

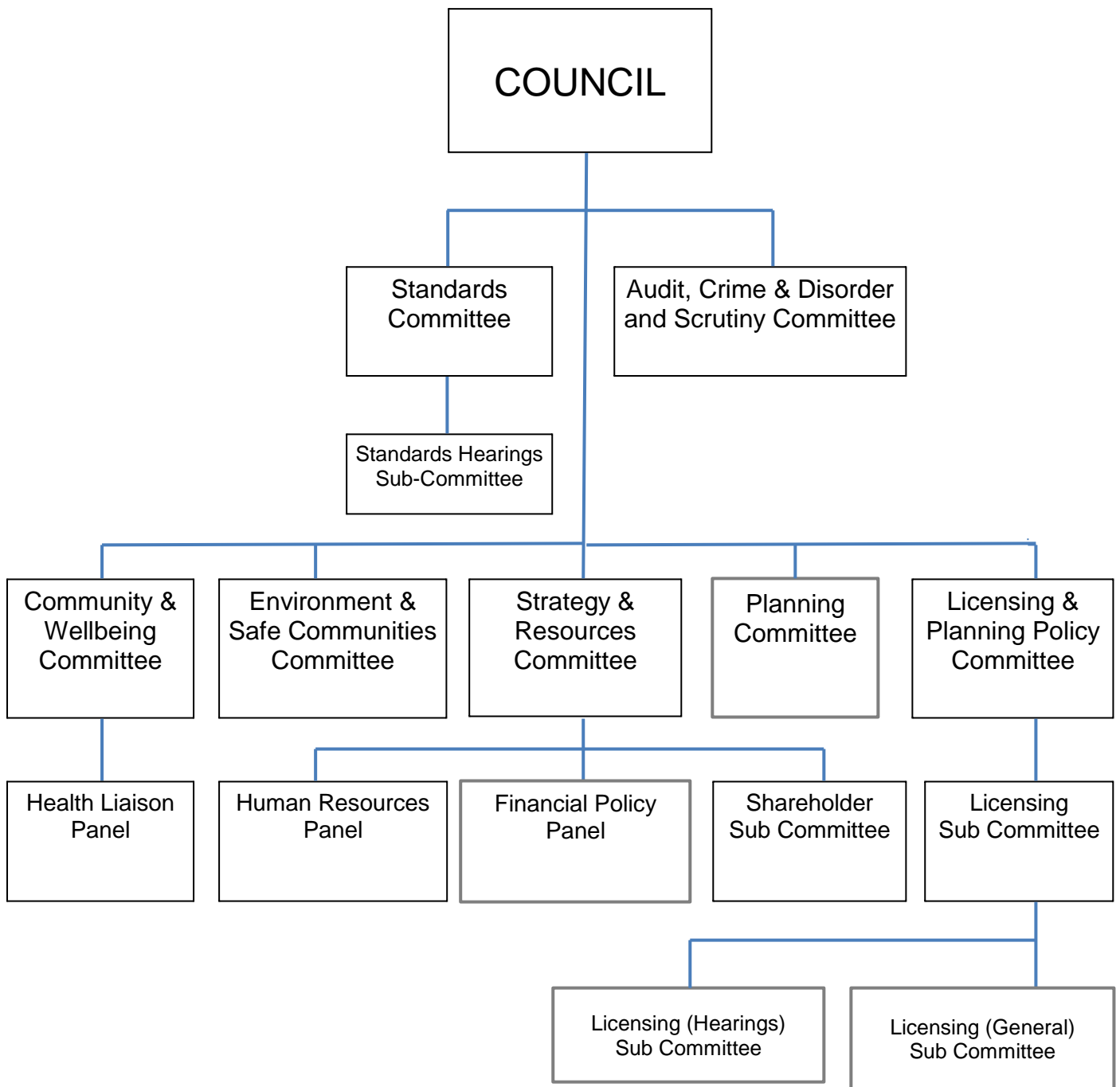
PART 3

Responsibility for Functions

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1 Diagram of Committee Structure



2 Committee Responsibilities

- 2.1 For the avoidance of doubt, if a particular matter or project falls under the Terms of Reference of more than one Committee, the Council may designate one Committee as the lead committee for a matter. The lead committee will have all the powers and functions as 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; for comment or recommendation to Council.
- 2.2 No committee, sub-committee, panel, working group or Officer shall take action requiring expenditure unless suitable budgetary provision has been approved.
- 2.3 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sub committees taken in exercise of any delegated functions are the decisions of the Council for all purposes unless rescinded.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 to allow for a Scrutiny call in.
- 2.4 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

Committees

- 2.5 The Council has the following Committees to discharge the functions described in Schedule 1 to this Part:
- Audit, Crime & Disorder and Scrutiny Committee
 - Community & Wellbeing Committee
 - Environment & Safe Communities Committee
 - Licensing & Planning Policy Committee
 - Planning Committee
 - Strategy & Resources Committee
 - Standards Committee
- 2.6 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 Council if it they do not have such authority. It is also open to a majority of members present and able to vote at a meeting to agree to refer a matter to Council.
- 2.7 The Committees, their terms of reference and number of members on each committee, is set out at Schedule 1 to this Part.

Sub Committees & Working Groups

- 2.8 In addition to the main committees and sub committees, the Council may set up time-limited sub-committees for specific purposes.
- 2.9 Committees may also appoint sub committees and working groups, and if appropriate agree their terms of reference, a chairman and, if considered necessary, a vice chairman and substitute members of the sub-committee or working group.

Advisory Panels and Joint Arrangements

- 2.10 The Council currently has three standing advisory panels which will report as required to the appropriate committee or Council as set out in their Terms of Reference
- 2.11 The terms of reference and membership of the Advisory Panels and Joint arrangements are set out in Schedule 2 to this Part.
- 2.12 Advisory Panels may make recommendations to the relevant committee or directly to the Council if agreed by the relevant Committee.
- 2.13 The Council has also entered into a number of joint arrangements. Further details on these arrangements are set out in Schedule 4 of this Part of the Constitution.

Appointment of Members to Committees

- 2.14 The Council will appoint the Members, Chairman and Vice Chairman 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.

Conflicts

- 2.15 Members of the Audit, Crime & Disorder and Scrutiny Committee may not scrutinise any decision in which they were involved as a member of a policy Committee.

Arrangements for Meetings

- 2.16 There are currently four cycles of meetings in each municipal year – June/July; September - December; January/February; March/April. Each committee and advisory panel 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.

3 Policy Committees

- 3.1 The terms of reference for the Committees are set out in Schedule 1 to this Part.

3.2 There are four policy-making committees:

- Community & Wellbeing;
- Environment & Safe Communities;
- Licensing & Planning Policy;
- Strategy & Resources

3.3 In accordance with the aims and objectives set by the Council in its Corporate Plan the principles of Best Value, and within the approved Budget and Policy Framework, Policy Committees will:

- (a) Deal with all policy and operational matters, including statutory responsibilities;
- (b) Develop strategies and policies and put them to the Council for approval;
- (c) Draw up revenue budgets and develop proposals for capital projects, and submit these to the Strategy and Resources Committee for recommendation to Council where these form part of the corporate policy framework;
- (d) Implement approved capital projects;
- (e) Develop and maintain communication and consultation with the public, local businesses, voluntary and other relevant organisations, and form partnerships and influence partners;
- (f) Distribute grant aid or award rate relief in accordance with conditions laid down by Council;
and
- (g) Determine the level of delegation to officers.

4 Sub Committees

4.1 The terms of reference for all the Sub Committees are set out in Schedule 2 to this Part.

Licensing and Planning Policy Committee

4.2 The Council is responsible for determining a number of different types of licencing applications and other related functions. Two separate sub committees have been established under the Licensing and Planning Policy Committee:

- 4.2.1 the Licensing (Hearings) Sub-Committee will determine matters specific to the Licensing Act 2003;

- 4.2.2 the Licensing (General) Sub Committee will determine all other licensing matters.

(Note: Political balance requirements do not apply)

- 4.3 Licensing Sub Committees will be formed of any three members from the Licensing Panel, which is a pool of members appointed by Council.
- 4.4 Those members appointed to the Licensing (Hearings) Sub Committee must be drawn from those who also sit on Licensing & Planning Policy Committee.
- 4.5 The three members appointed for any hearing shall be selected by Democratic Services and the Sub-Committee will appoint a Chairman for that Sub Committee meeting. A Chair of any Licensing Sub Committee must be trained in licensing matters to chair any such meeting.

Standards Committee

- 4.6 The Standards 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.

Strategy & Resources Committee

- 4.7 The Shareholder Sub-Committee acts in accordance with the terms of reference so far as they relate to any company established as a wholly owned company of the Council.
- 4.8 The Strategy & Resources Committee shall appoint the Chairman of the Shareholder Sub-Committee at its first meeting in the municipal year, who shall hold office until the next such meeting. If the Chairman 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 Chairman, if present, shall preside. If the Chairman is absent Sub-Committee shall elect one of the members present as Chairman of the meeting.
- 4.9 The Sub-Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.

5 Advisory Panels

- 5.1 The terms of references for all the Advisory Panels are set out in Schedule 3 to this Part.
- 5.2 In accordance with the aims and objectives set by the Council in its Corporate Plan the principles of Best Value, and within the approved Budget and Policy Framework, the following Panels have been established to advise the Council

or its Committees or Sub-Committees on any matter relating to the following subject area

Strategy & Resources Committee

- Financial Policy
- Human Resources

Community & Wellbeing Committee

- Health Liaison

6 Joint Arrangements

- 6.1 The terms of references for all the Joint Arrangements are set out in Schedule 4 to this Part.

Nonsuch Park Joint Management Committee

- 6.2 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. Chairmanship rotates between the two councils annually. The two councils fund, on an equal basis, the running of the Park, after taking income into account.

Coast to Capital Joint Committee

- 6.3 The purpose of the Joint Committee is to approve the Strategic Economic Plan and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership (LEP) area.
- 6.4 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 Council, 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 under 2 million residents and over 150,000 businesses and organisations.
- 6.5 The Joint 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.

East Surrey Community Safety Partnership

- 6.6 The Council is required under the Crime & Disorder Act 1998 to have a community safety partnership and the Council has agreed to discharged its duty by joining the East Surrey Community Safety Partnership made up of

Mole Valley, Reigate & Banstead, and Tandridge Councils. The strategic vision of the Partnership is “Working together to keep East Surrey safe”.

Surrey Police and Crime Panel

- 6.7 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.

7 Scheme of Delegation to Officers

Introduction

- 7.1 This scheme of delegation authorises the Chief Executive and the Chief Operating Officer to exercise the functions of the Council as set out in this document. It repeals and replaces all previous schemes of delegation.
- 7.2 This scheme is without prejudice to the exercise of the Council’s functions by the Council and the Council’s committees, sub-committees and panels.
- 7.3 The statutory officers’ responsibilities are set out in Schedule 5 below. “Head of Service” means the Heads of Service reporting either to the Chief Executive or Chief Operating Officer. All powers with the scheme of delegation are exercised within approved budgets.

General Delegation to Officers

- 7.4 The Chief Executive and the Chief Operating Officer are empowered to make decisions on behalf of the Council in accordance with the following general principles:-
- (a) if a function, power or responsibility has not been specifically reserved to the 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 the Chief Operating Officer within whose remit the matter falls is authorised to act;
 - (b) the Council and its Committees will make decisions on matters of significant policy. The Chief Executive, and the Chief Operating Officer have express authority to take all necessary actions to implement Council and committee decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate;
 - (c) the Chief Executive and the Chief Operating Officer are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible;
 - (d) the Chief Executive and the Chief Operating Officer are empowered to take all necessary decisions in cases of emergency or urgency;

- (e) in relation to all delegated authority conferred on the Chief Executive and Chief Operating Officer 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 he or she thinks fit;
- (f) where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive, or their nominee, is authorised to act;
- (g) anything delegated to the Chief Legal Officer is also delegated to the Chief Executive;
- (h) 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.

- 7.5 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, the Chief Operating officer will exercise emergency or urgency powers in the same way.
- 7.6 In deciding whether or not to exercise delegated powers, the Chief Executive and the Chief Operating Officer should consider whether to consult the appropriate Group Leader, Group Chairman or Committee Chairman 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.
- 7.7 The Chief Executive and the Chief Operating Officer 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.
- 7.8 All delegations conferred under this scheme must be formally recorded in writing by the Chief Executive, and the Chief Operating Officer as the case may be (including for the avoidance of doubt any delegation under paragraph 7.4 (e) and 7.7 above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name. The Head of Planning and the Planning Development 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.
- 7.9 The Chief Executive will make such arrangements as she considers 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:

- 7.9.1 a reference to any other officer will include a person who is deputing (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;
- 7.9.2 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.
- 7.10 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.
- 7.11 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 interests of the Council.
- 7.12 Where an officer referred to in paragraph 7.7 above is absent from the workplace for a period of time that 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.
- 7.13 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 a member body except in cases of emergency.
- 7.14 Without prejudice to the generality of the foregoing, the Chief Executive and the Chief Operating Officer shall have the power:-
- (a) to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:-
 - (i) invitation and acceptance of tenders in accordance with Contract Standing Orders;
 - (ii) submission of bids for funding;
 - (iii) write-off of irrecoverable debts;
 - iv) virement (within the budget framework);
 - (v) disposal and acquisition of assets;

- (vi) service and placing of any necessary statutory or other notices (other than those expressly reserved to the Council or a Committee);
 - (vii) in consultation and with the consent of the Chief Legal Officer 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.
- (b) to put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;
 - (c) 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;
 - (d) to determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Human Resources & Organisational Development and conformance with Council policies;
 - (e) 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.

[For the avoidance of doubt the appointment of the Chief Executive and Chief Operating Officer shall be made by a duly appointed member body in accordance with the Officer Employment Rules. The relevant Committee Chairman will be consulted upon the appointment of a Head of Service but shall take no other part in the process.]

Taking Decisions

7.15 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:-

- (a) the views of the relevant Committee Chairman following the application of the consultation criteria set out in paragraph (c) below;
- (b) 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 Chairman/Chairmen and local members, where the issue relates to a specific area, should take place;
- (c) consultation in accordance with the Council's Consultation Strategy and the views emanating from that process;

- (d) the range of available options;
- (e) the staffing, financial and legal implications;
- (f) the assessment of any associated risks in accordance with the Council's Risk Management Strategy;
- (g) the involvement of appropriate statutory officers;
- (h) the relevance of any regional or national guidance from other bodies;
- (i) the Council's Constitution, its Contract and Financial Procedures and Regulations, all relevant guidance, legislation and Codes of Practice;
- (j) the need to secure Best Value.

7.16 In order to assist with the above, arrangements should be made by relevant officers to deal with times of absence e.g. holidays. This could, for example, be through a named alternative.

Scrutiny

7.17 For the purposes of Audit, Crime & Disorder and Scrutiny Committee:

- (a) a report should be presented annually to the Audit, Crime & Disorder and Scrutiny Committee setting out significant decisions taken by Officers under delegated powers in the previous year;
- (b) any member may request that (with the exception of decisions made by the Planning Committee) decisions taken by officers under delegated powers are scrutinised by the Audit, Crime & Disorder and Scrutiny Committee;
- (c) 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.

Legal and Procedural

7.18 The Chief Legal Officer is authorised:-

- (a) 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;
- (b) 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 Chief Legal Officer considers that such action is necessary to protect the Council's interests;
- (c) to instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council;

- (d) to enter objections to any proposal affecting the Borough, the Council or the inhabitants of the Borough.

7.19 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.

General Indemnity

7.20 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 in the form in Schedule 6.

Proper Officer Functions

7.21 A list of Proper Officer functions will be maintained by the Chief Legal Officer.

Maintenance, Review and change to schemes of delegations

7.22 The Chief Executive and the Chief Operating Officer will establish and maintain a scheme of delegation for her/his directorate or budget area 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 Chief Operating Officer in certain circumstances.

7.23 The Chief Executive and the Chief Legal Officer are authorised to approve any changes to any scheme of delegation.

Planning Scheme of Delegation

Introduction

7.24 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 matters officers can determine and which the Planning Committee must determine.

Scheme of Delegation

7.25 The Head of Planning, Planning Development 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 7.26, 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 Chairman of Planning Committee accordingly.

7.26 The matters which shall be determined by the Planning Committee are:

- a) Applications for planning permission for major¹ development (except where the application is made under section 73 of the Town & Country Planning Act 1990 – a minor material amendment/development without compliance with original conditions);
- b) Applications for planning permission for development which require to be advertised as a departure from development plan, as a whole, but which are recommended for approval;
- c) Applications for planning permission or listed building consent that are submitted by or on behalf of any Member, the Chief Executive, Chief Operating Officer and Heads of Service, including the Head of Planning, Planning Development Manager and Planning Policy Manager
- d) Decisions to confirm a Tree Preservation Order where there has been an objection to the making of the order.
- e) Applications or other matters called-in for determination by the Planning Committee by a Member in accordance with Paragraph 3, where the call-in request has not been withdrawn.

7.27 A Planning Committee Member or a Member representing the Ward in which development is proposed, may call in a matter for determination by the Planning Committee in accordance with the following procedure:

- a) A Councillor wishing to call an application in must do so by notice in writing (email is acceptable) to the Case Officer, copied to the Head of Planning and Planning Development Manager within 28 days of the date public notice is given of the application;
- b) A request shall not be valid if submitted before an application has been submitted, in anticipation of an application, for example, following pre-application consultation on a proposal.

¹ “Major Development” is defined under The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more
 and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

- c) A Councillor shall not be able to call-in any of the following matters for determination by the Planning Committee:
- i) Applications for Certificates of Lawfulness for Proposed Use or Development.
 - ii) Applications for Certificates of Lawfulness for Existing Use or Development
 - iii) Any matter where development is or may be permitted by development order, but where the prior approval of the Council is required.
 - iv) Consultations on applications from neighbouring authorities.
 - v) Approvals required under conditions attached to permissions or consents (for the avoidance of doubt, this shall not prevent the Planning Committee, when determining an application to require that an approval under condition be referred for determination by the committee).
 - vi) Applications or notifications of work to trees protected by Tree Preservation Order or Conservation Area status.
 - vii) Screening and scoping opinions under provisions relating to Environmental Impact Assessment.
 - viii) Matters relating to prior notification of development authorised by an Act of Parliament (including 56 day telecommunications development).
 - ix) Consultation by Electricity Undertakers.
 - x) Matters related to Hazardous Substance Consent.
 - xi) Applications in relation to non-material change to a planning permission.
- d) 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 Planning in consultation with the Chairman of Planning and the members concerned.

Section 106 Agreements

7.28 The Head of Planning is authorised to:

- 7.28.1 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.
- 7.28.2 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.

Schedule 1: Committees

Committee	Terms of Reference	Number of Councillors
Audit, Crime & Disorder Scrutiny Committee	<ol style="list-style-type: none"> 1 Exercise the Council's scrutiny and review functions in accordance with Article 6 of Part of this Constitution and the Scrutiny Procedure Rules set out in Part 4; including overall responsibility for audit and governance frameworks (including functions of an audit committee); 2 Oversee compliance with the Council's duties concerning Best Value; 3 Monitor implementation of recommendations from the external and internal auditors; 4 Monitor progress on the Council's Corporate Plan; 5 Review and approve the Annual Governance Statement. 6 Exercise the Council's scrutiny and review functions in relation to local crime and disorder matters within the remit of the Crime and Disorder Reduction Partnership in accordance with Article 6 of Part 2 of this Constitution 	10
Community & Wellbeing Committee	<ol style="list-style-type: none"> 1 The development and promotion of sport, leisure, cultural and recreational activities 2 Management of parks, open spaces and countryside and Allotments 3 The management of The Playhouse, Bourne Hall, Ewell Court House, The Rainbow Centre, Bourne Hall Museum 4 Services for young people. 5 Affordable housing 6 Housing strategy and investment programme 	10

	<p>7 Housing standards, homelessness, homelessness prevention and advice, housing needs assessment</p> <p>8 Housing benefit - welfare aspects</p> <p>9 Private sector housing and administration of housing grants</p> <p>10 Personal social services for older and disabled persons including community meals services, community alarm, day centres, community transport,</p> <p>11 Grounds maintenance</p> <p>12 Grant aid</p> <p>13 Consultations on health service provision</p> <p>14 Armed forces covenant</p> <p>15 Local NHS Services</p> <p>16 Work within the Voluntary Sector</p> <p>17 Traveller & Gypsy site management</p> <p>18 Amenity management and maintenance public spaces including parks</p> <p>19 Tourism</p> <p>20 Support & development of sports, the arts, and other leisure activities</p> <p>21 No decisions which result in amendments to the agreed budget or additional spend may be made by the Committee unless and until the it has been approved by Strategy & Resources Committee</p>	
Environment & Safe Communities Committee	<p>1 Transportation policy</p> <p>2 Waste management refuse collection and recycling</p> <p>3 Environmental improvement schemes</p> <p>4 The quality of the public realm, including cleansing</p>	10

	<ul style="list-style-type: none"> 5 Highway matters that are the responsibility of the Borough Council and drainage 6 Community safety & crime and disorder prevention 7 Parking 8 Contaminated land 11 Environmental protection, pollution control 12 Health and safety 13 Burials, cemeteries and closed churchyards 14 Street trading 15 Street naming and numbering 16 The provision and management of parking and the fixing of charges and parking enforcement 17 No decisions which result in amendments to the agreed budget or additional spend may be made by the Committee unless and until it has been approved by Strategy & Resources Committee. 	
Licensing & Planning Policy Committee	<ul style="list-style-type: none"> 1 To consider and approve Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage); 2 To consider and recommend for approval to Council, submission versions of Development Plan Documents; 3 To consider and approve final versions of Supplementary Planning Documents, and any subsequent changes to the Development Plan not constituting a new or substantially revised Development Plan Document; 4 To consider and approve other informal policy guidance for adoption; 	10

	<ol style="list-style-type: none"> 5 To consider and approve the Council's Local Development Scheme and Annual Monitoring Report; 6 To consider and approve (i) draft Conservation Area Appraisals and Management Plans for public consultation and (ii) the final version of Conservation Area Appraisals and Management Plans; 7 To consider and approve matters related to the Community Infrastructure Levy (CIL) leading up to the examination in public and the adoption of the CIL charging schedule; 8 To consider and comment upon other authorities' or stakeholders' planning policy documents; 9 To respond to government consultations on draft planning legislation and proposed planning policies; 10 Land use policy statements and briefs for specific areas 11 To consider any other planning policy matters not included in any of the above as deemed necessary by the Head of Planning 12 Hackney Carriage and Private Hires policies and procedures 13 To consider and determine (or delegate to a Licensing Sub-Committee) <ul style="list-style-type: none"> • opposed and/or contentious applications made under the Licensing Act 2003 and/or applications for review under the said Act; • Opposed and/or contentious applications made under the Gambling Act 2005 and/or applications for review under the said Act; • Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences; private hire and public hire licences; 	
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	<p>14 To approve a licensing policy statement and gambling policy statement for recommendation to the Council and to keep this under review in accordance with the Licensing Act 2003 and the Gambling Act 2005 respectively;</p> <p>15 To ensure members of the Licensing Panel receive the necessary training to undertake the administration of applications before them.</p> <p>16 Safeguarding the historic environment.</p> <p>17 No decisions which result in amendments to the agreed budget or additional spend may be made by the Committee unless and until the it has been approved by Strategy & Resources Committee</p>	
Planning Committee	<p>1 Deal with regulatory matters required by, and flowing from, Town and Country Planning legislation including matters relating to high hedges;</p> <p>2 Develop and maintain communication and consultation with the public, local businesses and relevant organisations;</p> <p>3 Determine the level of delegation to officers</p>	13
Strategy & Resources Committee	<p>1 The Budget and Policy Framework, for submission to the Council</p> <p>2 Implementation and monitoring of treasury management policies</p> <p>3 Constitution²</p> <p>4 Human Resource Management (HR policies and practices, salaries, conditions of service)</p> <p>5 Asset management including the purchase, management and disposal of real property owned or held by the Council (note other committees may have management responsibilities restricted to service provision)</p>	10

² Note remit of Standards Committee on Rules of Procedure

	<ol style="list-style-type: none"> 6 Exercise of the Council's powers as Trustee of any land or money held by the Council in trust 7 Electoral matters including polling stations, ward boundaries 8 Community right to Challenge and Community Right to bid for Assets of Community Value 9 To exercise the Council's powers and rights as a shareholder in respect of any company in which the Council has a shareholding 10 Investment strategy 11 The Corporate Governance Framework (jointly with the Chairmen of Standards and Audit, Crime & Disorder and Scrutiny Committees) 12 Data quality and corporate risk management 13 The local economy and regeneration 14 Emergency planning and business continuity 15 Council tax & Housing benefits administration 16 Civic and ceremonial matters 17 Dealing (at 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. 	
Standards Committee	<ol style="list-style-type: none"> 1 To assist and advise the Council in meeting its duty to promote and maintain high standards of conduct by members. 2 To monitor and review the effectiveness of the Code of Conduct for members. 3 To monitor, review and propose amendments to the Council's Rules of Procedure. 4 To consider and determine (or delegate to a Hearings Sub-Committee) complaints referred by the Monitoring Officer for determination under the Code of Conduct for members 	9

	<p>5 To ensure that the general public are informed of the effectiveness of the Council's promotion of high standards of conduct by members and effectiveness of arrangements to deal with breaches of the Code of Conduct for members.</p> <p>6 To grant dispensations relieving a member from either or both of the restrictions in section 31(4) of the Localism Act 2011.</p>	
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Schedule 2: Sub Committees

Sub Committee	Terms of Reference	Number of Councillors
The Licensing (Hearings) Sub Committee	<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>3</p> <p>NOTE: this is the legal minimum and to be quorate all three councillors must attend</p>
The Licensing (General) Sub Committee	<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; 	3

	(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.	
Shareholder Sub Committee (Politically balanced)	<p>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> <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>	5
Standards Hearing Sub-committee	To hear and decide what action should be taken in respect of allegations against members.	3

Schedule 3: Advisory Panels

Note: Advisory Panels are subject to the rules on political proportionality

Advisory Panel	Terms of Reference	Number of Councillors
Financial Policy Panel	<ol style="list-style-type: none"> 1 To advise the Strategy and Resources Committee on:- <ol style="list-style-type: none"> (a) all matters relating to the Budget and Policy Framework (including the setting of staff pay); (b) new legislation or government policy relating to local government finance; (c) procurement strategy and those matters that have budget or procurement implications for more than one committee; (d) performance against key performance indicators. 2 To ensure effective scrutiny of the treasury management strategy and policies. 3 To respond on behalf of the Strategy and Resources Committee to urgent consultation requests from central or regional government. 	<p>8</p> <p>Membership to include: Chairmen of the Environment Safe Communities, Community & Wellbeing & Strategy & Resources</p>
Health Liaison Panel	<ol style="list-style-type: none"> 1 To advise the Community & Wellbeing Committee on:- <ol style="list-style-type: none"> (a) preparing, promoting and monitoring the Council's Health Strategy in association with National Health Service bodies, Social Services and the voluntary sector; (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>7</p>

	<p>2 Working in partnership with a Member from each of the following – Elmbridge District Council, Mole Valley District Council, Reigate & Banstead District 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 • 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) employment policies and good practice (excluding the setting of staff pay);</p> <p>(b) staff wellbeing .</p> <p>2 The Panel is able to invite the Staff Consultative Group to attend the Panel as and when required or to present such reports as it may require.</p>	6

Schedule 4: Joint Arrangements

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. Chairmanship 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	To approve the Strategic Economic Plan and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership (LEP) area.	1
East Surrey Community Safety Partnership	<ol style="list-style-type: none"> 1 To promote integration of community safety priorities into mainstream policies and services 2 To ensure the strategic vision is translated into real change for East Surrey 3 To reduce alcohol and drug related harm and reduce re-offending 4 To encourage closer collaborative working on shared concerns 5 To increase community reassurance through co-ordinated awareness- raising campaigns 	1

	<p>6 To provide a voice for East Surrey at the Surrey Community</p> <p>7 To identify funding opportunities and lead on relevant funding submissions</p> <p>8 To contribute to and support the delivery of relevant County wider strategies</p>	
Surrey Police & Crime Panel	To carry out the functions set out in the Police Reform and Social Responsibility Act 2011.	1

Schedule 5 - Chief Officers – Areas of Responsibility

Post	Areas of Responsibility
Chief Executive	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers) for all services.</p> <p>The Chief Executive (Head of Paid Service) is the Proper Officer for all statutory purposes unless otherwise determined by them.</p>
Chief Finance Officer	<p>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.</p>
Chief Legal Officer	<p>To act as the Council's Monitoring Officer in accordance with S 5 of the Local Government and Housing Act 1989 as amended.</p>

Schedule 6 - Indemnity to Staff

- 1.1 The Borough Council will, subject to the exceptions set out below, indemnify its employees and former employees against claims made against them (including costs awarded and reasonable costs incurred) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its employees under any policy of insurance taken out by the Borough Council or any motor vehicle insurance policy taken out by the employee) occasioned by any neglect, act, error or omission committed by them in or about the pursuit of their duties as they may be from time to time in the course of their employment with the Borough Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the Council's consent.

Exceptions

- 1.2 The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:-
- (a) Fraud, dishonesty or a criminal offence on the part of the employee;
 - (b) Any neglect, error or omission by the employee otherwise than in the course of his duties;
 - (c) Liability in respect of losses certified by the District Auditor as caused by wilful misconduct.
- 1.3 The indemnity will not apply if an employee, without the written authority of the Borough Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution, or where there is evidence that the employee had acted with reckless disregard for the consequences.
- 1.4 The indemnity is without prejudice to the right of the Council to take or institute disciplinary action against an employee in respect of any neglect, act, error or omission.