



# 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

|          |                            |
|----------|----------------------------|
| <b>1</b> | <b>Purpose of the Code</b> |
|----------|----------------------------|

- 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.

|          |   |
|----------|---|
| <b>2</b> | <b>Principles of Public Life at Epsom &amp; Ewell Borough Council</b> |
|----------|---|

- 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:

| <b>Principle</b>          | <b>Behaviours</b>  |
|---------------------------|--|
| 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:

| <b>Examples of day to day contact with less senior Officers.</b>  | <b>Examples of matters which should be addressed at Head of Service or above</b>                            |
|---|---|
| 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 DPIs 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:—

| <b>Term</b>             | <b>Meaning</b>  |
|-------------------------|---|
| 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—<br>(a) the authority;<br>(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)<br><br>(a) the landlord is the relevant authority;<br>and (b) the tenant is a body in which<br>the relevant person has a beneficial<br>interest.   |
| Securities          | Any beneficial interest in securities of a<br>body where<br><br>(a) that body (to M's knowledge) has a<br>place of business or land in the area of<br>the relevant authority; and<br><br>(b) either<br><br>(i) the total nominal value of the<br>securities exceeds £25,000 or one<br>hundredth of the total issued share<br>capital of that body; or<br><br>(ii) if the share capital of that body is of<br>more than one class, the total nominal<br>value of the shares of any one class in<br>which the relevant person has a<br>beneficial interest exceeds one<br>hundredth of the total issued share<br>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><b>Terms of reference:</b></p> <p>The Full Council will exercise the following functions:</p> <ol style="list-style-type: none"> <li>1. Adopting and changing the Constitution.</li> <li>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.</li> <li>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.</li> <li>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 <b>Appendix 4 and Appendix 5</b>).</li> <li>5. Appointing annually the Mayor and Deputy Mayor.</li> <li>6. Appointing representatives to outside bodies unless the appointment has been delegated by the council.</li> <li>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.</li> <li>8. Delegating functions to other local authorities or their executives and deciding whether or not to accept such a delegation from another local authority.</li> </ol> |                 |

|  |  |
|--|--|
| <ol style="list-style-type: none"><li>9. Adopting a Members' Allowance Scheme.</li><li>10. Changing the name of the Borough.</li><li>11. Conferring the titles of Honorary Alderman or Honorary Freeman.</li><li>12. Confirming the appointment, redundancy or early retirement of the Chief Executive, Directors, and statutory officers.</li><li>13. Determining any delegation to officers which does not fall with the remit of any committee.</li><li>14. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills.</li><li>15. Determining the level of disciplinary action or dismissal of specified statutory senior officers.</li><li>16. Appointing the Independent Person or a Panel of such</li><li>17. Adopting the Code of Conduct for Members (Appendix 1) and the arrangements for dealing with complaints.</li><li>18. Considering those matters referred to it from time-to-time by Audit and Scrutiny Committee and by other council committees.</li><li>19. Considering petitions which are referred to Full Council under the Petition Scheme.</li><li>20. All other matters which by law must be reserved to the Full Council.</li></ol> |  |
|--|--|



| Standards and Constitution Committee  | TBC members |
|---|-------------|
| <p>The council has chosen to appoint a Standards &amp; 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 &amp; 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><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>1. Promoting and maintaining high standards of conduct by councillors in accordance with the duty contained in Section 27 of the Localism Act 2011.</li> <li>2. Assisting councillors to observe the councillors Code of Conduct.</li> <li>3. Advising the Full Council on the adoption or revision of the Code of Conduct.</li> <li>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.</li> <li>5. Making arrangements for investigating and determining complaints regarding alleged breaches of the Code of Conduct, including an annual report.</li> <li>6. Discharging, through a Hearings Panel, decisions made following consideration of reports by an Investigating Officer in connection with 5. above.</li> <li>7. Receiving requests for, and / or proposing, review of the Constitution or parts thereof as necessary; and then recommending changes to Full Council.</li> <li>8. Arrangements for dealing with standards allegations under the Localism Act 2011.</li> <li>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.</li> </ol> <p><b>To make recommendations regarding:</b></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><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>1. To be responsible for the scrutiny and review of the decisions and performance of the council.</li> <li>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.</li> <li>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.</li> <li>4. To establish sub-committees to progress work of the committee.</li> <li>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.</li> </ol> <p><b>Areas of responsibility:</b></p> <ol style="list-style-type: none"> <li>a. Overall responsibility for audit and governance frameworks (including functions of an audit committee).</li> <li>b. Oversee compliance with the council's duties concerning Best Value.</li> <li>c. Monitor implementation of agreed recommendations and actions from both the Internal and External audit reports.</li> <li>d. Monitor progress on the council's annual plan.</li> <li>e. Review and approve the Annual Governance Statement.</li> <li>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.</li> <li>g. Exercise scrutiny of the quarterly budget monitoring reports.</li> <li>h. Exercise scrutiny and approval (where applicable) of the annual Statement of Accounts, financial outturn, and external audit reports.</li> <li>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.</li> </ol> |             |

- 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><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>1. To make recommendations to the Full Council on budget and policy matters.</li> <li>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.</li> <li>3. To make decisions regarding land and property including acquisition, disposal and appropriation, not within the purview of any other committee.</li> <li>4. To own, review and approve the council's Risk Management Strategy.</li> <li>5. To be responsible for all policy matters not otherwise allocated to any other committee and to determine any disputes or differences between committees.</li> <li>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.</li> <li>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).</li> <li>8. The appointment of, and disciplinary action against, Chief and Statutory Officers.</li> </ol> <p><b>Areas of responsibility:</b></p> <ol style="list-style-type: none"> <li>a. Lead on the corporate governance framework (jointly with the Chairs of Standards and Constitution and Audit &amp; Scrutiny committees) incorporating strategic planning, corporate risk and performance management.</li> <li>b. Council compliance with <b>Financial Regulations</b>.</li> <li>c. All matters relating to the oversight of the approved council budget and Policy Framework (including the setting of staff pay).</li> <li>d. Medium Term Financial Strategy to include, though not exclusively, Capital Investment Strategy, Council Tax Support Scheme, Business Rates and use of council reserves.</li> <li>e. Implementation and monitoring of treasury management policies.</li> <li>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).</li> </ol> |             |

- 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><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. To establish sub-committees to progress work of the committee.</li> <li>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.</li> </ol> <p><b>Areas of responsibility:</b></p> <ol style="list-style-type: none"> <li>a. Tourism, culture, and recreational activities including the arts, sports and other leisure activities.</li> <li>b. Procuring and managing the leisure centre contract.</li> <li>c. Council venues including The Playhouse, Bourne Hall, Ewell Court House, The Rainbow Centre, Bourne Hall Museum.</li> <li>d. Services for young people.</li> <li>e. Affordable housing.</li> <li>f. Strategic housing and investment.</li> <li>g. Housing standards, homelessness, homelessness prevention and advice, housing needs assessment.</li> <li>h. Housing benefit in relation to welfare aspects.</li> <li>i. Private sector housing and administration of housing grants.</li> <li>j. Collaboration and partnerships related to the remit of this committee.</li> <li>k. Personal social services for older and disabled persons including community meals services, community alarm, day centres, community transport.</li> <li>l. Community and voluntary sector grants.</li> <li>m. Consultations on local health service provision and NHS services.</li> <li>n. Armed Forces Covenant.</li> <li>o. Voluntary Sector.</li> </ol> |             |

**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><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. To recommend to Full Council new or changes in previously agreed policies.</li> <li>3. To establish sub-committees to progress work of the committee.</li> <li>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.</li> </ol> <p><b>Areas of responsibility:</b></p> <ol style="list-style-type: none"> <li>a. Waste management refuse collection and recycling services.</li> <li>b. Climate change strategy and environmental improvement schemes.</li> <li>c. Highway matters that are the responsibility of the Epsom and Ewell Borough Council, including drainage.</li> <li>d. Consider and approve local transportation policy.</li> <li>e. Transport contract.</li> <li>f. Contaminated Land and Waterways.</li> <li>g. Parks, open spaces and countryside (including events), and allotments.</li> <li>h. Grounds maintenance, including the grounds maintenance contract (which covers NJMC, EWDC, Cemetery and bedding plants).</li> <li>i. Public spaces, public realm and cleansing.</li> <li>j. Street trading including markets.</li> <li>k. Environmental protection, pollution control and biodiversity.</li> <li>l. Tree contract.</li> <li>m. Food hygiene.</li> <li>n. Health and safety.</li> <li>o. Burials, cemeteries, and closed churchyards.</li> <li>p. Street naming and numbering.</li> </ol> |             |

- 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><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>1. To be responsible for exercising regulatory and policy functions under the relevant legislation concerning the determination of: <ol style="list-style-type: none"> <li>a. Alcohol and entertainment licence applications.</li> <li>b. Gambling licence applications.</li> <li>c. Applications for the granting, renewal, transfer or revocation or sex establishments licenses; private hire and public hire licences.</li> </ol> </li> <li>2. To be responsible for influencing and controlling development and use of land as Local Planning Authority including: <ol style="list-style-type: none"> <li>a. Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.</li> <li>b. Preparation, adoption and review of Supplementary Planning Documents.</li> </ol> </li> <li>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.</li> <li>4. To recommend to council new or changes to previously approved policies.</li> <li>5. To establish sub-committees or member working groups to progress work of the committee.</li> <li>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.</li> </ol> <p><b>Areas of responsibility:</b></p> <p>To consider and approve:</p> <ol style="list-style-type: none"> <li>a) Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage).</li> <li>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.</li> </ol> |             |

- 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.

| <b>Crime and Disorder Committee</b>  | <b>Members to be allocated at Full Council drawn from all councillors</b> |
|--|---|
| <p><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. To recommend to Full Council new or changes in previously agreed policies.</li> <li>3. To establish sub-committees to progress work of the committee.</li> <li>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.</li> <li>5. The committee will meet no more than twice during the course of the year</li> </ol> <p><b>Areas of responsibility:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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</li> <li>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</li> <li>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</li> <li>e. Consider council led initiatives relating to crime and disorder which would not fall under the remit of the CSP or any other committee.</li> <li>f. Make recommendations to the relevant committee for any items of expenditure</li> </ol> |   |



**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><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>1. To be responsible for exercising regulatory functions under the Town and Country Planning legislation specifically: <ol style="list-style-type: none"> <li>i. Determination of planning and related applications.</li> <li>ii. Determination of Tree Preservation and High Hedges applications.</li> </ol> </li> <li>2. To receive and review the summary of enforcement action taken in response to breaches of control on a quarterly basis.</li> <li>3. To receive and review summaries of planning appeals on a quarterly basis or when appeals have been received as appropriate.</li> </ol> <p><b>To make recommendations regarding:</b></p> <ol style="list-style-type: none"> <li>a. Applications for planning related permission submitted by the council itself.</li> <li>b. Changes to the committee's terms of reference.</li> <li>c. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.</li> </ol> <p><b>To resolve:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>b. Guidelines under which the committee shall determine its level of involvement in individual planning, building and enforcement decisions.</li> <li>c. Confirmation (or modification) of Tree Preservation Orders where there are unresolved objections.</li> </ol> <p><b>Delegation to Officers:</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol> |             |

## 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"> <li>(a) For a personal licence where an objection has been made.</li> <li>(b) For a personal licence with unspent convictions.</li> <li>(c) For premises licence where a representation has been made.</li> <li>(d) For a club premises certificate where a representation has been made.</li> <li>(e) For a provisional statement where a representation has been made.</li> <li>(f) To vary a premises licence/club premises certificate where a representation has been made.</li> <li>(g) To vary designated premises supervisor if there is a police objection.</li> <li>(h) For transfer of premises licence if there is a police objection.</li> <li>(i) For interim authorities if there is a police objection.</li> <li>(j) To review a premises licence/club premises certificate.</li> </ul> <p><b>Membership</b></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>3</p>              |

|   |  |   |
|---|--|---|
|   | <p>Committee members appointed to the Licensing (Hearings) Sub Committee must be drawn from those who also sit on Licensing &amp; 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"> <li>(a) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of gaming permits.</li> <li>(b) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences.</li> <li>(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.</li> </ul> <p><b>Membership</b></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 &amp; 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 &amp; 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 &amp; 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><b>The committee must meet once per annum.</b></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 |

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|--|--|---|
|  | <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' <b>Code of Conduct</b> . 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:<br/>Chairmen of the<br/>Environment<br/>Safe<br/>Communities,<br/>Community &amp;<br/>Wellbeing &amp;<br/>Strategy &amp;<br/>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 &amp; 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"> <li>Promoting the interests of the local residents in any decisions concerning health services.</li> </ul> | 7 |



|                       |   |   |
|-----------------------|---|---|
|                       | <ul style="list-style-type: none"> <li>• developing a shared vision for the nature, location and quality of local NHS services.</li> <li>• facilitating partnership working and the sharing of information and to co-ordinate input into the NHS decision-making processes.</li> <li>• providing a focus for the councillor-lead meetings and interaction with local NHS representatives.</li> <li>• Furthering the local democratic legitimacy of NHS bodies and their local public accountability.</li> </ul> |   |
| Human Resources Panel | <ol style="list-style-type: none"> <li>1 To advise the Strategy and Resources Committee on: <ol style="list-style-type: none"> <li>(a) Key points of the annual workforce report.</li> </ol> </li> <li>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.</li> </ol>  | 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 &amp; 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 &amp; Disorder Act 1998, to participate in a Community Safety Partnership along with several other statutory bodies. The council currently takes part in the Epsom &amp; 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.

| <b>Area Committee</b>                    | <b>Terms of Reference</b> | <b>Number of Councillors</b> |
|--|---------------------------|------------------------------|
| 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.

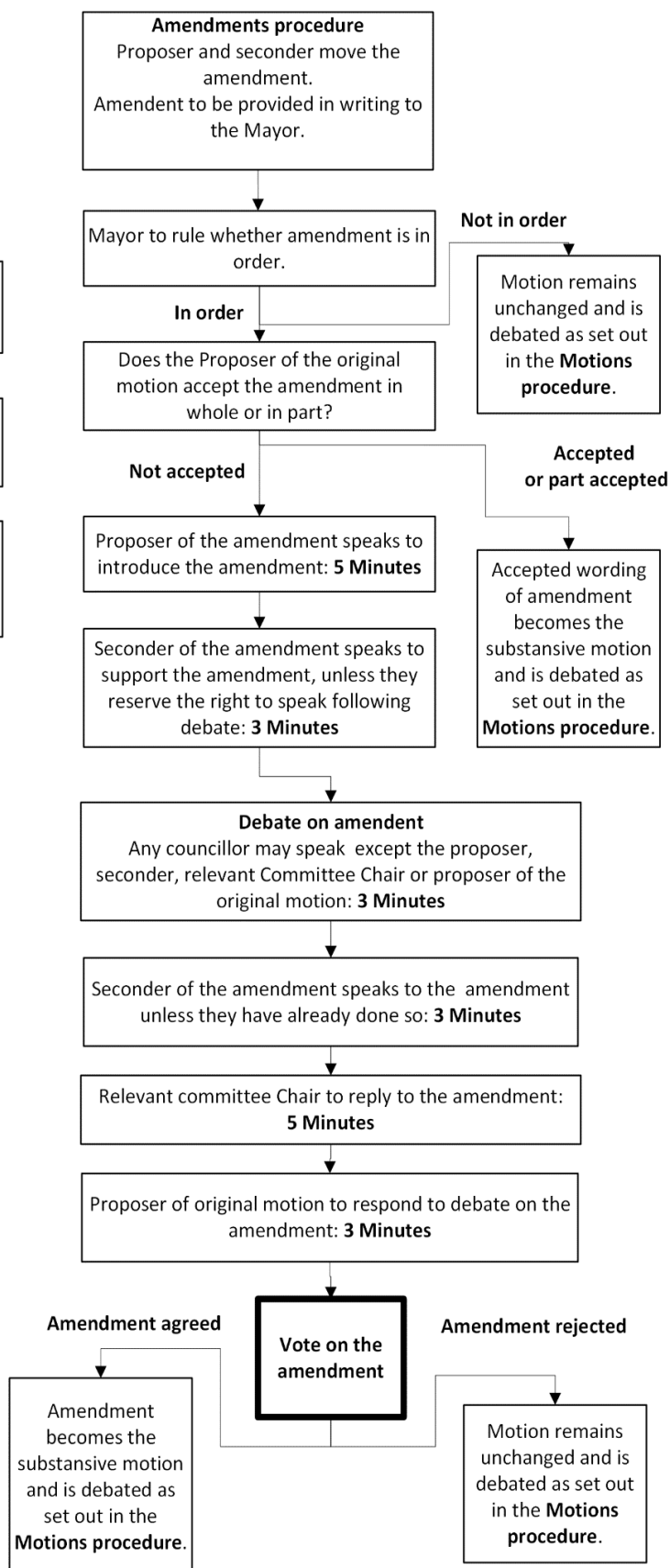
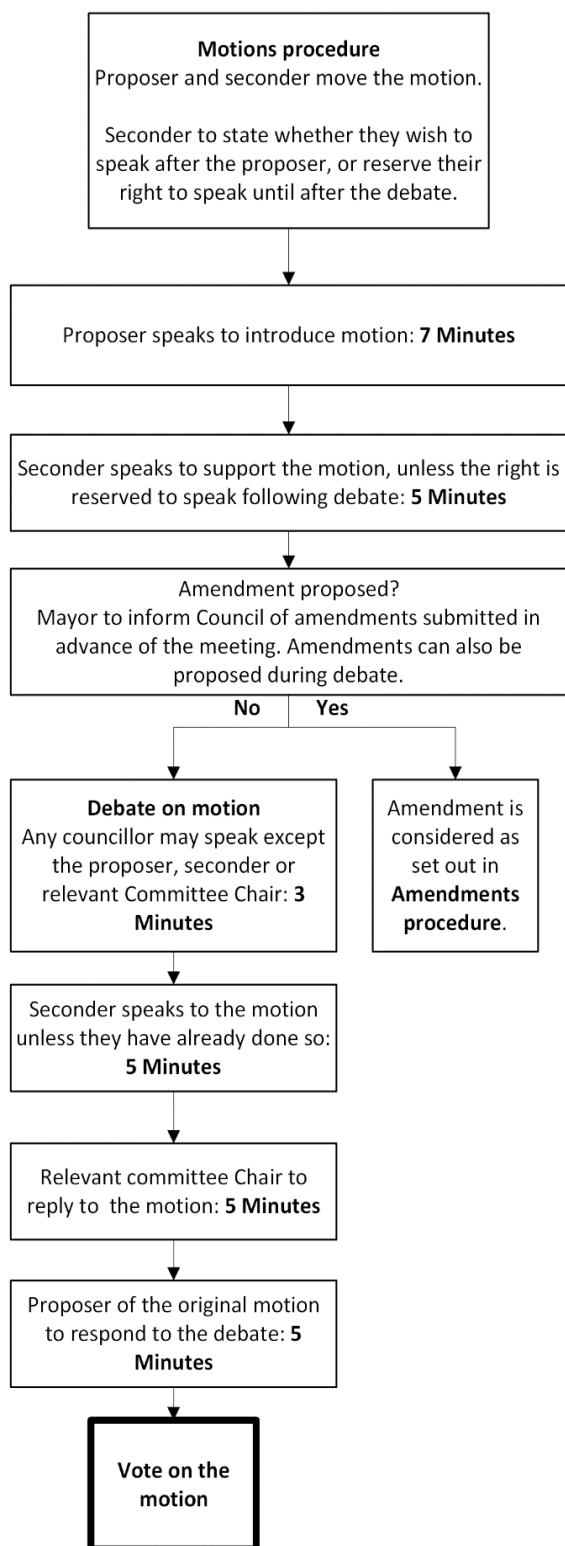
#### **Order and times of speeches on amendments**

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.