) any body
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- b. a decision in relation to that matter might reasonably be regarded as affecting a Member's well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

3.10 For the purpose of paragraph 3.9(b), a "relevant person" is

- a. a member of the Member's family or any person with whom the Member has a close association; or
- b. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- c. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d. any body of a type described in Paragraph 3.9 a. (i) and (ii) above of which such persons are members or in a position of general control or management.

3.11 For the purpose of paragraph 3.10 a., "Family member" is for the time being defined as a spouse, partner, parent, parent in law, son, daughter, step son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and partner means a member of a couple who live together.

Prejudicial Interests

3.12 Where a Member has a **personal interest** in any matter to be considered or being considered by the Council, that Member will also have a prejudicial interest in that matter where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice a Member's judgment of the public interest and where that matter:

- a. affects a Member's financial position or the financial position of a person or body described in the paragraphs relating to Personal Interests above, or

- b. relates to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in paragraphs relating to Personal Interests above.
- 3.13 A personal interest in any matter to be considered or being considered by the Council is not a prejudicial interest where that matter relates to the functions of the Council in respect of:
 - a. housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
 - b. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - c. an allowance, payment or indemnity given to Members;
 - d. any ceremonial honour given to Members;
 - e. setting council tax or a precept under the Local Government Finance Act 1992

Sensitive Interests

- 3.14 Where a Member has an interest (whether or not a disclosable pecuniary interest) and the nature of it is such that the Member and the Monitoring Officer consider that disclosure of the details of the interest could lead to the Member or a person connected with that Member being subject to violence and intimidation if the interest is entered on the Declaration of Members Interests Form, then such interest will not be published. Instead it may be recorded the details of the interest are withheld under section 32(2) of the Localism Act 2011.
- 3.15 Where a Member has an interest in any business of the Council which would be disclosable but the details of the interest are not registered in the Council's published Register of Members Interests because they are classed as Sensitive Interests, a Member need not disclose the nature of the interest to the meeting.
- 3.16 A Member with a Sensitive Interest must, within 28 days of becoming aware of any change of circumstances, which means that information is no longer sensitive information, must notify the Monitoring Officer, asking that the information be included in the register of Interests.

Disclosure and participation at Meetings

General Principles

- 3.17 At a meeting where a Member is being asked to make a relevant decision, or is speaking, a Member must not compromise any of the Nine Principles when arriving at or making such a decision.
- 3.18 Members should declare any personal and/or professional interests relating to their public duties and must take steps to resolve any conflicts arising in a way that protects the public interest. This includes the declaration of acceptance of any disclosable gift or hospitality at any discussion of, vote on, or discharge of any function relating to the donor.
- 3.19 Members should seek advice in advance of a meeting when a matter is known or should reasonably have been known to involve an interest affecting a Committee Member and complete the Declaration of Interests at Meetings Form.
- 3.20 A declaration of an interest made at any meeting relating specifically to a particular issue under consideration shall be recorded. The declaration shall appear in the minutes of the meeting and will be published on the Council's website.

Declaration of Members Interests

- 3.21 All Members are required to disclose as appropriate any personal and personal prejudicial interests in matters that arise at meetings which might influence their judgement or which could be perceived (by a reasonable member of the public) to do so. Members should declare:
- a. relevant personal direct and indirect pecuniary interests;
 - b. relevant direct and indirect pecuniary interests of close family members of which Members could reasonably be expected to be aware; and
 - c. relevant personal non-pecuniary interests, including those which arise from membership of clubs and other organisations;
 - d. any body of which the Member is a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - e. any body for which the Member works (paid or unpaid) exercising a function of a public nature, directed to charitable purposes or whose principal purpose includes the influence of public opinion or policy.
- 3.22 The personal interest becomes **prejudicial**, if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest. A Member's DPs are always prejudicial.

- 3.23 A Member must observe the restrictions the Council places on their involvement in matters where they have a pecuniary or non-pecuniary interest as defined by the Council.

Predetermination or Bias

- 3.24 Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life, they are not prohibited from participating in a decision in their political role as Member. However, Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence the Member in the performance of their official duties.
- 3.25 When making a decision, Members must consider all the matters with an open mind and on the facts presented at the meeting at which the decision is to be taken.
- 3.26 Members who sit as Committee Members need to be aware that when they have an interest in the matter being discussed or being decided, the role as a decision maker is subject to extra scrutiny.
- 3.27 Members who are not Committee Members, but are attending a Committee to speak, also need to be aware that if they have an interest in the matter they are speaking on, their role as an interested member is also subject to extra scrutiny.

Interests arising in relation to Scrutiny Committee

- 3.28 Members have a prejudicial interest in any business before a Scrutiny Committee where:
- a. that business relates to a decision made (whether implemented or not) or action taken by any of the Council's Policy Committees or another committee, sub-committee, joint committee; and
 - b. at the time the decision was made or action was taken, the Member was a member of a Policy Committee, or other committee, sub-committee, joint committee mentioned in paragraph (a) and they were present when that decision was made or action was agreed or taken.
- 3.29 A Member with a prejudicial interest may only address a meeting of the Scrutiny Committee, to answer any questions once they have declared the nature of the interest they have, which they must do at the earliest opportunity. They must withdraw from the room where the meeting is being held once they have answered any questions.

Action following declaration

- 3.30 If a Member is acting as a decision maker at a meeting where the Member has an Interest in the matter being discussed or that arises during the course of the meeting, the Member needs to consider if the interest is a Disclosable Pecuniary Interest and or a prejudicial interest.
- 3.31 If the interest is either a DPI or a prejudicial interest:
- a. the Member must withdraw from the room where the meeting considering the business, is being held, unless a written Dispensation has been granted;
 - b. the Member is not permitted to participate in any discussion of a matter that relates to the Member's DPI or prejudicial interest at the meeting;
 - c. the Member is not permitted to participate in any vote on the matter where they have a DPI or prejudicial interest.
- 3.32 In the case of any other Pecuniary or Non-Pecuniary Interest, the Member will need to consider whether a member of the public with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the Member's judgement of the public interest. If a Member believes this to be the case, or is advised that this is the case, must as soon as possible:
- a. disclose the existence and nature of the interest at the meeting;
 - b. withdraw from the room where the meeting considering the business is being held.
- 3.33 However, provided the public have a right to speak at such a meeting the Member is able to make representations or answer any questions when the nature of the interest has been declared. The Member must, after they have spoken, immediately withdraw from the room where the meeting is being held.

Other decision-making

- 3.34 Certain types of decisions, including those relating to a permission, licence, consent or registration for a Member, their friends, family members, employer or their business interests, are so closely tied to their personal and/or professional life that their ability to make a decision in an impartial manner in their role as a Member may be called into question. In turn this could raise issues about the validity or veracity of the decision of the Council. In such situations, Members have the same rights as an ordinary members of the public, which means they cannot take part or have any role in the decision making process.

4 Dispensations

- 4.1 There are some decisions that the Authority will need to make that could affect every Member. A Member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that Member to participate in any discussion and/or vote on that matter at a meeting. Such request must be on the prescribed form. Members may not take part in any matter unless a general or specific dispensation has been granted.
- 4.2 The Council can grant a dispensation to enable Members to participate in certain circumstances and the Monitoring Officer is authorised to determine all such written requests for a dispensation.
- 4.3 The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation to a Member only if, they consider that:
- a. without the dispensation the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - b. without the dispensation considers that without the dispensation each member of a Committee would be prohibited from participating in any particular business to be transacted by that Committee in relation to the matter;
 - c. considers that it is otherwise appropriate to grant a dispensation.
- 4.4 Any dispensation granted will specify the period for which it has effect, and the period specified may not exceed four years.

5 Gifts and Hospitality

- 5.1 Members should exercise the utmost care in relation to hospitality or gifts received in their role as a Member as there could be a real or perceived conflict with their membership of the Council. Members should declare any gift or hospitality with a value of £100 or above to the Monitoring Officer using the prescribed form and these declarations will be included in a register maintained by the Monitoring Officer. All entries on the Gifts & Hospitality Register will be retained for 4 years. Gifts from other Authorities over the value of £100 (paragraph 5.2 (e) below), will need to be declared and an assessment will be made as to whether the gift should be retained by the Council.

- 5.2 The following gifts and types of hospitality do not need to be disclosed/registered:
- a. civic hospitality provided by another public authority;
 - b. modest refreshment in connection with any meeting or on the occasion of any accidental social meeting;
 - c. tickets for sporting, cultural and entertainment events which are sponsored by the Council;
 - d. Honorary Membership badges for the annual horse racing season at Epsom Downs Racecourse or hospitality at the Derby or Ladies Day race events, provided to Members of the Epsom and Walton Downs Conservators or Members appointed to the Training Grounds Management Board;
 - e. small gifts of intrinsic value below £100, modest souvenir gifts with a value below £100, from another public authority given on the occasion of a visit by or to that Authority.
- 5.3 A Member should never accept any gift or hospitality as an inducement or reward for anything, if acceptance might be open to misinterpretation or which puts the Member under an improper obligation. A Member should never solicit a gift or hospitality.
- 5.4 Where it is impracticable to return any unsolicited gift, or the return would cause offence, the Member must, as soon as practicable after the receipt of the gift notify the Monitoring Officer in writing on the prescribed form, pass the gift to the Mayor's Office for donation to a charity raffle as appropriate.
- 5.5 Even if the value of an unsolicited gift or hospitality is less than £100, if the Member is concerned that its acceptance might be misinterpreted, the Member may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.
- 5.7 A Member must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to a Member.
- 5.8 A Member's participation in any item of business:
- a. in which the Member has any other interest; or
 - b. that affects a donor from whom the Member has received any gift or hospitality

that is registered, or ought to be registered as set out above, will need to be considered by the Member on a case by case basis. A Member will only be expected to exclude themselves from speaking or voting in exceptional

circumstances, for example where there is a real danger of bias.

6 Complaints Process

Overarching Principles

- 6.1 This Part of the Code sets out how the Authority will deal with allegations of a failure to comply with the Council's Code of Conduct for Members.
- 6.2 The Monitoring Officer may investigate a specific matter relating to a Member's adherence to the Nine Principles or a complaint made against a member for breach of the Code. For the avoidance of doubt any decision of the Monitoring Officer on any matter within their remit, will be final.
- 6.3 Members shall cooperate, at all stages, with any investigation into an allegation of adherence or complaint of breach of this Code. No Member shall lobby a member of the Standards Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

Complaints against Members

- 6.4 All complaints against Members must be in writing and on the Council's prescribed form. The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 6.5 The Monitoring Officer will use a number of criteria for assessing complaints, and may consult with the Independent Person and if necessary the appropriate Party Leader or Group Chairman and or Party Whips/the Chairman of Strategy & Resources. The decision whether to investigate a complaint will be proportionate to the issues raised and the likely outcomes.
- 6.6 The Monitoring Officer may determine that an allegation does not merit an investigation or further action, where:
 - a. the allegation does not demonstrate a breach of the Code of Conduct; for example it relates to a Member's private life to which the Code does not apply or it's about dissatisfaction with a Council decision or service, or
 - b. it is about someone who is no longer a Member of the Council, or
 - c. there is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegations sufficiently, or
 - d. the same or similar allegation has been investigated and determined, or

- e. it is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Code of Conduct, or
 - f. the Monitoring Officer facilitates an informal resolution without the need for a formal investigation, or
 - g. the complaint is considered to be vexatious.
- 6.7 The Monitoring Officer will acknowledge receipt of a complaint within 10 working days of receiving it. The Subject Member will be advised that a complaint has been made, a copy of the complaint or a summary as appropriate will be provided, along with details of the complainant.
- 6.8 The Monitoring Officer will determine as to whether the complaint merits formal investigation in accordance with the requirements of this Part of the Code. This decision will normally be taken within 15 working days of receipt of a complaint. Where the Monitoring Officer has taken a decision, the Complainant and the Subject Member will be informed of the decision along with the reasons for such.
- 6.9 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 6.10 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

Investigation & Determination of Complaints

- 6.11 If the Monitoring Officer decides that a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer. Such officer does not have to be an employee of the Authority.
- 6.12 The Investigating Officer would normally write to the Subject Member, providing with a copy of the complaint. The Subject Member will be requested to provide any relevant information the Investigating Officer needs to investigate the Complaint.
- 6.13 In exceptional cases, where it is appropriate to keep the identity of the Complainant confidential, or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer may withhold the Complainant's details or delay notifying the Subject Member until the investigation has progressed sufficiently.
- 6.14 At the end of their investigation, the Investigating Officer will produce a draft report. This draft will be sent in confidence to the Complainant and the Subject Member, to give them an opportunity to identify any matter in that

draft report which is either factually incorrect or which may require further consideration. Having received and taken account of any comments on the Draft Report, the Investigating Officer will send the Final Report to the Monitoring Officer.

- 6.15 The Monitoring Officer will review the Investigating Officer's report and, if satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer, will write to the Subject Member and the Complainant notifying them of either:
- a. that no further action is required, and provide them both a copy of the Investigating Officer's final report, or
 - b. following review of the Investigating Officer's report, that either the complaint will be:
 - (i) sent for determination before a Standards Hearing Sub Committee, or
 - (ii) after consulting the Independent Person, seek a local resolution.

The Monitoring Officer will not enter into any correspondence with either party which seeks to challenge such a decision.

Local Resolution

- 6.16 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, the Monitoring Officer will consult with the Independent Person and seek to agree fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Subject Member accepting that their conduct was short of the standard expected, offering an apology, and/or other remedial action by the Authority. If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee as part of an update report for information, but will take no further action.

Process for the Determination of Complaints

- 6.17 If the Monitoring Officer considers that local resolution is not appropriate, then the Monitoring Officer will convene a Standards Hearings Sub Committee to determine the complaint. The Sub Committee will conduct a hearing to decide whether the Subject Member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the Subject Member.
- 6.18 The Monitoring Officer will conduct a "pre-hearing process", requiring the Subject Member to give their written response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and may issue directions as to the manner in which the hearing will be conducted.

Conduct of a Sub Committee Hearing

- 6.19 The Monitoring Officer will present the Investigating Officer's report to the Sub Committee.
- 6.20 The Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Subject Member has failed to comply with the Code of Conduct. The Subject Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Sub Committee as to why they consider that they did not fail to comply with the Code of Conduct.
- 6.21 If the Sub Committee, with the benefit of any advice from the Independent Person, concludes:
- a. that the Subject Member did not fail to comply with the Code, then they can dismiss the complaint, or
 - b. that the Subject Member did fail to comply with the Code, the Chairman will inform the Subject Member of this finding and the Sub Committee will then consider what action, if any, the Sub Committee should take as a result of the Subject Member's failure to comply with the Code. In doing this, the Sub Committee will give the Subject Member an opportunity to make representations to the Sub Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.
- 6.22 The Council has delegated to the Sub Committee powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, depending on the seriousness or significance of the matters, the Sub Committee may authorise the Monitoring Officer to:
- a. report the findings to Full Council;
 - b. recommend to the Subject Member's Group Chairman or Leader (or in the case of un-grouped members, recommend to Full Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Authority;
 - c. arrange training for the Subject Member;
 - d. remove from all outside appointments to which the Subject Member has been appointed or nominated by Full Council;
 - e. withdraw facilities provided to the Member by the Authority, such as a computer, website and/or email and Internet access; or
 - f. exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Full Council, Committee and Sub-Committee meetings.

- 6.23 The Sub Committee has no power to suspend or disqualify the Subject Member or to withdraw members' or any special responsibility allowances, which may exist.
- 6.24 At the end of the hearing, the Chairman will state the decision of the Sub Committee as to whether the Subject Member failed to comply with the Code and as to any actions which the Sub Committee resolves to take.
- 6.25 The Monitoring Officer will issue a decision notice, in consultation with the Chairman of the Sub Committee. The decision notice will be sent to the Complainant and the Subject Member. The decision notice or a summary of the decision will be available for public inspection and be published and included in Members' Update. The decision will be reported to the next convenient meeting of the Standards Committee for information.

Appeals

- 6.26 There is no right of appeal against a decision of the Monitoring Officer or of the Standards Hearing Sub Committee to the Authority.

Independent Person

- 6.27 The Independent Person will be invited to attend all meetings of the Sub Committee. The views of the Independent Person will be sought and taken into consideration before the Sub Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Revision of these arrangements

- 6.28 In the interests of fairness, the Monitoring Officer may vary any of these arrangements as appropriate. The Chairman of the Standards Sub Committee may depart from the arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Appendix 1

GLOSSARY

In this Code the following words will have the following meanings:—

Term	Meaning
Authority	means Epsom & Ewell Borough Council
Code or Code of Conduct	means the Authority's Code of Conduct for Members
Independent Person	means the a person who complies with the requirements section 28 Localism Act 2011 appointed by the Council to be the Independent Person
Meeting	means any meeting of— (a) the authority; (b) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees; whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
Member	means an appointed member of Epsom & Ewell Borough Council or any a co-opted member as defined by Section 27(4) Localism Act 2011.
Subject Member	means a Member who is the subject of a complaint or allegation for a breach of the Code
Sensitive Information	means information whose availability for inspection by the public creates, or is likely to create, a serious risk that a Member or a person connected to a Member may be subject to violence or intimidation
Nine Principles	means the general principles of conduct namely: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership, duty to uphold the law, and Stewardship

Complainant	means the person who has made an allegation that a Member has failed to comply with the Member's Code of Conduct
Investigation Officer	means the person appointed by the Monitoring Officer to under an investigation into a complaint of a breach of the Members' Code of Conduct.
Standards Hearing Sub Committee	means a sub committee of the Standards Committee established to conduct hearings into allegations against a Subject Members/s and to determine such allegations following a hearing.
Relevant Authority	means a county council or other such council formally constituted under local government legislation

Appendix 2

The Schedule to the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M* in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the

	relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*Note "M" means a member or co-opted member of the Council.

Appendix 2 – Scheme of Delegation to Officers

1. Introduction

- 1.1. This scheme of delegation authorises the Chief Executive, the Director of Corporate Services and the Director of Environment, Housing and Regeneration, to exercise the functions of the council as set out in this document. It repeals and replaces all previous schemes of delegation.
- 1.2. This scheme is without prejudice to the exercise of the council's functions by the Full Council and the council's committees, sub-committees and panels.
- 1.3. The statutory officers' responsibilities are set out in the Framework (Annex 3.1). "Head of Service" means the Heads of Service reporting to the Chief Executive and / or a Director. All powers with the scheme of delegation are exercised within approved budgets.

2. General delegation to officers

- 2.1. The Chief Executive and Directors are empowered to make decisions on behalf of the council in accordance with the following general principles:
 - i. If a function, power or responsibility has not been specifically reserved to the Full Council or a committee, or the council acquires a new function where a decision is required before delegations have been agreed, the Chief Executive or Directors within whose remit the matter falls, is authorised to act.
 - ii. The Full Council and other council committees will make decisions on matters of significant policy. The Chief Executive, and the Directors have express authority to take all necessary actions to implement Full Council and committee decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
 - iii. The Chief Executive and the Directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
 - iv. The Chief Executive and the Directors are empowered to take all necessary decisions in cases of emergency or urgency.
 - v. In relation to all delegated authority conferred on the Chief Executive and Directors by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the council in the interests of effective corporate management as they think fit.

- vi. Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive, or their nominee, is authorised to act.
 - vii. Anything delegated to the Head of Legal Services is also delegated to the Chief Executive.
 - viii. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources and the efficient delivery of services.
- 2.2. For the purposes of this scheme, emergency and urgency have the ordinary dictionary meaning of the words and may imply considerations of health and safety, legal and financial risk, or that the interests of the council may be compromised. In the absence of the Chief Executive, a Director will exercise emergency or urgency powers in the same way.
- 2.3. In deciding whether or not to exercise delegated powers, the Chief Executive and the Directors should consider whether to consult the appropriate Group Leader / Chair, or Committee Chair, and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
- 2.4. The Chief Executive and the Directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme, and there will be a presumption that all operational and budgetary responsibility for services shall be exercised by the Head of Service for the appropriate services, unless the Chief Executive directs otherwise.
- 2.5. All delegations conferred under this scheme must be formally recorded in writing by the Chief Executive, and the Directors as the case may be (including for the avoidance of doubt any delegation under paragraph 2.1 (v) and 2.4 above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name. The Head of Place Development and the Development Management Manager shall exercise, in their own names, any powers delegated to them in connection with the determination of planning applications or any other planning function and such decisions shall remain their responsibility.
- 2.6. The Chief Executive will make such arrangements as they consider appropriate to maintain a central record of all delegations under this scheme. The record will be available for public inspection. Subject to any specific restriction in writing:
- i. A reference to any other officer will include a person who is deputising (whether in full or part time or on an absence basis) for that post. Such deputising arrangements should be made in

accordance with any scheme of delegation and should be authorised in writing.

- ii. Any function or power which may be discharged to any officer under a scheme of delegation may also be discharged by a person holding a post which is a successor post to that of the original post following any reorganisation, restructure, or similar process.
- iii. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the council's Constitution, including its contract and financial procedures and regulations, and overall council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the council.
- iv. Officers shall act, so as to achieve for their service, the policies and objectives including the requirements of any service delivery plans for their service area; always having regard to the overall corporate plans and interests of the council.
- v. Where an officer referred to in paragraph 2.4 above is absent from the workplace for a period of time, which requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing.
- vi. Notwithstanding anything contained in this scheme of delegation, officers shall not have the power to make decisions upon any matter that has been reserved to Full Council or a committee except in cases of emergency.

2.6.1. Without prejudice to the generality of the foregoing, the Chief Executive and the Directors shall have the power:

- i. To take all lawful action consistent with overall council policy to deliver agreed strategies, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
 - a. Invitation and acceptance of tenders in accordance with Contract Standing Orders.
 - b. Submission of bids for funding.
 - c. Write-off of irrecoverable debts.
 - d. Virement (within the budget framework).

- e. Disposal and acquisition of assets.
 - f. Service and placing of any necessary statutory or other notices (other than those expressly reserved to the Full Council or a committee).
 - g. In consultation and with the consent of the Head of Legal Services authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation that they are responsible for monitoring, enforcing or otherwise implementing on behalf of the council.
- ii. To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility.
 - iii. In the case of any overspend to notify the Chief Finance Officer in the role of Section 151 Officer in accordance with the financial procedure rules and regulations.
 - iv. To determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of People and Organisational Development and conformance with council policies.
 - v. To take all action to recruit, appoint, develop, manage and reward employees within approved council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment), and relevant conditions of service: subject to paragraph 2.6.2 below.
- 2.6.2. For the avoidance of doubt the appointment of the Chief Executive and Directors and other statutory officers shall be made by Full Council (see the Framework, **Annex 3.3**).

3. Taking decisions

- 3.1. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:
- i. The views of the relevant committee Chair following the application of the consultation criteria set out in paragraph (iii) below.
 - ii. The implication of any council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other areas. In such cases, consultation with officers, relevant committee Chairs and local councillors, where the issue relates to a specific area, should take place.
 - iii. Consultation and the views emanating from that process.

- iv. The range of available options.
 - v. The staffing, financial and legal implications.
 - vi. The assessment of any associated risks in accordance with the council's Risk Management Strategy.
 - vii. The involvement of appropriate statutory officers.
 - viii. The relevance of any regional or national guidance from other relevant bodies.
 - ix. The council's Constitution, its contract and financial procedures and regulations, all relevant guidance, legislation and codes of practice.
 - x. The need to secure Best Value.
- 3.2. In order to assist with the above, arrangements should be made by relevant officers to deal with times of absence, such as holidays. This could, for example, be through a named alternative.

4. Scrutiny

4.1. For the purposes of Audit and Scrutiny Committee:

- i. A report should be presented annually to the Audit & Scrutiny Committee setting out significant delegated decisions taken by officers under delegated powers in the previous year.
- ii. Any councillor may request that (with the exception of decisions made by the Planning Committee and licensing hearings) decisions taken by officers under delegated powers are scrutinised by the Audit and Scrutiny Committee.
- iii. Any such scrutiny will not make any action taken as a result of the decision invalid. However, the scrutiny body will be able to recommend improvements to the process or a different course of action in future.

4.2. For further information on the council's overview and scrutiny procedures see the Framework (**Annex 4.9**).

5. Legal and procedural

5.1. The Head of Legal Services is authorised:

- i. To take any action to implement any decision taken by or on behalf of the council, including the signature and service of statutory and other notices and any document.
- ii. To institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions

of the council, or in any case where the Head of Legal Services considers that such action is necessary to protect the council's interests.

- iii. To instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the council.
- iv. To enter objections to any proposal affecting the Borough, the council, or the inhabitants of the Borough.

5.2. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a Proper Officer for the purpose of any statutory function, will be determined by the Chief Executive.

6. General indemnity

6.1. The council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her (see the Framework, **Annex 2.6**).

7. Proper Officer functions

7.1. A list of Proper Officer functions will be maintained by the Head of Legal Services.

8. Maintenance, review and change to schemes of delegations

8.1. The Chief Executive and the Directors will establish and maintain a scheme of delegation for their directorates or budget areas, which specifies the function; names the post which may carry out the delegated decision and the limits, if any, on the delegation. The limits on the delegation will include the obligation to consult, record and/or refer back to the Chief Executive or a Director in certain circumstances.

8.2. The Chief Executive and the Head of Legal Services are authorised to approve any changes to any scheme of delegation.

9. Planning Scheme of Delegation

9.1. Introduction

9.1.1. The terms of reference of the Planning Committee include responsibility to determine the level of delegation to officers. It is important that there is clarity as to which decisions officers can determine and which the Planning Committee must determine.

9.2. Scheme of Delegation

9.2.1. The Head of Place Development, Development Management Manager and Planning Policy Manager may determine all matters arising from all legislation relating to the use and development of land, except for those matters set out

in paragraph 9.2.2, which shall be determined by the Planning Committee. In the event any of these officers think it necessary or appropriate, they may at their discretion, refer any matter for consideration and / or determination by the Planning Committee, and shall inform the Chair of Planning Committee accordingly.

9.2.2. The matters which shall be determined by the Planning Committee are included in its terms of reference (see **Appendix 3**).

9.2.3. A Planning Committee member or any councillor may call in a matter for determination by the Planning Committee in accordance with the procedure outlined in the Framework (**Annex 4.11**, Section 8).

9.2.4. The request to “call-in” an application must be on relevant planning grounds and merit intervention to have the application placed before the Planning Committee. Where the “call in” is not made on material planning grounds the “call-in” will be invalid. The decision as to whether the grounds are justifiable will be at the discretion of the Head of Place Development in consultation with the Chair of Planning Committee and the councillors concerned.

9.3. Section 106 agreements

9.3.1. The Head of Place Development is authorised to:

- i. Agree the terms of, and variations to, Section 106 agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission granted under appeal.
- ii. Refuse to enter into a Section 106 agreement if the same has not been completed within 6 months of the Planning Committee having granted planning permission, subject to a Section 106 agreement, without the need to return the matter to the Planning Committee.

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Appendix 3 - Terms of Reference for the Full Council and other Council Committees, Sub-Committees, Advisory Panels and Joint Arrangements

1. Full Council and Committees

Full Council	All councillors
<p>Terms of reference:</p> <p>The Full Council will exercise the following functions:</p> <ol style="list-style-type: none"> 1. Adopting and changing the Constitution. 2. Approving and adopting the policy framework, the budget and the annual council tax requirements, and any application to the Secretary of State in respect of any housing land transfer. 3. Making decisions about any matter relating to the discharge of a function covered by the policy framework or budget where a decision would be contrary to the policy framework or contrary or not wholly in accordance with the budget. 4. Agreeing and / or amending the terms of reference for committees, deciding on their composition and making appointments to them (except for authorised substitutions in accordance with the relevant rules of procedure in Appendix 4 and Appendix 5). 5. Appointing annually the Mayor and Deputy Mayor. 6. Appointing representatives to outside bodies unless the appointment has been delegated by the council. 7. Creating, amending or dissolving committees (including joint committees) of the council and determining the terms of reference of such committees and appointing members to serve on its committees. 8. Delegating functions to other local authorities or their executives and deciding whether or not to accept such a delegation from another local authority. 	

<ol style="list-style-type: none"> 9. Adopting a Members' Allowance Scheme. 10. Changing the name of the Borough. 11. Conferring the titles of Honorary Alderman or Honorary Freeman. 12. Confirming the appointment, redundancy or early retirement of the Chief Executive, Directors, and statutory officers. 13. Determining any delegation to officers which does not fall with the remit of any committee. 14. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills. 15. Determining the level of disciplinary action or dismissal of specified statutory senior officers. 16. Appointing the Independent Person or a Panel of such 17. Adopting the Code of Conduct for Members (Appendix 1) and the arrangements for dealing with complaints. 18. Considering those matters referred to it from time-to-time by Audit and Scrutiny Committee and by other council committees. 19. Considering petitions which are referred to Full Council under the Petition Scheme. 20. All other matters which by law must be reserved to the Full Council. 	
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Standards and Constitution Committee	TBC members
<p>The council has chosen to appoint a Standards & Constitution Committee in accordance with the Localism Act 2011. The Committee is responsible for considering complaints about the conduct of members and any co-opted members, which are not determined by the Monitoring Officer. The Committee has set up a Standard Hearing Sub-Committee for the determination of such matters.</p> <p>The Standards & Constitution Committee will be politically balanced. Full Council will appoint an Independent Person, or a panel of such, to advise it and any councillor when matters of conduct arise.</p> <p>All hearings and assessments of complaints against councillors and co-opted members, will be conducted in accordance with current legal requirements and (subject to those) relevant provisions set out in in this Constitution.</p> <p>Terms of reference:</p> <ol style="list-style-type: none"> 1. Promoting and maintaining high standards of conduct by councillors in accordance with the duty contained in Section 27 of the Localism Act 2011. 2. Assisting councillors to observe the councillors Code of Conduct. 3. Advising the Full Council on the adoption or revision of the Code of Conduct. 4. Granting dispensations under Section 33 of the Localism Act 2011 to councillors from the requirements relating to interests set out in the Code of Conduct. 5. Making arrangements for investigating and determining complaints regarding alleged breaches of the Code of Conduct, including an annual report. 6. Discharging, through a Hearings Panel, decisions made following consideration of reports by an Investigating Officer in connection with 5. above. 7. Receiving requests for, and / or proposing, review of the Constitution or parts thereof as necessary; and then recommending changes to Full Council. 8. Arrangements for dealing with standards allegations under the Localism Act 2011. 9. Work jointly on the corporate governance framework with the Chairs of Audit and Scrutiny and Strategy and Resources committees, incorporating strategic planning, corporate risk and performance management. <p>To make recommendations regarding:</p>	

1. Significant revisions to the Constitution (subject to other policy committees being able to make recommendations direct to council about proposed changes to their terms of reference).
2. The adoption and revision of the Councillors' Code of Conduct.
3. Changes to the committee's terms of reference.
4. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.

To resolve:

- a. The granting of dispensations in the following circumstances (under Section 33 of the Localism Act 2011) to councillors from the requirements relating to interests set out in the councillors' Code of Conduct:
 - i. That without the dispensation, the representation of Political Groups transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - ii. That dispensation is in the interests of persons living in the authority's area.
 - iii. It is otherwise considered appropriate to grant a dispensation.

Delegation to Hearing Panels:

1. Determination of complaints referred by an Investigating Officer regarding alleged breaches of the councillors' Code of Conduct.
2. Such panels shall comprise three Borough councillors serving on the Standards and Constitution Committee.

Delegation to officers:

1. To the Monitoring Officer, in consultation with the Chair of the Standards and Constitution Committee, to grant dispensations in situations where so many councillors of the decision-making body have Disclosable Pecuniary Interests in a matter that it would otherwise impede the transaction of the business.
2. To the Monitoring Officer and / or Deputy Monitoring Officer respectively the power to determine matters in respect of the councillors' Code of Conduct and arrangements for dealing with allegations of breach (following consultation with the Independent Person where required) except for those which are identified above as reserved for determination by the Full Council, other committees or Hearings Panels.

Audit and Scrutiny Committee	TBC members
<p>Terms of reference:</p> <ol style="list-style-type: none"> 1. To be responsible for the scrutiny and review of the decisions and performance of the council. 2. To carry out the functions falling within the committee's area of responsibility as set out below, working within the budget and policy framework approved by the Full Council, except where these functions remain the reserve of the Full Council or have been delegated to another committee within the council's scheme of delegation. 3. To seek assurance of the existence and application of key policies and strategies as well as undertaking scrutiny of performance monitoring to evaluate whether expected outcomes are being achieved in accordance with the council's corporate plan. 4. To establish sub-committees to progress work of the committee. 5. To decide on matters falling within its responsibility or delegate decision making to Directors of the council. However, this does not prevent the committee from choosing to exercise the function itself. <p>Areas of responsibility:</p> <ol style="list-style-type: none"> a. Overall responsibility for audit and governance frameworks (including functions of an audit committee). b. Oversee compliance with the council's duties concerning Best Value. c. Monitor implementation of agreed recommendations and actions from both the Internal and External audit reports. d. Monitor progress on the council's annual plan. e. Review and approve the Annual Governance Statement. f. Exercise scrutiny over the council's budget; the management of its budget, capital programme, treasury management, reserves, revenue borrowing and assets and the audit arrangements thereof, plus associated strategy and policies. g. Exercise scrutiny of the quarterly budget monitoring reports. h. Exercise scrutiny and approval (where applicable) of the annual Statement of Accounts, financial outturn, and external audit reports. i. Receive an annual report setting out the activities relating to compliance with key council policies including (but not limited to) anti-bribery, anti-corruption, whistleblowing policies, modern slavery and equality, diversity and inclusion. 	

- j. Receive and review the Local Government and Social Care Ombudsman's annual report.
- k. Receive and review, on a quarterly basis, the latest version of the key performance indicators and targets from each committee which seek to ensure the provision of cost effective, quality services to the community (as part of the council's own performance management regime).
- l. Review and/or scrutinise decisions made, or actions taken, in connection with the discharge of any of the council's functions and make reports and/or recommendations to Full Council where necessary.
- m. Undertake, in specific circumstances, pre-scrutiny reviews relating to council services and projects.
- n. Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by any policy committee.
- o. Work jointly on the corporate governance framework with the Chairs of Standards and Constitution and Strategy and Resources committees, incorporating strategic planning, corporate risk and performance management.

In carrying out its responsibilities the committee will:

- 1. Work in partnership with other policy committees, sub-committees and panels.
- 2. Scrutinise the application of the Risk Management Strategy and oversee the corporate risk register, key performance indicators and any other actions relevant to the committee under scrutiny. The committee shall raise risk issues and concerns with relevant policy committee chairs.
- 3. Have oversight of any matters of interest or concern relevant to this committee's remit.

To make recommendations regarding:

- a. Matters with significant budgetary and/or policy implications arising from:
 - Internal or External audit reports.
 - The reviewing and scrutinising of the performance of the council in relation to its policy objectives, performance targets, committee work plans and any Government sponsored assessment regime.
 - Presentations by representatives of outside organisations about services which have a significant impact upon local residents.
- b. Consideration of any Councillor Call for Action.
- c. Changes to this committee's terms of reference.

- d. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.

To resolve:

- a. Matters in connection with above with no significant budgetary and/or policy implication.
- b. Decisions to refer matters to policy committees.

Strategy & Resources Committee	TBC members
<p>Terms of reference:</p> <ol style="list-style-type: none"> 1. To make recommendations to the Full Council on budget and policy matters. 2. To provide strategic direction to the operation of the council, determining policies in the areas set out below and any cross-cutting policies that impact on other committee areas. 3. To make decisions regarding land and property including acquisition, disposal and appropriation, not within the purview of any other committee. 4. To own, review and approve the council's Risk Management Strategy. 5. To be responsible for all policy matters not otherwise allocated to any other committee and to determine any disputes or differences between committees. 6. The annual budget preparation process and consideration of overall committee budgets, including the setting of Council Tax, prudential indicators and councillor / officer indemnity limits. 7. Civic and Ceremonial matters (including the appointment of representatives on Outside Bodies with the exception of the list considered at the Annual Meeting of the Full Council; Members' Allowances and Regalia). 8. The appointment of, and disciplinary action against, Chief and Statutory Officers. <p>Areas of responsibility:</p> <ol style="list-style-type: none"> a. Lead on the corporate governance framework (jointly with the Chairs of Standards and Constitution and Audit & Scrutiny committees) incorporating strategic planning, corporate risk and performance management. b. Council compliance with Financial Regulations. c. All matters relating to the oversight of the approved council budget and Policy Framework (including the setting of staff pay). d. Medium Term Financial Strategy to include, though not exclusively, Capital Investment Strategy, Council Tax Support Scheme, Business Rates and use of council reserves. e. Implementation and monitoring of treasury management policies. f. Asset Management Strategy including the purchase, management and disposal of real property owned or held by the council (note other committees may have responsibilities for service provision, venues or activities). 	

- g. Community right to Challenge and Community Right to bid for Assets of Community Value.
- h. Exercise the council's functions as Shareholder and consider recommendations from the Shareholders Sub Committee, making decisions as required.
- i. Exercise of the council's powers as Trustee of any land or money held by the council in trust.
- j. Administration of council tax and housing benefits.
- k. Collaboration and partnerships related to the remit of this committee.
- l. Electoral matters including polling stations, ward boundaries, ballots and referendums.
- m. Procurement Strategy, and those matters that have budget or procurement implications for more than one committee.
- n. Building Control contract.
- o. Facilities management and cleaning contract.
- p. Development of the local economy and regeneration.
- q. Emergency planning, resilience and business continuity.
- r. Agreeing, recommending and reviewing key corporate and financial strategies (including but not limited to those relating to workforce matters; ICT; information management, information governance and data protection; communication and engagement) which do not fall within the remit of other committees.
- s. Dealing (in the first instance) with any matters of general policy which do not fall within the terms of reference of any other committee and are not reserved to the Full Council.

In carrying out its responsibilities the committee will:

- 1. Work in partnership with other policy committees and sub-committees.
- 2. Develop, make decisions about, and keep under review, the committee's budget ensuring any decisions about spend are made within the allocated budget envelope.
- 3. Ensure any decisions about additional spend to the committee's agreed budget are in accordance with the **Financial Regulations**.
- 4. Have consideration to the Risk Management Strategy, key performance indicators and any action relevant to the committee's remit.
- 5. Have oversight of any matters of interest or concern relevant to this committee's remit.

To make recommendations regarding:

- a. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.
- b. Financial programmes for overall revenue and capital expenditure, including the Medium Term Financial Strategy and, as part of the annual budget setting process, the level of Council Tax and Prudential Indicators, subject to consultation with other policy committees.
- c. Changes of use of council owned (General Fund) land, subject to consultation with other policy committees who may be responsible for services currently operating from the land in question.
- d. Annual pay policy statements.
- e. Civic and ceremonial matters as detailed in 1 (7) above.
- f. Polling District and Ward Reviews, ballots and referendums.
- g. Changes to this committee's terms of reference.
- h. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.

To resolve:

1. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.
2. The formation of other subsidiary companies and special purpose vehicles as deemed necessary to support property projects.
3. Determination of applications by community organisations for rental subsidies in respect of their use of council owned land.
4. Determination of the tax base for Council Tax purposes.
5. Rents and charges for services, accommodation and land which are outside the purview of other committees.
6. Responses to consultations from the Government, other authorities and external agencies where there is a potentially significant impact upon the delivery of services falling under the remit of the committee.

Community and Wellbeing Committee	TBC members
<p>Terms of reference:</p> <ol style="list-style-type: none"> 1. To carry out the functions falling within the committee's area of responsibility as set out below, working within the budget and policy framework approved by the Full Council, except where these functions remain reserved to the Full Council or have been delegated to another committee. 2. To establish sub-committees to progress work of the committee. 3. To decide on matters falling within its responsibility or delegate decision making to Directors. However, this does not prevent the committee from choosing to exercise the function itself. <p>Areas of responsibility:</p> <ol style="list-style-type: none"> a. Tourism, culture, and recreational activities including the arts, sports and other leisure activities. b. Procuring and managing the leisure centre contract. c. Council venues including The Playhouse, Bourne Hall, Ewell Court House, The Rainbow Centre, Bourne Hall Museum. d. Services for young people. e. Affordable housing. f. Strategic housing and investment. g. Housing standards, homelessness, homelessness prevention and advice, housing needs assessment. h. Housing benefit in relation to welfare aspects. i. Private sector housing and administration of housing grants. j. Collaboration and partnerships related to the remit of this committee. k. Personal social services for older and disabled persons including community meals services, community alarm, day centres, community transport. l. Community and voluntary sector grants. m. Consultations on local health service provision and NHS services. n. Armed Forces Covenant. o. Voluntary Sector. 	

In carrying out its responsibilities the committee will:

1. Work in partnership with other policy committees and sub-committees.
2. Develop, make decisions about and keep under review the committee's budget ensuring any decisions about spend are made within the allocated budget envelope.
3. Ensure any decisions about additional spend to the committee's agreed budget are in accordance with the **Financial Regulations**.
4. Have consideration to the Risk Management Strategy, key performance indicators and any action relevant to the committee's remit.
5. Work with the voluntary sector, health partners and other agencies.
6. Have oversight of any matters of interest or concern relevant to this committee's remit.

To make recommendations regarding:

- a. Changes to this committee's Terms of Reference.
- b. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.
- c. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.

To resolve:

- a. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.

Environment & Safe Communities Committee	TBC members
<p>Terms of reference:</p> <ol style="list-style-type: none"> 1. To carry out the functions falling within the committee's area of responsibility as set out below, working within the budget and policy framework approved by the Full Council, except where these functions remain reserved to the Full Council or have been delegated to another committee. 2. To recommend to Full Council new or changes in previously agreed policies. 3. To establish sub-committees to progress work of the committee. 4. To decide on matters falling within its responsibility or delegate decision making to Directors. However, this does not prevent the committee from choosing to exercise the function itself. <p>Areas of responsibility:</p> <ol style="list-style-type: none"> a. Waste management refuse collection and recycling services. b. Climate change strategy and environmental improvement schemes. c. Highway matters that are the responsibility of the Epsom and Ewell Borough Council, including drainage. d. Consider and approve local transportation policy. e. Transport contract. f. Contaminated Land and Waterways. g. Parks, open spaces and countryside (including events), and allotments. h. Grounds maintenance, including the grounds maintenance contract (which covers NJMC, EWDC, Cemetery and bedding plants). i. Public spaces, public realm and cleansing. j. Street trading including markets. k. Environmental protection, pollution control and biodiversity. l. Tree contract. m. Food hygiene. n. Health and safety. o. Burials, cemeteries, and closed churchyards. p. Street naming and numbering. 	

- q. Parking including the provision and management of parking and the fixing of charges and parking enforcement.
- r. Collaboration and partnerships related to the remit of this committee.

In carrying out its responsibilities the committee will:

1. Work in partnership with other policy committees and sub-committees.
2. Develop, make decisions about and keep under review the committee's budget ensuring any decisions about spend are made within the allocated budget envelope.
3. Ensure any decisions about additional spend to the committee's agreed budget are in accordance with the **Financial Regulations**.
4. Have consideration to the Risk Management Strategy, key performance indicators and any action relevant to the committee's remit.
5. Work with partners and other agencies to fulfil its responsibilities.
6. Have oversight of any matters of interest or concern relevant to this committee's remit.

To make recommendations regarding:

- a. Changes to this committee's terms of reference.
- b. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.
- c. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.

To resolve:

- a. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.
- b. Responses to consultations from the Government, other authorities and external agencies where there is a potentially significant impact upon the delivery of services falling under the remit of the committee.
- c. Rents and charges for services, accommodation and land, not under the purview of another committee.

Licensing and Planning Policy Committee	TBC members
<p>Terms of reference:</p> <ol style="list-style-type: none"> 1. To be responsible for exercising regulatory and policy functions under the relevant legislation concerning the determination of: <ol style="list-style-type: none"> a. Alcohol and entertainment licence applications. b. Gambling licence applications. c. Applications for the granting, renewal, transfer or revocation or sex establishments licenses; private hire and public hire licences. 2. To be responsible for influencing and controlling development and use of land as Local Planning Authority including: <ol style="list-style-type: none"> a. Preparation, adoption and review of the statutory Development Plan, including Local Development Documents. b. Preparation, adoption and review of Supplementary Planning Documents. 3. To carry out the functions falling within the committee's area of responsibility as set out below, working within the budget and policy framework approved by Full Council, except where these functions remain the reserve of the Full Council or have been delegated to another committee. 4. To recommend to council new or changes to previously approved policies. 5. To establish sub-committees or member working groups to progress work of the committee. 6. To decide on matters falling within its responsibility or delegate decision making to Directors of the council. However, this does not prevent the committee from choosing to exercise the function itself. <p>Areas of responsibility:</p> <p>To consider and approve:</p> <ol style="list-style-type: none"> a) Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage). b) Final versions of Supplementary Planning Guidance (including Masterplans and Design Codes) Planning Guidance Documents, land use policy statements, masterplans and briefs for specific areas and any subsequent changes to the Development Plan not constituting a new or substantially revised Development Plan Document. 	

- c) Other informal policy guidance for adoption.
- d) The council's Local Development Scheme and Annual Monitoring Report.
- e) Planning enforcement.
- f) Draft Conservation Area Appraisals and Management Plans for public consultation, and, the final version of Conservation Area Appraisals and Management Plans.
- g) The council's Local List of historic assets or policy documents to safeguard the historic environment.
- h) Matters related to the Community Infrastructure Levy (CIL), including Strategic and Neighbourhood CIL, leading up to the examination in public and the adoption of the CIL charging schedule.
- i) Hackney Carriage and Private Hires policies and procedures.
- j) A licensing policy statement and gambling policy statement for recommendation to the Full Council and to keep this under review in accordance with the Licensing Act 2003 and the Gambling Act 2005 respectively.

Other areas of responsibility:

- k) To consider and recommend for approval to Full Council, submission versions of Development Plan documents.
- l) To consider and comment upon other authorities' or stakeholder's planning policy documents.
- m) To respond to government consultations on draft planning legislation and proposed planning policies.
- n) To consider any other planning policy matters not included in any of the above as deemed necessary by the Head of Place Development.
- o) To consider and determine (or delegate to a licensing sub-committee):
 - (i) Opposed and / or contentious applications made under the Licensing Act 2003 and / or applications for review under the said Act.
 - (ii) Opposed and / or contentious applications made under the Gambling Act 2005 and / or applications for review under the said Act.
 - (iii) Opposed and / or contentious applications for the granting, renewal, transfer or revocation or sex establishments licenses; private hire and public hire licences in reference to applications listed in 1 a) above.
- p) Collaboration and partnerships related to the remit of this committee.

To make recommendations regarding:

- a. Changes to this committee's terms of reference.
- b. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.
- c. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.

To resolve:

- a. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.
- b. Preparation and review of Local Planning Development Documents.
- c. Adoption of Neighbourhood Development Plans.
- d. Adoption of Supplementary Planning Documents.
- e. Confirmation of Conservation Area designations.
- f. Confirmation of lists of local heritage assets.
- g. Responses to consultations from the government, other authorities, external agencies and other bodies, including transportation related consultations, where they would have a significant impact on the delivery of the Local Plan or on the Borough's environment.
- h. The seeking of Deemed Planning Consents.
- i. Approving Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders.

Crime and Disorder Committee	Members to be allocated at Full Council drawn from all councillors
<p>Terms of reference:</p> <ol style="list-style-type: none"> 1. To carry out the functions falling within the committee's area of responsibility as set out below, working within the budget and policy framework approved by the Full Council, except where these functions remain reserved to the Full Council or have been delegated to another committee within the council's scheme of delegation. 2. To recommend to Full Council new or changes in previously agreed policies. 3. To establish sub-committees to progress work of the committee. 4. To decide on matters falling within its responsibility or delegate decision making to Directors. However, this does not prevent the committee from choosing to exercise the function itself. 5. The committee will meet no more than twice during the course of the year <p>Areas of responsibility:</p> <ol style="list-style-type: none"> a. Carry out the council's responsibilities under Section 19 of the Police and Justice Act 2006, to scrutinise the work of the Community Safety Partnership (CSP) annually. b. Receive reports about the work of the CSP and input into the development of the CSP work programme and strategy, through attendance at its meetings by the Chair or Vice Chair of the Crime and Disorder Committee c. Consider crime and disorder issues which are not covered by the work of the CSP and be responsible for developing the council's response to emerging issues, legislation and developing policy d. Oversee the council's response to the PREVENT and PROTECT activities both of which are part of counter terrorism activities and strategy, CONTEST, and ensure that the council is considering the recommendations of these guidelines in the discharge of its duties and the work that it does e. Consider council led initiatives relating to crime and disorder which would not fall under the remit of the CSP or any other committee. f. Make recommendations to the relevant committee for any items of expenditure 	

In carrying out its responsibilities the committee will:

1. Work in partnership with other policy committees and sub-committees.
2. Develop, make decisions about and keep under review the committee's budget ensuring any decisions about spend are made within the allocated budget envelope.
3. Ensure any decisions about additional spend to the committee's agreed budget are in accordance with the Financial Regulations.
4. Have consideration to the Risk Management Strategy, key performance indicators and any action relevant to the committee's remit.
5. Work with partners and other agencies to fulfil its responsibilities.
6. Have oversight of any matters of interest or concern relevant to this committee's remit.

To make recommendations regarding:

- a. Changes to this committee's terms of reference.
- b. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.
- c. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.

To resolve:

- a. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.
- b. Responses to consultations from the Government, other authorities and external agencies where there is a potentially significant impact upon the delivery of services falling under the remit of the committee.

Planning Committee	TBC members
<p>Full Council will appoint a Planning Committee, which will be responsible for dealing with planning applications and related matters.</p> <p>Terms of reference:</p> <ol style="list-style-type: none"> 1. To be responsible for exercising regulatory functions under the Town and Country Planning legislation specifically: <ol style="list-style-type: none"> i. Determination of planning and related applications. ii. Determination of Tree Preservation and High Hedges applications. 2. To receive and review the summary of enforcement action taken in response to breaches of control on a quarterly basis. 3. To receive and review summaries of planning appeals on a quarterly basis or when appeals have been received as appropriate. <p>To make recommendations regarding:</p> <ol style="list-style-type: none"> a. Applications for planning related permission submitted by the council itself. b. Changes to the committee's terms of reference. c. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council. <p>To resolve:</p> <ol style="list-style-type: none"> a. Determination of planning and related applications referred to the committee by any member of the council and / or the Head of Place Development in accordance with the provisions set out in the council's constitution. b. Guidelines under which the committee shall determine its level of involvement in individual planning, building and enforcement decisions. c. Confirmation (or modification) of Tree Preservation Orders where there are unresolved objections. <p>Delegation to Officers:</p> <ol style="list-style-type: none"> a. To the Chief Executive and Directors, the power to authorise, in writing, officers to enter on to land or to apply for a warrant and thereafter enter land pursuant to sections 196A-196C and 214B-214D of the Town and Country Planning Act 1990 as amended. 	

2. Sub-Committees

Sub Committee	Terms of Reference	Number of Councillors
<p>Licensing (Hearings) Sub Committee</p> <p>(note: political balance requirements do not apply)</p>	<p>Will determine applications:</p> <ul style="list-style-type: none"> (a) For a personal licence where an objection has been made. (b) For a personal licence with unspent convictions. (c) For premises licence where a representation has been made. (d) For a club premises certificate where a representation has been made. (e) For a provisional statement where a representation has been made. (f) To vary a premises licence/club premises certificate where a representation has been made. (g) To vary designated premises supervisor if there is a police objection. (h) For transfer of premises licence if there is a police objection. (i) For interim authorities if there is a police objection. (j) To review a premises licence/club premises certificate. <p>Membership</p> <p>Licensing sub-committees will be formed of any three members from the Licensing Panel, which is a pool of councillors appointed by the Full Council.</p>	3

	<p>Committee members appointed to the Licensing (Hearings) Sub Committee must be drawn from those who also sit on Licensing & Planning Policy Committee.</p> <p>The three members appointed for any hearing shall be selected by Democratic Services, and the sub-committee will appoint a Chair for a sub-committee meeting.</p> <p>Members of any licensing sub-committee must be trained in licensing matters to participate in any such meeting.</p>	
<p>Licensing (General) Sub Committee</p> <p>(note: political balance requirements do not apply)</p>	<p>Will determine applications:</p> <ul style="list-style-type: none"> (a) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of gaming permits. (b) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences. (c) Contentious applications for the grant or renewal of Private Hire and Hackney Carriage Driver, Vehicle and Operator Licences and the refusal, suspension or revocation of these licences where serious offences or breaches of licence conditions have been committed. <p>Membership</p> <p>Licensing sub-committees will be formed of any three members from the Licensing Panel, which is a pool of councillors appointed by the Full Council.</p> <p>Committee members appointed to the Licensing (General) Sub Committee are not required to be members of the Licensing & Planning Policy Committee.</p>	3

	<p>The three members appointed for any hearing shall be selected by Democratic Services, and the sub-committee will appoint a Chair for a sub-committee meeting.</p> <p>Members of any licensing sub-committee must be trained in licensing matters to participate in any such meeting.</p>	
<p>Shareholder Sub Committee</p> <p>(politically balanced)</p>	<p>The Shareholder Sub-Committee acts in accordance with the terms of reference below so far as they relate to any company established as a wholly owned company of the council.</p> <p>The Strategy & Resources Committee shall appoint the Chair of the Shareholder Sub-Committee at its first meeting in the municipal year, who shall hold office until the next such meeting. If the Chair resigns by giving written notice of resignation to the Chief Executive, the sub-committee shall, as the first item of business at its next meeting, elect a successor, to hold office until a replacement can be appointed by the Strategy & Resources Committee. The Chair, if present, shall preside. If the Chair is absent, the Sub-Committee shall elect one of the members present as Chairman of the meeting.</p> <p>The Sub-Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.</p> <p>The committee must meet once per annum.</p> <p>(a) Power to remove and appoint company directors.</p> <p>(b) Approve the annual company business plan, ensuring that it aligns with the corporate objectives of the council.</p>	5

	<p>(c) Periodically evaluate financial performance of a company, and performance against the current business plan.</p> <p>(d) Consider any recommendations to cease trading by a company.</p> <p>(e) Monitor compliance with relevant legislation.</p> <p>(f) Approve any Shareholder Agreement with the company, or any variation to such agreement.</p> <p>(g) Consider such other matters, as require prior consultation with shareholders or as are reserved to the Shareholders in general meeting, and make such decision on those matters as they think fit.</p>	
Standards & Constitution Hearing Sub Committee	Determination of complaints referred by the Monitoring Officer and Investigating Officer regarding alleged breaches of the councillors' Code of Conduct . Such Panels shall comprise three Borough councillors serving on the Standards and Constitution Committee.	3

3. Advisory Panels

- 3.1. Advisory panels may make recommendations to the relevant committee or directly to the Full Council, if agreed by the relevant committee.
- 3.2. The council currently has three standing advisory panels which will report as required to the appropriate committee or Full Council. The terms of reference for all advisory panels are set out below.
- 3.3. In accordance with the aims and objectives set by the Full Council in its corporate plan the principles of best value, and within the approved budget and policy framework, the following advisory panels have been established to advise the council and its committees / sub-committees on any matter relating to the following subject area:
 - i. Financial Policy [Strategy and Resources Committee]
 - ii. Human Resources [Strategy and Resources Committee]
 - iii. Health Liaison [Community and Wellbeing Committee]
- 3.4. Note: Advisory Panels are subject to the rules on political proportionality.

Advisory Panel	Terms of Reference	Number of Councillors
Financial Policy Panel	<p>1 To advise the Strategy and Resources Committee on:</p> <p>(a) all matters relating to the budget and policy framework (including the setting of staff pay).</p> <p>(b) new legislation or government policy relating to local government finance.</p> <p>(c) procurement strategy and those matters that have budget or procurement implications for more than one committee.</p>	<p>8</p> <p>Membership to include: Chairmen of the Environment Safe Communities, Community & Wellbeing & Strategy & Resources</p>

	<p>(d) performance against key performance indicators.</p> <p>2 To ensure effective scrutiny of the treasury management strategy and policies.</p> <p>3 To respond on behalf of the Strategy and Resources Committee to urgent consultation requests from central or regional government.</p>	
Health Liaison Panel	<p>1 To advise the Community & Wellbeing Committee on:</p> <p>(a) preparing, promoting and monitoring the Council's Health Strategy in association with National Health Service bodies, Social Services and the voluntary sector.</p> <p>(b) providing leadership and liaising with NHS bodies, the County Council and other agencies to promote the effective use of all resources and the delivery of best value Health and Social Services to the community.</p> <p>2 Working in partnership with a councillor from each of the following – Elmbridge Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council and officers from these local authorities on:</p> <ul style="list-style-type: none"> Promoting the interests of the local residents in any decisions concerning health services. 	7

	<ul style="list-style-type: none"> • developing a shared vision for the nature, location and quality of local NHS services. • facilitating partnership working and the sharing of information and to co-ordinate input into the NHS decision-making processes. • providing a focus for the councillor-lead meetings and interaction with local NHS representatives. • Furthering the local democratic legitimacy of NHS bodies and their local public accountability. 	
Human Resources Panel	<p>1 To advise the Strategy and Resources Committee on:</p> <p>(a) Key points of the annual workforce report.</p> <p>2 The Panel is able to invite the Chair of the Staff Consultative Group to attend the Panel for specific items as and when required.</p>	6

4. Joint Arrangements

- 4.1. The council may establish joint arrangements with one or more local authorities, or other permitted bodies, to exercise functions of any of the participating authorities or advise the council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 4.2. The council has entered into a number of joint arrangements. Further details on these arrangements are set out below.

Joint Committee	Terms of Reference	Number of Councillors
Nonsuch Joint Management Committee	<p>Nonsuch Park is managed and maintained by a Joint Management Committee, comprising an equal number of councillors from Epsom and Ewell and Sutton Borough councils. The committee Chair rotates between the two councils annually. The two councils fund, on an equal basis, the running of the Park, after taking income into account.</p> <p>The committee is covered by the political balance arrangements.</p>	3
Coast to Capital Joint Committee	<p>The purpose of the Coast to Capital Joint Committee is to approve the Strategic Economic Plan and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership (LEP) area.</p> <p>The Coast to Capital area encompasses all of the county of West Sussex, Brighton & Hove, Lewes, Croydon and the four eastern Surrey districts (being this Epsom and Ewell, Mole Valley, Reigate and Banstead, and Tandridge). There are two county councils, two unitary authorities, 12 district and borough councils and the South Downs National Park Authority within the area and partnership. It is one of the larger LEPs outside London, with just</p>	1

	<p>under 2 million residents and over 150,000 businesses and organisations.</p> <p>The Committee includes representatives from all 16 authorities and the South Downs National Park Authority. The LEP and other business interests and organisations are not eligible to serve on this Joint Committee, which has been established under the Local Government Act 1972.</p>	
Epsom and Ewell Community Safety Partnership	<p>The council is required, under the Crime & Disorder Act 1998, to participate in a Community Safety Partnership along with several other statutory bodies. The council currently takes part in the Epsom & Ewell Community Safety Partnership, which has identified thematic priorities for collaborative working.</p>	1
Surrey Police & Crime Panel	<p>A joint committee comprising the 12 local authorities in Surrey and two independent members to carry out the functions set out in the Police Reform and Social Responsibility Act 2011.</p>	1

5. Area committees

- 5.1. The Full Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value, efficiency, and transparent and accountable decision making.
- 5.2. In the event that the Full Council decides, after consultation, to create any area committee(s), it will include, within a scheme approved for that purpose, provision for their form, composition and function. This is to avoid conflicts of interest through councillors' membership of other committees, related to access to information.

Area Committee	Terms of Reference	Number of Councillors
At present there are no area committees.		

Appendix 4 - Standing Orders of the Full Council

Introduction

The purpose of these Full Council rules of procedure (“FCR”, often referred to as the “Standing Orders”) is to regulate the proceedings and business of the Full Council of Epsom and Ewell Borough Council and ensure its business is carried out transparently and in accordance with good governance. The rules are there to guide and assist councillors with good decision making. They should not be used to obstruct the process of working efficiently and effectively. Definitions for key terms are available in **Annex 1.2 of the Operating Framework**.

1. FCR 1 - Calling a meeting

- 1.1. The Full Council will meet on such dates each year as are agreed when the calendar of meetings is approved or amended (ordinary meetings) or as required.
- 1.2. The Annual Meeting shall normally be held on an appropriate date in May at 19.00 hours.
- 1.3. The Budget Meeting shall normally be held on an appropriate date in February at 19.30 hours.
- 1.4. A meeting of the Full Council can be called at any time by the Mayor (an extraordinary meeting).
- 1.5. The Chief Executive, Chief Finance Officer and Monitoring Officer can each at any time direct that a meeting of the Full Council be called (an extraordinary meeting).
- 1.6. Any five councillors acting together may direct that a meeting of the Full Council be called (an extraordinary meeting). The councillors shall first send a joint written request asking the Mayor to call a meeting (the request should be sent to the Head of Legal Services). If the Mayor refuses or does not call a meeting within seven days after receiving the request, the councillors may direct the Head of Legal Services to do so forthwith. The request shall set out the business to be considered at the meeting.
- 1.7. In relation to every meeting, the Proper Officer shall send to all councillors a Summons to the meeting at least five clear working days before the day of the meeting.
- 1.8. The Summons shall specify the business proposed to be transacted at the meeting to which it relates.
- 1.9. Unless the contrary is set out in the Summons, meetings of the council shall begin at 19:30 hours and shall be held in the Council Chamber at The Town

Hall in Epsom.

2. FCR 2 - Order of business

2.1. At the Annual Meeting, the order of business shall be as follows:

- i. Appointment of the Mayor.
- ii. Appointment of the Deputy Mayor.
- iii. To receive any declarations of interest.
- iv. Consideration of the minutes of the previous meeting(s).
- v. Any business required by statute to be done.
- vi. Approval of the Constitution, with or without changes.
- vii. Appointments to committees (including any joint committees), sub-committees and panels in accordance with the political balance rules as appropriate.
- viii. Appointments of committee, sub-committee and Panel Chairs.
- ix. Appointments to Outside Bodies except where appointment to those bodies has been delegated by the Full Council to a Chair or confirmation of such, if such appointments have been previously made on a fixed term basis and that fixed term has not expired.
- x. Any business which in the view of the Mayor and Chief Executive is urgent and cannot be dealt with by one of the council's committees.
- xi. Approve a programme of ordinary meetings of the Full Council for the year.

2.2. At ordinary meetings the order of business shall be as follows:

- i. Appointment of a person to preside if the Mayor and Deputy Mayor are both absent.
- ii. To receive any declarations of interest.
- iii. Consideration of the minutes of any previous meeting not already approved.
- iv. Any business required by statute to be done.
- v. To receive such communications or deal with such business as the Mayor may wish to lay before the Full Council.
- vi. Business remaining from the previous meeting.
- vii. To receive any petitions from the public in accordance with the Petition Scheme (**Annex 6.1 of the Operating Framework**).

- viii. Questions from councillors.
- ix. Chairs' statements.
- x. Recommendations from committees.
- xi. Reports from officers.
- xii. Motions on notice.
- xiii. Any other business set out in the Summons or which may be added pursuant to Standing Orders.
- xiv. Any business which in the view of the Mayor and the Chief Executive is urgent and cannot be dealt with by one of the council's committees.

2.3. At an extraordinary meeting the order of business shall be as follows:

- i. Appointment of a person to preside if the Mayor and Deputy Mayor are both absent.
- ii. To receive any declarations of interest.
- iii. The business specified in the request / direction that the meeting be called.

2.4. Unless subject to a statutory requirement, the order of consideration of business at any meeting may be changed by the Mayor or by the will of the meeting following a motion to that effect, which shall be moved, seconded and put to the vote without debate. The mover of the motion shall be entitled to make a short statement (maximum 2 minutes) to explain why they believe the order of business should be changed.

2.5. Business which the Full Council decides should be exempt (not open to public observation) will be dealt with after the press and public have been excluded, and shall normally be considered after all other business has been concluded.

2.6. On consideration of the minutes of a previous meeting, there shall be no discussion except in relation to their accuracy. Any question as to the accuracy of the minutes shall be raised by way of a formal motion seeking to alter the minutes. Following approval of the minutes, they shall be signed by the Mayor.

3. FCR 3 - Quorum

3.1. No business may be transacted at a meeting of Full Council unless at least one quarter (rounded up) of the members of the Full Council are present.

3.2. If at the time a meeting is scheduled to start, or at any time during a meeting, the Mayor declares that a quorum is not present, the Mayor may call for an

adjournment of 15 minutes for quorum to be reached. If a quorum is still not achieved following this, the meeting shall be adjourned to a date and time fixed by the Mayor at the time the meeting is adjourned, or to the date of the next ordinary meeting of the full Council.

4. FCR 4 - Voting

- 4.1. Subject to the provisions of any enactments, all motions coming or arising before the council shall be decided by a majority of the members of the council present and voting thereon at a meeting of Full Council.
- 4.2. A question may be decided by “unanimous consent” where the Mayor asks if a matter is agreed and no member objects. In the event of any councillor objecting, a formal vote shall be taken.
- 4.3. Except as otherwise provided, voting shall be on a show of hands of those present.
- 4.4. In the case of an equality of votes, the Mayor shall have a second or casting vote.
- 4.5. The number of councillors voting for, against or abstaining on a Motion, shall be recorded in the minutes.

4.6. Request for a Recorded Vote on an agenda item

- 4.6.1. If a councillor present at the meeting requests a recorded vote on a matter, such councillor will require seven additional members present (8 in total) to support such a request and such request must be made before voting commences. In the event a recorded vote is agreed, the names for and against the motion or amendment or abstaining from voting, will be taken down in writing and entered into the minutes.
- 4.6.2. Unless a recorded vote has been taken, immediately after any vote has been taken, following a request to that effect from any councillor, their vote for or against the motion, or their abstention, shall be recorded in the minutes.

4.7. Voting on appointments to Outside Bodies

- 4.7.1. Where there are any appointments to be made to outside bodies by the council and the number of persons nominated exceeds the number of vacancies, a secret ballot shall be held. Each councillor shall be entitled to vote for as many individuals as there are vacancies. The nominee(s) with the most votes shall be taken to be appointed. The Chief Executive shall announce the voting figures and shall identify the successful candidates to the meeting, which shall be asked to give its consent to the appointments.

5. FCR 5 - Appointment of Committees and Chair

- 5.1. The Full Council shall at the Annual Meeting appoint such committees, sub-

committees, advisory panels and other bodies as are deemed necessary to carry out the work of the council.

- 5.2. The Full Council may at any time appoint such other committees or bodies as are necessary to carry out the work of the council, whether on an ongoing or time-limited project specific basis.
- 5.3. Subject to any statutory provision, Full Council:
 - i. Shall not appoint any member of a committee to hold office later than the next Annual Meeting of the Full Council unless such appointment is for a fixed term basis.
 - ii. May at any time dissolve a committee, sub-committee, advisory panel or other body, or alter its membership.
- 5.4. The Full Council may, at any meeting, including the Annual Meeting appoint a Chair and Vice-Chair of committees, sub-committees, advisory panels and other bodies. It may also appoint members of committees, sub-committees, advisory panels and other bodies, and nominate to outside bodies. In the event of any vacancy arising during the course of the municipal year, the relevant committee, sub-committee and advisory panels are able to make such appointments as necessary until the next meeting of Full Council. Appointments to vacancies on joint committees or nominations to outside bodies shall be made by Full Council at the next ordinary or extraordinary meeting of Full Council.
- 5.5. At any one time a councillor may hold the office of Chair of only one of any of the following committees:
 - i. Any of the four policy committees.
 - ii. Planning
 - iii. Audit and Scrutiny Committee
 - iv. Crime and Disorder Committee

6. FCR 6 - Speeches and Recorded Vote for Budget Decisions

- 6.1. The Chair of Strategy and Resources Committee will present the council's budget at the Budget Meeting. The presentation will not be subject to any time limit. A representative of each Group shall present their response to the budget, and they shall have 10 minutes to do so. The matter will then be opened to debate in accordance with Standing Orders. Any councillor wishing to speak on the budget will have 3 minutes to do so, and any amendment will be considered in accordance with Standing Orders. The Chair of Strategy and Resources Committee will conclude the debate on the budget with a reply lasting no longer than 10 minutes.
- 6.2. In any event, at any meeting of the Full Council at which a Budget Decision is made, there shall be a recorded vote on any decision relating to the budget or council tax. The names for and against any motion or amendment or abstaining from voting, will be taken down in writing and entered into the minutes.

7. FCR 7 - Role of the Mayor

- 7.1. The Mayor, if present, shall preside at meetings of the Full Council. If the Mayor is absent, the Deputy Mayor shall preside at a meeting.
- 7.2. If both the Mayor and Deputy Mayor are absent, the first business of the meeting shall be to elect a member to take the chair and preside over the meeting.
- 7.3. Should the Mayor wish, in exceptional circumstances, to take part in debate on an issue before the Full Council, they should vacate the Chair for the whole of that item in favour of the Deputy Mayor.
- 7.4. All powers or duties of the Mayor at a meeting may be exercised by whoever is appointed to preside over the meeting.
- 7.5. The ruling of the Mayor as to the meaning or application of these rules of procedure or as to any proceedings of the full Council shall be final and shall not be challenged at any meeting of the full Council.
- 7.6. The Mayor shall decide whether any question or motion submitted by a councillor is in order and should be included in the agenda. If any question or motion is ruled out of order, the councillor who gave it shall be informed of the reason for such ruling.
- 7.7. The Mayor, following consultation with the Chief Executive, shall decide whether an item of business not set out in the summons shall be considered at a meeting as a matter of urgency by reason of special circumstances, which shall be announced and specified in the minutes of the meeting.
- 7.8. The Mayor shall rule on any point of order which arises during a meeting, and shall first be entitled to seek such advice as they think necessary.
- 7.9. The Mayor shall control the debate on any matter to avoid excessive repetition and confine debate within the scope of the meeting and reasonable limits of time. In so doing, the Mayor shall remain impartial and ensure that different viewpoints are heard.
- 7.10. Whenever the Mayor stands up during a debate any member then standing shall resume their seat and the councillors shall be silent. The Mayor may interrupt the debate to restore order by using the command “order”, or by striking the gavel. The councillors must then be silent until the Mayor calls on a councillor to speak.

8. FCR 8 - Good Order at Meetings

Disturbance by the public

- 8.1. If a member of the public interrupts the proceedings at any meeting the Mayor shall issue them a warning. If they continue the interruption the Mayor shall order their removal from the Meeting. In case of general disturbance in any area open to the public, the Mayor shall order that area to be cleared.
- 8.2. In the event of a public disturbance, the Mayor may without question adjourn the meeting for such period as s/he considers expedient.

Disorderly conduct by Members

8.3. If any councillor:

- (a) persistently disregards the ruling of the Mayor; or
- (b) behaves irregularly, improperly or offensively; or
- (c) deliberately disregards procedure; or
- (d) deliberately obstructs the business of the meeting; or
- (e) imputes improper motives, or uses any offensive expression, to any other councillor.

Then the Mayor will name the councillor and require such councillor to apologise and / or refrain from such behaviour immediately.

8.4. If a councillor, despite a Mayoral warning under Standing Orders, continues with their behaviour, the Mayor may take such action as is needed to prevent such behaviour impacting the conduct of the meeting. Such action may include:

- (a) forbid the councillor from speaking for some or all of the rest of the meeting;
- (b) order the councillor to leave the meeting for all or part of the remaining business.
- (c) order the councillor to be removed from the meeting.
- (d) adjourn the meeting for such period as they think fit

8.5. The decision of the Mayor as to acceptable conduct whether by councillors or the public shall be final.

9. FCR 9 - Guillotine

9.1. If all business has not been dealt with by 22.00 hours, the Mayor shall review the order of the remaining items on the agenda. Any items still outstanding shall be dealt with in the order announced by the Mayor with those items requiring a decision to be completed by 22.30 hours. The Mayor may, in order to deal with matters, which remain outstanding, adjourn the meeting to a day and time to be appointed by the Mayor.

9.2. A meeting must not sit later than 23.00 hours in any event and the operation of this Standing Order cannot be suspended.

10. FCR 10 - Adjournment of meetings

10.1. The Full Council may adjourn any meeting to a later hour on the same day, or to any other day and hour so long as it is within 10 working days of the original meeting.

10.2. If no date is set by Full Council for a reconvened meeting, the date shall be

determined by the Mayor in consultation with the Chief Executive.

- 10.3. An adjourned meeting shall be deemed a continuation of the original meeting.
- 10.4. No business shall be transacted at any adjourned meeting which was not included in the notice convening the meeting of which it is an adjournment, subject to any agreed urgent item which may have been included by the original meeting.
- 10.5. Written notice of the adjourned meeting shall be sent by any statutory officer to each councillor specifying the business to be transacted.

11. FCR 11 – Chairs’ statements to Full Council

- 11.1. The Chair of each of the policy committees is able to submit a Chairs’ statement to be included as a standard item on the agenda for each Full Council meeting (excluding the Annual Meeting and Budget Meeting). This will be a short statement briefing councillors on the current events and issues relating to the relevant committee’s area of work.
- 11.2. At the conclusion of all of Chairs’ statements, 15 minutes will be set aside for councillors to ask questions on the statement of any Chair.

12. FCR 12 - Questions from members of the council

- 12.1. Ordinary meetings, except the Annual Meeting and Budget Meeting, will have 30 minutes for councillors to ask questions if the requirements of this Standing Order are satisfied. If a question is being asked or answered at the time limit, the answer must be completed within 5 minutes.
- 12.2. Notice of the question must be given in writing to the Democratic Services Manager no later than noon on the tenth clear working day before the day of the meeting.
- 12.3. The question must be addressed to the Mayor or the Chair of any committee, sub-committee or advisory panel.
- 12.4. The question must relate to a matter on which the council has statutory powers or duties or which affects the Borough or its inhabitants.
- 12.5. The Mayor, following consultation with the Head of Legal Services will reject a question, if it:
 - i. Is not about a matter falling within this Standing Order.
 - ii. Concerns a matter which could be raised as casework or through the council’s complaint’s procedure or is specific to a particular individual or their property.
 - iii. Is defamatory, frivolous or offensive.
 - iv. Criticises or purports to criticise an employee / officer’s competence and / or conduct and the employee / officer is identified by name, title or in any other way.
 - v. Is substantially the same as a question which has been put at a meeting of the Full Council in the past six months.

- vi. Requires the disclosure of confidential or exempt information.
- 12.6. Questions shall be called by the Mayor in the order in which notice of the question was received, except that if a councillor gives notice of more than one question, their second or subsequent question(s) shall appear after all of the first questions submitted by other councillors, and so on.
- 12.7. Where practicable, a written answer to each question shall be circulated to all councillors no later than one working day before the meeting. Any oral answer may be committed to writing, and if so, will be published within four working days after the meeting.
- 12.8. A written answer must be provided within four working days to any questions not called within the 30 minute period and in respect of which no written answer has already been circulated to members.

Response to Questions

- 12.9. Every question shall be put and answered without debate or comment from any other councillor. If no written answer has been circulated to councillors in advance, an explanation shall be provided as to why it has not been practicable to provide a written answer.
- 12.10. Where a question has been answered, the questioner may ask one supplementary question, which must arise from the reply provided.

Councillor asking question absent from meeting

- 12.11. If a councillor asking a question (the questioner), knows they will be absent from the Full Council meeting, they may notify the Mayor of which other councillor will ask the question on their behalf. Such nominated councillors shall have the same rights as the questioner. If the councillor is absent and no substitute has been appointed, the Mayor shall first ask whether any other councillor from within the same Group as the questioner wishes to take the opportunity to ask a supplementary question. If the councillor concerned is not in a Group, or no member of the Group wishes to ask a supplementary question, then any other councillors may indicate to the Mayor their wish to ask a supplementary question, and the Mayor shall call on the first to do so, to ask their question.

Urgent Questions

- 12.12. With the consent of the Mayor, following consultation with the person to whom the question is addressed, a question may be asked of which the notice required by Standing Orders has not been given where:
 - i. the question relates to an urgent matter or on an issue of relevance or importance that has come to light after notice which could have been given under Standing Orders.

In this case, notice shall be given, as soon as is practicable, and no later than noon on the day of the meeting. The time for questions from councillors will be extended to allow the asking of and reply to such a question at the meeting.

13. FCR 13 – petitions

- 13.1. All petitions received shall be dealt with in accordance with the council's Petition Scheme, which is set out at **Annex 6.1 of the Operating Framework**.

14. FCR 14 - Motions

Duration of debate

- 14.1. Council meetings will have 90 minutes set aside to deal with all motions (including amendments) which have been brought.

Motions challenging previous decisions

- 14.2. Until at least two further ordinary meetings of Full Council have been held (being a period of no less than 6 months), no motion may be moved to rescind or alter any decision of the Full Council or a decision of a committee on a matter within its terms of reference, and no motion or amendment to the same effect as one which has been rejected by Full Council or a committee shall be moved unless, in either case:

- ii. It is recommended by a committee,
- iii. Notice of the motion has been given by at least seven councillors of the Council acting together.

Notice of motion and withdrawal of motion

- 14.3. Subject to Standing Orders on motions, where notice must be given in writing and those which may be moved without notice, any councillor may propose a motion at any meeting of the Full Council.
- 14.4. A notice of motion (other than a recommendation from a committee) must be given on the prescribed form (which can be obtained from Democratic Services) and delivered to the Democratic Services Manager by no later than noon on the tenth clear working day before the date of the meeting at which it is intended to be considered. A record will be kept of all motions received and these will be dated and numbered in the order in which they were received.
- 14.5. All motions of which notice has been duly given shall be set out in a report to the meeting in order of receipt.
- 14.6. If a councillor wishes to withdraw a motion before it appears in the agenda or before the start of a meeting, they must confirm such withdrawal to the Democratic Services Manager in writing.

Motion set out in agenda

- 14.7. Motions for which notice has been given will be listed on the agenda in the order in which the notice was received, unless the councillor giving the notice wishes to withdraw or proposes the motion for a later meeting. Motions shall be formerly moved by the councillor who gave notice, or on the written request of this councillor, by another councillor on their behalf.

Urgent Motions

- 14.8. The period of notice referred to in 14.4 above is not required in respect of Urgent Motions, provided at least one fifth of councillors have given written

notice of the Motion to the Democratic Services Manager by noon of the day of the meeting of the Council. An Urgent Motion may only be considered at the meeting if the Mayor agrees that, due to special circumstances (which must be specified in the Minutes); the subject of the Motion should be considered at the meeting as a matter of urgency.

Scope and wording of Motions

14.9. All motions, including urgent motions, must be relevant to some matter on which:

- i. The council has powers or duties.
- ii. Affects the Borough.
- iii. Is something of national significance where there is a wish to acknowledge or celebrate.

14.10. Motions that relate to the functions of a policy committee, once determined by the Full Council, shall be referred to the relevant policy committee for consideration if action is required.

14.11. If notice is given of any motion, including urgent motions, which in the opinion of the Mayor, following consultation with the Monitoring Officer is out of order it shall not be accepted or placed on the agenda. If a motion is not accepted the councillor who gave the notice will be informed in writing. A motion can be ruled out of order if:

- i. It is not about a matter for which the council has responsibility or which affects the Borough;
- ii. Is defamatory, frivolous, or offensive.
- iii. Is in breach of Standing Orders on motions challenging previous decisions.
- iv. Requires disclosure of confidential or exempt information.

Motion not moved at meeting

14.12. If at the meeting, a motion is not moved either by the councillor who gave the notice or some other councillor it shall be treated as withdrawn and shall not be moved without fresh notice being given.

Withdrawal of a Motion

14.13. A motion which has been moved and seconded may only be withdrawn with the consent of the meeting.

Motions without notice

14.14. The following motions may be moved without notice:

- i. To appoint a person to preside at a meeting
- ii. To correct the minutes.

- iii. To change the order of business.
- iv. To remit a matter to a committee.
- v. To appoint a committee arising from an item mentioned in the summons.
- vi. To adopt recommendations of committees or officers and to take action resulting from such adoption.
- vii. That leave be given to withdraw a motion.
- viii. To suspend rules of procedure.
- ix. To amend a motion.
- x. To defer consideration of a matter to a later date.
- xi. To adjourn the meeting.
- xii. To proceed to next business.
- xiii. That the question be now put.
- xiv. That a member be not further heard.
- xv. To exclude the public.
- xvi. To give the consent of the Full Council, where consent is required by these standing orders.

15. FCR 15 – Consideration of committee recommendations

- 15.1. A recommendation from any committee shall constitute a motion to be proposed by the Chair and shall not require to be seconded. If the Chair is not present, the Vice Chair or another member of the committee shall propose the recommendation.
- 15.2. A recommendation is open to debate in accordance with the Standing Orders on rules of debate.
- 15.3. A recommendation cannot be amended if to do so would contravene the requirement of the law or of the process for such decision-making.

16. FCR 16 – Rules of debate on Motions

Addressing the Mayor

- 16.1. After being called by the Mayor, a councillor shall stand when speaking, and address the Mayor. Only one councillor shall speak at any one time, and all other councillors shall remain seated, unless rising to make a point of order / Personal Explanation. If more than one councillor stands the Mayor shall indicate the order of speakers. Subject to Standing Orders on points of order and Personal Explanation, all other councillors shall remain seated whilst a councillor is speaking.
- 16.2. If a councillor stands to raise a Point of Order or point of Personal Explanation, the councillor shall be heard immediately, and any councillor

then speaking shall give way.

Points of Order

- 16.3. A councillor may raise a Point of Order at any time. The Mayor will hear them immediately. A Point of Order may only relate to an alleged breach of these Standing Orders or the law. The councillor must identify the Standing Order or rule of law being breached before the councillor sets out their reasoning in which they consider has been broken. The ruling of the Mayor on a Point of Order will be final.

Personal Explanation

- 16.4. A councillor may make a Personal Explanation at any time. A Personal Explanation may only relate to some material part of the earlier speech by the councillor (made at the meeting), which may appear to have been misunderstood in the present debate. The councillor raising the point shall specify what they said earlier and how they feel this has been misunderstood. The ruling of the Mayor on the admissibility of a Personal Explanation will be final.

Motion to be put before debate

- 16.5. There shall be no debate unless a motion has been proposed and (except where specifically stated) seconded. In the event an amendment is proposed, the original motion must be moved first and seconded and only then can the proposer of an amendment indicate to the Mayor of their intention to propose an amendment.
- 16.6. Once a motion as been put, the Mayor will invite councillors to decide how the motion on notice should be dealt with. The Mayor will ask for a vote without debate on whether the motion should be referred to an appropriate committee for consideration. The decision to refer to an appropriate committee will be on the basis of a simple majority. If the motion is referred to a committee, the committee in question must consider the motion.

Process for Motions to be debated by Council

- 16.7. The order of speeches is set out in Standing Order 16.9 below. The motion shall be opened for debate with the Mayor requesting those wishing to speak to indicate their wish to do so by raising their hand.
- 16.8. Councillors shall generally be called to speak in the order in which the Mayor notes their wish to speak, except that the Mayor may alternately invite speakers from opposing sides of the debate, to seek to maintain a balanced debate.

Process of debate and length of speeches

- 16.9. Speeches must be directed to the motion / amendment under discussion or to a Personal Explanation or Point of Order.
- 16.10. Councillors and officers at a meeting shall be addressed or referred to by their respective titles.

16.11. The order and times for speeches on motions will be as follows. A flow chart of the process is provided at Standing Order 17.12.

- i. Once the motion has been proposed and seconded, the proposer of the motion may speak to their motion and the seconder may speak or reserve their right to speak (the seconder must exercise that right before the reply of the Chair of the relevant committee).
 - The proposer of the motion will have 7 minutes to set out their motion.
 - The seconder shall have 5 minutes to second the motion.
- ii. In the event that an amendment is proposed, the motion must first be moved and seconded, only then can the proposer of an amendment put forward their amendment. The procedure for amendments to motions is set out in Standing Order 17.12 below.
- iii. All other councillors wishing to speak on the motion will have 3 minutes.
- iv. The relevant committee Chair has a right to reply to the motion and shall have 5 minutes to respond.
- v. The proposer shall have the right to respond and sum up and will have 5 minutes to do so.
- vi. Neither the Chair of the relevant committee nor the proposer of the original motion shall otherwise speak on the motion or an amendment to such, unless in accordance with Standing Orders. If they do so, they forfeit their right to reply to the debate on that motion or amendment.

16.12. When there is no-one else wishing to speak, or the Mayor determines that there has been sufficient discussion, or following agreement of a “closure motion”, the Mayor shall call on the Chair of the relevant committee followed by the proposer of the motion (if it is not a recommendation from a committee) to speak before the motion is put to the vote.

17. FCR 17 – Amendments to Motions

- 17.1. Amendments to a motion must comply with the requirements of Standing Orders. They must either be submitted in writing in advance of the meeting or at the meeting. Amendments which have been submitted in advance will be called by the Mayor in such order as shall best facilitate their consideration, immediately following the speech of the proposer, but shall be moved and seconded before being debated.
- 17.2. An amendment to a motion may be moved and seconded during the debate but shall be provided in writing to the Mayor before being debated.
- 17.3. Only one amendment shall be debated at a time.
- 17.4. An amendment must be relevant to the motion. It must take the form of a proposal:

- i. To refer the matter back to committee.
- ii. To leave out words.
- iii. To leave out words and insert or add others.
- iv. To insert or add words.

17.5. The Mayor shall not accept an amendment(s) if:

- i. It is outside the scope of the original motion.
- ii. It is outside scope the meeting.
- iii. It is outside the council's powers.
- iv. It would contravene Standing Orders on challenging a previous decision.
- v. Has the same effect as voting against the motion.
- vi. Appears to be frivolous, vexatious, defamatory, or offensive.
- vii. Where an amendment has already been considered or is of a similar nature to one which has already been considered.
- viii. Where several amendments having already been considered, it is considered further amendments would have the effect of unreasonably prolonging debate on a matter.

Mayor to rule whether amendments are in order

17.6. The proposer of the amendment shall propose the amendment and call for a seconder. Once the seconder has seconded the request for an amendment, the Mayor will then rule whether such proposed amendment is in order.

Mover of original motion to be asked if they accept the amendment

17.7. If the proposed amendment is ruled in order, the mover of the original motion will be asked if they wish to accept the amendment. If the proposed amendment is ruled out of order, it will fall and the original or motion will be allowed to proceed to debate.

17.8. If the proposed amendment is accepted in full or in part by the mover of the original motion, there shall be no debate on the proposed amendment and the original motion shall be amended accordingly incorporating the accepted amendment(s).

17.9. In the event the mover of the original motion does not accept the proposed amendment, the amendment will be debated in accordance with Standing Orders.

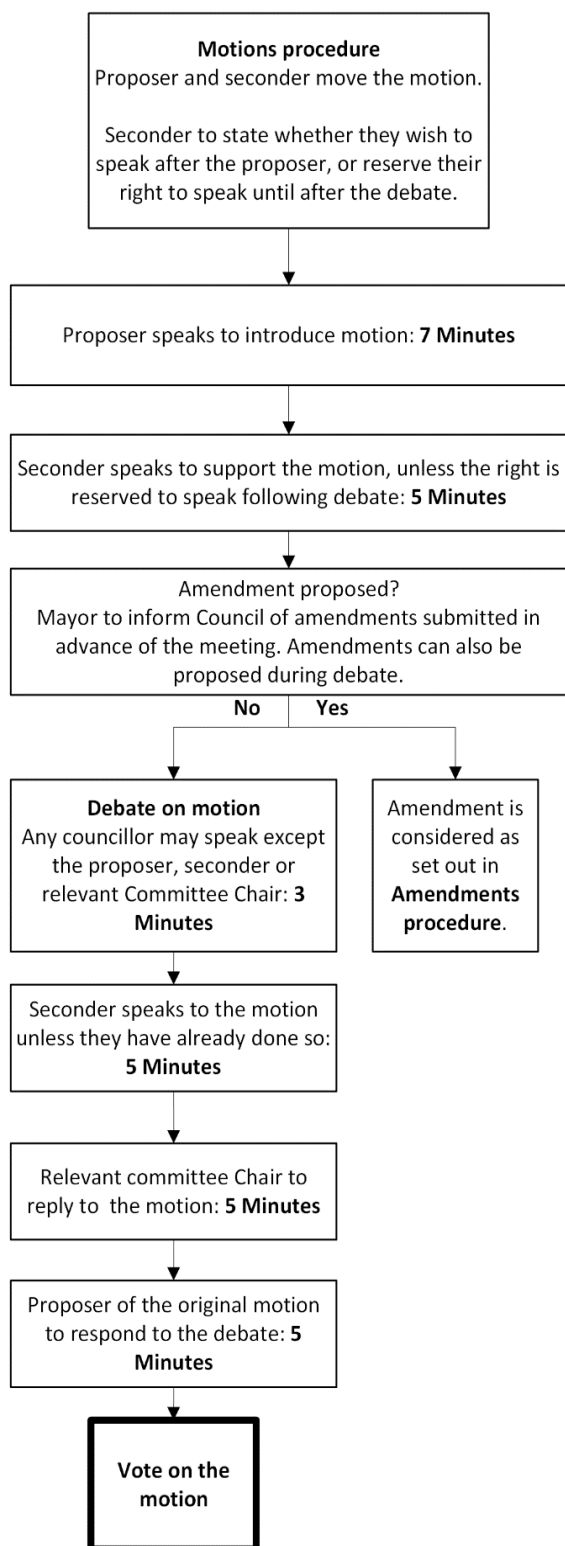
Order and times of speeches on amendments

17.10. The order and times for speeches on amendments ruled in order, and not agreed by the original motion proposer will be as follows. A flow chart of the process is provided at Standing Order 17.12.

- i. The proposer of the original motion, will have 7 minutes to set out their motion (if they have not already done so), and the seconder has either spoken or reserved their right.
- ii. The proposer of the amendment may speak to their amendment and the seconder of the amendment may speak or reserve their right to speak (the seconder of the amendment must exercise that right before the reply of the Chair of the relevant committee).
 - The proposer of the amendment will have 5 minutes to set out their amendment to the motion.
 - The seconder of the amendment shall have 3 minutes to speak to the amendment.
- iii. All other councillors wishing to speak on the amendment will have 3 minutes. The mover of the amendment has no right of reply to the debate on their proposed amendment.
- iv. The relevant committee Chair has a right to reply to the amendment and shall have 5 minutes to respond.
- v. The proposer of the original motion shall have the right to respond to the amendment and will have 3 minutes to do so.
- vi. The amendment shall then be put to the vote.

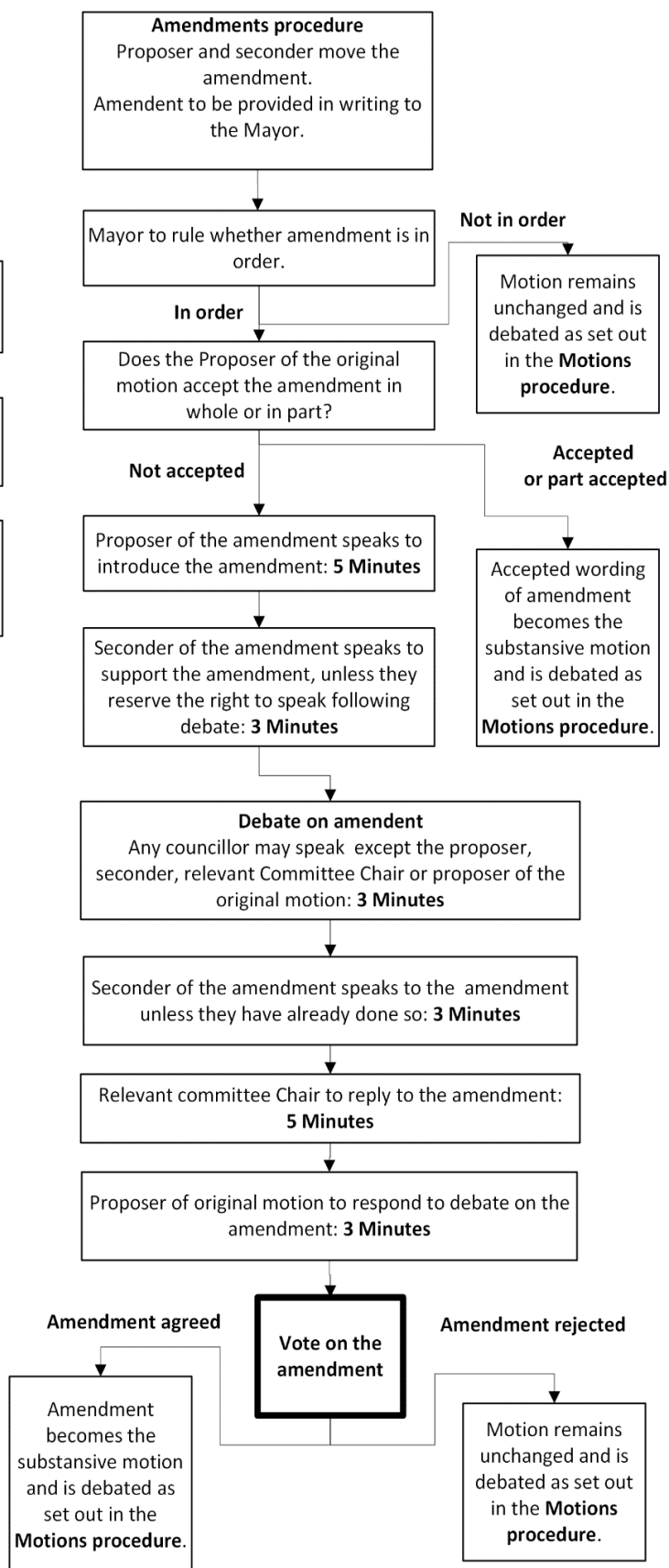
17.11. If an amendment is carried (agreed), the motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments may be moved. The proposer of the original motion now becomes the proposer of the amended motion.

17.12. Motions Flowchart



Note:

No Member may speak more than once on a motion or more than once on an amendment unless otherwise permitted by standing orders.



18. FCR18 - General matters on a motion or amendment

18.1. No councillor may speak more than once on a motion or on an amendment unless the operation of Standing Orders permit otherwise, namely:

- i. To speak once on any new amendments.
- ii. To move a further amendment if a previous amendment is not carried or the motion has been amended since they last spoke.
- iii. If their speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried).
- iv. In exercise of a right to reply as a Chair, or as the proposer.
- v. On a Point of Order.
- vi. By way of Personal Explanation.

18.2. Whilst a motion or amendment is under debate no other motion shall be moved except any one of the following:

- i. To remit a matter to committee for consideration / reconsideration.
- ii. To defer consideration of a matter to a later date.
- iii. To adjourn the meeting.
- iv. To proceed to next business.
- v. That the matter be now put.
- vi. That a councillor be not further heard.
- vii. To exclude the public.
- viii. to give the consent of the Council, where consent is required by these standing orders.

18.3. The maximum time for any speech shall not be exceeded except with the consent of the Mayor.

18.4. Councillors must not speak about anything except the subject under discussion, or to raise a Point of Order, point of Personal Explanation or to raise a motion or amendment in accordance with Standing Orders.

19. FCR 19 - Closure motions

19.1. At the conclusion of the speech of another councillor any councillor (except the proposer or seconder of the motion and, as the case may be, the amendment under debate), including the Mayor, may move one of the motions listed in Standing Orders 18.2 (i) to (v) above (a “closure motion”). When moving a closure motion the councillor must refer to these rules of procedure and state which motion they are moving and, once the Mayor has ruled that the motion is in order, will be given the opportunity to explain why it is being moved (max. 5 minutes).

- 19.2. On a motion to remit a matter to a committee, the Mayor shall give the Chair of the committee the right to reply to the motion (max. 5 minutes), after which the motion shall be put to the vote without debate or comment.
- 19.3. On a motion to defer consideration of a matter to a later date or to adjourn the meeting, if the Mayor considers that the matter requires further discussion but it cannot reasonably be discussed at the meeting in question, the motion to defer shall be put to the vote without debate.
- 19.4. On a motion to proceed to next business, unless the Mayor thinks that the council needs to reach a decision at that meeting on the matter then under consideration, the motion to proceed to next business shall be put to the vote, without comment or debate.
- 19.5. On a motion that the question be now put, unless the Mayor thinks that there has been insufficient debate of the matter, the Mayor shall first put to the vote the motion that the question be now put and, if it is passed, shall give the mover of the motion under consideration a right of reply (max. 3 minutes) before putting that motion to the vote.

20. General

- 20.1. Unless otherwise stated in these rules of procedure or statute, where anything in these rules of procedure is required to be done in writing, this will include by email.
- 20.2. A rule, or part of a rule, may not be suspended or revoked if it is a statutory requirement or the operation of Standing Orders does not permit a suspension. It is not necessary for the exact words of the statute to be repeated in a rule. Any of the other rules may be suspended by the council by agreeing a motion to that effect provided that either:
 - i. A notice of motion has been given under Standing Orders including an intention to suspend the Council's rules of procedure.
 - ii. A motion has been moved under Standing Orders which can be moved without notice and at least two thirds of the whole number of councillors are present.
- 20.3. For the avoidance of doubt, if there is any conflict in the operation or application of Standing Orders, the matter will be determined by the Mayor whose decision on the matter will be final.
- 20.4. All references to the Mayor will include the Deputy Mayor as the context so requires or is deemed necessary, where such sits in the absence of the Mayor.

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Annex 4.4 - Standing Orders relating to the Conduct of Committees, Sub-Committees, and Advisory Panels

The purpose of these committee rules of procedure (“CPR”, often referred to as the “Standing Orders”) is to regulate the proceedings and business of Epsom and Ewell Borough Council’s committees, sub-committees and advisory panels, to ensure that the council’s business is carried out transparently and in accordance with good governance. The rules are there to guide and assist councillors with good decision making. They should not be used to obstruct the process of working efficiently and effectively. Definitions for key terms are available in the Framework (Annex 1.2).

1. CPR 1 – Questions from the public

- 1.1. The procedure for hearing questions from the public is available in Annex 4.5.
- 1.2. Arrangements for public speaking at Planning Committee and licensing sub-committees are available in the Framework (Annex 4.10 and Annex 4.11).

2. CPR 2 - Petitions

- 2.1. The council’s Petition Scheme outlines what a petition is and how to submit a valid petition, see the Framework (Annex 6.1).

3. CPR 3 - Committee, sub-committee and advisory panel timetables and agendas

- 3.1. The Head of Legal Services / Monitoring Officer will prepare a timetable of meetings of the council’s committees, sub-committees, advisory panels and joint committees (as appropriate) each year and submit it to Full Council for approval. Meetings shall be organised in accordance with the approved timetable. The Head of Legal Services / Monitoring Officer may re-arrange the date for, add a further date or cancel, a meeting if they and the Chair of the body in question are both satisfied that there is good reason for doing so or insufficient business to justify the meeting being held, or for other reasons which in their view are sufficient. When a meeting is cancelled or the date is changed, the Head of Legal Services / Monitoring Officer shall notify councillors accordingly. When possible, notice of the cancellation or change shall also be posted on the council’s website.
- 3.2. The Head of Legal Services / Monitoring Officer must publish an agenda at least five working days before every meeting of any committee, sub-committee, advisory panel and joint committee or as soon as the meeting is called whichever is later.
- 3.3. The agenda must include:

- i. All items of business referred to the committee, sub-committee, advisory panel or joint committee.
 - ii. Any reports submitted to the committee or sub-committee by the Chief Executive, Directors, or Heads of Service.
 - iii. Any item of business which the Chair requires to be included.
- 3.4. Any councillor who wishes to request that a particular item of business be included must give notice in writing to the Head of Legal Services / Monitoring Officer by noon on the tenth working day before the date of the meeting.
- 3.5. A report shall not be submitted to a policy committee, sub-committee or advisory panel if, in the opinion of the Head of Legal Services / Monitoring Officer, it does not comply with legal or policy requirements.
- 3.6. Subject to any requirements of the Chair, the Head of Legal Services / Monitoring Officer must arrange the order of business in a manner in which they consider will ensure the effective despatch of business.
- 3.7. If it is not possible, owing to exceptional circumstances, to include a report on a particular item on the agenda before it is despatched, or if a report is proposed to be put to the meeting as a matter of urgency in special circumstances under Section 100 B of the Local Government Act 1972, the Head of Legal Services / Monitoring Officer shall circulate it to every person entitled to receive the papers of the committee or sub-committee as soon as practicable after they have been prepared.
- 3.8. The Audit and Scrutiny Committee has the right to call-in any decision of a policy committee, other than a recommendation to the Full Council, in accordance with the protocol on use of call-in procedure set out in the Framework (**Annex 4.9**).
- 4. CPR 4 - Special meetings of committees, sub-committees and advisory panels**
- 4.1. The Chair of any committee (or in their absence the Vice Chair) or the Chair of any sub-committee, advisory panel or joint committee may call a special meeting of that committee at any time. The Chief Executive, Chief Finance Officer and Monitoring Officer may also call a special meeting to consider business at any time.
- 4.2. A special meeting may also be called if a joint written request signed by at least three, or one quarter of the total number of the voting members of the committee or other body (whichever is the greater) has been made to the

Chair of the committee or body (or in their absence, Vice Chair). The request should be sent to the Head of Legal Services / Monitoring Officer.

4.3. The Chair may not refuse to hold a special meeting in such circumstances and a special meeting must be called within seven working days of the presentation of such a properly constituted request.

4.4. The request to call a special meeting must state the business to be transacted and no other business. The Head of Legal Services / Monitoring Officer must fix a date for the meeting which, so far as practicable, is appropriate for the proper despatch of that business (upon which the Standing Order for circulation of papers will then apply).

5. CPR 5 - Rights and duties to attend meetings

5.1. Councillors who are members of a committee, sub-committee, advisory panel or other body are expected to attend those meetings. If they are unable to, they should notify the Chair and Democratic Services, and where appropriate, seek a substitute.

5.2. With the exception of Licensing Sub-Committees and the Standards Hearing Sub-Committee, any councillor may attend the meetings of all committees, sub-committees and advisory panels as an observer, and may speak if permission is given by the Chair. Such permission to speak will not normally be refused by the Chair. The protocol for non-committee members speaking at committees is available in the Framework (**Annex 4.6**). This section does not apply to Planning Committee, where separate rules apply (see the Framework, **Annex 4.11**).

5.3. A co-opted member of a committee, sub-committee or advisory panel has the right to attend all meetings of that body but may speak only on matters which the Chair considers reasonably and fairly relate to the purposes for which they were appointed to the body. Co-opted members may not speak on the appointment of a Chair or Vice Chair or be elected to those offices.

5.4. The Audit and Scrutiny Committee may require the Chair (or nominated substitute) of a policy committee, the Chief Executive, a Director and / or any Head of Service to attend before it to explain matters within its remit, such as:

- i. Any particular decision or series of decisions.
- ii. The extent to which the actions taken implement council policy.
- iii. Their performance.

5.5. It is the duty of those persons named on Section 5.5 to attend if so required.

- 5.6. Notwithstanding anything said above, a member whose motion has been referred by the Full Council to a committee shall be given notice of the meeting at which it is proposed to consider the motion.

6. CPR 6 - Quorum

- 6.1. The quorum of a policy committee, sub-committee, Audit and Scrutiny Committee or advisory panel shall be at least one quarter of the total number of members of the relevant body rounded up to the next whole number, but shall never be less than three except where authorised by statute or where ordered by the Full Council. Note: the three members in total includes the Chair and Vice-Chair.
- 6.2. If there is no quorum at the time the meeting is summoned to start, the Chair will allow a delay of fifteen minutes to see if a quorum assembles. If there is still no quorum at the end of that period, the meeting must be reconvened at another time.
- 6.3. If during any meeting of a committee, sub-committee or advisory panel the Chair ascertains that a quorum is not present, the meeting shall stand adjourned for fifteen minutes. If after fifteen minutes there is still no quorum present, the meeting shall end.
- 6.4. The Chair may fix a date and time to deal with any business which cannot be dealt with because the meeting is not quorate in accordance with Standing Orders. If they do not do so, the business shall be dealt with at the next timetabled meeting of the committee, sub-committee or advisory panel.
- 6.5. Note: different rules may apply to meetings of joint bodies.

7. CPR 7 - Role of the Chair and Vice Chair

- 7.1. A protocol on the role of the Chair and Vice Chair is available in the Framework ([Annex 4.12](#)).

8. CPR 8 - Absence of a Chair

- 8.1. If the Chair is absent from a meeting, the Vice Chair shall chair the meeting. In the absence of a Vice Chair, or if no Vice Chair has been appointed by the Full Council, the committee must elect a person to Chair the meeting. A Chair or Vice Chair must be drawn from the membership of the committee or sub-committee. Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person chairing the meeting.
- 8.2. If the Chair or Vice Chair enters the meeting after another member has been appointed to preside, that member must immediately, at the conclusion of the matter under discussion, offer the chair to the Chair or Vice Chair.

- 8.3. If the Chair resigns or is unable to act as the Chair, the Vice Chair shall become the Chair until a new Chair is elected for the remainder of the municipal year by the Full Council. If the Vice Chair resigns or becomes unable to act as the Vice Chair, then the committee shall elect a new Vice-Chair until the end of the municipal year or to the next Full Council meeting, whichever is the earlier.

9. CPR 9 - Guillotine

- 9.1. At 22.00 hours (or two and a half hours after a meeting has commenced or as may be appropriate), the Chair of a meeting shall review the business to be transacted and shall order the items so as to dispose of all matters requiring a decision by 22.30 hours. In respect of any matters still outstanding at 22.30 hours, the committee shall be asked to decide either that these be agreed as presented without debate / discussion, or that they be held over until the next meeting.
- 9.2. A meeting must not sit later than 23.00 hours in any event and the operation of this Standing Order cannot be suspended.

10. CPR 10 - Minutes

- 10.1. The minutes of any meeting of a committee, sub-committee or advisory panel shall be written and presented to the next meeting of the relevant body.
- 10.2. The Chair shall put that the minutes of the meeting held on the day in question to be signed as a true record.
- 10.3. There shall be no discussion on the minutes, except in relation to their accuracy. If no question of accuracy is raised, or as soon as any question is settled, the Chair shall initial each page of the minutes in addition to dating and signing the final page of the said document.
- 10.4. If the committee, sub-committee or advisory panel is not scheduled to meet again, or is not likely to meet in the foreseeable future, the Chair of the committee or sub-committee (or in the absence of the Chair, any member of it) may sign the minutes using the above procedure, when the proceedings of that body are reported to (or at a convenient meeting of) the Full Council, or the parent committee, subject to the resolution of all questions as to their accuracy which may then be raised by members who were present at the meeting.
- 10.5. The minutes will reflect points at which any members leave or enter the meeting room and were not present when matters were being voted on.

11. CPR 11 – Terms of Reference and powers delegated by Full Council

- 11.1. A committee, sub-committee or advisory panel shall act in accordance with its terms of reference and delegated powers as agreed by the Full Council, set out in **Appendix 3**.

12. CPR 12 - Rules of debate

- 12.1. Meetings of policy committees, sub-committees and advisory panels are to be conducted with as little procedural formality as is consistent with the need for good order and the effective conduct of business. However, the following guidelines should be taken into account.

12.2. Proposals and amendments

- 12.2.1. The officers' recommendations in a report shall constitute proposals which do not require to be moved and seconded and shall be the basis for debate.
- 12.2.2. During a debate, a member should make it clear if they are suggesting something which they wish to be, or form part of, the decision of the policy committee, sub-committee or advisory panel. It is best practice for any such proposals to be seconded, and the Chair may require them to be submitted in writing so that they may be read to the meeting before being discussed. For the sake of clear and transparent decision making, the Chair should explicitly ask the committee to agree to any such proposal and if any member disagrees, a vote by show of hands should be taken prior to any further debate.
- 12.2.3. Members must not speak about anything except the subject under discussion, a Point of Order, Personal Explanation or declaration of interest.
- 12.2.4. Members have no right to speak as often as they wish on a particular agenda item and the Chair may rule that a member may no longer be heard. The Chair's ruling on this shall be final and not open to comment.
- 12.2.5. It is the role of the Chair to summarise what the committee has decided, and if necessary, to take a final vote by show of hands, before moving onto the next item of business.

12.3. Motions referred from Full Council

- 12.3.1. The proposer of a motion referred to the committee by the Full Council shall have the right to open the debate on the matter in question but may not vote on the matter unless they are a member of that policy committee, sub-committee or advisory panel. For the avoidance of doubt if the proposer of the motion is attending as a nominated substitute for a member of the Committee, they are not able to vote on the motion they brought to Full Council and referred to the committee. When there is no-one else wishing to speak, or the Chair determines that there has been sufficient discussion, the

- Chair shall call on the proposer of the motion referred from Full Council to reply to the debate (max. 3 minutes), before the matter is put to the vote.
- 12.3.2. A member exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters or material; the Chair's ruling on this shall be final and not open to comment.
- 12.3.3. In accordance with council's Standing Orders, the policy committee, sub-committee or advisory panel in question will normally make a final decision on the motion, if they have delegated authority to do so, or make a report and recommendation to Full Council if they do not have such authority.
- 12.3.4. **Proposals which may be moved during debate.** When a matter is under debate no other proposal shall be moved except to:
- i. Amend the proposal under discussion.
 - ii. Move that a member not be further heard.
 - iii. Move a motion under Section 100A (4) of the Local Government Act 1972 to exclude the press and public.
 - iv. Move a closure motion.

13. CPR 13 - Closure Motions

- 13.1. At the conclusion of the speech of another member, any member may move one of the following closure motions:
- i. To refer a recommendation of a sub-committee or advisory panel back to that body for reconsideration.
 - ii. To defer consideration of the matter until the next ordinary meeting of the committee.
 - iii. To adjourn the meeting.
 - iv. To put the question.
 - v. To proceed to the next business.
- 13.2. When moving a closure motion, the member must state which closure motion they are moving and, once the Chair has ruled that the motion is in order, will be given the opportunity to explain why it is being moved (max. 5 minutes).
- 13.3. On a proposal to refer a recommendation back to a sub-committee or advisory panel, the Chair shall give the Chair of the relevant body, if they are present, the right to reply to the motion (max. 5 minutes), after which the proposal shall be put to the vote without debate or comment.
- 13.4. On a proposal to defer consideration of a matter to a later date or to adjourn the meeting, if the Chair considers that the matter requires further discussion

but cannot reasonably be discussed at the meeting in question, the proposal to defer shall be put to the vote without debate or comment.

- 13.5. On a proposal to proceed to next business, unless the Chair thinks that the committee, sub-committee or advisory panel needs to reach a decision at that meeting on the matter then under consideration, the proposal to proceed to next business shall be put to the vote, without comment or debate.
- 13.6. On a proposal that the question be now put, unless the Chair thinks that there has been insufficient debate of the matter, the Chair shall put to the vote the proposal that the question be now put without comment or debate.
- 13.7. **The Chair's discretion to put the question:** the Chair may curtail the debate at any time if they consider that the committee, sub-committee or advisory panel has sufficiently discussed the matter. They shall thereupon give the movers of the motion and amendment (if any) their rights of reply and put that motion or amendment to the vote.
- 13.8. **Motions to exclude the press and public:** Unless a proposal to exclude the press and public is on the agenda, the Chair shall ascertain the grounds for the motion and shall ascertain from the appropriate officers present whether the public can lawfully be excluded. If so, they shall allow the proposer of the matter under discussion a right of reply on the proposal to exclude the press and public and shall then put the proposal to the vote. If it is passed the Chair may at their discretion either immediately require the press and public to leave the room in which the debate is being held or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.
14. **CPR 14 - Points of Order and Personal Explanation**
 - 14.1. If a member wishes to raise a Point of Order or point of Personal Explanation, the member should normally stand and shall be heard immediately, and any member then speaking shall give way.
 - 14.2. A point of order relates only to an alleged breach of a rule of procedure or statutory provision. The member raising the Point of Order shall specify which rule(s) of procedure or statutory provision is involved and how the member thinks it has been broken. The ruling of the Chair on any point of order is final.
 - 14.3. A point of Personal Explanation is an opportunity to correct an apparent misunderstanding of comments made by the member earlier in the debate. The member raising the point shall specify what the member said earlier and how they feel this has been misunderstood. The ruling of the Chair on any point of order is final.

15. CPR 15 - Composition of committee, sub-committees and advisory panels (including substitution of members)

- 15.1. Every member of the council shall be eligible for appointment to a sub-committee with the exception of the Licensing (Hearings) Sub Committee, on which only members of the Licensing and Planning Policy Committee are permitted to sit. Note, mandatory training may be required to be able to sit on certain committees, such as Planning Committee.
- 15.2. A committee may decide to co-opt additional members onto the committee, whether members of the council or not. Co-opted members of a committee shall not be counted in the quorum for the committee and shall not be entitled to vote on any matter before the committee. Co-opted members may be appointed to assist with a specific area of business or generally to assist the committee in its work.
- 15.3. Subject to section 102 (5) of the Local Government Act 1972 and Standing Orders on substitutions, every person appointed as a voting member of a committee or sub-committee and every person appointed to exercise other functions in relation to a sub-committee shall continue until the appointment is terminated by the Full Council or they resign.
- 15.4. A member of a committee, joint committee, sub-committee or advisory panel may, for the whole of a specified meeting, designate as their substitute another councillor. The substitute may attend the meeting on behalf of, but not in addition to, the nominating member and shall be entitled to speak and vote. The nominating member, Leader / Chair of their Group, or Deputy Leader / Chair of their Group, shall inform the Democratic Services Manager of the substitute in writing prior to the meeting in question. Nominated substitutes must have received any mandatory training that is required for members of the relevant committee to participate in meetings (for example: Planning Committee training required under the Code of Practice for Planning Matters).
- 15.5. Provisions for the appointment of substitutes do not apply to meetings of licensing sub-committees.

16. CPR 16 - Motions and questions affecting staff

- 16.1. If any motion or question arises at a meeting of a committee, sub-committee or advisory panel as to the appointment, promotion, dismissal, salary or conditions of service of any person employed by the council, or their conduct, the matter must not be discussed until it has been decided whether or not to exclude the press and public under Section 100 A (4) of the 1972 Act.

17. CPR 17 - Good order in meetings

- 17.1. All councillors must address the Chair when speaking.
- 17.2. The Chair may interrupt the debate to restore order by using the command “order” or by striking the gavel. The committee must then be silent until the Chair calls upon a councillor to speak.
- 17.3. **Disorderly conduct by councillors:** If any councillor conducts themselves in one of the following ways, then the Chair may name the councillor and require them to apologise and to correct their behaviour immediately:
 - i. Persistently disregards the ruling of the Chair.
 - ii. Behaves irregularly improperly or offensively.
 - iii. Deliberately disregards established procedure.
 - iv. Deliberately obstructs the business of the meeting.
- 17.4. If a councillor named by the Chair, under the paragraph above, continues their misconduct, the Chair may do any or all of the following at their discretion, and at any time during the meeting:
 - i. Forbid the councillor from speaking for some or all of the rest of the meeting.
 - ii. Order the councillor to leave the meeting for all or part of the remaining business.
 - iii. Order the councillor to be removed from the meeting.
 - iv. Adjourn the meeting for such period as they think fit.
- 17.5. A councillor may not impute improper motives, or use any offensive expression, to any other councillor. The Chair shall be the sole judge at the meeting of when this rule has been broken. If a councillor ignores or rejects his ruling he shall be dealt with under the two preceding paragraphs.
- 17.6. **Disturbance by members of the public:** If a member of the public interrupts the proceedings at any meeting the Chair shall issue them a warning. If the member of the public continues the interruption the Chair shall order the member of the public to be removed from the meeting room.
- 17.7. In the event of a public disturbance, the Chair may without question adjourn the meeting for such period as they consider expedient.
- 17.7.1. **Note:** The decision of the Chair as to acceptable conduct whether by members or the public shall be final.

18. CPR 18 - Voting

- 18.1. A question may be decided by “unanimous consent” where the Chair asks if a matter is agreed and no member objects. In the event of any member objecting, a formal vote shall be taken.
- 18.2. Except as otherwise provided, voting shall be on a show of hands of those present.
- 18.3. The number of councillors voting for, against or abstaining on a motion, shall be recorded in the minutes.
- 18.4. At a meeting of a committee, sub-committee or advisory panel any four members may request that the vote be recorded to show who voted for and against the proposal and who abstained. For a recorded vote, an appropriate officer shall call the name of each member present and that member shall speak to indicate whether they vote for or against the motion, or abstain from voting.
- 18.5. Unless a recorded vote has been taken, immediately after any vote has been taken, following a request to that effect from any member, their vote for or against the motion, or the fact that they did not vote, shall be recorded in the minutes.
- 18.6. The Chair must ascertain the numbers voting for or against any motion or amendment. The Chair or an officer present shall inform the meeting of the numbers. Once the Chair has satisfied themselves as to the totals, their declaration of the result cannot be questioned.
- 18.7. Second or casting votes**
 - 18.7.1. If the votes are tied on any issue, the Chair may use a second or casting vote as follows:
 - i. If the Chair voted at the same time as the other members (i.e. used their first vote) they may use their second vote;.
 - ii. If the Chair did not vote at the same time as the other members they may use their casting vote.
 - iii. The Chair may decline, without explanation, to use either their second or casting vote.
 - 18.7.2. If the votes remain tied at the end of the voting process, the effect is that no decision has been taken on the matter in question and the motion being voted upon is lost.
- 19. CPR 19 - Record of attendance**
 - 19.1. The Democratic Services officer present is responsible for recording attendance at meetings.

20. CPR 20 - Implementation of committee decisions

- 20.1. A decision of a policy committee or sub-committee which is vulnerable to call-in, as described in the overview and scrutiny procedure rules (see the Framework, **Annex 4.9**), shall not be implemented until the fifth clear working day after it has been made.

The Council's Operating Framework

Annex 1.1 – Further Information on the Constitution

1. The Constitution

- 1.1. This Constitution, the core document and all its annexes, is the Constitution of the Borough Council of Epsom and Ewell (hereafter referred to as ‘the council’).

2. Powers of the council

- 2.1. The council will exercise all its powers and duties in accordance with the law and this Constitution.

3. Purpose of the Constitution

- 3.1. The purpose of the Constitution is to:
- i. Enable the council to provide clear leadership to the community in partnership with residents, businesses and other organisations.
 - ii. Support the active involvement of citizens in the process of local authority decision-making.
 - iii. Help councillors to effectively represent the people who live, work and study in the Borough.
 - iv. Enable decisions to be taken efficiently, effectively and transparently, and with due regard to probity and equity.
 - v. Create a powerful and effective means of holding decision-makers to public account.
 - vi. Ensure that no one will scrutinise a decision in which they were directly involved.
 - vii. Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions.
 - viii. Provide a means of improving the delivery of services to the community.

4. Interpretation and review of the Constitution

- 4.1. Where the Constitution permits the council to choose between different courses of action, the council will seek to exercise that choice in the way that it thinks will most closely achieve the purposes stated above. The council will monitor and evaluate the operation of the Constitution as set out in Constitution (Section 7).

5. Suspension of the Constitution

- 5.1. Limit to suspension: The Constitution, including its annexes, may not be suspended. The rules specified below may be suspended by Full Council or committees to the extent permitted within those rules and the law.
- 5.2. Procedure to suspend: A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of the Full Council or the relevant committee are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out above.
- 5.3. Rules capable of suspension: The following rules may be suspended in accordance with the sections below:
 - i. Council procedure rules (as specified in Annex 4.3 and Annex 4.4).
 - ii. Financial Regulations (**Annex 5.1**).
 - iii. Contract Standing Orders (**Annex 5.2**).

6. Interpretation

- 6.1. The ruling of the Mayor as to the construction or application of this Constitution, or as to any proceedings of Full Council, shall not be challenged at any meeting of the council. Such interpretation will have regard to the purposes of this Constitution contained above, and to any advice given by the Monitoring Officer.

7. Publication

- 7.1. The Chief Executive will ensure each councillor has access to the council's Constitution at the point they declare their acceptance of office, that is, when first being elected as a councillor.
- 7.2. The Monitoring Officer will make available copies for inspection at the council offices (Town Hall, Epsom), and for purchase by members of the local press and the public on payment of a reasonable fee.
- 7.3. The Monitoring Officer will ensure that the Constitution is made available, by electronic means, within the Borough and is updated as necessary.

8. Duty to monitor and review the Constitution

- 8.1. The Monitoring Officer will ensure that the operation of the Constitution is monitored and reviewed to ensure that the aims and principles of the Constitution are given full effect. A report will be brought to Full Council on this at least once every year.

9. Changes to the Constitution

- 9.1. Changes to the Constitution will only be approved by Full Council, after consideration of a proposal from the Standards and Constitution Committee

(in respect of the council's rules of procedure and matters relating to the ethical framework or as deemed appropriate by the Monitoring Officer), Chief Executive, or the Monitoring Officer, or by way of councillors proposing a motion on notice in accordance with the council procedure rules set out in **Annex 4.3 and 4.4**. Non-substantive changes, that is those that do not change a process or meaning of a section / paragraph, can be updated by the Monitoring Officer in consultation with the Chair of Standards and Constitution Committee.

- 9.2. If at any time the council decides to change from its current committee form of governance, to a cabinet system, it must take reasonable steps to consult local electors and other interested persons in the Borough when drawing up proposals.

Annex 1.2 – Glossary of Terms

- 1.1. In this Constitution the following terms have the following meanings. However, if in order to make sense of a passage a different meaning needs to be attributed to a word or phrase, then that meaning may be given.
- 1.2. For the avoidance of doubt, as long as the context of a passage allows:
- i. Singular expressions include plural meanings.
 - ii. Plural expressions include singular meanings.

Advisory Panels	Refers to bodies which report as required to the appropriate committee as set out in their terms of reference.
Annual Meeting	Means the first meeting of the Full Council of each municipal year, where specific items of business are conducted.
Budget Decision	For the purposes of the standing orders of Full Council and Committees (Annex 4.3 and Annex 4.4), a budget decision is any decision defined as such under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 or such successor provision.
Budget and Policy Framework	The “Framework” is made up of the council's policies, plans and strategies, some mandatory and others discretionary. For more information see Annex 4.8 .
CPR	Means Committee Rule of Procedure, the rules which regulate the proceedings and business of meetings of the committees, sub-committees and Advisory Panels of Epsom and Ewell Borough Council. The CPR may also be referred to as the committees’ ‘standing orders’.
Chair	Means the councillor currently appointed or elected to Chair of a committee, sub-committee or Advisory Panel or appointed as such for a meeting.
Chief Executive	Refers to the council’s Head of Paid Service, designated under Section 4 of the Local Government and Housing Act 1989.

Chief Finance Officer	Refers to the council's Chief Finance Officer designated under section 151 of the Local Government Act 1972.
Committee	Refers to a committee of the council (whether a policy or regulatory committee) unless a distinction is made in the relevant Standing Order.
Constitution	Means the council's Constitution under Section 9P of the Local Government Act 2000.
Council and Full Council	<p>Council: means Epsom and Ewell Borough Council; or one or more of its committees, sub-committees, Advisory Panels; or officers acting on the council's behalf, using powers which have been lawfully delegated as the context requires.</p> <p>Full Council: any reference to Full Council, or if the context so refers, shall be a meeting to which all councillors have been called.</p>
Deputy Mayor	The councillor elected to be the Deputy Mayor of Epsom and Ewell Borough Council.
FCR	Means Full Council Rule of Procedure, the rules which regulate the proceedings and business of meetings of the Full Council and which may be referred to as 'Standing Orders'.
Group	Means a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990.
Independent Person	Means an Independent Person appointed by the council to meet the duties of the Localism Act 2011. The Independent Person's role is to assist in promoting and maintaining high standards of conduct amongst councillors, and they may be consulted by the council on relevant matters.
Mayor	The councillor elected to be Mayor of Epsom and Ewell Borough Council. The Mayor presides at meetings of Full Council

Meeting	Means a meeting of the Full Council, a committee, sub-committee or advisory panel.
Member	<p>Means a member of any committee, sub-committee, advisory panel or joint committee or any outside body as appropriate.</p> <p>It means a person who has been appointed to such a body, whether or not they are entitled to vote.</p> <p>Where the context so requires, the reference will refer to the appointed member of such committee, sub-committee, advisory panel or joint committee and not a councillor who may be substituting for such absent member. It also includes co-opted members.</p>
Monitoring Officer	Means the person designated as Monitoring Officer under section 5 of the Local Government and Housing Act 1989. If that person is unable to act owing to absence or illness, the expression means a person nominated as their deputy under subsection (7) of that section.
Officer	Means an employee of the council, or someone performing that role under a contract for services.
Operating Framework	A collection of protocols, policies and process that the council operates by. Significant changes require approval by the Full Council.
Petition	Means a petition falling within the Petition Scheme (Annex 6.1).
Policy Committee	Is a collective term for one or more of the council's policy committees as described Annex 4.1.
Proper Officer	The appropriate officer(s) to act in the circumstances, as guided by the appropriate legislation.
Standing Orders	Refers to the FCR or CPR as the context may require.
Sub-committee	Refers to a sub-committee of a committee.

Vice Chair	Means the councillor currently appointed or elected to vice chair of a committee, sub-committee or advisory panel.
Working Day	Means any day on which the Town Hall (Epsom) is open to the public, excluding Saturdays, Sundays and Bank Holidays.

Annex 2.2 – Further Information on Councillors

1. Composition and eligibility

- 1.1. Composition: the council comprises all of the councillors elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission for England and approved by the Secretary of State.
- 1.2. Eligibility: to be eligible to hold the office of councillor, one for the four criteria must be met:
 - i. Registered as an elector in the Borough
 - ii. Living in the Borough.
 - iii. Working in the Borough.
 - iv. Owning land in the Borough.

2. Election and terms of councillors

- 2.1. Election: the regular election of councillors will be held normally on the first Thursday in May (or whatever date is fixed by law) every four years (from 2003).
- 2.2. Terms: the terms of office of councillors will start on the fourth day after being elected, and will finish on the fourth day after the date of the next regular election.

3. Roles and functions of all councillors

- 3.1. Key roles that all councillors fulfil, to:
 - i. Collectively set the policy and strategic direction of the council, taking a Borough-wide view.
 - ii. Actively encourage engagement with their local communities and represent these communities; bringing their views into the council's decision-making process, where appropriate.
 - iii. Represent the interests of their ward and where necessary balance different interests.
 - iv. Deal with individual casework and act as an advocate for constituents with their particular concerns or grievances in so far as they relate to the functions and responsibilities of the council.
 - v. Be involved in decision-making.
 - vi. Be available to represent the council on other bodies.

- vii. Maintain the highest standards of conduct and ethics, showing respect for fellow councillors, officers and the community (see Annex 2.1).

4. Rights and duties

4.1. Councillors will:

- i. Have such rights of access to only such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.
- ii. Not make public any information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it
- iii. Not issue an order for works to be carried out by or on behalf of the council and nor will they, unless specifically authorised to do so, claim any right to inspect or enter any land.

4.2. For these purposes, 'confidential' and 'exempt' information are defined in the Access to Information Rules (Annex 4.7).

5. Role description

5.1. Councillors are volunteers and bring a wide variety of skills and experience to the role of councillor. Councillors receive an allowance to cover expenses (Section 7 and Annex 2.4). The multi-councillor ward structure of the council provides the opportunity for individual councillors to specialise and use their particular skills and experience, working as part of a team for the benefit of the local community they represent, as well as the wider interest of the Borough as a whole.

5.2. Representing the local ward community

- i. Seeking, and listening to, the views of individuals, voluntary groups and businesses within the ward and representing local ward community views.
- ii. Balancing conflicting views and expectations to present a considered view to the council or other agencies which have an impact on that community.
- iii. Informing the local community about the work of the council and helping it to take an informed view of the options that may be before the council.

5.3. Representing individuals and groups

5.3.1. Whenever appropriate:

- i. Helping individuals, groups and businesses, to secure the appropriate services of the council.
- ii. Helping individuals and groups to articulate their needs and have their case or their complaint heard, and when appropriate, presenting their case for them.

5.4. Representing the whole community

- i. To take an overview of the needs and views of the whole community - residents, voluntary groups and businesses - together.
- ii. To balance long and short term needs and to promote the long term economic, social and environmental wellbeing of the Epsom and Ewell community as a whole.

5.5. Representing the Council

- i. Acting as an ambassador of the council in the wider community.
- ii. Where appointed to a particular position as the council's representative on other public or voluntary bodies, to represent and secure the council's policies through influence and formal partnership working in those bodies.
- iii. Building and maintaining relationships with the council's partners.

5.6. Committee role

- i. As a member of the Full Council, to set the corporate plan and to monitor the performance of its committees.
- ii. As a member of a council committee, sub-committee or panel, to monitor the provision of the council's services to the community, in accordance with the council's aims and objectives set out in its corporate plan.
- iii. To review the council's performance in the provision of its policies and services and identify opportunities to provide better value to the community.

6. Conduct

- 6.1. Councillors will at all times observe the Councillors' Code of Conduct ([Annex 2.1](#)) and will have regard to other documents such as the codes of conduct for planning ([Annex 4.11](#)) and licensing ([Annex 4.10](#)) matters and the councillor / officer protocol ([Annex 2.5](#)).
- 6.2. The council is required to maintain and update a Register of Interests of its councillors. The register is available for public inspection at the council's offices and on the council's website.

7. Allowances

- 7.1. Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme (**Annex 2.4**).

8. Champions

- 8.1. The main purpose of councillor champions is to:
- i. Promote the cause for which they are a champion.
- 8.2. Councillor champions achieve this through:
- i. Being outward-facing, enthusiastic, and focused on raising the profile of the area they champion.
 - ii. Developing in-depth knowledge and understanding of the issue(s) they champion.
 - iii. Using their in-depth knowledge to support the relevant committee Chair(s) and Vice Chair(s).
 - iv. Represent their area both within and outside the council, in line with council policies.
 - v. Engaging relevant stakeholders to include them in the council's work.
 - vi. Acting as an advocate or spokesperson for the council's business and activities.
 - vii. Providing positive support, and on occasions, constructive challenge to officers in driving forward the council agenda on relevant issues.
 - viii. Acting as the council's representative on relevant external bodies where appointed to by the council.
 - ix. Encouraging communications and positive action over the issue(s) they represent.

8.3. Role of councillor champions

- 8.3.1. All councillor champions must, in their role, work towards achieving the agreed priorities and policies adopted by the council. As such the councillor champion must (a) work with and communicate regularly with the relevant committee Chair, (b) produce an annual statement to the relevant policy committee.
- 8.3.2. A councillor champion cannot make decisions and must not commit the council in any way, or in a manner that could be interpreted as being contrary to established policy and practice. They may however confirm a position as stated in a published policy.

8.4. Conditions of being a councillor champion

- 8.4.1. A councillor champion can be any member of the council who is not a committee Chair.
- 8.4.2. If a councillor champion is a member of the Audit and Scrutiny Committee, and it conducts a review of the area they champion, they must declare a non-pecuniary interest.
- 8.4.3. A councillor champion may be called to provide information to the Audit and Scrutiny Committee, and would be expected to attend as requested.

8.5. Committee Chairs

- 8.5.1. The Chairs of committees will:
 - i. Acknowledge the right of councillor champions to be consulted on matters relating to their area of interest.
 - ii. Take full account of any views offered by the councillor champions prior to making decisions relating to their area of interest.
 - iii. Co-operate with councillor champions in the formulation of action plans that have been developed with lead officers.
 - iv. Consider nominating champions to represent the council at relevant conferences / seminars on the subject matter of the councillor's interest.

8.6. Allowances

- 8.6.1. Councillor champions are not entitled to receive Special Responsibility Allowances.
- 8.6.2. Any change to this position would require recommendation by an Independent Remuneration Panel and the approval of Full Council.

8.7. Appointment and Term

- 8.7.1. All councillor champions will be appointed, and have an allocated area of responsibility agreed, at the Annual Meeting of Full Council.
- 8.7.2. A councillor champion will normally be expected to serve for a minimum 2-year term.
- 8.7.3. In year changes and additions - where necessary, and after consultation with the Chair of the majority group and relevant policy committee Chair - to be appointed at the next available Full Council meeting.

Annex 2.3 – Further Information on the Mayor

1. Role and function of the Mayor

- 1.1. There are two distinct facets to the Office of Mayor: ceremonial and civic, because the Mayor is:
 - i. The First Citizen of the Borough of Epsom & Ewell.
 - ii. The Chair of Epsom & Ewell Borough Council.
- 1.2. The Mayor, and in their absence the Deputy Mayor, will be the first citizen of the Borough and have the following roles and functions, to:
 - i. Uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary.
 - ii. Preside impartially over meetings of Full Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community.
 - iii. Be the representative for the council, the community and local democracy, and to work to ensure that the dignity and impartiality of the Office of Mayor is upheld.
 - iv. Ensure that Full Council meetings are a forum for the debate of matters of concern to the local community.
 - v. Promote public involvement in the council's activities.
 - vi. Attend appropriate civic and ceremonial functions .
 - vii. Promote the council as a whole and act as a focal point for the community.

2. Contact details

- 2.1. The Mayor's contact details can be found on their page on the council's website.

Annex 2.5 - Protocol for Managing Councillor / Officer Relations

1 Introduction

- 1.1 This protocol is primarily based on the guidance and examples referred to in the Nolan Principles and LGA Councillor Workbook.¹
- 1.2 The purpose of this protocol is to guide councillors and officers of the council in their relations with one another, in such a way as to ensure that a high standard of conduct is maintained and to ensure the business of the council is transacted in a transparent, effective and efficient manner.
- 1.3 The protocol is to a large extent a written statement of current practice and convention, and given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues that most commonly arise and serves as a guide to dealing with other circumstances as they arise.
- 1.4 This protocol seeks to reflect the principles underlying the codes of conduct for councillors and officers. The shared objective of these codes is to maintain and enhance the integrity (real and perceived) of local government. Therefore the codes demand very high standards of personal conduct by all parties.
- 1.5 This protocol sits together with a number of other existing and evolving council procedures and there may be some overlap between this document and those other procedures and rules both within and outside the Constitution.
- 1.6 This protocol seeks to promote greater clarity and certainty as to working relationships between councillors and officers. If the protocol is followed, it should ensure that councillors receive objective and impartial advice and that officers are not subject to accusations of bias, and any undue influence from councillors.
- 1.7 Although some of the references in this protocol relate to regulatory matters, the document largely seeks to offer guidance on some of the issues that most commonly arise. All successful organisations need to be flexible to suit circumstances but, at the same time, it should be recognised that the guidance should, as far as is possible, be uniformly followed throughout the Council.
- 1.8 This protocol, where applicable, will also apply to co-opted members of committees.

¹ HM Government (1995) The Seven Principles of Public Life. Online available: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2> [last accessed 07/12/2022]. Local Government Association (2018) Councillor workbook: councillor/officer relations. Online available: <https://www.local.gov.uk/publications/councillor-workbook-councillor-officer-relations> [last accessed 07/12/2022].

- 1.9 If a councillor is unsure about any matter, s/he should contact the relevant Group Chair / Leader or the Monitoring Officer for appropriate advice and assistance. If an officer is unsure about any matter, s/he should contact the Monitoring Officer.

2 The Respective Roles of Elected Councillors and Officers

2.1 Elected councillors are responsible for:

- Initiation and direction of council policy.
- Democratic accountability to the electorate for policies and for service delivery.
- Scrutiny of council services.
- Community leadership.
- Promotion of partnership working.

2.2 Officers are responsible for:

- Providing the professional advice that councillors must have before them when formulating policy and when taking decisions.
- Implementing councillors' decisions that have followed due process.
- Running the council's services and day-to-day administration.
- Taking managerial and operational decisions in accordance with the council's scheme of delegation.
- Providing information regarding council services and approved council policies.

3 Access to Officers

- 3.1 If councillors wish to raise a request for service delivery (which is a matter covered by the customer relationship management system), then they should raise this in line with the council's standard processes, e.g. through the council's Contact Centre, rather than with individual officers.
- 3.2 If an issue or concern needs to be raised around the delivery of a service request or its failure, councillors should, in the first instance, contact the relevant Head of Service or a nominated officer.² Councillors must seek to avoid, as far as possible, entering an officer's work area and requiring immediate attention, unless they require assistance with urgent ICT or democratic services issues.

² A list of contacts for Heads of Service and other nominated contact officers will be supplied to councillors.

- 3.3 If any councillor wishes to raise any matter which is either strategic in nature, or relates to a policy, they must do so in the first instance with the Chief Executive.
- 3.4 It is important to ensure timely response to correspondence and both councillors and officers should aim to respond to enquiries and requests they have raised, within one week from receipt of the enquiry / request.
- 3.5 If a councillor wishes to follow up any unanswered correspondence, they should email the relevant Head of Service to raise the matter.
- 3.6 Where a decision has been delegated to an officer, whether or not in consultation with nominated councillors, it will be notified to all councillors through the council's processes. To assist councillors' understanding, officers should, when requested, explain to a councillor the guidelines they use when making a delegated authority decision.

4 Access to Information and to Council Documents

- 4.1 Councillors are entitled to such information as they may reasonably need to assist them in discharging their role as members of the council.³ The legal right of councillors to inspect council documents is covered by:
 - (i) Statutory right (Access to Information Act 1985, Freedom of Information Act 2000, Environmental Information Regulations 2004).
 - (ii) Common law (on a need to know basis).
- 4.2 Officers must treat all councillors on an equal basis where there is an equal need to know. Officers must treat all such requests with care and respect and must not disclose any requests from one political group to another.
- 4.3 The courts have ruled that the test of a councillor's need to know derives from the councillor's committee responsibilities, but this will not be exclusively the case. A councillor dealing with a Ward issue, casework or an issue raised by a Ward resident, may have a legitimate need to know, which will enable him / her to have access to the relevant council documents. The final decision on a councillor's 'need to know' will rest with the Chief Executive in consultation with the Monitoring Officer.
- 4.4 Councillors should be kept fully informed and consulted by officers on all relevant matters affecting their Ward. If a matter is urgent or sensitive, officers must ensure councillors are made aware as soon as reasonably possible and before the matter is made public.

³ This is covered in more detail in Annex 4.3, 4.4 and 4.7.

- 4.5 It is important for councillors and officers to recognise that information disclosed to a councillor on a 'need to know' basis should not be disclosed to another councillor, unless there is an equal need to know, or the first councillor is notified that the information is being so disclosed.
- 4.6 Any correspondence to residents, from a councillor or officer, may need to be clarified with the relevant Head of Service to ensure accuracy.

5 Working Relationships

- 5.1 Both councillors and officers are servants of the public and they are indispensable to one another. However, their responsibilities are distinct. Councillors are responsible to the electorate and officers are responsible to the council as a whole. The conduct of councillors and officers should be such as to instil mutual confidence and trust. This should be reflected in the behaviour and attitudes of each other, both publicly and privately.
- 5.2 To ensure that the business of the Council is carried out effectively, councillors and officers should endeavour to create a cordial and collaborative working relationship with each other.
- 5.3 Councillors should recognise that, as the Head of Paid Service, the Chief Executive has key statutory responsibilities. These include setting the manner in which the council's different functions are discharged, the organisation of the council's staffing structure, as well as the appointment and proper management of the council's staff. It is therefore important to ensure the Chief Executive can carry out these functions both independently and free from any pressure.
- 5.4 Councillors can expect the following from officers:
- (i) A commitment to the Council as a whole and not to any political group.
 - (ii) An effective and efficient performance of their duties.
 - (iii) To work to their Service Delivery Plans.
 - (iv) A working partnership.
 - (v) An understanding and appreciation of respective roles and pressures.
 - (vi) Timely responses to enquires and complaints.
 - (vii) Impartial professional advice.
 - (viii) Awareness of and sensitivity to the political environment.
 - (ix) Courtesy and appropriate confidentiality.
 - (x) Not using their relationship with councillors to advance their personal interests or influence decisions improperly.

- (xi) That the relationship will never be so close, or appear to be so close, as to bring into question either parties ability to deal impartially with other councillors, officers, individuals or organisations.
- (xii) Compliance with the Officers' Code of Conduct.
- (xiii) That officers will not go beyond the bounds of their specific or delegated authority.
- (xiv) That officers named in a report to the council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.

5.5 Officers can expect the following from councillors:

- (i) A working partnership.
- (ii) An understanding and appreciation of respective roles and pressures.
- (iii) Courtesy and appropriate confidentiality.
- (iv) Not to be put under undue pressure and to respect personal and professional boundaries.
- (v) The efficient and agreed use of council resources.
- (vi) A respect for professional advice.
- (vii) Not to use their relationship with officers to advance their personal interests to influence decisions improperly.
- (viii) That the relationship will never be so close, or appear to be so close, as to bring into question either parties ability to deal impartially with other councillors, officers, individuals or organisations.
- (ix) Compliance with the **Councillors' Code of Conduct**.
- (x) To treat officers with respect at all times including during meetings whether public or otherwise, which includes not raising matters relating to the conduct or capabilities of an officer.
- (xi) To inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work or role

5.6 Nothing in this protocol shall prevent a councillor or officer expressing a relevant concern under the council's Whistleblowing Policy.

5.7 Any officer who is personally connected to a councillor must notify the Monitoring Officer in writing. This would include a family, business or social connection.

- 5.8 Both councillors and officers should be guarded as close personal familiarity, or the perception of such, can damage the relationship or undermine trust, as might a family or business connection. Close personal familiarity between individual councillors and officers may also cause embarrassment to other councillors and officers. Particular care should be taken around of the use of social media and the perception it could give in terms of close personal familiarity.
- 5.9 Councillors should not expect officers to attend their homes to conduct or discuss council business. Nor should officers expect to attend a councillor's home. Generally, for most officers, councillors telephone contact with them should be during normal working hours
- 5.10 Challenge in a constructive and non-confrontational way is important in ensuring that policies and service performance are meeting the council's strategic objectives. Nothing in this protocol is therefore intended to stop councillors holding officers to account for decisions made under delegated powers. Nor is the protocol intended to inhibit constructive criticism delivered with courtesy and officers should not feel their employment is at risk as a result of such intervention.
- 5.11 Correspondence between councillors and officers should not be copied to, or forwarded, to other councillors without their express consent. Nor should such correspondence be disclosed to any third parties be they members of the public, stakeholders, or partners.
- 5.12 Under no circumstances should a councillor or an officer blind copy any of their exchanges to any external third party, councillor, or officer. If it is important to raise an issue, then, in the case of councillors, such matter must be raised with the Chief Executive in the first instance, and in the case of officers, with their Head of Service.
- 5.13 As a rule, councillors and officers must not forward their correspondence to any other councillor, officers or external third parties. There may be service reasons where this may be necessary, therefore, before doing so, either the original author must have specifically requested it, or has expressly consented to their correspondence being sent on to a named person. If there is any concern as to what steps should be taken, in the case of officers, advice should be sought from their line manager; councillors should seek advice from the Monitoring Officer.
- 5.14 Councillors and officers must take great care when including new parties to on-going existing correspondence. Particular care must be taken to avoid forwarding on email chains from officers or councillors, as this could amount to breach of personal data or the unintended release of confidential or sensitive information.

- 5.15 Councillors should never forward officer correspondence on to any resident or other third party. If there is a need to forward contact details for an officer, councillors must only forward details of the relevant officer or Head of Service, after the officer has given their consent.

6 When Things Go Wrong

- 6.1 Where a councillor considers they have not been treated with proper respect or courtesy by an officer, or is otherwise concerned with the performance of an officer, the councillor should first discuss the issue with the relevant Group Chair or Leader. If the councillor wishes to pursue the matter as a formal or informal complaint, then they will need to complete and submit a complaint form to the Chief Executive (which will be available from the Chief Executive). The complaint will remain confidential and cannot be discussed with the relevant Group Chair or Leader. As the Head of Paid Service, the Chief Executive has responsibility for staff and will take such action as is appropriate.
- 6.2 If an officer considers that he or she has not been treated with proper respect or courtesy by a councillor, he or she should raise the matter with the Monitoring Officer in the knowledge that the matter will be handled with sensitivity and in confidence. In such circumstances, the Monitoring Officer will take such action as is appropriate.
- 6.3 This protocol does not affect the rights of officers and councillors to raise the matters via the council's usual procedures in cases where such processes apply.

7 Officer Advice to Party Groups

- 7.1 It must be recognised by all officers and councillors that in discharging their duties and responsibilities, officers serve the council as a whole and not any political group, combination of groups or any individual councillor.
- 7.2 The assistance provided by officers can take many forms ranging from a briefing meeting with a committee Chair or other committee members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual councillors. All officers must, in their dealings with political groups and individual councillors, maintain political neutrality and treat them in a fair and even-handed manner.
- 7.3 Officers must not do any work that is designed to promote one political group within the council, rather than the whole council.

- 7.4 If councillors require the attendance of an officer at a political group meeting, they must contact the Chief Executive. Any officer invited to attend meetings organised by any political group should contact the Chief Executive as soon as possible. It is a matter for the Chief Executive to decide whether it is appropriate for an officer to attend, and if so, who that officer should be.
- 7.5 The officer's role at any such meeting is limited to providing factual information only, and they may be called upon to provide a professional opinion. Officers must not provide a personal opinion. It is important when attending such a meeting, for an officer to be advised of who else is at the meeting to avoid any confidential or information sensitive to the council, being inadvertently released to third parties.
- 7.6 Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an officer during discussions with a party group, that information should not be passed on to other groups. However, councillors should be aware that this would not prevent officers from disclosing such information to other officers of the council in so far as that is necessary to perform their duties.

8 Members and the Media

- 8.1 Contact with the media on issues related to council business is handled through the Communications Team who provide support, advice and training to councillors and officers.
- 8.2 Any councillor who wishes to approach the media to speak on behalf of the council, on any item involving or affecting the council, should first consult the relevant Committee Chair or Chief Executive as appropriate.
- 8.3 If a councillor wishes to approach, or is approached by the media, for a comment or action involving council business, the councillor should make it clear to the media that any comments that are made are those of the councillor personally and do not reflect the views or policies of the council as a whole.
- 8.4 Requests for comments or opinion on council policy or political matters should be referred to the appropriate committee Chair.
- 8.5 Councils are prohibited from publishing any material that appears to be designed to affect support for any political group.

9 Conclusion

- 9.1 This protocol is intended to build on the sound arrangements that have existed within the council for years.
- 9.2 Mutual understanding, respect and openness on these sensitive issues are the greatest safeguard of the integrity of the council, its councillors, and officers.

- 9.3 This protocol can be revised or amended at any time in accordance with Constitutional requirements.

Annex 2.6 - Indemnities to Councillors and Officers

1. The council will, subject to the exceptions set out below, indemnify each of its councillors and officers against any loss or damage suffered by the councillor or officer arising from their action or failure to act in their capacity as a councillor or officer of the authority.
2. This indemnity will not extend to loss or damage directly or indirectly caused by or arising from:
 - i. Any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the councillor or officer.
 - ii. Any act or failure to act by the councillor or officer otherwise than in their capacity as a councillor or officer of the authority.
 - iii. Failure by the councillor to comply with the authority's code of conduct for councillors. This exemption does not apply to officers as they are employees of the council and subject to disciplinary processes.
3. The council will, subject to the exceptions set out below, indemnify each of its councillors and officers against the reasonable costs which they may incur in securing appropriate legal advice and representation in respect of any civil or criminal proceedings. Such indemnity will be subject to such terms as the council feels reasonable, such as being subject to a maximum limit of £10,000 in first instance, which is only to be extended with counsels' opinion (in tranches).
 - 3.1. "Criminal proceedings" includes any interview or investigation by the Police, and any proceedings before a criminal court, in the United Kingdom.
 - 3.2. This indemnity shall not extend to any advice or representation in respect of any claim or threatened claim in defamation by or against an officer or by a councillor
 - 3.3. Where any councillor or officer avails themselves of this indemnity in respect of defending themselves against any criminal proceedings, the indemnity is subject to a condition that if the councillor or officer is convicted of a criminal offence in consequence of such proceedings and the conviction is not overturned on appeal, the councillor shall reimburse the authority for any sums expended by the authority pursuant to the indemnity.
 - 3.4. Where the council arranges insurance to cover its liability under this indemnity, the requirement to reimburse in Paragraph 3.3 shall apply as if references to the authority were references to the insurer.

4. For the purpose of these indemnities, a loss or damage shall be deemed to have arisen to the councillor or officer “in his/her capacity as a Councillor or officer of the authority” where:¹
 - 4.1. The act or failure to act was outside the powers of the council, or outside the powers of the councillor or officer, but the councillor or officer reasonably believed that the act or failure to act was within the powers of the authority or within the powers of the council, or outside the powers of the councillor or officer, but the councillor or officer reasonably believed that the act or failure to act was within the powers of the authority or within the powers of the councillor or officer (as appropriate) at the time that they acted, as the case may be:
 - 4.2. The action or failure comprises the issuing or authorisation of any document containing a statement as to the powers of the authority, or any statement that certain steps have been taken or requirements fulfilled, but the councillor or officer believed that the contents of that statement were true and it was reasonable for that councillor or officer to hold that belief at the time when they acted or failed to act.
 - 4.3. The act or failure to act occurred not in the discharge of the functions of the councillor or officer as a councillor or officer of the authority but in their capacity as a councillor or employee of another organisation, where the councillor or officer is, at the time of the action or failure to act, a councillor or officer of that organisation either:
 - i. In consequence of their appointment as such councillor or officer of that organisation by the authority.
 - ii. In consequence of their nomination for appointment as such councillor or officer of that organisation by the authority.
 - iii. Where the authority has specifically approved such appointment as such a councillor or officer of that organisation for the purpose of these indemnities.
5. The council undertakes not to sue (or join in action as co-defendant) an officer of the council in respect of any negligent act or failure to act by the officer in their capacity as an officer of the authority, subject to the following exceptions:
 - i. Any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the officer.
 - ii. Any act or failure to act by the officer otherwise than in their capacity as an officer of the authority.

¹ Article 7 of Local Authorities (Indemnities for Members and Officers) Order 2004.

6. These indemnities and undertakings will not apply if a councillor or officer, without the express permission of the council or of the appropriate officer of the authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of the resolution.
7. These indemnities and undertakings are without prejudice to the rights of the authority to take disciplinary action against an officer in respect of any act or failure to act.
8. These indemnities and undertakings shall apply retrospectively to any act or failure to act which may have occurred before this date and shall continue to apply after the councillor or officer has ceased to be a councillor or officer of the authority, as well as during their membership of or employment by the authority.
9. These indemnities do not extend to situations where a councillor is acting other than as a councillor, e.g. where the councillor is fulfilling personal obligations as a company director or trustee. In these cases, the councillor must ensure that the outside body provides the necessary indemnities. To confirm, where a councillor is acting as a director or Trustee of another organisation, it is for that organisation to provide the indemnity.

Annex 3.1 – Further Information on Officers

Please note: 'Officers' means all employees and staff engaged by the council to carry out its functions.

1. Officer roles

1.1. The Full Council will appoint the following:

- i. Chief Executive, designated the Head of Paid Service
- ii. Director of Corporate Services
- iii. Director of Environment, Housing and Regeneration
- iv. Section 151 Officer
- v. Monitoring Officer

1.2. The following are statutory posts:

- i. Chief Executive: Head of Paid Service (Local Government & Housing Act 1989, Section 4)
- ii. Monitoring Officer (Local Government & Housing Act 1989, Section 5)
- iii. Chief Finance Officer: Chief Finance Officer (Local Government Act 1972, Section 151; Local Government Finance Act 1988)

1.3. The posts will have the functions described below.

2. Structure of the council and statutory officer functions

2.1. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers. This is set out at below in **Section 6**.

2.2. Functions and responsibilities of the Chief Executive (Head of Paid Service) are as follows:

- i. Discharge of functions by the council. The Head of Paid Service has overall responsibility for the management, appointment, and coordination of officers, and day to day running of the council.
- ii. Overall corporate management and operational responsibility for all services.
- iii. The Chief Executive (Head of Paid Service) is the Proper Officer for all statutory purposes unless otherwise determined by them.
- iv. Provision of professional advice to all political groups and individual councillors.

- v. Together with the Monitoring Officer, responsibility for a system of record keeping for all the council's decisions.
- vi. Representing the council on partnership and external bodies (as required by statute or the council).

2.3. Functions of Chief Finance Officer (Section 151 Officer) are as follows:

- i. Responsible for the proper administration of the council's financial affairs under section 151 Local Government Act 1972, Section 114 of the Local Government and Finance Act 1988 and Accounts and Audit Regulations and Guidance.
- ii. Ensuring lawfulness and financial prudence of decision making. After consulting the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the council's external auditor if they consider that any proposal, decision or course of action: will involve incurring unlawful expenditure; is unlawful; likely to cause a loss or deficiency; or, if the council is about to enter an item of account unlawfully.
- iii. Responsibility for the administration of the financial affairs of the council.
- iv. Contribute to the corporate management of the council, in particular through the provision of professional financial advice.
- v. Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors and supporting and advising councillors and officers in their respective roles.
- vi. Provide financial information to the media, members of the public, the community, and councillors.

2.4. Functions of the Head of Legal Services (Monitoring Officer):

- i. To act as the council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 as amended.
- ii. To ensure that an up-to-date version of the Constitution is maintained, in consultation with the Standards and Constitution Committee, and that it is available to councillors, officers and the public.
- iii. Ensuring lawfulness and fairness of decision making. After consulting the Chief Executive and Chief Finance Officer, the Monitoring Officer has a duty, by virtue of Section 5 of the Local Government and Housing Act 1989, to report to the Full Council if they consider that any proposal, decision or omission would give rise

to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered by the Full Council.

- iv. Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Constitution Committee.
- v. Conduct investigations into allegations against councillors made to the council and arrange, if necessary, for the Standards and Constitution Committee to receive reports or recommendations in respect of them.
- vi. Ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- vii. Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors and to support and advise councillors and officers in their respective roles.

3. Provision of sufficient resources to the Chief Executive, Chief Finance Officer and Monitoring Officer

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

4. Conduct

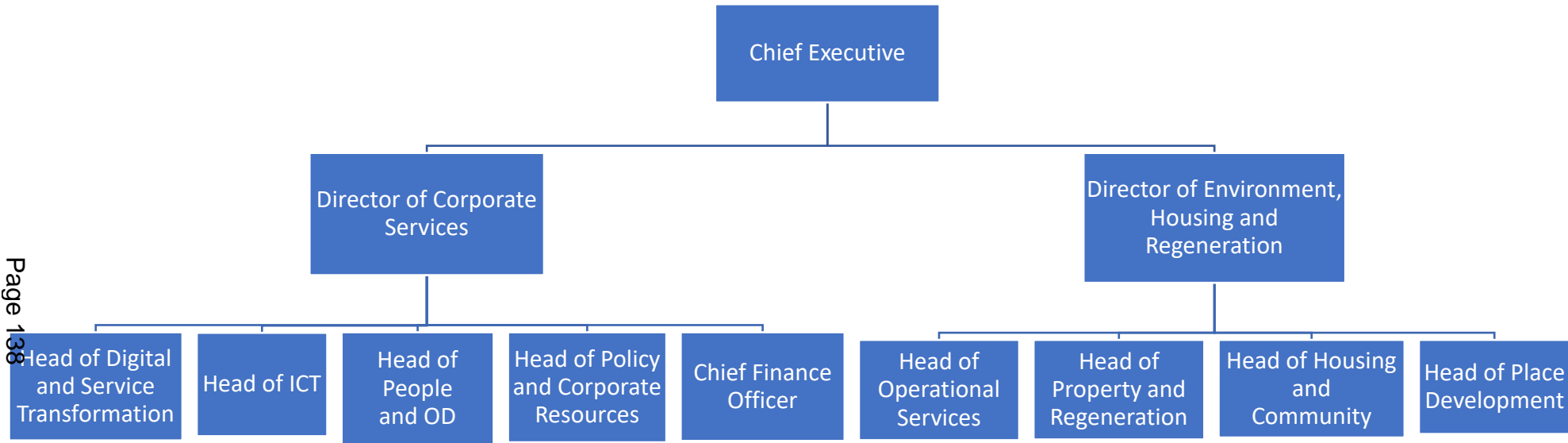
- 4.1. Officers will comply with the **Officers' Code of Conduct**, **located in the council's employment policies**, and other relevant codes and protocols; in particular, the councillor / officer protocol set out in **Annex 2.5**.

5. Employment

- 5.1. The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in **Annex 3.3**.

6. Management structure chart

- 6.1. The chart below illustrates the current management structure of the council:



Annex 3.3 Officer Employment Procedure Rules

1. Recruitment and Appointment

1.1. Declarations

- i. The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew, or niece of an existing councillor or officer of the council; or the partner of such persons.
- ii. No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

1.2. Seeking support for appointment

- i. The council will disqualify any applicant who directly or indirectly seeks the support of any councillor or officer for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- ii. No councillor or officer will seek support for any person for any appointment with the council.

2. Recruitment of Chief Executive

- 2.1. The Full Council will approve the appointment of the Chief Executive following the recommendation of the panel referred to in 2.2 below.
- 2.2. For the recruitment of a Chief Executive (Head of Paid Service), a panel of five councillors, composed of the Chair and Vice Chair of Strategy and Resources Committee and three other councillors, drawn from councillors across the council, appointed by that committee, trained in interview techniques (to include appropriate minority group representation), will make all necessary arrangements for the recruitment and selection of the Chief Executive in accordance with the arrangements set out in 3.1 below.

3. Recruitment of Statutory Officers and Directors

- 3.1. Where the council proposes to appoint a statutory officer or Director, the Chief Executive, in consultation with the Panel referred to in 3.2 below, will draw up a statement specifying:
 - i. The duties of the officer concerned.
 - ii. Any qualifications or qualities to be sought in the person to be appointed.

- iii. Arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
 - iv. Arrangements for a copy of the statement mentioned in paragraph 2.1 to be sent to any person on request.
- 3.2. The Chief Executive and Head of People and Organisational Development will, after consultation with the Panel, interview and select candidates for final interview by that Panel. The Panel will consist of the Chair of Strategy and Resources Committee, three other councillors trained in interview techniques (to include appropriate minority group representation).
- 3.3. The panel referred to in 3.2, will have the power to recommend appointments of statutory officers to Full Council, and appoint Directors directly.
- 4. Officers below Directors**
- 4.1. Appointment of officers below Directors is the responsibility of the Chief Executive or their nominee and may not be made by councillors.
- 5. Disciplinary Action for Alleged Misconduct (including dismissal)**
- 5.1. Involvement of councillors: Councillors will not be involved in any disciplinary action against any officer below Director / statutory officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the council's disciplinary, capability and related appeals procedures.
- 6. Indemnity to Staff**
- 6.1. Information on the indemnities the council has in place for officers and councillors is available in **Annex 2.6**.

Annex 3.4 – Monitoring Officer Protocol

1. Purpose of Document

- 1.1. The purpose of this protocol is to explain the role of the Monitoring Officer (“MO”) and provide a guide for officers and councillors as to how it will be exercised in Epsom and Ewell Borough Council.

2. The Monitoring Officer and Deputy Monitoring Officer

- 2.1. The council has a MO under Section 5 of the Local Government and Housing Act 1989.
- 2.2. The MO has designated the Principal Solicitor as the Deputy MO under Section 5 (7) of the 1989 Act. The Deputy MO can perform all the MO’s duties and deputise for the MO when required.
- 2.3. Both the MO’s and Deputy MO’s duties are required to be performed by them personally.

3. Statutory Duties and Functions of the Monitoring Officer

- 3.1. These arise under the Local Government and Housing Act 1989, the Local Government Act 2000 (as amended by the Local Government Act 2003 and the Local Government and Public Involvement in Health Act 2007) and relevant regulations.
- 3.2. In preparing a Section 5 report, the MO must consult, as far as practicable the council’s Head of Paid Service (the Chief Executive) and the Section 151 Officer (Chief Finance Officer).
- 3.3. As soon as the MO has prepared the report, they must send it to every councillor.
- 3.4. The Full Council must consider the report within 21 days of the MO having sent it to councillors.
- 3.5. Once the MO has sent out the report, the council cannot implement any proposal or decision to which it relates until the end of the first business day after the Full Council have considered it.

4. Duties of the Council towards the Monitoring Officer

- 4.1. Under Section 5 (1)(b) of the Local Government and Housing Act 1989, the council must provide the MO with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

5. Functions of the Monitoring Officer

- 5.1. The MO will ensure that an up-to date version of the Constitution is maintained and will ensure that it is available to councillors, officers and the public.
- 5.2. The MO will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards & Constitution Committee.
- 5.3. The MO will conduct or arrange for investigations to be conducted into allegations against councillors made to the council and arrange, if necessary, for the Standards & Constitution Committee to receive reports or recommendations in respect of them.
- 5.4. The MO is the proper officer for access to information and will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- 5.5. The MO will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors and officers in their respective roles.
- 5.6. The MO will support the overview and scrutiny work of the Audit and Scrutiny Committee as set out in **Annex 4.9**.
- 5.7. The MO will ensure that the operation of the Constitution is monitored and reviewed to ensure that the aims and principles of the Constitution are given full effect and will report to the Full Council on this at least once every year.
- 5.8. The MO must establish and maintain the register of the councillors' and co-opted members' interests including disclosable pecuniary interest which must be available for inspection on the council's website.
- 5.9. The MO shall keep the Common Seal of the council in some safe place secured by a lock and the keys.
- 5.10. The MO may attest documents that the Common Seal has been affixed to.
- 5.11. The MO or any other officer authorised by them may authenticate any document that may be required for legal proceedings.
- 5.12. The MO may grant dispensations to councillors where the council would not be able to discharge business unless a dispensation was granted (Section 33 Localism Act 2011).
- 5.13. The MO may instruct external legal support as and when necessary, in connection with a matter concerning the council.
- 5.14. The MO may settle legal proceedings in the best interests of the council.

5.15. The MO shall act as the ‘proper officer’ to receive complaints that councillors have breached the Councillors’ Code of Conduct.

6. Operative Provisions of the Protocol

6.1. The MO will receive:

- i. Advance notice of Strategic Management Team meetings, copies of all agendas and reports.
- ii. Advance notice of meetings whether formal or informal, between the Chief Executive / Directors / Heads of Service and Group Leaders / committee Chairs where any procedural, vires or other constitutional issues are likely to arise.
- iii. Advance notice of all emerging issues of concern, including legality, probity, vires and constitutional issues.
- iv. Copies of all reports to councillors.

6.2. The MO has the right:

- i. To attend and speak at any Strategic Management Team and Corporate Management Team meetings.
- ii. To call for any relevant information, whether confidential or otherwise, and to give that information as appropriate to any body, including the Standards and Constitution Committee, Internal or External Audit, or the Local Government and Social Care Ombudsman.
- iii. To withhold the identity of a complainant who has made an allegation of misconduct against a councillor, in consultation with the Chair of the Standards and Constitution Committee and the Independent Person. Such anonymity will last until preparation for the hearing of the complaint.
- iv. To withhold from a councillor, in consultation with the Chair of the Standards and Constitution Committee and the Independent Person the fact that a complaint has been received against them if it is decided that notification may prejudice any subsequent investigation.
- v. To make non-substantive changes / updates to the Constitution, that is those that do not change a process or meaning of a section / paragraph, in consultation with the Chair of Standards and Constitution Committee. The MO can also make any changes agreed by the Full Council.

6.3. The MO will:

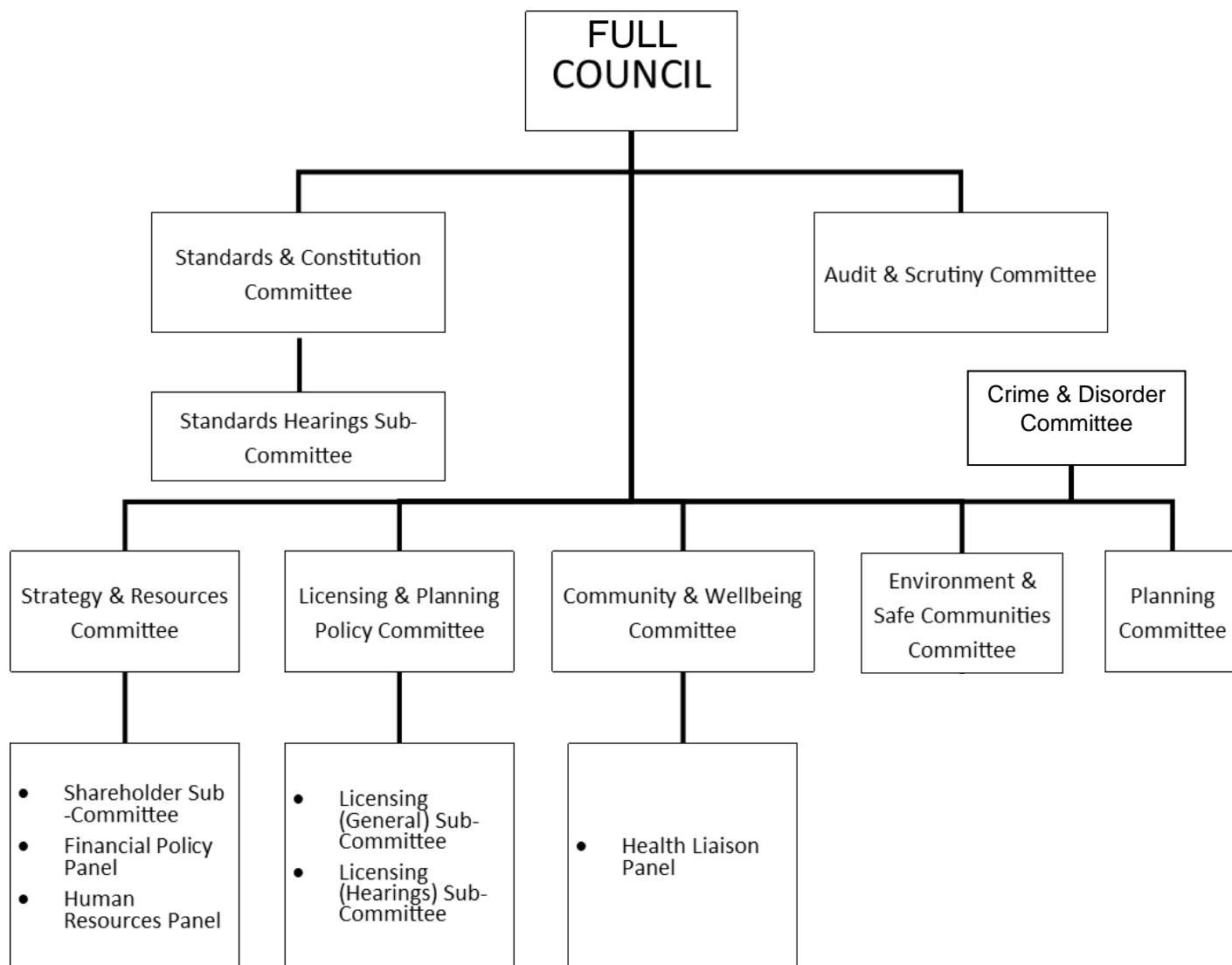
- i. Ensure the Head of Paid Service and the Section 151 Officer have up-to-date information regarding emerging issues.
- ii. Set up arrangements within the authority to ensure that any allegation, made in writing, that a councillor has or may have failed to comply with the authority's codes of conduct, is referred to the MO immediately upon receipt by the council.
- iii. Maintain a register of such allegations to ensure that the council can comply with its obligations under any legislation.
- iv. Refer all substantive allegations of member misconduct to the Standards Hearing Sub-Committee and refer all other matters for action as appropriate.
- v. Act as Chair of the Statutory Officer Group and through this Group will meet the Head of Paid Service and Section 151 Officer regularly (and in any event not less than quarterly) to consider and recommend action in connection with current governance issues and other matter of concern regarding probity.
- vi. In carrying out any investigation (whether under regulations or otherwise), have unqualified access to any information held by the council and any employee who can assist in the discharge of their functions.
- vii. Have control of a budget sufficient to enable them to seek Counsel's opinion on any matter concerning the MO's functions.
- viii. Be responsible for preparing a training programme for councillors on the ethical framework.
- ix. Report to the Standards and Constitution Committee from time to time on the Constitution and any changes.
- x. Appoint a deputy who will be kept briefed on emerging issues. The nominated deputy will have all the rights and powers of the MO when discharging the role of MO.

6.4. The MO may:

- 6.4.1. In consultation with the Mayor and the Chair of the Standards and Constitution Committee, defer the making of a formal report under Section 5 of the LGHA 1989 where another investigative body is involved.
- 6.4.2. Make a report to the council from time to time as necessary on the staff, accommodation and resources required to discharge the MO's functions.

Annex 4.1 - Further Information on the Council's Committees

1. Diagram of Committee Structure



2. The Role of the Full Council

- 2.1. The Full Council acts as a forum where **all** councillors can meet on a regular basis, act as a focus for the council, discuss and debate issues of importance to the Borough and decide the council's Budget and Policy Framework.

2.2. Budget and Policy Framework

- 2.2.1. Information on the council's Budget and Policy Framework can be found in **Annex 4.8**.

2.3. Functions of the Full Council

- 2.3.1. The functions of the Full Council are included in its terms of reference, which are available in **Annex 4.2**.

2.4. Full Council meetings

- 2.4.1. There are three types of meetings of the Full Council, they will be conducted in accordance with its standing orders, available in **Annex 4.3**:
- i. The Annual Meeting.
 - ii. Ordinary meetings.
 - iii. Extraordinary meetings.

3. Policy Committees

- 3.1. Full Council appoints four policy committees, whose terms of reference are available in **Annex 4.2**. The committees are:
- i. Community and Wellbeing
 - ii. Environment and Safe Communities
 - iii. Strategy and Resources
 - iv. Licensing and Planning Policy
- 3.2. In accordance with the aims and objectives set by the Full Council in its corporate plan, the principles of best value, and within the approved budget and policy framework, policy committees will:
- i. Deal with all policy and operational matters, including statutory responsibilities.
 - ii. Develop strategies and policies and put them to the Full Council for approval.
 - iii. Draw up revenue budgets and develop proposals for capital projects, and submit these to the Strategy and Resources Committee for

recommendation to Full Council where these form part of the policy framework.

- iv. Implement approved capital projects.
- v. Develop and maintain communication and consultation with the public, local businesses, voluntary and other relevant organisations, and form partnerships and influence partners.
- vi. Distribute grant aid or award rate relief in accordance with conditions laid down by Full Council.
- vii. Determine the level of delegation to officers.

4. Sub-Committees and working groups

- 4.1. Committees may also appoint sub committees and working groups, and if appropriate agree their terms of reference, a chair and, if considered necessary, a vice chair and substitute committee members of the sub-committee or working group. The Full Council may also set up time-limited sub-committees for specific purposes.

4.2. The terms of reference for all the sub-committees are set out in [Annex 4.2](#).

5. Remit of committees

- 5.1. For the avoidance of doubt, if a particular matter or project falls under the terms of reference of more than one committee, the Full Council may designate one committee as the lead committee for a matter. The lead committee will have all the powers and functions it needs to make decisions on that matter, even if some fall within the remit of another committee. A lead committee has the power to refer the matter to another committee for decision; or for comment or recommendation to Full Council.
- 5.2. No committee, sub-committee, panel, working group or officer shall take action requiring expenditure unless suitable budgetary provision has been approved.
- 5.3. Decisions of committees and sub committees taken in exercise of any delegated functions are the decisions of the council for all purposes unless rescinded. Most decisions cannot be implemented until five working days after publication of the Decision Notice, this is to allow for a possible scrutiny call in.
- 5.4. Each committee can determine the content of any representations to be made to central government, local authority associations, members of parliament, any national organisation, concerning any matter within that committee's remit.

- 5.5. The council has the following committees, in addition to the policy committees, which help it to discharge the functions described in the Full Council's terms of reference (Annex 4.2); they are:
- i. Audit and Scrutiny Committee
 - ii. Planning Committee
 - iii. Standards and Constitution Committee
 - iv. Crime and Disorder Committee
- 5.6. Committees will normally make the final decision on any matter before it, if they have delegated authority to do so, or will make a report and recommendation to Full Council if it they do not have such authority. It is also open to a majority of committee members present, and able to vote, at a meeting to agree to refer a matter to Full Council.
- 5.7. The committees, their terms of reference and number of councillors on each committee, is set out in Annex 4.2.
- 6. Appointment of councillors to committees**
- 6.1. The Full Council will appoint the committee members, Chairs and Vice Chairs to serve on the committees, subject to the right of any political group within the meaning of the Local Government & Housing Act 1989 and any regulations thereto, to make nominations to those appointments.
- 7. Conflicts**
- 7.1. A Chair of a policy committee cannot be a member of or a substitute on Strategy and Resources Committee.
- 7.2. Members of the Audit & Scrutiny Committee may not scrutinise any decision in which they were involved as a member of a policy committee.
- 8. Arrangements for meetings**
- 8.1. There are currently four cycles of meetings in each municipal year: June - July; September - December; January - February; March - April for policy committees. Each policy committee will normally meet at least once in each cycle of meetings and may arrange such special meetings as are necessary. The Planning Committee will meet at least eleven times per year.
- 9. Details relating to committees, sub-committees, area committees, advisory panels and joint arrangements**
- 9.1. Details and further information on the council's committees, sub-committees, area committees, advisory panels, and joint arrangements can be found in Annex 4.2.
- 10. Arrangements to promote wellbeing**

10.1. The council, in order to promote the economic, social or environmental wellbeing of its area may, subject to the other provisions of this Constitution:

- i. Enter into arrangements or agreements with any person or body.
- ii. Co-operate with, or facilitate or coordinate the activities of any person or body.
- iii. Exercise on behalf of that person or body any functions of that person or body.

11. Access to Information

11.1. The Access to Information Procedure Rules is available in **Annex 4.7**.

11.2. If the joint committee contains councillors who are not on the executive of any participating local authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

12. Delegation to and from other local authorities

12.1. The council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority. The reverse also applies, whereby the council may accept such a delegation from another local authority.

12.2. The decision whether or not to delegate functions to another local authority, or to accept such a delegation from another local authority shall be reserved to the council.

13. Contracting out

13.1. The council may contract out to another body or organisation, functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994.

13.2. The council may also arrange for other functions to be carried out by a contractor, where the contractor acts as the council's agent under usual contracting principles, provided there is no delegation of the council's discretionary decision making.

Annex 4.5 – Protocol for Members of the Public Speaking at Committees

1. Questions and statements from the public

- 1.1. At ordinary meetings of the council's committees and sub-committees, up to 30 minutes will be set aside for questions and statements:
 - i. On matters within the terms of reference of the body in question.
 - ii. From any member of the public who lives, works, attends an educational establishment, or who owns or leases land in the Borough.
- 1.2. This protocol is not applicable to advisory panels, regulatory committees, Epsom Walton Downs Conservators and Epsom Walton Downs Consultative Committee.
- 1.3. The topic of the question or statement may not relate to:
 - i. Specific planning or licensing cases, see **Annex 4.11** and **Annex 4.10** respectively for guidance on these.
 - ii. The personal affairs of an individual.
 - iii. A matter which is exempt from disclosure or confidential under the Local Government Act 1972.
- 1.4. Questions and statements which in the view of the Chair are defamatory, offensive, vexatious or frivolous will not be accepted.
- 1.5. Each question or statement will be limited to 3 minutes in length.
- 1.6. This protocol does not cover questions and statements from the public for meetings of the Planning Committee or licensing sub-committees, which are not permitted. The protocols for public speaking at those committees are set out in **Annex 4.10** (licensing) and **Annex 4.11** (planning). For the avoidance of doubt, questions and statements from the public relating to planning or licensing committees matters can only be made at those specific committees with the consent of the Chair of that committee.

2. Procedure for Questions

- 2.1. The chair of the committee shall indicate the item on the agenda at which questions may be put by individual members of the public. Questions are welcomed from the members of the public and must satisfy the conditions below.

- 2.2. All questions must consist of one question only they cannot consist of multiple parts. This does not preclude a member of the public from asking another question on a separate topic, time permitting.
- 2.3. A person who wishes to ask a question must submit their question in writing (either in hard copy or by email) to the Democratic Services Manager at democraticservices@epsom-ewell.gov.uk. The written question must arrive by noon on the third working day before the day of the meeting.
- 2.4. The member of the public submitting a question must set out:
 - i. the wording of the question they wish to ask.
 - ii. an address, email address or telephone number at which they can be contacted before and after the meeting.
 - iii. The details of where they live, work, attend an educational establishment, own or lease land in the Borough.
- 2.5. Following receipt of a written question, the Democratic Services Manager will ensure that the member of the public asking the question is contacted and told whether their request complies with the conditions above. If contact details are not readily identifiable or have not been supplied, the question will not be accepted even if in all other respects it is valid.
- 2.6. At the committee meeting, questions must be addressed to the Chair of the relevant committee / sub-committee. The Chair will invite the questioner to put the question at the meeting.
- 2.7. The Chair may decline to answer a question, may give an answer orally at the meeting or may provide a written reply. If available, the questioner will be supplied with a written answer before the meeting.
- 2.8. Questions regarding items on the agenda for the meeting may not receive an answer, as the matter will not yet have been considered.
- 2.9. At the meeting the Chair will ask the questioner if the response answers their concern or if they wish to ask one supplementary question. If a supplementary question is asked, it must arise from the reply given. The Chair may decline to answer a supplementary question or invite other councillors or officers of the relevant body to contribute to a response.
- 2.10. If a member of the public wishes to ask more than one question, their second question shall be taken after all other individuals who wish to ask a question have been given the opportunity to do so.

3. Procedure for statements

- 3.1. As an alternative to submitting a written question, a member of the public may address a meeting of a committee or sub-committee for up to three minutes.
- 3.2. A person wishing to make a statement at a meeting must provide written notice (via hard copy or email) including a summary of the subject matter, to the Democratic Services Manager. The written notice must arrive by noon one working day before the day of the meeting.
- 3.3. Speakers may not engage in further debate once their statements have been made.

Annex 4.6 – Protocol for Non-Committee Members Speaking at Committees

1. Introduction

- 1.1. Rights for non-committee members to attend and speak at meetings are set out below. The rules of procedure for committees, also known as ‘standing orders’, are located at **Annex 4.4**.
- 1.2. This protocol does not apply to Licensing Sub-Committees and Standards Hearing Sub-Committee and Planning Committee, which have specific protocols, any member of the council may attend the meetings of all committees, sub-committees and advisory panels as an observer and may speak if permission is given by the Chair. Permission to speak will not normally be refused by the Chair.

2. Procedure

2.1. Before the meeting

- i. Attendance only: All non-committee members wishing to be present at a committee, sub-committee or advisory panel meeting are requested to inform the Chair (with a cc to Democratic Services) prior to the meeting.
- ii. To speak: All non-committee members wishing to speak at a committee, sub-committee or advisory panel meeting must inform the Chair (with a cc to Democratic Services) that they wish to speak at meeting and identify the agenda item that they wish to speak on. This notification must be made by noon on the day before the meeting. The right to speak will be to express an opinion on the contents of the report before the meeting.

2.2. At the meeting

- i. The Chair will inform the Committee if a non-committee member has requested to speak, and on which agenda items, and outline the procedure that will be followed.
- ii. The Chair of the meeting has discretion regarding the arrangements for non-committee members speaking. Arrangements agreed by the Chair should be consistently applied throughout the meeting.
- iii. It will not be permissible to ask questions of officers or of the Committee at the meeting.

Annex 4.7 - Access to Information Procedure Rules

1. Scope

- 1.1. These rules apply to all meetings of Full Council, its committees, sub-committees, advisory panels that are held in public (together called meetings).

2. Additional rights to information

- 2.1. These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law (such as the Freedom of Information Act).

3. Rights to attend meetings

- 3.1. Members of the public may attend all meetings subject to the exclusions shown in Section 9.

4. Notices of meeting

- 4.1. The council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Town Hall, Epsom.

5. Access to agenda and reports before the meeting

- 5.1. The council will make copies of the agenda and reports open to the public available for inspection at the Town Hall at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the agenda has been published, the Chief Executive will ensure such reports are available as soon as possible.

6. Supply of copies

- 6.1. The council will supply paper copies of any of the following, to any person on payment of a charge for postage and any other costs.
 - i. Agenda and reports which are open to public inspection.
 - ii. Further statements or particulars necessary to indicate the nature of the items in the agenda.
 - iii. Any other documents supplied to councillors in connection with an item, if the Chief Executive thinks fit.

7. Access to minutes etc. after the meeting

- 7.1. The council will make available copies of the following for six years after a meeting:

- i. The minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- ii. A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record.
- iii. The agenda for the meeting.
- iv. Reports relating to items when the meeting was open to the public.

8. Background papers

8.1. List of background papers

8.1.1. The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- i. Discloses any facts or matters on which the report or an important part of the report is based.
- ii. Have been relied on to a material extent in preparing the report.

8.1.2. Papers will not include published works or those which disclose exempt or confidential information (as defined in Section 9).

8.2. Public inspection of background papers

8.2.1. The council will make available for public inspection for four years after the date of the meeting, a copy of each of the documents on the list of background papers.

9. Exclusion of access by the public to meetings

9.1. Confidential information - requirement to exclude public

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

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

9.2. Exempt information - discretion to exclude public

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

- 9.2.2. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 9.2.3. Exempt information means information falling within the seven categories below provided that in all the circumstances the public interest in withholding the information outweighs the public interest in disclosing the information.

EXTRACTS FROM THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATIONS) ORDER 2006	
DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND	
1.	Information relating to any individual
2.	Information which is likely to reveal the identity of an individual
3.	Information relating to the financial or business affairs of any person (including the authority holding that information)
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5.	Information in respect of which a claim to legal privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes: <ul style="list-style-type: none"> a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

- 9.3. Information falling within any of paragraphs 1 - 7 in the table above, is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under

Regulation 3 of the Town and Country Planning Act General Regulations
1992.

10. Summary of public's rights

- 10.1. A copy of these Rules, constituting a written summary of the public's rights to attend meetings and to inspect and copy documents, will be kept at and available to the public at the Town Hall, Epsom.

Annex 4.8 – Budget and Policy Framework Procedure Rules

1. The Budget and Policy Framework

- 1.1. The Full Council will be responsible for the adoption of its Budget and Policy Framework (“Framework”) for decision-making, as set out below. Once the Framework is in place, it will be the responsibility of the policy committees to implement it.
- 1.2. The Budget and Policy Framework should not be confused with the Council’s Operating Framework. The former is a part of the latter, which contains operational protocols, policies and processes by which the council operates.
- 1.3. The Framework is made up of the council's policies, plans and strategies, some mandatory and others discretionary. The framework is subject to any variation that may from time to time be made in response to legislation. Any change to the framework, which is necessary as a result of changes in legislation, will be incorporated into this Constitution by the Monitoring Officer without the need for the agreement of Full Council.
- 1.4. The Framework includes the mandatory plans and strategies below, which are required by law, while the council's discretionary plans and strategies, including the corporate plan, are available on its website:
 - 1.4.1. Mandatory
 - i. Local Development Framework and Local Area Action Plans
 - ii. Statement of Licensing Policy
 - iii. Statement of Gambling Policy
 - iv. Crime & Disorder Reduction Strategy
 - v. Pay Policy Statement
 - 1.4.2. [Discretionary strategies and plans](#)
 - 1.4.3. The budgetary elements of the Framework include:
 - i. The allocation of financial resources to different services and projects.
 - ii. Any proposed contingency funds.
 - iii. Setting the Council Tax for the Borough.
 - iv. Decisions relating to the control of the council's borrowing requirement.
 - v. The control of capital expenditure.

- vi. The setting of limits to the amounts by which committees and officers can transfer expenditure between different budget heads (virement).
 - vii. Medium Term Financial Strategy (MTFS).
 - viii. Treasury Management Strategy
 - ix. Capital Strategy
 - x. Budget Book
 - xi. Financial Regulations (Annex 5.1)
 - xii. Any additional budget targets that Strategy and Resources Committee agree each year.
- 1.5. Note: any operational policies not listed above are not considered part of the Framework in relation to Section 4 below, concerning in-year changes. Amendments and updates to said operational policies can be approved by the Strategic Management Team.

2. Process for developing the framework

- 2.1. The process by which the Budget and Policy Framework shall be developed is:
- i. Each year the Strategy and Resources Committee will recommend to Full Council a programme for establishing the Budget and Policy Framework for the following year. Once agreed by Full Council, there will be 4 weeks for public consultation. Following any amendments, the framework will be published.
 - ii. Within the overall programme, any strategic policy or resource issues, which are requested as studies by the Audit and Scrutiny Committee, will be identified. These studies include those identified by each policy committee, which relate to policy issues that the committees would like to make recommendations to Full Council on, and which form part of the Budget and Policy Framework.
 - iii. Policy studies undertaken by the Audit and Scrutiny Committee should engage as widely as possible with citizens and stakeholders in the community, and use a variety of methods to gauge public views. The results should be presented to the relevant policy committee, who will then develop proposals to be submit to Full Council.
 - iv. In approving the Policy and Budgetary Framework, presented to it by the Strategy and Resources Committee, Full Council will also specify the extent of virement within the budget, and the degree of in-year changes to the policy framework which may be undertaken by policy

committees, in accordance with sections 3 and 4 of these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to Full Council.

3. Virement

- 3.1. The Full Council will decide on virement limits having regard to the nature of its functions, the size of its budget, and the need to maintain a balance between the Budget and Policy Framework and the flexibility needed in-year to deliver services in accordance with Best Value principles.

4. In-year changes to policy framework

- 4.1. The responsibility for agreeing the Budget and Policy Framework lies with the Full Council, and decisions by policy committees or officers with delegated authority must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by a policy committee or officer with delegated authority except changes:

- i. Necessary to meet a budgetary constraint.
- ii. Necessary to ensure compliance with the law, ministerial direction or government guidance.
- iii. In relation to the policy framework in respect of a policy which would normally be agreed annually by the Full Council following consultation, but where the existing policy document is silent on the matter under consideration.
- iv. That apply to operational policies as per paragraph 1.4.

- 4.2. The Full Council may make in-year changes to its Budget and Policy Framework, other than in the circumstances set out in 4.1 above, but will only do so:

- i. On the recommendation of a policy committee.
- ii. In response to a report from the Chief Executive
- iii. On a motion, after proper notice in accordance with the Full Council standing orders set out in **Annex 4.3**.

- 4.2.1. In all cases above, changes need to be after a period of consultation with citizens and stakeholders appropriate to the nature of the changes proposed.

Annex 4.9 – Overview, Audit and Scrutiny (including Call-in Procedure and Councillor Calls for Action)

1. Arrangements for scrutiny at the council

- 1.1. The Council will appoint a committee to discharge the scrutiny and review functions conferred by the Local Government Act 2000 (Section 9JA) in relation to the following matters:
 - i. Local democracy and the achievement of effective, transparent and accountable decision making by the council.
 - ii. The council's budget, the management of its budget, capital programme, revenue borrowing and assets and its audit arrangements.
 - iii. The social, economic and environmental well-being of the Borough.
 - iv. The provision, planning, management and performance of all council services.
 - v. The council's compliance with its duty concerning Best Value, in accordance with the Local Government Act 1999.
- 1.2. The functions detailed in 1.1 are discharged by the council's Audit and Scrutiny Committee ("Committee"). The Committee will arrange all overview and scrutiny functions on behalf of the council, with the exception of those conferred by Section 19, and Schedule 8, of the Police and Justice Act 2006 and regulations made under Section 20 of the Police and Justice Act 2006 in relation to the Crime and Disorder Reduction Partnership. These functions are discharged by the Crime and Disorder Committee, whose terms of reference can be found in **Annex 4.2**.
- 1.3. The Audit and Scrutiny Committee will be responsible for:
 - i. Arranging the overview and scrutiny functions on behalf of the council.
 - ii. Ensuring that the council complies with its duty concerning Best Value, in accordance with the Local Government Act 1999.
 - iii. Approving an annual overview and scrutiny Work Programme.
 - iv. Monitoring the council's financial and audit arrangements and considering regular reports from the auditors on the outcome of audits.
 - v. Putting in place a system to ensure that referrals from the Committee to Full Council and to the policy committees, either by way of report or for reconsideration, are managed efficiently.

- vi. Monitoring progress on the council's corporate plan, and scrutinise the application of the council's Risk Management Strategy.

1.4. The Committee's terms of reference can be found in **Annex 4.2**.

2. Who may sit on the Audit and Scrutiny Committee?

2.1. All councillors, apart from policy committee Chairs, may be members of the Audit and Scrutiny Committee.

2.2. No councillor may be involved in scrutinising a decision in which they have been directly involved, that is, as a member of the decision-making committee.

3. Co-optees

3.1. The Audit and Scrutiny Committee may seek to co-opt other councillors to constitute sub-committees, or panels, provided that no councillor may scrutinise a decision in which they been involved (see 2.2).

3.2. The Committee shall be entitled to appoint to any sub-committee or panel a co-opted member who is not a councillor or an officer of this council.

4. Meetings of the Audit and Scrutiny Committee

4.1. There shall be at least four ordinary meetings of the Audit and Scrutiny Committee in each year. In addition, special meetings may be called from time to time as and when appropriate. A special committee meeting may be called by the Chair, by any three members of the Committee or by the scrutiny officer, at present the Business Assurance Manager, if they consider it necessary or appropriate.

5. Quorum

5.1. The quorum for the Audit and Scrutiny Committee shall be as set out for committees in **Annex 4.4**.

6. Chair of the Audit and Scrutiny Committee

6.1. The Chair of the Committee will be appointed by the Full Council, from among the councillors sitting on the Committee.

7. Work programme and Annual Report

7.1. The Committee will be responsible for setting its own work programme and in doing so it shall take into account, along with other considerations, the wishes of its committee members, including those who are not members of the largest political group on the council.

7.2. The Committee will report annually to Full Council on its workings and make recommendations for future work programmes and amending working methods if appropriate.

8. Agenda items

- 8.1. Any councillor who wishes to have an item included on the agenda of the Committee, should give written notice of the item to the scrutiny officer. If the scrutiny officer receives such a notification they will, in consultation with the Committee Chair and Vice Chair, include it on the first available agenda of the Committee for consideration by the Committee. The reports and documents associated with the agenda item should be submitted to the scrutiny officer to upload to the committee report system and committee forward plan. However, where the notification is deemed to be a Councillor Call for Action, the Councillor Call for Action Protocol shall be implemented (see **Section 15**).
- 8.2. The Committee shall also respond, as soon as its work programme permits, to requests from the Full Council, and if it considers it appropriate the policy committees, to review particular areas of council activity. Where it does so, the Committee shall report its findings and recommendations back to Full Council and / or the relevant policy committee. The Full Council and / or the relevant policy committee shall consider the report of the Audit and Scrutiny Committee at its next available meeting.

9. Policy and development overview

- 9.1. The role of the Audit and Scrutiny Committee in relation to the development of the council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules (**Annex 4.8**).
- 9.2. In relation to the development of the council's approach to other matters not forming part of its Budget and Policy Framework (**Annex 4.8**), the Audit and Scrutiny Committee may make proposals to policy committees for such development, in so far as it relates to matters within their terms of reference. Although it is recognised that in most cases policy committees will develop their own policy.
- 9.3. The Audit and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development. The Committee may appoint advisers and assessors to assist them in this process. The Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration, and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so: in line with the council's Budget and Policy Framework (**Annex 4.8**), **Procurement Strategy** and Contract Standing Orders (**Annex 5.2**).

10. Reports from the Audit and Scrutiny Committee

- 10.1. Once the Audit and Scrutiny Committee has completed its deliberations on any matter it will prepare a formal report and submit it, via the scrutiny officers, for consideration by the relevant policy committee; if the proposals are consistent with the existing Budget and Policy Framework (**Annex 4.8**), or to the Full Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 10.2. If the Audit and Scrutiny Committee cannot agree on one single final report to the Full Council or the relevant policy committee, as appropriate, then up to one minority report may be prepared and submitted for consideration by the Full Council or policy committee with the majority report.
- 10.3. The Full Council or the relevant policy committee shall consider the report of the Audit and Scrutiny Committee at its next available meeting.
- 10.4. When the Full Council meets to consider any referral from the Audit and Scrutiny Committee on a matter which would impact on the Budget and Policy Framework (**Annex 4.8**), it shall also consider the response of the relevant policy committee to the Audit and Scrutiny Committee's proposals, and shall if necessary, defer consideration of those proposals until after the next meeting of the relevant policy committee.

11. Rights of Audit and Scrutiny Committee members to documents

- 11.1. All members of the Audit and Scrutiny Committee ("Members") have the right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules (**Annex 4.7**). Members, and any sub-committees or panels (including any co-opted Members), have all such rights in relation to any of the agreed work programme of the Committee.

12. Members and officers giving account

- 12.1. The Audit and Scrutiny Committee may scrutinise and review decisions made - other than quasi-judicial decisions, e.g. planning and licensing applications - or actions taken in connection with the discharge of any of the council's functions. As well as reviewing documentation, in fulfilling the scrutiny role, the Committee may require the Chair of a policy committee, the Chief Executive and / or any Head of Service to attend before it to explain matters within its remit, as follows:
 - i. Any particular decision or series of decisions.
 - ii. The extent to which the actions taken implement council policy or the performance of the council.

- 12.2. It is the duty of those persons named in Section 12.1 to attend if so required. Save in exceptional circumstances, and in agreement with the Chief Executive, no officer below Director or Head of Service shall be required to appear before the Audit and Scrutiny Committee.
- 12.3. If any councillor or officer is required to attend the Audit and Scrutiny Committee under the Section 12.1 provision, the Chair of Audit and Scrutiny Committee will inform the scrutiny officer. The scrutiny officer shall inform the councillor or officer in writing, giving at least five working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which he/she is required to attend to give account, and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 12.4. If, in exceptional circumstances, the councillor or officer is unable to attend on the required date, the Audit and Scrutiny Committee shall, in consultation with the councillor or officer, arrange an alternative date for attendance to take place, within a maximum of ten working days from the date of the original request.

13. Attendance by others

- 13.1. The Audit and Scrutiny Committee may invite people other than those people referred to in Section 12 above to address it, discuss issues of local concern, and / or answer questions. It may for example wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector, and shall invite such people to attend, whether in relation to scrutiny of the council's policies and activities or those of any other agency which affect the social, environmental, or economic well-being of the residents of the Borough. Other committees or advisory panels may also, from time to time, scrutinise such other agencies.

14. Call-in procedure

14.1. Introduction

- 14.1.1. When a decision has been made by policy committees, five clear working days must pass before that decision can be implemented, subject to the conditions below. During this period, councillors may use the procedure set out in this Section to "call in" that decision. If a request is made to call in a decision, and that request is valid, a meeting of the Audit and Scrutiny Committee will be held where that decision will be subject to review on scrutiny. The Committee will then be able to make recommendations to the relevant policy committee as to whether the decision should be implemented

unamended, implemented with changes, or withdrawn entirely. This Section explains the call-in process in more detail.

- 14.1.2. Call-in should only be used in exceptional circumstances. In a committee system authority, councillors have the opportunity to influence decisions on a cross-party basis in policy committees.
- 14.1.3. It is recommended that councillors wishing to make a request for a call-in contact the Monitoring Officer before doing so to ensure that advice and support can be given.
- 14.1.4. The power to call decisions in, does not apply to decisions made by quasi-judicial or regulatory committees. Separate procedures apply for planning and licensing matters, [Annex 4.11](#) and [Annex 4.10](#) respectively. However it does apply to officer delegated decisions as per [Annex 3.2](#) (Section 4).

14.2. The call-in procedure

- 14.2.1. When a decision or series of decisions is / are made by a policy committee or under joint arrangements, notice of those decisions shall be published electronically by Democratic Services to a group e-mail address which includes the scrutiny officers and members of the Audit and Scrutiny Committee, normally within two working days of the meeting when they are made. The notice of decisions shall also be available on request in hard copy from the Town Hall.
- 14.2.2. The decision notice will:
 - i. Bear the date on which it is published.
 - ii. State whether any decision made and referred to in the notice is urgent (in the opinion of the Chief Executive or their nominee), and will therefore not be subject to call-in.
 - iii. Specify that the decisions set out in the notice which are subject to call-in may be implemented on the expiry of five clear working days after the publication of the decision, unless it is called in. The five clear working days will not include the date of publication of the notice or the date of implementation. This period can be referred to as the “call-in period”.
 - iv. Include the following statement: “The following represents a summary of the decisions taken by [the Committee]. It is not intended to represent the formal record of the meeting (for which reference should be made to the meeting’s minutes).”
- 14.2.3. During the call-in period, any councillor can instigate a call-in. To instigate a call-in, a councillor needs to submit a ‘valid’ call-in, see Section 14.2.4, to the scrutiny officer (Business Assurance Manager). Note: a valid call-in request

will result in the convening of a meeting of the Audit and Scrutiny Committee in line with the arrangements set out below

14.2.4. For the purposes of this section, a valid call-in request is one that:

- i. Is made in writing and sent by e-mail, or in hard copy, to the scrutiny officer.
- ii. Makes clear the specific decision that those councillors wish to call in. A request to collectively call in all decisions made at a particular meeting will not be valid, although requests to call in those decisions on an individual basis may be.
- iii. Cites the reason or reasons why the decision should be called in. Relevant reasons will be:
 - a. That, in making the decision, the committee or decision-making body has not had regard to public views on the topic.

and / or

- b. That, in making the decision, the committee or decision-making body has not had regard to certain relevant evidence – either because it was not brought to the attention of the committee at the time or because it was not available.
- iv. Cites evidence to suggest that a committee took the decision not in accordance with one or more of the principles set out in the other sections of this Constitution, such as paragraph 5.2 of the Constitution.
- v. Should not be contrary to the Nolan principles¹, and Councillors' Code of Conduct (Annex 2.1).

14.2.5. On receipt of a call-in request, the scrutiny officers will inform the Chair and Vice Chair of Audit and Scrutiny Committee ("Chairs"), who will, in consultation with the scrutiny officer and, if necessary, the Monitoring Officer, consider whether the request is valid.

14.2.6. If a request is deemed invalid, the requesting councillor will be informed in writing by the Chair of Audit and Scrutiny Committee, who will set out why the request has been denied.

14.2.7. If a request is deemed valid, the Chairs will inform the Monitoring Officer. The Chairs will also inform the requesting councillor that their request has been deemed valid and submitted to the Monitoring Officer.

¹ HM Government (1995) *The Seven Principles of Public Life*. Online available: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2> [last accessed 12/12/2022].

- 14.2.8. If the scrutiny officer receives more than one request for a call-in on a particular decision, they will inform the Monitoring Officer and Chairs. The Monitoring Officer will liaise with the requesting councillors to manage those requests collectively.
- 14.2.9. Democratic Services may issue a form which can be filled in by councillors to make the process of calling in decisions more straightforward, but nothing in that form or in this Section should be taken as requiring that such a form be filled in for a call-in request to be valid.
- 14.2.10. When the Monitoring Officer receives a valid request for a decision to be called in from the Chairs, they shall:
- i. Notify the Chair and Vice Chair of the decision-making committee, in the first instance, that a valid request for a call-in has been received. After which the Monitoring Officer will inform the other members of the decision-making committee.
 - ii. Notify any other councillors and officers of the council they think necessary.
 - iii. Call a meeting of the Audit and Scrutiny Committee on such date as they (the Monitoring Officer) may determine, where possible after consultation with the Chair of that committee, and in any case within ten working days of decision to call in. If an ordinary meeting of the Audit and Scrutiny Committee is due to be held within ten working days of the decision to call in, the call-in may be considered at that meeting as the first substantive item on the agenda. More than one call-in may be considered at a single meeting of the Audit and Scrutiny Committee.
 - iv. Ensure that the agenda for that meeting includes such reports and information as might be considered necessary for the Audit and Scrutiny Committee to be able to hold a full and informed debate on the decision, having particular regard to the reasons given by councillors as to why the decision should be called in.
 - v. Issue invitations to relevant councillors and officers to attend. Call-in meetings should be attended by the Chair of the relevant policy committee and by a relevant senior officer.

14.3. Procedure for debate on call-ins at committee

- 14.3.1. Whether a call-in is considered at a special meeting or an ordinary meeting of the Audit and Scrutiny Committee, the general rules of procedure for committees will apply (Annex 4.4), with the following exceptions:

- i. The Chair will begin discussion on the item by identifying the councillors calling the decision in and summarising the reasons for the decision to be called in.
- ii. The Chair will invite the councillor or councillors requesting the call-in to address the Committee to provide further information on the reasons for the call-in, and to set out whether they wish the decision to be amended or withdrawn.
- iii. Members of the Committee, through the Chair, may question any councillors and officers present to speak to the decision.
- iv. There will be no time limit on the debate. The Chair will have regard to the need for the debate to focus on the reasons for the call-in, and to ensure that all committee members have the opportunity to express a view, and to ask questions of witnesses, on those reasons.
- v. At the end of the committee's consideration of the item, the Chair will ask the committee to resolve:
 - a. That the decision stand unamended, and that no recommendation be submitted to the relevant policy committee. If such a resolution is passed the decision may be immediately implemented.

Or

- b. That the decision be referred to the relevant policy committee for amendment. In this case, the committee should agree the terms of such an amendment.

Or

- c. That the decision be referred to the relevant policy committee with a view to its being withdrawn / rescinded.
- vi. In the case of (b) and (c) above no action to implement the decision may be taken until the policy committee has had the opportunity to consider the recommendation / resolution of the Audit and Scrutiny Committee.

14.3.2. Immediately following the conclusion of the meeting, the Monitoring Officer will communicate the Audit and Scrutiny Committee's resolution / recommendations to whichever councillors and officers they consider necessary.

14.4. Consideration of recommendations by policy committee

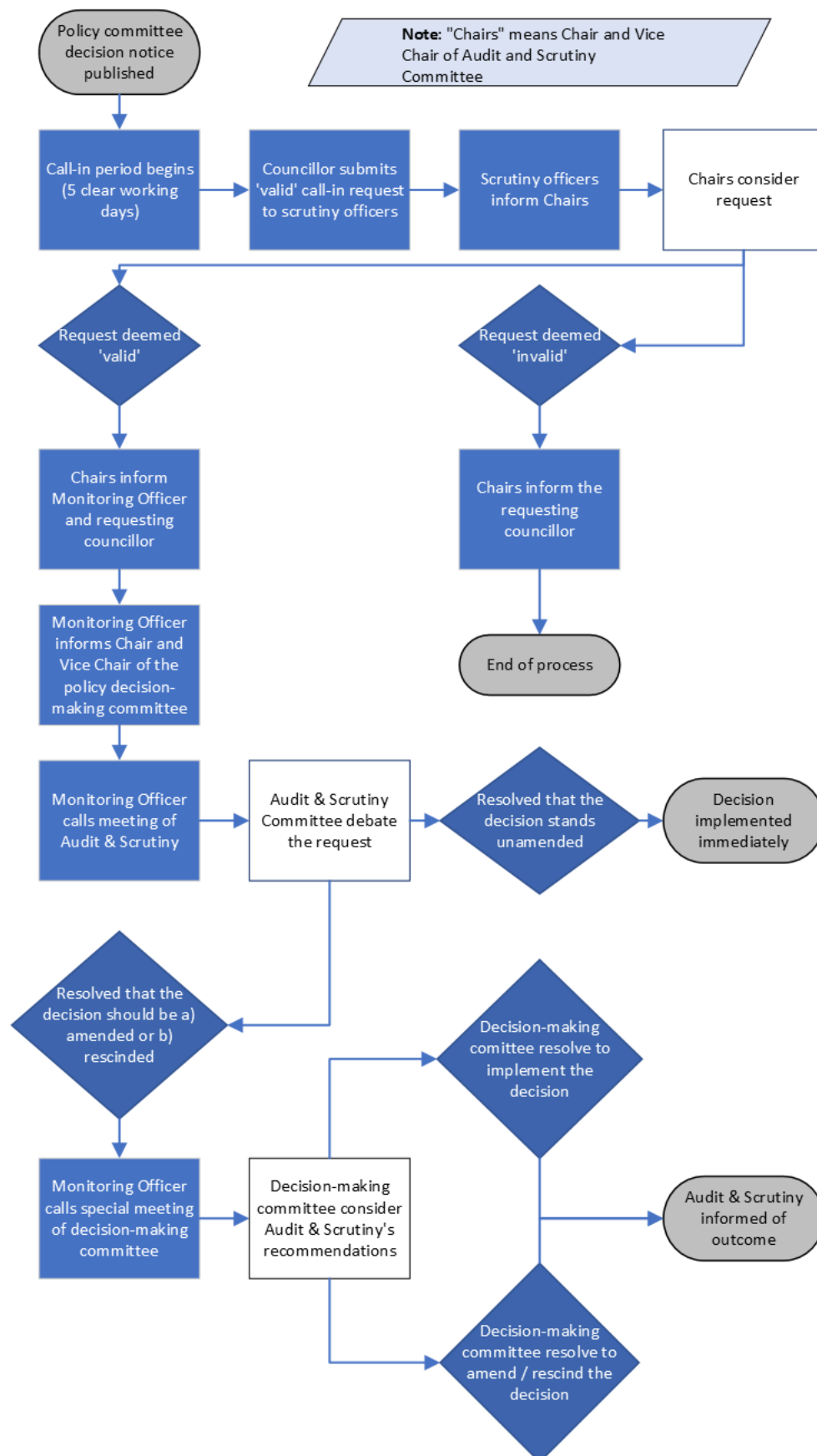
- 14.4.1. Where the Audit and Scrutiny Committee makes a resolution under 14.3.1(v.) (b) or (c) above, the Monitoring Officer will convene a special meeting of the relevant committee to consider that resolution on the earliest possible date, while complying with legal requirements relating to the convening of council committee meetings.
- 14.4.2. The policy committee considering the resolution shall consider whether to accept the Audit and Scrutiny Committee's recommendations. The recommendations may be accepted or rejected as they are presented and shall not be subject to amendment.
- 14.4.3. If the policy committee decides to implement the decision notwithstanding recommendations from the Audit and Scrutiny Committee, the policy committee will state reasons for doing so. These reasons will be communicated to the Audit and Scrutiny Committee. The decision will be implemented immediately.

14.5. Call-in and urgency

- 14.5.1. The call-in procedure set out above shall not apply where the decision being taken by a policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in would seriously prejudice the council's or the public's interest. Urgent decisions will be notified within the original report and the decision notice.
- 14.5.2. Decisions taken as a matter of urgency must be reported to the next available meeting of the Full Council, together with the reasons for urgency.
- 14.5.3. The operation of the provisions relating to call-in and urgency shall be monitored annually by the Chief Executive or their nominee, and a report submitted to Full Council with proposals for review if necessary.

14.6. Flowchart for call-in procedure

- 14.6.1. The flowchart below illustrates the call-in process. If any further details are required, please review the Sections above.



15. Councillor Call for Action

15.1. What is Councillor Call for Action (CCFA)?

- 15.1.1. CCFA is the name given to a statutory mechanism in place at the council which enables councillors to seek assistance from the Audit and Scrutiny Committee in resolving outstanding Ward matters.
- 15.1.2. CCFA does not guarantee satisfactory resolution will be secured at the end of the process.

15.2. When can a councillor request a CCFA?

- 15.2.1. CCFA is a means of last resort. Emphasis is placed on the need for a councillor to resolve a Ward matter themselves. Only those matters where it is shown that the councillor has exhausted all other possible steps by which to secure resolution will be considered by the Committee.

15.3. What type of issues can form a CCFA?

- 15.3.1. To be considered for CCFA, the subject matter must be relevant to the functions of the Audit and Scrutiny Committee. Local crime and disorder matters should be referred to the Crime and Disorder Committee.
- 15.3.2. Only those matters which affect all or part of the councillor's Ward or any person who lives or works in the Ward can be considered. Matters which affect the Borough as a whole are to be handled through other means.

15.4. Are any matters excluded from the CCFA?

- 15.4.1. Several exceptions exist, vexatious, discriminatory and unreasonable requests are excluded from the process. In addition, those matters where a specific alternative route exists by which to secure resolution are excluded, e.g. the complaints process and licensing and planning decisions.

15.5. How does a councillor register a Call for Action?

- 15.5.1. For further advice or to make a CCFA request, please speak to either the Chair of the Audit and Scrutiny Committee or the scrutiny officer.

16. Procedure at Audit and Scrutiny Committee meetings

- 16.1. Where the Committee asks people to attend to give evidence at Committee meetings they are to be conducted in accordance with the following principles, that:
 - i. The investigation be conducted fairly, and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak.
 - ii. Those assisting the Committee by giving evidence be treated with respect and courtesy.

- iii. The investigation be conducted so as to maximise the efficiency of the investigation or analysis.

16.2. Following any investigation or review, the Committee shall prepare a report for submission to the relevant committee and / or Full Council as appropriate and shall make its report and findings public.

17. Scrutiny Training

17.1. Councillors will receive scrutiny training as part of their induction programme.

Annex 4.10 - Code of Conduct and Practice in Licensing Procedures and Hearings (including the Gambling Act 2005)

1 Introduction and status of the code

- 1.1 The purpose of this Code is to assist councillors in the discharge of the council's licensing function and to guide applicants and other interested parties. The Code relates to all councillors and not just to those who are members of the licensing and hearing sub-committees (**Annex 4.2**), and also to council officers, where appropriate. It should be read in conjunction with the Councillors' Code of Conduct (**Annex 2.1**), and councillors should apply this Code in light of it.

2 Definitions and interpretations

- 2.1 "The (Licensing) Authority" means Epsom and Ewell Borough Council.
- 2.2 "Licensing Objectives" means the four objectives the Licensing Authority must have a view to promoting when carrying out its functions under the Licensing Act 2003. The Licensing Objectives are defined in Part 2, paragraph 4 (2) of the Licensing Act 2003 which are:
- i. The prevention of crime and disorder.
 - ii. Public safety.
 - iii. The prevention of public nuisance.
 - iv. The protection of children from harm.
- 2.3 "Premises" means any vehicle, vessel or moveable structure, or any place or a part of a premises.
- 2.4 "Applicant" means the applicant for the Grant or Variation of a licence, or certificate as defined by section 16 of Licensing Act 2003.
- 2.5 "Application" means any application under the Licensing Act 2003, including:
- i. Grant of a premises licence, club premises certificate or Temporary Event Notice (TEN).
 - ii. Transfer of a premises licence or club premises certificate.
 - iii. Review of a premises licence.
 - iv. Variation of a licence or certificate (including waiver or modification of a licence condition or to extend the licensed area, amend the licensable activities or extend the licensed hours).

- 2.6 "Authorised Person" is defined in Part 3, paragraph 13 (2) of the Licensing Act 2003, and includes bodies empowered by the Act to carry out inspection and enforcement roles. In respect of all premises, these include; Licensing Authority Officers, Fire Authority Inspectors, Environmental Health Officers and inspectors locally responsible for the enforcement of Health and Safety at Work etc Act 1974.
- 2.7 "Responsible Authorities" is defined in Part 3, paragraph 13 (4) of the Licensing Act 2003, and includes public bodies that must be fully notified of applications, and are entitled to make representations to the Authority on applications for the grant, variation or review of a premises licence. These include, The Surrey Chief Officer of Police, Fire and Rescue Service, Environmental Health Officers, Trading standards, the Home Office, Public health authority, the Licensing Authority and inspectors locally responsible for the enforcement of Health and Safety at Work etc. Act 1974, Chief Planning Officer, Surrey Area Child Protection Committee and any Licensing Authority.
- 2.8 "Party to the hearing" means a person to whom notice of the hearing is to be given in accordance with Regulation 6 (1) of the Licensing Act 2003 (Hearings) Regulations 2005, and "party" and "parties" shall be construed accordingly,
- 2.9 "Representation" means any person who has lodged a written objection to an application in accordance with these rules, and as defined in Part 3, paragraph 18 (6) of the Licensing Act 2003.
- 2.10 "Regulations" means Regulations made under the Licensing Act 2003
- 2.11 In these rules, the masculine always includes the feminine.

3 Licensing sub-committees

- 3.1 The Council's Licensing & Planning Policy Committee discharges the Council's functions related to Licensing matters, through two Licensing Sub Committees. The Licensing (Hearings) Sub Committee determines matters specific to the Licensing Act 2003 and the Licensing (General) Sub Committee determines all other licensing matters.
- 3.2 This Code applies to both Licensing Sub Committees, but is specifically directed to the Licensing (Hearings) Sub Committee, in light of the specific requirements of the Licensing Act 2003.
- 3.3 The Licensing (Hearings) Sub Committee must consist of at least three Members. No business shall be transacted unless at least three members are present from those trained members of Licensing and Planning Policy Committee.

- 3.4 Councillors shall not normally hear an application if they represent the Ward in which the applicant's premises are situated, or if they live within the vicinity of the premises.

4 The need for guidance on licensing

- 4.1 Licensing has a special responsibility to safeguard interests and balance conflicts.
- 4.2 Licensing applications are sometimes amongst the most contentious matters with which the Council deals. The successful operation of the licensing system relies amongst other things, upon ensuring that both Officers and Members act in a way that is not only fair and impartial but is also clearly seen to be so. Licensing decisions can affect land and property values, and it is important that decisions are made openly, impartially, with sound judgement and for justifiable reasons.

5 General role and conduct of members in relation to the licensing system

- 5.1 The determination of applications by the Licensing (Hearings) Sub Committee is a quasi-judicial process. The role of members taking licensing decisions has similarities to that of a court of law (and Licensing Justices). Decisions are made after a hearing at which the applicant and objectors are each given an opportunity to put their case. The decision reached must be based upon the evidence heard and a consideration of any relevant Council policies and government advice. The decision should have regard to the Secretary of State guidance issued in accordance with section 182 of the Licensing Act 2003.
- 5.2 Members of the Licensing (Hearings) Sub Committee should not favour any person, group, company or locality, nor put themselves in a position where they appear to do so, as their overriding duty in making decisions on licensing applications is to do so in a fair and impartial manner, in accordance with the Licensing Objectives, and taking into account any relevant Policy or government guidance.
- 5.3 The Licensing (Hearings) Sub Committee must adhere to European Convention of Human Rights. In particular Article 6, the right to fair and public hearing; Article 1 of the First Protocol, the right to peaceful enjoyment of a person's property and possessions; and Article 8, the right to respect for a person's private and family life, home and possessions.

6 Training

- 6.1 No members may sit on a Licensing (Hearings) Sub Committee without having undertaken training in licensing procedures and legislation as specified by the Council.

7 Lobbying

- 7.1 Lobbying is a normal and perfectly proper part of the licensing process provided that it does not affect the impartiality of the decision-making. Those likely to be affected by a licensing application may seek to influence it through an approach to their elected Ward Member or other Councillor, who may make representations to the application in accordance with the Rules of Procedure of the Committee (see paragraph 7.3 below). However, personal lobbying of the Members of a Committee, by anybody, including other Councillors, that is to determine the application in question is not appropriate, and can lead to the impartiality and integrity of a Councillor being called into question with the risk of findings of maladministration by the Ombudsman and/or the decision of the Sub Committee being challenged by way of Judicial Review.
- 7.2 A Member who is lobbied by an applicant or objector in relation to an application which may come before a Sub Committee on which that Member may sit, should (a) inform the person lobbying that such approach should only be made to officers or councillors who are not a member of the Licensing Committee; (b) notify the Monitoring Officer of the fact that such an approach had been made and (c.) declare the fact and nature of such approach at the Sub Committee.
- 7.3 Any Member wishing to rely upon any written material or other evidence which they wish to be considered by a Licensing Sub Committee, must provide such evidence in advance to the relevant officers, and within the timescales prescribed in any Regulations or Council procedures.
- 7.4 Members of any Licensing Sub Committee must make decisions based on the facts of the case. Their decisions must not be predetermined or be subject to a party “whip”. The use of the party whip is considered by the Ombudsman as contrary to the former National Code of Conduct amounting to maladministration if it leads to Members making a particular decision without taking into account all relevant matters.
- 7.5 Should an Officer be subject to lobbying by an applicant, objector, or any Councillor, this will be reported to the Sub Committee determining the application.

8 Gifts and hospitality

- 8.1 Councillors and officers should observe extreme caution in respect of any personal offer of a gift, favour or hospitality from someone who has or is likely to submit a licensing application to the Council. Further guidance on this matter is given in the Council’s Code of Conduct for Members. Even gifts of nominal value should be refused.

- 8.2 All offers or receipt of gifts or hospitality must be reported to the Monitoring Officer on the prescribed form and they will be recorded in the register of gifts and hospitality.

9 Declaration of interests

- 9.1 The responsibility for declaring an interest rests with Members. If in doubt, Members should seek advice well in advance of the meeting concerned. Guidance on the declaration of personal and prejudicial interests is contained in the Council's Code of Conduct for Members. Advice is available from the Monitoring Officer.
- 9.2 Where the Member has a Disclosable Pecuniary Interest (DPI) , a personal or prejudicial interest in an item on the agenda, it should, be declared. A Member with a DPI or a prejudicial interest will not be entitled to sit on a Licensing Sub Committee deliberating the application in question. Where a prejudicial interest is declared, the Member concerned is required to leave the meeting, unless the member has made representation in their own right, or, is elected to represent an objector who has made a valid representation. In these circumstances, it will not be possible for the Member to take any part in the decision making process and have no more rights than a member of the public.

10 Licensing applications submitted by councillors and their close associates or licensing applications which may have an impact on councillors, their families or close associates

- 10.1 Councillors will wish to have particular regard to the Councillors' Code of Conduct (**Annex 2.1**), for instance where councillors act as agents for people pursuing licensing issues.
- 10.2 Given the **Annex 2.1**, councillors who have business or other interests that may bring them into contact with the council's licensing system on a regular basis should not normally sit on the Licensing and Planning Policy Committee or its Sub Committees.

11 Councillor and officer relations

- 11.1 Good administration is dependent upon a successful relationship between councillors and officers, which can only be based upon mutual trust and understanding of each other's roles and responsibilities. This relationship, and the trust which underpins it, should not be abused or compromised. Accordingly, councillors should not attempt in any way to influence the terms of the officers' report or recommendation on any application. Equally, officers should give firm independent advice. Further information on councillor / officer relations is located at **Annex 2.5**.

12 The role of the Licensing Officer

- 12.1 Licensing Officers fulfil two roles at a meeting of a Licensing Sub Committee. Firstly, a role limited to an administrative one, and secondly, a role limited to consideration of the relevant representations from their knowledge of local licensing policy, guidance, statute and good practice.
- 12.2 Licensing Officers do not make recommendations in reports to a Licensing Sub Committee in terms of the outcome of the hearing, but will introduce the Report and provide the Committee only with summary information such as the following:
- i. Summary of the application.
 - ii. Summary of the representations made.
 - iii. Summary of how they view the provisions of the Licensing Policy.
 - iv. Statement, Guidance of the Secretary of State, and the relevant legislation as relating to the application and any relevant representations.
 - v. Summary of any pre-application and pre-decision discussions held with the applicant or bodies making representations.
 - vi. Details of any site visits which took place prior to the application or Committee hearing.
 - vii. Details of any lobbying activities which have been brought to their notice.
- 12.3 Licensing authorities can also make representations about applications or call for reviews. Where it is necessary for a Licensing Officer to act in the role of a responsible authority intending to make representations there should be a separation between this officer and the licensing authority officer processing the application.

13 Licensing (Hearing) sub-committees

13.1 Action following receipt of notice of hearing

- 13.1.1 A party shall give to the Authority, within the period of time prescribed below, a notice stating:
- i. Whether he intends to attend or be represented at the hearing.
 - ii. Whether he considers a hearing to be unnecessary.
- 13.1.2 In the case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief

description of the point or points on which that person may be able to assist the Authority in relation to the application, representations or notice of the party making the request.

13.1.3 In the case of a hearing for cancellation of an interim authority notice following Police objection, or counter notice following Police objection to a TEN, the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

13.1.4 In the case of a hearing for review of a premises licence following:

- i. A closure order.
- ii. Determination of an application for conversion of an existing licence.
- iii. Determination of application for conversion of existing club certificate.
- iv. Determination of application by holder of justices.
- v. Licence for grant of personal licence.

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

13.2 Right to dispense with hearing if all parties agree

13.2.1 The Authority may dispense with holding a hearing if all persons required by the Act agree that such a hearing is unnecessary and have done so by giving notice to the Authority that they consider a hearing unnecessary. In such circumstances the Authority must give notice to the parties that the hearing has been dispensed with.

13.3 The committee procedure

13.3.1 The Licensing Sub Committee is serviced by a number of officers. These include a Committee Services Officer and a Legal Advisor who are responsible for ensuring that the correct procedures are followed and that the discussion and the decisions made are properly recorded. An officer from the Licensing Team acts as a presenting officer: introduces the report and answers Members' questions. In addition, other officers such as Environmental Health Officers may attend to address specific technical matters raised by applications included in the agenda.

13.3.2 The Licensing Sub Committee agenda may comprise a single report, or set of reports concerning specific licensing applications. Applications to be considered by the sub committee will be the subject of a written report from officers. Each report summarises the main issues raised by the application and details the representations received.

13.3.3 At the beginning of the hearing, the Chair shall explain to the parties, the procedure which they propose to follow at the hearing, and shall as

appropriate, consider any request made by a party under regulation 8(2) of the Licensing Act 2003 (Hearings) Regulations 2005 for permission for another person to appear at the hearing.

13.3.4 The Licensing (Hearings) Sub Committee shall not permit cross-examination unless it considers it is required for it to consider the representations, application or notice.

13.3.5 The Licensing (Hearings) Sub Committee shall allow parties an equal maximum time period in which to support their representation or application.

13.3.6 The Chair of a Licensing Sub Committee may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the meeting and may refuse to permit that person to return, or permit that person to return only on such conditions as the Authority may specify. However, such a person may, before the end of the hearing of their matter, submit to the Authority in writing any information which they would have been entitled to give orally, had they not been required to leave.

13.4 Power to extend time and adjourn hearings

13.4.1 The Authority may extend a time limit provided for in the Licensing Act 2003 (Hearings) Regulations 2005 for a specified period where it considers this to be necessary in the public interest. In such circumstances, the Authority will issue a notice to the parties stating the period of the extension and the reasons for it.

13.4.2 The Authority may adjourn a hearing to a specified date, or arrange for a hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party. The Authority will issue a notice should it decide to use such power.

13.4.3 The Authority will not exercise this power in such a way that the effect will be that an application will be treated as granted or rejected under paragraph 4 (4), 7 (3), 16 (4), 19 (3) or 26 (4) of Schedule 8 (transitional provision etc), or; it would fail to reach a determination on the review under section 167 within the specified period.

13.5 Hearing to be public

13.5.1 The Authority may exclude the public (which may include any person assisting or representing a party) from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the hearing or that part of the hearing, taking place in public.

13.6 Right of attendance, assistance and representation

13.6.1 Subject to 14 (2) and 25 of the Licensing Act 2003 (Hearings) Regulations 2005, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

13.7 Councillor representations

- 13.7.1 Where a councillor wishes to express a view on an application either in their own right in the capacity as an interested party, or in a specific representative capacity, they must do so in accordance with the procedural rules of the committee, and the regulations made under the Licensing Act 2003.
- 13.7.2 To avoid conflicts of interest, councillors shall not normally hear an application if they represent the Ward in which the applicant's premises are situated, or if they live within the vicinity of the premises. A member of the relevant Licensing Sub Committee who represents or lives in the Ward, which may also be affected by a licensing application, may be in a difficult position if it is a controversial application that has generated opposition. Members in such a situation should therefore not publicly support or oppose a particular outcome unless they are prepared to make their own valid representation. The Member would then become ineligible to take part in the deliberative and decision making process of the Licensing Hearings Sub-Committee concerned with determining that application.
- 13.8 Representations and supporting information**
- 13.8.1 Anonymous representations will not be considered by the Authority.
- 13.8.2 At the hearing a party shall be entitled to:
- i. In response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations 2005, give further information in support of their application, representations or notice (as applicable).
 - ii. If given permission by the Authority, question any other party.
 - iii. Address the Authority.
- 13.8.3 Members of the Licensing Hearings Sub Committee may ask any question of any party or other person appearing at the hearing.
- 13.8.4 In considering any representations or notice made by a party the Authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
- 13.8.5 The Authority shall disregard any information given by (i) a party, or (ii) any person to whom permission to appear at the hearing is given by the authority, which is not relevant to:
- i. Their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance.

- ii. The promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.

13.9 Frivolous, vexatious or repetitious representations

13.9.1 Where the Authority considers that representations are frivolous, vexatious or repetitious, the person making the representation will be notified in writing either:

- i. Five working days before the Licensing (Hearings) Sub Committee is to be held (due to relevant representations being made elsewhere).
- ii. In any other case, before the determination of the application to which the representation relates.

13.10 Failure of parties to attend the hearing

13.10.1 If a party has informed the Authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.

13.10.2 If a party who has not so indicated fails to attend or be represented at a hearing the Authority may:

- i. Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date.
- ii. Hold the hearing in the party's absence.

13.10.3 Where the Authority holds the hearing in the absence of a party, the Licensing Sub Committee shall consider at the hearing the application, representations or notice made by that party.

13.10.4 Where the Authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

13.11 The committee decision making process

13.11.1 The Licensing Sub Committee shall normally adjourn from the Hearing to deliberate their decision. The Committee may require that the Legal Adviser withdraws with the Sub Committee. In such cases, any advice given by the Legal Adviser shall be relayed in open session once the Sub Committee has reconvened.

13.11.2 The decision on an application should be taken on all of the relevant factors in the case, and in particular the evidence submitted to the Licensing Sub Committee meeting. Each application will be treated on its individual merits. The Sub Committee shall have due regard to, and shall normally follow, any relevant Council approved licensing policies and legislation and regulations that are relevant to the application.

13.11.3 Members may add extra conditions if they are satisfied the imposition of such would go some way to address concerns raised in representations considered valid and pertinent to the application. Due consideration would be given to ensure the imposition of such conditions would be necessary and reasonable.

13.11.4 The Licensing (Hearings) Sub Committee must make its decision at the conclusion of the Hearing for cases under:

- i. Section 105 (2) (a) - counter notice following police objection to TEN.
- ii. Section 167 (5) (a) - review of premises licence following closure order.

In any other cases, the Sub Committee must make its determination within the period of five working days beginning with the day or the last day on which the Hearing was held.

13.11.5 Where a Hearing has been dispensed with in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005, the Authority must make its determination within the period of ten working days beginning with the day the Authority gives notice to the parties under Regulation 9 (2).

13.12 Record of proceedings

13.12.1 Hearings will be recorded in a permanent and intelligible form, and retained for six years from the date of the determination, or, where an appeal is brought against the determination of the Authority, the disposal of the appeal.

14 Code of Conduct and Practice in Licensing Procedures and Hearings – Gambling Act 2005

14.1 Introduction and status of the Code

14.1.1 See paragraph 1.1. above, which applies.

14.2 Definitions and interpretations

14.2.1 “The Act” means the Gambling Act 2005

14.2.2 “The (Licensing) Authority” means Epsom and Ewell Borough Council

14.2.3 “Licensing Objectives” means the three objectives the Licensing Authority must have a view to promoting when carrying out its functions under the Gambling Act 2005. The Licensing Objectives are defined in Part 1, paragraph 1 of the Gambling Act 2005, and are:

- A) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- B) ensuring that gambling is conducted in a fair and open way, and
- C) protecting children and other vulnerable persons from being harmed

or exploited by gambling.

- 14.2.4 "Gambling" means gaming (within the meaning of section 6); betting (within the meaning of section 9) and; participating in a lottery (within the meaning of section 14 and subject to section 15).
- 14.2.5 "Application" means an application to the Licensing Authority under the Gambling Act 2005, including:
- i. Premises Licence namely: Casino Premises, Licence, Bingo Premises Licence, Adult Gaming Centre Premises Licence, Family Entertainment Centre Premises Licence and Betting Premises Licence, Conversion of an existing licence or registration.
 - ii. Club Gaming Permit and Club Machine Permit.
 - iii. Small Lottery Registration Permit.
 - iv. Prize Gaming Permits.
 - v. Temporary Use Notice (TUN) and Occasional Use Notice (OUN).
- 14.2.6 "Authorised Person" is defined in Part 15, of the Gambling Act 2005, and includes bodies empowered by the Act to carry out inspection and enforcement roles. In respect of all premises, these include; Licensing Authority Officers, an Inspector appointed under section 18 of the Fire Precautions Act 1971, an Inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974, Environmental Health Officers, and a person who is within a class prescribed by the Secretary of State by Regulations.
- 14.2.7 "Interested Parties" is defined in Part 8, Section 158 of the Gambling Act 2005, and includes persons who (in the opinion of the Licensing Authority) live:
- i. Sufficiently close to the premises to be likely to be affected by the authorised activities.
 - ii. Has business interests that might be affected by the authorised activities.
 - iii. Represents persons who satisfy paragraph 14.2.7 (i) or (ii).
- 14.2.8 "Responsible Authorities" is defined in Part 8, Section 157 of the Gambling Act 2005, and includes:
- i. The Licensing Authority.
 - ii. The Gambling Commission.
 - iii. The Surrey Chief Officer of Police.

- iv. Surrey Fire and Rescue Service.
 - v. Chief Planning Officer.
 - vi. Environmental Health.
 - vii. Surrey Area Child Protection Committee (or other body designated in writing to advise the Authority about the protection of children from harm).
 - viii. HM Revenue & Customs.
 - ix. Any other person prescribed under Regulations made by the Secretary of State.
- 14.2.9 "Representation" means any Interested Party or Responsible Authority person who has lodged a written objection to an application in accordance with these rules, and as defined in the Regulations.
- 14.2.10 "Regulations" means Regulations made under the Gambling Act 2005
- 14.2.11 In these rules, the masculine always includes the feminine.
- 14.3 **Composition of the Licensing General Sub-Committee**
- 14.3.1 The Licensing General Sub Committee shall consist of three Members. No business shall be transacted unless at least three Members are present.
- 14.3.2 Councillors shall not normally hear an application if they represent the Ward in which the applicant's premises are situated, or if they live within the vicinity of the premises.
- 14.4 **The need for guidance on licensing**
- 14.4.1 See Section 4 above, which applies.
- 14.5 **General role and conduct of councillors in relation to the licensing system**
- 14.5.1 The determination of applications is a quasi-judicial process. The role of Councillors taking licensing decisions has similarities to that of a court of law (and Licensing Justices). Decisions are made after a hearing at which the applicant and objectors are each given an opportunity to be heard and to put their case. The decision reached must be based upon the evidence heard and a consideration of any relevant Council policies and current government advice. The Committee must have regard to guidance to local authorities issued by the Gambling Commission.
- 14.5.2 Members should not favour any person, group, company or locality, nor put themselves in a position where they appear to do so, as their overriding duty in making decisions on licensing applications is to do so in

a fair and impartial manner, in accordance with the Licensing Objectives, and taking into account any relevant Policy.

14.6 Training

14.6.1 Members appointed to the Licensing Sub Committee will undertake a period of training in Gambling Act procedures and legislation as specified by the Council, with additional training as necessary.

14.7 Lobbying

14.7.1 See Section 7 above, which applies.

14.8 Gifts and hospitality

14.8.1 See Section 8 above, which applies.

14.9 Declaration of interests

14.9.1 See Section 9 above, which applies.

14.10 Licensing applications submitted by councillors and their close associates, or licensing applications which may have an impact on councillors, their families or close associates

14.10.1 See Section 10 above, which applies.

14.11 Councillor and officer relations

14.11.1 See Section 11 above, which applies.

14.12 The role of the Licensing Officer

14.12.1 See Section 12 above, which applies.

14.13 Period of time in which hearing to be held

14.13.1 The Authority shall arrange for a Hearing to be scheduled as soon as reasonably practicable following the day after the end of the period for people to make representations. Typically, applications for Premises Licences and Permits will be scheduled for a Hearing no more than 20 working days after the end of the representation period. Typically, 10 days' notice will be given to the applicant and objector(s).

14.14 Notice of Hearing

14.14.1 In the case of a hearing for an Application for a Temporary Use Notice (TUN) which has been subject to representation, the Authority will arrange for a Hearing to take place no later than six weeks from the date the Authority received the TUN. The Authority shall give notice of the hearing no later than ten working days before the day or the first day on which the hearing is to be held.

- 14.14.2 In the case of a hearing for all applications for Premises Licences, Application for variation, Application for Transfer, Application for reinstatement or Application for Review other cases, the Authority will arrange for a Hearing to take place as soon as reasonably practicable following the day after the end of the period during which representations may be made. The Authority shall give notice of the hearing no later than ten working days before the day or the first day on which the hearing is to be held.
- 14.15 **Action following Receipt of Notice of Hearing**
- 14.15.1 A party shall give (no later than five working days before the hearing) notice to the Authority stating:
- i. Whether they intend to attend or be represented at the hearing.
 - ii. Whether they intend to call any witnesses at the hearing and their names and addresses.
 - iii. Whether they consider a hearing to be unnecessary.
- 14.15.2 In the case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the Authority in relation to the application, representations or notice of the party making the request.
- 14.16 **Right to dispense with hearing if all parties agree**
- 14.16.1 The Authority may dispense with holding a hearing if all persons required by the Act to agree that such a hearing is unnecessary and have done so by giving notice to the Authority that they consider a hearing unnecessary. In such circumstances the Authority must give notice to the parties that the hearing has been dispensed with.
- 14.17 **Withdrawal of representations**
- 14.17.1 A party who wishes to withdraw any representations they have made may do so by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or; orally at the hearing.
- 14.18 **The committee procedure**
- 14.18.1 The Licensing Sub Committee is serviced by a number of officers. These include the Committee Officer and a Legal Advisor who are responsible for ensuring that the correct procedures are followed, and that the discussion and the decisions made are properly recorded. An officer from

the Licensing Team acts as a presenting officer, introduces the report and answers Members' questions. In addition, other officers such as Gambling Commission Officers may attend to address specific technical matters raised by applications included in the agenda.

- 14.18.2 The Licensing Sub Committee agenda may comprise a single report, or set of reports concerning specific licensing applications. Each report summarises the main issues raised by the application and details the representations received. Applications to be considered by the Sub Committee will be the subject of a written report from officers.
- 14.18.3 At the beginning of the hearing, the Chair shall explain to the parties, the procedure which they propose to follow at the hearing, and shall consider any request made by a party for permission for another person to appear at the hearing.
- 14.18.4 The Licensing Hearings Sub Committee shall not permit cross-examination unless it considers it is required for it to consider the representations, application or notice.
- 14.18.5 The Licensing Sub Committee shall allow parties an equal maximum time period in which to support their representation or application.
- 14.18.6 The Chair of the Licensing Sub Committee may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit that person to return only on such conditions as the Authority may specify. However, such a person may, before the end of the Hearing, submit to the Authority in writing any information which they would have been entitled to give orally, had they not been required to leave.
- 14.19 **Power to adjourn hearings**
- 14.19.1 The Authority may adjourn a hearing to a specified date, or arrange for a hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party. The Authority will issue a notice should it decide to use such power.
- 14.20 **Hearing to be public**
- 14.20.1 See Section 13.5 above, which applies.
- 14.21 **Councillor representations**
- 14.21.1 Where a Councillor wishes to express a view on an application either in their own right in the capacity as an interested party, or in a specific representative capacity, they must do so in accordance with the

procedural rules of the Sub Committee, and the Regulations.

- 14.21.2 To avoid conflicts of interest, councillors shall not normally hear an application if they represent the Ward in which the applicant's premises are situated, or if they live within the vicinity of the premises. A member of the relevant Licensing Sub Committee who represents or lives in the Ward, which may also be affected by a licensing application, may be in a difficult position if it is a controversial application that has generated opposition. Members in such a situation should therefore not publicly support or oppose a particular outcome unless they are prepared to make their own valid representation. The Member would then become ineligible to take part in the deliberative and decision making process of the Licensing Hearings Sub Committee concerned with determining that application.

14.22 **Representations and supporting information**

- 14.22.1 Anonymous representations **will not** be considered by the Authority.
- 14.22.2 Letters of support of an application may be made at any time in writing, up to and including, 20 working days after the day on which the application for a Premises Licence was given to the authority by the applicant.
- 14.22.3 The Sub Committee will disregard any evidence produced by parties or witnesses which is not relevant.
- 14.22.4 The Sub Committee will have discretion as to whether they wish to take into account any documentary or other evidence produced by a party in support of their application, representation or notice (as applicable), either before the hearing, or, with the consent of all the other parties, at the hearing.
- 14.22.5 Members of the Licensing Sub Committee may ask any question of any party or other person appearing at the hearing.

14.23 **Vexatious and frivolous representations, and representations which will not influence the Authority's determination of the application**

- 14.23.1 Where the Authority considers that representations are vexatious, frivolous, would certainly not influence the Authority's determination of an application, or are repetitious, the person making the representation will be notified in writing typically, five working days before the Sub Committee is to be held (due to relevant representations being made elsewhere), or, before the determination of the application to which the representation relates.

14.24 **Failure of parties to attend the hearing**

- 14.24.1 See Section 13.10 above, which applies.

14.25 The committee decision making process

- 14.25.1 The Sub Committee shall normally adjourn from the Hearing to deliberate their decision. The Sub Committee may require that the Legal Adviser withdraws with the Sub Committee. In such cases, any advice given by the Legal Adviser shall be relayed in open session.
- 14.25.2 The decision on an application should be taken on all of the relevant factors in the case and in particular the evidence submitted to the Sub Committee. Each application will be treated on its individual merits. The Sub Committee shall have due regard to, and shall normally follow, any relevant Council approved licensing policies and legislation and regulations that are relevant to the application.
- 14.25.3 Members may add or remove conditions if they are satisfied the imposition of such would go some way to address concerns raised in representations considered valid and pertinent to the application. Due consideration would be given to ensure the imposition or removal of such conditions would be necessary and reasonable.
- 14.25.4 The Sub Committee will usually make its decision at the conclusion of the Hearing, or within 5 working days following the last day on which then hearing was held.

14.26 Record of proceedings

- 14.26.1 See Section 13.12 above, which applies.

Annex 4.11 - Model Code of Practice in respect of Planning Matters: Probity in Planning

1. Introduction

- 1.1. Planning matters have a significant impact on our lives and the area in which we live. It is important that the system operates and is seen to operate, in an honest, open and transparent manner.
- 1.2. The purpose of the planning system is to consider development proposals in the light of wider public interests, with the Government requiring a positive approach to be taken towards allowing substantial development. To succeed, the planning system relies on councillors and officers acting in a way that is fair and is clearly seen to be fair. This includes acting in accordance with planning law in all instances and having due regard to national and local policies, in addition to all other “material planning considerations.” It is worth noting that a large proportion of judicial challenges to local authorities, as well as complaints to the Ombudsman, are as a result of planning matters.
- 1.3. This model code of good practice for planning (“Code”) has been adapted from national guidelines on probity, to take account of the local situation. Two particular areas of the Localism Act 2011 are relevant to this code. Firstly, regarding pre-determination the Act makes clear that it is proper for councillors to play an active part in local discussions and that they should not be liable to legal challenge as a result, provided they maintain an open mind if they are involved in decision making about the matter. Secondly, and related to pre-determination, the Act introduced a requirement for developers to consult local communities before submitting planning applications for certain developments. This gives councillors and local residents a chance to comment when there is still genuine scope to make changes to proposals, at both pre-application and post submission stages.

2. Status of the Code

- 2.1. This Code is contained in the council’s Constitution and is complementary to the Councillors’ Code of Conduct (Annex 2.1). Members of the Planning Committee (“Members”) should apply both the general Councillors’ Code of Conduct and this Code in dealing with planning issues. This is to help Members: maintain the council’s high standards of conduct, avoid placing the council at risk of legal challenge or a finding of maladministration by the Local Government and Social Care Ombudsman, and avoid putting an individual Planning Committee member at risk of a complaint. A breach of this Code, whilst not usually amounting to a breach of criminal law, may

adversely affect the reputation of the Council. For the avoidance of doubt, references to Members in this Code includes substitutes.

2.2. The purpose of this Code of practice is to:

- i. Set the standards of conduct the council requires Members and officers of the council to follow when dealing with and determining planning applications including policy, development and enforcement.
- ii. Guide the way in which Members and officers of the council deal with all planning decisions, supporting their respective roles, and protecting their reputation for probity
- iii. Set the standard of conduct which other parties to the process can expect from Members and officers when dealing with planning matters

2.3. This Code applies to all Members and officers when making decisions on planning matters. It has been drawn up to:

- i. Support Members effective engagement in all aspects of the planning process and, in this context, to fulfil their democratic role.
- ii. Ensure transparency and fairness in the way in which decisions are taken and that there are no grounds for suggesting that a decision has in any way been biased, partial or not made on the correct considerations.

2.4. A key objective of this Code is to help Members make formal planning decisions that should be safe from legal challenge.

2.5. This Code sets out clear lines of engagement and expectations for each of the parties involved including members of the public and developers.

3. General Role and Conduct of Members of the Planning Committee and Officers

3.1. Members and officers have different but complementary roles in the planning process. Members of the Planning Committee have different roles to those of other councillors.

3.2. Mutual trust, respect and understanding between councillors and officers are key to achieving effective local government. **Annex 2.5** of the constitution provides additional information on councillor / officer relations. Officers' views, opinions and recommendations will be presented based on their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Planning Committee.

- 3.3. Officers, in their role of advising and assisting Members in their determination of planning matters in the public interest, do not represent either the landowner / applicant or the objector. They will:
- i. Provide impartial professional advice.
 - ii. Seek to ensure consistency of interpretation of national, regional and the council's planning policies.
 - iii. Complete written reports with clear written recommendations and all necessary information for the decision to be made.
- 3.4. The code of conduct for officers is set out in their employment policies. In addition, many professional staff within the planning service will be members of the Royal Town Planning Institute (RTPI) and are required to comply with the RTPI Code for professional conduct. Planning officers who are not RTPI members are also expected to conduct themselves in the same manner.
- 3.5. Members of the Planning Committee and all other councillors must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a councillor from asking questions of, or submitting preliminary views, to an officer. These views if submitted in written form will be placed on the planning file and considered together with other material planning considerations. If councillors have factual questions about a forthcoming application, they should ask those questions in advance of the meeting so that the situation can be clarified.
- 3.6. Members should make all decisions in an open and transparent manner in accordance with material planning considerations and this should not be compromised in any way. Messages should not be passed to Members during debate and Members should not use their mobile phones during a meeting, as this could give an impression of undue influence from a third party. In an emergency at a meeting any communication should go through the Democratic Services officer. During a Planning Committee meeting a Member should not leave the chamber to discuss the item on the agenda with anyone else whether inside the Chamber or outside. For the avoidance of doubt, this includes the applicant or their representatives, an objector or someone in the public gallery.
- 3.7. In order to ensure that decisions are taken on planning grounds and are legally sound, it is **imperative** that all Members of the Planning Committee read the reports prepared by officers and familiarise themselves with all relevant National Planning Guidance (including the National Planning Policy Framework), Development Plan policies, and other material planning considerations, well in advance of the relevant Planning Committee meeting.

It is important that Members be **seen** to be meeting this provision of the Code.

- 3.8. Members of the Planning Committee must always approach their decision making with an **open mind**, have regard to **all** material planning considerations, and be prepared to change their views if persuaded that they should. Members should remember that planning law requires determinations to be based on **planning considerations** and not on any political or other reasons.
- 3.9. The Planning Committee should, when considering an application, take into account **all views on material planning considerations** that are expressed in such a way that they are **openly heard** and **fairly** considered in a **balanced** way before the Committee reach a decision. This does not mean that the same points need to be repeated if they are raised by more than one party
- 3.10. Members **cannot vote** or take part in the meeting's discussion on an item unless they have been present to hear the entire debate, including the officer's introduction to the item.
- 3.11. Members should ensure that if they are proposing, seconding or supporting a decision contrary to an officer's recommendations or the development plan, they, not officers, clearly **identify** and understand the planning reasons leading to this decision. Their reason/s must be given **prior** to the vote and will be recorded. Members must be aware that the resulting decision may have to be justified by evidence about their reasoning at a planning appeal in the event of challenge, and members may be called upon to provide this evidence themselves.

4. Interests: Registration and Disclosure

- 4.1. The law and the Councillor's Code of Conduct (**Annex 2.1**) set out rules and guidance on declaration of interests. Councillors **must** follow these rules and guidance and review their own situation regularly. These are set out in the Code of Conduct and so are not repeated here.
- 4.2. A Member of the Planning Committee with a disclosable pecuniary interest relating to an item of business will not be able to take part in the debate or vote on that item. A councillor with a disclosable pecuniary interest may be permitted to address the Committee in a private capacity if registered to speak at the meeting. The councillor must then leave the Chamber and must not participate further in the debate or participate in any vote or further vote on that matter.
- 4.3. In relation to planning decisions, any interest that does not amount to a disclosable pecuniary interest, but which may have a significant impact upon

a Member's judgement, should be declared by the Member at the meeting. In each case, this would be a matter for the Member's **own** judgement having full regard to the facts. Advice on this can be sought in advance from the Monitoring Officer.

- 4.4. Even if a Member considers a non-pecuniary interest would not have a significant impact on their judgement, there are likely to be situations where the public expectation would be for the Member not to participate; and Members should consider whether the perception of such an interest would mean it is better for them not to participate. Advice may be sought in advance from the Monitoring Officer.
- 4.5. There may be circumstances in which a member of the public would not regard it necessary for a Member to declare an interest or involvement in a matter but for reasons of good practice and transparency, a Member chooses to do so, simply to be as open as possible. In these circumstances, the declaration would have no impact on the Member's participation.
- 4.6. Members who are unsure whether an interest should be declared should seek advice and guidance from the Monitoring Officer or Deputy Monitoring Officer.

5. Predetermination, Predisposition and Bias

- 5.1. Members of the Planning Committee must ensure that they do not restrict their ability to take part in the decision-making process by making up their minds or clearly giving any appearance that an application or other matter referred to the Planning Committee has already been decided by them before the Planning Committee has the opportunity to consider the application.
- 5.2. The courts have sought to distinguish between situations that involve bias, **predetermination** (which is a form of bias), on the one hand and **predisposition** on the other.
- 5.3. **Predetermination** is indicative of a "**closed mind**" approach and could leave the committee's decision open to challenge by Judicial Review. Such "pre-determination" has been held to amount to the "surrender by the decision-maker of its judgement by having a closed mind and failing to apply it to the task" (*R (on application Persimmon Homes) v Vale of Glamorgan Council* [2010] EWHC 535).
- 5.4. Members of the Planning Committee can and indeed may well have a **predisposition** to a view about a matter but **must make it clear** that despite this they have an **open mind**, one which is capable of being swayed and that they are willing to listen to **all material considerations** presented before them at the decision-making meeting before deciding on how to vote.

- 5.5. Members and officers should also avoid the **appearance of bias**. An example of this type of interest might be in relation to a planning application on a site very near to the Member's home (where it may well be advisable for the Member not to take part); or an application by a family member or close friend or business acquaintance. It may also arise where a Member is closely involved with an organisation which may have an interest in the application.
- 5.6. In relation to planning decisions, any interest which may have a significant impact upon a Member's judgement, should be declared by the Member at the meeting. In each case, whilst this would be a matter for the Member's **own** judgement having full regard to the facts, the decision they make should be a reasonable one, as the courts will consider apparent, as well as actual bias.
- 5.7. Whilst it might remain possible for a Member to apply an open mind to the matter to be determined, in such circumstances Members must avoid giving the impression or appearance that particular personal interests or attributes would lead them to consider aspects of an application more carefully, or with more regard than other aspects, unaffected by their own character and experience. It should be understood that the perception of justice "is rooted in confidence, and that confidence is destroyed when right minded people go away thinking that the judge was biased".¹
- 5.8. Members who are unsure on their position on predetermination should seek advice from the Monitoring Officer or Deputy Monitoring Officer before the Planning Meeting.
- 5.9. A Member who has **predetermined** their position or who has a biased or apparently biased situation should **withdraw** from being part of the decision-making body. If the Member takes part in the decision-making process it will put the council at risk of a finding of maladministration and of legal proceedings.
- 5.10. For Planning Committee Members the aim is that they not only act, but are seen to act, impartially and honestly by approaching each planning decision fairly between the parties and with an open mind. Should a Member wish to take a particular stance in relation to a development or feel that it would be difficult to demonstrate that they have followed a consistently fair approach between all parties in a case, then it is possible for them to decide not to be part of the decision-making process on the particular issue or application but to act as a ward member in that instance. However, in such cases they need to clearly identify that they are leaving the membership of the committee for

¹ Metropolitan Properties Co (FGC) Ltd v Lannon [1969] 1 QB 577.

the item and do not seek to participate in the debate as they would normally do as a committee member.

- 5.11. Members can attend meetings to discuss proposed development schemes and questions have been asked about the propriety of such attendance. This is different from lobbying (see below). Members and the Council could be challenged where they have expressed their opinion on proposals during or after such meetings, or in advance of Committee consideration. At the start of any such meetings and throughout, the Member of the Planning Committee should make it clear that the discussion will not bind the Council or councillor and that any view expressed is personal and provisional.
- 5.12. The administrative system by which planning applications are determined in accordance with the law, and as necessary in a democratic society, would be brought into disrepute if it became evident that decisions favourable to an applicant or an objector could be obtained by lobbying members outside the procedural framework (see Section 6 for lobbying). For these reasons, if an applicant or an objector seeks a meeting with members it is strongly advisable for the member to insist that they will only attend if an officer or others are present, this also includes any pre-application discussion. For the avoidance of doubt this includes whether the meeting is taking place in person or virtual.
- 5.13. However, it can be practically impossible for members to always avoid informal approaches in their ward and members may be said to have a duty, particularly as Ward Councillors, to inform themselves of proposals that affect their wards and to be alive to public opinion. Councillors can play a constructive role in listening to and objectively gathering and reporting such views to the Members who will determine the application, even though Members will be aware that the views expressed by the public may not be based on material planning considerations.
- 5.14. With these points in mind, it is suggested that the following guidelines may be helpful to members when considering whether to accept an invitation to a meeting:
 - i. Where members accept invitations to meetings from prospective developers or objectors when an application for planning permission has been received, even if the invitation is made to them ostensibly as a Ward Councillor, they should ensure that an officer or others are present and avoid expressing any fixed view on the matter.
 - ii. Councillors must not make any commitment to determine a matter in a particular way, for any reason.
 - iii. Members and Ward Councillors (subject to the two paragraphs above) should not accept invitations to meetings from prospective

developers or objectors unless it is clear to them that the meeting is either a public meeting or one to which residents or other persons with an interest in the potential development have also been invited. If a Ward Councillor attends such a meeting in the belief that others have been invited but finds that no other persons are present, apart from the developer, they should decline to take part in any discussion of the scheme. There is no reason to distinguish between meetings in neutral premises and meetings in the prospective developer's or objector's own premises.

- iv. There is nothing to stop members inspecting a site from the public highway if they choose to do so in order to better acquaint themselves with the details, but Members should be aware of the risk of contact with the applicant or objector and inferences, which might be made. If access to a site is required, a formal site visit should be sought through the planning Case Officer.
- v. There is nothing to stop Members responding to invitations to a meeting if properly convened through the Chief Executive or by officers in the planning service to which all relevant Members (but not members of the public) have been invited, provided that if the merits and problems of the application are discussed Members make it clear that they have no fixed view of the matter at that stage.

6. Lobbying

- 6.1. Lobbying is a normal part of the planning process and may not be restricted to Members of the Planning Committee. If a councillor, who is not on the Planning Committee, wishes to support a particular viewpoint then that councillor has a right to appear at Planning Committee and seek permission to address the meeting.
- 6.2. Members of the Planning Committee (including substitutes) should be aware that if they are a member of a lobbying group, they may need to recuse themselves from participation in decision making on an application where that application has been discussed by the lobby group in their presence. They should also consider recusing themselves from meetings of the lobby group whilst a planning application is to be discussed.
- 6.3. Since lobbying can lead to the impartiality and integrity of a Member being called into question, it is clear that care should be taken, and all parties involved should exercise common sense. It is therefore important that Members protect their impartiality and integrity in planning matters. Members will not breach this Code by listening to or receiving viewpoints from residents or other interested parties as long as they make it clear that they are keeping an open mind.

7. The Decision-Making Process and Decisions Contrary to Officer Recommendations and / or the Local Plan

- 7.1. All Committee decisions are made by a simple majority with the Chair's casting vote in case of a tied vote.
- 7.2. In discussing, and determining a planning application or other planning matter, Members should confine their discussion to the policies of the Development Plan, and to those material considerations that should influence their decision.
- 7.3. However, it is acknowledged that deputations by applicants or members of the public may refer to matters that should not properly be part of the reasoning of the Members' decision. On such occasions, it may be difficult for Members of the Planning Committee to confine their comments to the appropriate planning issues without appearing to disregard expressed concerns.
- 7.4. Where it appears that the clarity of the decision-making process may be undermined, the Committee Chair and officers may give guidance on any elements of the discussions that refer to irrelevant or immaterial considerations, and any elements that should be disregarded by the Committee in formulating its decision. Officers will clarify the weight to be given to relevant consideration in their reports, or advise on information that comes forward during deputations or in the course of debate. It is very important that Members are aware that if decisions are not made with due regard to the proper consideration they can be challenged.
- 7.5. Where the Planning Committee's decisions do not accord with the officer's recommendation, the Committee's reasons to grant an application, or to refuse it, or any additional conditions to be applied, must be clearly stated by the Member(s) making the proposal.
- 7.6. Where members are minded to make a decision that is contrary to officers' recommendations it is important to ensure as far as possible that any decision made will be capable of surviving a legal challenge. Members should be clear on their reasons for refusal, however they can ask officers present in the meeting to help refine their reasons. When the Committee has made such a decision, the Chair will allow brief discussion to ensure that officers have understood the intentions and reasons of the Committee.
- 7.7. All conditions, including ones that the Committee may wish to impose on a planning permission, must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 7.8. If the report of the Head of Place Development recommends approval of a departure from the Local Plan, the full justification for that recommended departure will be included in the report.

8. Councillor “Planning Application Call-in” Procedure

- 8.1. Most planning applications are determined by Planning Officers in line with the council’s Scheme of Delegation (**Annex 3.2**). However even when delegated authority authorises officers to determine the application, a Planning Committee Member, or any councillor, may wish for a planning application to be considered by the Planning Committee. In these circumstances, the following rules must be complied with. Failure to do so entitles officers to refuse to put the application to committee and determine it under delegated authority.
- 8.2. A “call-in” request must be received within **28 calendar** days following the date of public notification by the Development Management team. This gives the councillors enough time to read the comments being received from other parties (who have 21 days to comment).
- 8.3. The request must be in writing (email is acceptable) to the Case Officer, copied to the Head of Place Development, Development Management Manager, and the Chair of Planning Committee, asking that the item be “called-in” to the Planning Committee,
- 8.4. The request must be on **relevant planning grounds** or **merit** intervention to have the application placed before the Planning Committee.
- 8.5. It is not the case that just because a member of the public requests call-in of an application on their behalf, that this should be actioned. It is the responsibility of councillors to explain to their electorate that a call-in cannot be justified if there are no planning grounds for doing so.
- 8.6. **All** “call-ins” made by councillors stating **material planning grounds** and within **28 calendar days** will be valid.
- 8.7. Where the “call in” is not made on material planning or merit intervention grounds, the “call-in” will be rejected. The decision as to whether the grounds are justifiable will be at the discretion of the Head of Place Development, in consultation with the Chair of Planning Committee and the councillor(s) concerned.
- 8.8. Councillors who have asked for a call-in should ensure that they attend the committee meeting to which the item is being discussed to explain the planning reasons why the application merits consideration by the Planning Committee. However, if they do not attend this will not prevent the item from being dealt with.

9. Planning Applications made by Councillors and Officers

- 9.1. When a planning application is submitted by a councillor or member of the Corporate Management Team, or by a close relative or friend of them they will:
- i. Advise the Monitoring Officer of the application.
 - ii. Take no part in the processing and determination of the application.
- 9.2. All such applications will be reported to the Planning Committee. The Committee will determine such applications. An officer will not determine such applications under delegated authority.
- 9.3. The Corporate Management Team means the Chief Executive, Directors, and Heads of Service.

10. Late Representations

- 10.1. Late representations by the applicant or objectors regarding applications being presented to Committee will be considered up until midday three working days before the Planning Committee meeting. Such representations will be summarised by the Case Officer and sent to the Planning Committee Members at least one working day before the meeting.
- 10.2. Comments or any other information received after the deadline will only be taken into consideration in exceptional circumstances at the discretion of the Head of Place Development, in consultation with the Chair of Planning Committee. This process ensures the Planning Committee Members have sufficient time to read any additional papers.
- 10.3. No material will be handed out at Committee by anyone other than the officers presenting the item before committee.

11. Public Speaking at Planning Committee

- 11.1. Any Ward members, members of the public or organisations are entitled to speak at the Planning Committee, subject to the conditions below.
- 11.2. An individual or representative of a local group / organisation who wishes to speak at a Planning Committee must register their wish to do so by noon on the day of the meeting. Details on how registration can be made are provided on the introduction to a meeting's agenda papers.
- 11.3. Normally, only two speakers in support (including the applicant/agent) and two against may speak on a single application. Registration will normally be on a first come first served basis, but an individual may choose to waive this right in favour of an individual who attempted to register at a later time. Alternatively, several members of the public may appoint one person to

speak on their behalf provided they can reach agreement to this amongst themselves.

- 11.4. A speaker shall have a maximum of three minutes to address the Committee and must confine their remarks to the application upon which they requested to speak. The address shall be in the form of a statement, not attempts to question the applicant or other persons, but may address issues raised by other speakers.
- 11.5. Speakers should only raise issues concerning planning matters such as:
 - i. Appearance and character of the application
 - ii. Traffic issues, highway safety and parking
 - iii. Layout and density of buildings
 - iv. Loss of light overshadowing and loss of privacy
 - v. Noise, disturbance and other loss of privacy
 - vi. Other relevant planning considerations
- 11.6. There will be no opportunity for displaying any materials or to ask any questions of anyone at the meeting, unless with the express approval of the Chair of the Committee and submitted in advance.
- 11.7. If the Chair considers that any remarks made are defamatory, no further representation will be allowed.
- 11.8. Once a speaker has finished they will take no further part in the meeting.
- 11.9. Individuals or organisations will be invited to address the Committee following the presentation of the item by the officer. The order of speakers will be:
 - i. Ward councillors
 - ii. Any councillor who has called in an application
 - iii. Objectors
 - iv. Supporters (including the applicant or their agent)

12. Monitoring and Review of Decisions

- 12.1. Planning Committee Members should play an active part in regularly reviewing the outcome of planning decisions so that lessons can be learned, and the future consideration and determination of planning applications can be improved as part of a broader commitment to continuous improvement.

- 12.2. Arrangements will be made for Members to visit a sample of implemented planning permissions, so that a regular review of the quality of planning decisions can be undertaken.
- 12.3. The outcome of the review will be considered by the Planning Committee and may lead to the possible amendments to existing policies or practices

13. Training

- 13.1. No Member (or Member substituting on a Planning Committee) may sit on a Planning Committee meeting without first having received appropriate mandatory training as set out below.
- 13.2. The validity of this training will expire if the Member has not attended a meeting of the Planning Committee within 12 months of receiving it, or has had a gap in membership from the Committee of more than 6 months. Where the validity of the training has expired, the Member may not sit on the Planning Committee until they have received further training.
- 13.3. Given the complex legislative framework for determining planning applications and the constant reforms and changes within the planning system, the Head of Place Development will provide a Planning Committee Training Programme to include:
 - i. An annual training session that will provide an overview of the key role of planning and the role councillors play in the planning process. This training will usually be held once the membership of the Planning Committee has been confirmed at Annual Council and should be attended by both new and continuing Members of the Committee. However, all councillors will be encouraged to attend, to help them understand planning issues and enable them to act as substitutes on the Planning Committee.
 - ii. A six month mandatory refresher session.
 - iii. Further training sessions as necessary on new council and Government policy and legislation, or other planning issues that are requested by councillors or officers. Again, all members of the council will be encouraged to attend such sessions.
- 13.4. Democratic Services will maintain a register of councillors who have received training.

14. Complaints

- 14.1. A complaint that a Member or officer has breached this Code should be made in writing to the Monitoring Officer for investigation and determination.

14.2. There is a specific right of appeal for applicants who are not satisfied with a planning decision. In all other cases, the Head of Place Development will investigate a complaint made in writing regarding the determination of a planning application, or a related planning matter, and will deal with it in accordance with the council's complaints procedure.

14.3. In the event that the complainant was not satisfied with the result of the investigation under the council's complaints procedure, must be made directly to the Local Government and Social Care Ombudsman.

15. Site Visits

15.1. The purpose of an organised council site visit is for members to gain knowledge of the development proposal, the application site and its relationship to adjacent sites. Members and officers must remember when conducting a site visit anything said or done by them should be restricted to relevant planning considerations and that they should remain open minded.

15.2. The decision to hold a site visit prior to the Committee meeting is to be made by the Head of Place Development in consultation with Chair of Planning Committee. The purposes of a formal site visit are:

- i. To view the setting of the application.
- ii. To consider any other matters seen on site which may be material to consideration of the application.
- iii. To find facts, especially when the application site is not visible from public land.

15.3. Site visits should be requested by members prior to the application being reported to Committee. Members should only request a site visit when the application has reached the determination stage if they consider it essential to clarify an issue that cannot be understood without such a visit, and which could not have been considered earlier. The Committee may decide to visit a site because particular factors to be seen on site are significant in terms of the weight to be afforded to them in determining the application, and because following discussion in Committee, Members have reduced confidence that such factors can be fairly considered in the absence of a site visit to assess such details. In proposing a site visit, the Member who wishes the Committee to have additional opportunity to do so, should specify the factors to be noted if the site visit is agreed.

15.4. During a site visit members and officers should avoid any appearance of impropriety and must not accept gifts or hospitality. Comments should be restricted to planning matters, and questions should be put through the planning officers attending the site visit. Officers and members must refrain

from making comments that might be construed as supporting or opposing a particular view, and from making any personal comments.

- 15.5. The purpose of a formal site visit is not to receive or allow representations to be made outside the formal Committee meeting. Site visits should not be used as a lobbying opportunity by objectors or supporters. If, on a site visit, members and officers are approached by persons wishing to speak about the application, officers will explain that any representations may be made to the Committee at the meeting and explain the processes for making representations.
- 15.6. Members with a pecuniary interest in a planning application should not make representations seeking a site visit in respect of an application. Members with a pecuniary interest in a particular application or agenda item must not attend any related site visit.
- 15.7. Members with a personal interest that a fair-minded observer and informed observer may conclude that there is a real possibility that there was a real danger of bias on an agenda item or particular application must also not attend any related site visit.
- 15.8. Other councillors can attend a site visit at the discretion of the Chair of Planning Committee. However it is at the discretion of the land owner as to whether they are allowed on private land.
- 15.9. If a member intends to visit a site, outside of the formal site visit arrangements they should avoid entering private land and avoid discussions with any land owner or member of the public.

16. Development Proposed by the Council

- 16.1. Parliament has decided that local planning authorities are, in the majority of circumstances, the appropriate body for determining planning applications affecting the area, including where the council itself submits a planning application. There are separate statutory requirements for the council in determining applications to develop its own land, or to develop it jointly with another body.
- 16.2. Members and officers involved in reaching a determination of the application should treat proposals for the council's own development, or development involving the council and another party, in the same way as those by private developers. This means that not all applications on council owned land need to be considered by Committee; for example, where an application relates to council owned land that is subject to a long leasehold.
- 16.3. Planning decisions must always be made strictly on planning merits, and without regard to any financial or other gain that may accrue to the council if the development is permitted. It is important that the council be seen to be

treating such applications on an equal footing with all other applications, as well as actually doing so.

17. Review of Protocol

- 17.1. This Code will be reviewed as necessary, for instance with changes to planning legislation, national codes of conduct, and so forth.

Annex 4.12 – Guidance on the Role of the Chair and Vice Chair

1. This document provides guidance for the Chairs and Vice Chairs of committees and panels at Epsom and Ewell Borough Council. It sets out some principles within which Chairs and Vice Chairs should aim to operate, but it is in the nature of these roles that not everything can be covered. Where a Chair or Vice Chair is uncertain about their role, powers or the correct procedure to follow, they should seek the advice of officers.
2. Much of the role of a Chair and Vice Chair is down to custom and practice, as there is comparatively little legislation or judicial guidance. However, there are some important principles to remember as decisions can be held void if challenged.
3. The council appoints committees, and the Chairs and Vice Chairs (where appropriate) of those committees; and delegates matters to the committees, or to officers, to decide. Matters that are not delegated are left in the control of the Full Council, but the vast majority of decisions are delegated.
4. Chairs should note that as per committee rules of procedure (**Annex 4.4**), agendas must include any items of business that the Chairs require to be included.
5. The Chair takes charge of the meeting and must act impartially in controlling and leading the meeting to ensure that discussions and debates are carried out fairly and in accordance with the council's Constitution and procedural rules. The Chair should ensure that decisions made are clear, that is, the committee members must know what they are voting for, and that this is in accordance with the council's Constitution and the meeting's agenda.
6. In the absence of the Chair, the Vice Chair must, if present, preside. If both the Chair and the Vice Chair are absent or not appointed, then a member of the committee will be elected to Chair the meeting until the Chair or Vice Chair is present.
7. It is important for a Chair to ensure that they have prepared thoroughly for the meeting, including reading the reports.
8. Schedule 1, paragraph 39(2) of the Local Government Act 1972 provides that the Chair of a meeting has a casting vote. This means that, if once the votes at a meeting have been counted and there is a tie, then the Chair is able to exercise their casting vote. The Chair does not have to exercise their casting vote. Should they choose to do so, it is entirely up to them how it is exercised.
9. Section 101 of the Local Government Act 1972 does not enable matters to be delegated to a single councillor, unless the council operates an executive model of governance. Matters can only be delegated to committees, sub-

committees, joint committees and officers. Accordingly, if a matter is left at a meeting to be decided, the committee should resolve to delegate the decision to an officer “*in consultation with*” the Chair/Vice Chair. This means that the decision is that of the officer, but they will consult with the Chair and should listen carefully to the Chair’s view.

10. The authority coming to the Chair from standing orders and common law is such that where a Chair acts reasonably and in good faith, a challenge to their decision is unlikely to be upheld. Although, if a Chair were to act improperly a court could intervene if a challenge were made, which would usually be via judicial review. Although such challenges are rare, they are not unknown and when made are always expensive and can be reputationally damaging.
11. Before a meeting it is usual for the Chair, often with the Vice Chair, to have a meeting with the respective officers to consider the agenda and the matters which will be considered at the meeting. For meetings to be successful it is important for the Chair and their lead officers to develop a mutually respectful and trustworthy relationship. Whilst the Chair will give their view, and an experienced Chair can add considerably to the agenda setting due to their knowledge of the subject, it is the responsibility of officers to finalise the agenda. The Chair can decide if an urgent matter can be admitted to the agenda, **provided that the Chair has consulted with the Monitoring Officer prior to the meeting**. It is however strongly recommended that Chairs only agree for urgent items to be admitted in exceptional circumstances, rather than this becoming an accepted norm.
12. At the meeting, the Chair will call members to order and check that there is a quorum. The Chair, with their knowledge of the agenda, should try to keep the discussion at the meeting within scope and to time. The Chair should seek advice from officers about motions and amendments, to ensure that they are in order.
13. It is the responsibility of the Chair to decide any points of order, after taking advice from the responsible officers present. Chairs should also ensure that the debate is carried out fairly, and in accordance with the standing orders in **Annex 4.3 and Annex 4.4**, and other relevant guidance, in the Constitution.
14. A Chair should not become personally involved in the discussion and should be clear about what is being put to members. The Chair’s ruling on any matter will be final, but that ruling must be reasonable, otherwise it is open to challenge. The Chair must decide other incidental questions that require decision at the time.
15. The Chair is able to adjourn the meeting themselves in exceptional circumstances, for example when there is persistent disorder. However, the Chair can always ask the meeting if they will agree to a short adjournment and

it is usual for committee members to respect the Chair and take their guidance from them. The Chair is able to exclude a member if they have persistent bad behaviour and at all times, if the Chair stands all other persons should be silent.

16. If a member of the public interrupts a meeting, the Chair can warn the person concerned. If they continue to interrupt the Chair can order their removal from the meeting.
17. It is the responsibility of the Chair to declare the meeting closed when business has been completed.
18. The Chair is to approve the draft of the minutes or other record of proceedings.

Annex 5.3 – Sealing and Signing Council Documents

1. Custody of Seal

- 1.1. The Common Seal of the Council shall be secured by a lock and keys and the Head of Legal Services shall be person responsible for it.

2. Sealing of documents

- 2.1. The Common Seal of the Council shall not be affixed to any document or deed unless the sealing has been authorised by a resolution of the Full Council, or of a committee or officer to which the Council has delegated its powers in this behalf. A decision of the Council, including decisions under delegated powers- authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate or contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the decision.
- 2.2. The seal shall be attested by an Authorised Officer (namely the Chief Executive, Director of Corporate Services, Director of Environment, Housing and Regeneration, or the Head of Legal Services). The sealing and execution of documents can be delegated further by an Authorised Officer in accordance with the Officer Scheme of Delegation. An entry of every sealing of a document or deed shall be made, and consecutively numbered, in a book to be provided for the purpose and shall be signed by the person or persons who shall have attested the seal.

3. Signature of Documents

- 3.1. Where it is a necessary step in legal procedure or proceedings for any document, it shall be signed by the Chief Executive, Director of Corporate Services, Director of Environment, Housing and Regeneration or the Head of Legal Service (or other person authorised by them), unless:
 - i. Any enactment otherwise requires or authorises.
 - ii. Full Council, a committee, or sub-committee to which the Full Council has delegated its powers, has given the necessary authority to some other person for the purpose of such proceedings.

Annex 6.1 - Petition Scheme

1. Introduction

1.1. The council welcomes petitions and recognises that petitions are one way in which people can let the council know their concerns. All petitions sent or presented to the council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out how the petition will be administered.

1.2. Paper petitions can be sent to:

Democratic Services
Epsom and Ewell Borough Council
The Town Hall
The Parade
Epsom
Surrey
KT18 5BY

1.3. Petitions can also be submitted online through the online portal.

1.4. Petitions which satisfy the requirements of the Petition Scheme, will be presented to either an ordinary meeting of (full) Council (excluding the Annual Meeting), or to a meeting of a relevant policy committee.

2. What are petitions?

2.1. A petition is a communication that is signed by, or sent to the council on behalf of, a number of people and can be submitted by a person of any age who lives, works or studies in the Borough. The list of signatories will be checked for any duplicate signatures or obviously frivolous responses. There are different types of petitions:

- (a) **Ordinary Petitions:** These are petitions that relate to the day-to-day services or facilities provided by the council. Such petitions must be signed by at least 20 signatories.
- (b) **Petitions for debate:** If a petition calls for something to be reported to and discussed at a meeting of the Full Council or at a policy committee, it must contain at least 1,500 signatures.

3. Petitions not covered by this Scheme

3.1. The following petitions will not be accepted:

- (a) The subject matter of the petition is deemed likely to cause distress, disruption or irritation without any proper or justified cause.

- (b) Petitions which are considered to be vexatious, abusive or otherwise inappropriate.
- (c) The subject matter of the petition relates to a matter upon which legal proceedings are possible.
- (d) The petition relates to an individual member of the community, or the personal circumstances of councillors or council officers, or makes criminal accusations.
- (e) The subject matter of the petition is about something for which this council is not responsible or cannot influence.
- (f) Petitions relating to planning or licensing matters. Please refer to the relevant planning ([Annex 4.11](#)) and licensing protocols ([Annex 4.10](#)).
- (g) The petition discloses confidential or exempt information, including information protected by court order or government department.
- (h) The petition contains advertising statements.
- (i) The petition refers to an issue which is currently the subject of a formal council complaint, Local Ombudsman complaint or any legal proceedings.
- (j) If a petition is covered by specific legislation, for example a request for a referendum about how the council is governed, the scheme does not apply as the petition has to comply with the relevant legislation.
- (k) A petition will not normally be considered if it is received within six months of another petition on the same matter.
- (l) If two or more petitions on the same subject are received at the same time, each will be treated as a separate petition but only the organiser of the first petition received will be invited to address the relevant meeting.

4. Guidelines for submission

4.1. A petition submitted to the council must include:

- (a) A clear and concise statement covering the subject of the petition.
- (b) What action the petitioners would like the council to take.
- (c) The name, address and signature of any person supporting the petition.

4.2. Petitions must be accompanied by contact details, including an address for the petition organiser with whom the Council will correspond.

- 4.3. If the petition does not identify a petition organiser, the council will contact signatories to the petition to agree who should act as the petition organiser.
- 4.4. The period immediately before an election or referendum may require the presentation of a petition to Council or a Council meeting to be delayed.
- 4.5. If a petition does not follow the guidelines set out above, the council will not process the petition but will advise the petition organiser accordingly.
- 4.6. If the Monitoring Officer decides on behalf of the council that a petition does not fall within this scheme, the petition organiser will be informed and given the reason why it is not being accepted.

5. Actions on receipt of valid petition

- 5.1. An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition, with an explanation of the next steps. The petition will also be published on the council's website. The council will also publish all correspondence relating to the petition (with personal details removed). Signatories to an e-petition can elect to receive this information by email.
- 5.2. If the action requested by the petition can be taken, confirmation of such will be sent and the petition will be marked as completed and closed. If the petition has enough signatures to trigger a council debate, then the acknowledgement will confirm this, and details of the meeting will be sent to the petition organiser.
- 5.3. If a petition seeks something which a different council or body is responsible for, the council will consider what the best method is for responding to it, in light of its data protection policy. In any event, the council will always notify the petition organiser of the action taken.

6. Council and Committee debates

- 6.1. If a petition contains the requisite number of signatures (see Section 2), it will be debated by the Full council or by the relevant policy committee.
- 6.2. This means that the issue raised in the petition will be discussed either at a Full Council meeting, which all councillors can attend, or by the relevant policy committee. The petition organiser will be given five minutes to present the petition at the meeting and must confine their remarks to matters relevant to the petition. The Full Council or the policy committee will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action for reasons put forward in the debate, or to commission further investigation into the matter. The petition organiser will receive written confirmation of this decision and it will also be published on the council's website.

7. E-petitions

- 7.1. Petitions can also be created and submitted through the council's website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide their name, postal address and e-mail address. The petition organiser will also need to decide how long they would like their petition to be open for signatures. Most petitions run for six months but a shorter or longer timeframe can be chosen, up to a maximum of twelve months.
- 7.2. When an e-petition is created, it may take five working days before it is published online, to enable the Democratic Services to check that the content of the petition is suitable before it is made available for signature. If the petition cannot be published the petition organiser will be advised as to the reasons. The petition organiser will be able to change or re-submit their petition if they wish. The council will, within 10 working days of rejecting a petition, publish a summary of the petition and the reason why it has not been accepted. The publication will be located in the "rejected petitions" section of the website.
- 7.3. If an e-petition is accepted, the petition organiser will receive an acknowledgment within 10 working days.
- 7.4. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement will also be published on this website.

Annex 6.6 Complaints Process

1. If you would like to submit a comment, compliment and complaint regarding the work of the council, you can do so online via the council's website:
[Comments, compliments and complaints.](#)
2. Alternatively, you can write to Customer Services at the address below, or come in person to:

Epsom & Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey
KT18 5BY
3. If your complaint is about a councillor, please refer to the Councillors' Code of Conduct (**Annex 2.1**).
4. Complaints related to data handling / processing, data protection and information governance can also be made to the Information Commissioner's Office ("ICO"). Details can be found on the ICO's website:

[ICO – Make a complaint](#)



Whistleblowing Policy

Version number 3.0

Month Year

Tracking

Policy Title	Whistleblowing Policy
Review due date	Month Year (every two years)
Service	Human Resources
SMT sign off	
Committee	Strategy & Resources Committee
Committee approval date	

Revision History

Version No.	Revision Date	Revisor	Description of Revision
1.0	August 2003		Constitution version 2003.
2.0	May 2019		Revised, Constitution version 2019.
3.0	29/09/2022	Chief Executive (interim)	Revised and recommended that the policy is adopted as a corporate policy rather than a constitutional document.

Document Approvals

Each revision requires the following approvals:

Sponsor Approval	Name	Date
Chief Executive (Interim)	Jackie King	DD/MM/YYYY

WHISTLEBLOWING POLICY

1. Introduction

This policy applies to all those who perform work for the council, including but not limited to employees, officers, agency staff, contractors, consultants, and councillors. For the purpose of this policy these will be referred to as 'staff'.

Whistleblowing is the confidential disclosure by staff of any wrongdoing that they may encounter in the workplace. The aim of this policy is to provide protection to staff who make such disclosures and to set out the way in which concerns may be raised and how they will be dealt with.

The council is committed to creating and maintaining a culture of openness within our organisation so that individuals feel encouraged and confident to raise any concerns relating to suspected misconduct at an early stage.

This policy provides the council with a mechanism to manage risk whilst offering whistleblowers protection from victimisation or harassment.

This policy is non-contractual and may be amended at any time.

2. Background

The law provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that the following is being, has been, or is likely to be, committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above.

Disclosure of other wrongdoing is also covered by this policy where it is general malpractice, breach of the council's constitution, breach of audit regulations or breach of the codes of conduct of all relevant professional institutions.

It is not necessary for the worker to have proof of such - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter. It is the organisation's responsibility to ensure that an investigation takes place if necessary.

The council encourages individuals to raise their concerns under this policy in the first instance. If staff are unsure whether or not to raise a concern, they should discuss the issue with their line manager, the Director of Corporate Services, the Chief Executive or the Monitoring Officer.

3. Principles

The council recognises that the decision to report a genuine concern can be a difficult one to make. If what employees are saying is true or they believe it to be true, they have nothing to fear because they will be fulfilling a duty to the organisation and those for whom they are providing a service.

This policy relates to disclosures about matters other than a breach of an employee's own contract of employment or issues such as bullying and harassment. If an employee is concerned about such matters they should use the organisation's grievance procedure. If such an issue is raised under this policy they will be guided to the appropriate policy.

If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, individuals should not agree to remain silent. They should report the matter to the Monitoring Officer or the Director of Corporate Services.

If a member of staff receives a whistleblowing complaint, they must immediately pass this on to the Monitoring Officer or the Director of Corporate Resources to ensure appropriate action can be taken at the earliest opportunity. The complaint must not be disclosed to or discussed with any other parties to maintain confidentiality and protection of the identity of the person raising the complaint.

If staff are dissatisfied with the council's response, they are able to take the matter further. This is set out in more detail below (Section 9 "How the matter can be taken further").

4. Protection

It is appreciated that those reporting concerns may be apprehensive. The council wants to reassure staff that they will suffer no detrimental treatment as a result of voicing genuinely held concerns. The council will not tolerate victimisation, harassment, bullying or any other detrimental treatment of staff who have made a disclosure under this policy. Complaints about such behaviour will be dealt with under the disciplinary procedure.

Allegations which are found to be malicious, or vexatious in nature, will lead to disciplinary action against the person raising the allegation.

If a member of staff is already the subject of disciplinary or redundancy procedures those will not be halted as a result of their whistleblowing submission.

If a member of staff makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against that individual.

Should you feel you have been subjected to any detriment as a result of raising a concern under this policy you should notify the Monitoring Officer or the Director of Corporate Services as soon as possible.

5. Confidentiality

Any disclosure you make under this policy will be treated as far as reasonably practicable in a confidential and sensitive manner. If confidentiality is not reasonably practicable, for instance, because of the nature of the information, this will be explained to you.

It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the member of staff may be required as part of the evidence.

6. Anonymous allegations

Making a disclosure anonymously may be seen as a relatively low risk way of raising a concern. However, from a practical perspective, anonymous allegations are likely to be more difficult to investigate, and protection against reprisals and feedback can only be afforded to identifiable individuals.

Therefore, the council encourages staff to put their name to their allegation whenever possible and promote open reporting. We will also give an assurance that confidentiality will be maintained as far as possible.

The council is strongly against anonymous allegations being made, for the reasons above, but anonymous disclosures may, in exceptional circumstances, be made as an alternative to remaining silent about wrongdoing. Such cases will only be considered at the discretion of either the Chief Executive, Monitoring Officer and/or the Director of Corporate Services.

In exercising this discretion, the factors to be taken into account would include:

- whether the issue raised is in the public interest;
- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources; and
- that no feedback is possible, nor the opportunity to obtain or clarify further information.

7. How to raise a concern

As a first step, staff should normally raise concerns confidentially with their line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the misconduct. If an employee feels that they cannot approach management within their own department, they should approach a trusted colleague, another CMT/SMT member, the Monitoring Officer, the Director of Corporate Services or the Chief Executive.

Another option is to confidentially contact the Chair of the Standards and Constitution Committee who has agreed to act as a confidential contact for these matters where staff feel unable for any reason to disclose the issue to another officer within the organisation.

If the matter involves a member of CMT/SMT and the whistleblower feels uncomfortable approaching another CMT/SMT member or the Chair of the Standards and Constitution Committee, then they should direct their concern to our independent auditors. The contact details are:

Natalie Jerams
Head of Southern Internal Audit Partnership
Mobile: 07784 265314
Email: natalie.jerams@hants.gov.uk

The whistleblower should make it clear that the disclosure is being made within the terms of this policy. This is in order that the recipient realises and takes the necessary action both to investigate and to protect the identity of the individual.

Concerns are always better raised in writing. Staff would be expected to set out the background and history of the concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If they do not feel able to put their concern in writing, they can discuss their concerns in person or by telephone.

Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are grounds for their concern.

8. How the Council will respond

Once a concern has been raised, we will take action. If you have not made the complaint anonymously, you will be asked to attend a meeting as part of this investigation.

If a member of staff brings a concern forward, the person contacted will:

- Confirm with the person whether it is being brought forward under the Whistleblowing policy, if this has not already been made clear; and

- Ensure that the council writes to the staff member within ten working days acknowledging that the concern has been raised.

The member of staff will be kept informed as to the progress of the investigation, as far as is possible and appropriate bearing in mind any confidential obligations that apply.

Please note that no details of any disciplinary action taken will be shared unless considered appropriate.

All matters raised will be handled in accordance with the requirements of the council's Constitution, the Financial Regulations and codes of conduct.

All matters will also be dealt with in accordance with the council's Equality Policy. These documents can be found on the council's Intranet.

In order to protect individuals and the council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

9. How the matter can be taken further

If you are dissatisfied with the outcome of the investigation, you should raise this with the Chief Executive, giving the reasons for your dissatisfaction. They will respond in writing notifying you of their acceptance or rejection of the need for further investigation and the reasons for this.

If you are still not satisfied with the outcome and you feel it is right to take the matter further, you may wish to take independent and confidential advice regarding any concerns about whistleblowing at the Public Concern at Work website www.pcaw.co.uk, telephone number 0207 404 6609.

If the matter is taken outside of the council, there is a need to ensure that no confidential information is disclosed or information that would be legally privileged.

10. Data protection

When an individual makes a disclosure, the organisation will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

11. Responsible Officer(s)

The Chief Executive has overall responsibility for the maintenance and operation of this policy.

The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger an employee's confidentiality) and will report as necessary to the council.

The Head of Policy and Corporate Resources has overall responsibility for adherence to Council policies and staff welfare in any process.

Associated Documents

- Behaviour at Work Policy;
- Data Protection Policy;
- Equality, Diversity and Inclusion Policy;
- Grievance Policy;
- Code of Conduct;
- Anti Money Laundering Policy; and
- Bullying and Harassment Policy.

Text to be included on all agenda front sheets:

Mobile telephones

Please switch your mobile telephone off or to silent mode whilst attending the meeting.

Filming and recording of meetings

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer (email: democraticservices@epsom-ewell.gov.uk) before the start of the meeting (members of the Press please contact the Press Office). Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer. Anyone, in the view of the chair, causing disruption or interfering with the smooth running of the committee will be asked to desist from filming or recording. If they persist, they may be required to leave

Banners and placards

Banners, placards and other similar objects are not permitted to be brought into the meeting room.

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