

Minutes of the Meeting of the STANDARDS AND CONSTITUTION COMMITTEE held at the Council Chamber, Epsom Town Hall on 16 April 2025

PRESENT -

Councillor Hannah Dalton (Chair); Councillor John Beckett (Acting Vice-Chair) and Councillor Alan Williamson (as nominated substitute for Councillor Rachel King); Councillors Chris Ames, James Lawrence and Robert Leach

In Attendance: Councillor Alex Coley, Councillor Julie Morris and Councillor Bernie Muir

Absent: Councillor Rachel King

Officers present: Piero Ionta (Head of Legal Services and Monitoring Officer) and Tim Richardson (Democratic Services Manager)

5 INTRODUCTION FROM THE CHAIR

The Chair welcomed the attendees to the meeting and provided a verbal overview of the business on the agenda. The Chair informed the Committee that not all items proposed by the reports on the agenda had been considered by the Constitution Working Group (CWG) and highlighted the anticipated increased workload for the Committee as a result of Local Government Reorganisation.

6 QUESTIONS AND STATEMENTS FROM THE PUBLIC

One statement was received from a member of the public.

7 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to items of business to be discussed at the meeting.

8 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Standards and Constitution Committee held on 4 June 2024 were agreed as a true record and signed by the Chair.

9 NUMBER OF COMMITTEE SEATS - STRATEGY & RESOURCES COMMITTEE

Further to a request made in accordance with CPR 3.4, the Committee received a report inviting it to consider a request from the Liberal Democrat Political Group

to increase the Strategy & Resources Committee from a membership of 8 places to a membership of 10 places.

Prior to debate Councillor Alex Coley provided a verbal statement to the Committee.

The following matters were considered by the Committee during debate on the report:

- a) **Proportionality.** Councillors discussed the arrangements for seats on committees following the recent change to political groups on the Council.
- b) **Proposed motion.** Councillor James Lawrence proposed and Councillor Chris Ames seconded a motion as follows:

“That this committee accept the proposal and recommend its implementation to Full Council.”

Following a vote, it was resolved that the Committee **REJECTED** the Motion, there being 2 votes for the Motion, 3 votes against the Motion and the Chair not voting.

10 2024-25 CONSTITUTIONAL WORK PROGRAMME

The Committee received a report proposing a number of constitutional updates.

Prior to debate Councillor Bernie Muir and Councillor Alex Coley provided verbal statements to the Committee.

The following matters were considered by the Committee during debate on the report:

- a) **Meetings of the Constitution Working Group (CWG).** Members discussed the cancellation of the meeting of the CWG in December 2024.
- b) **Paragraph 3.1.3 of the report.** The Committee considered and unanimously agreed amending the wording of paragraph 3.1.3 (ii) of the report to: “Including a right that the Monitoring & Deputy Monitoring Officers may having consulted the local resident, suggest rewording any question or statement received to bring it into proper form and to secure reasonable clarity/or brevity.”
- c) **Matters referred to the CWG.** The Committee considered that the following matters should be referred to the CWG for consideration:
 - **Paragraph 3.1.4 of the report.** The Head of Legal and Monitoring Officer informed the Committee that the wording proposed by the report reflected the wording of the current Standing Orders of Surrey County Council. Following consideration the Committee unanimously agreed to refer this matter back to the CWG.

- **Paragraph 4.18 and 4.19 of the report.** Following consideration the Committee unanimously agreed to refer these matters to the CWG with a recommendation that they be reviewed in light of the Surrey County Council Member/Officer Protocol.
- d) **Amendments to Appendix 2.1 of the Constitution.** The committee considered and agreed the following amendments to the proposed Live Register of Delegations (Appendix 2 of the report):
 - P1: substitute “any councillor” with “ward councillor”.
 - HS26: substitute “Authority to identify, negotiate and purchase properties...” with “Authority to identify and negotiate the purchase of properties...”
 - PPS132: add a hyperlink to the report approved by the Strategy & Resources Committee.
 - CG2: add the wording “A report will be brought to the next listed committee meeting sharing the response.”
 - CS2: delete the second paragraph which states “To ensure requests are dealt with under the relevant legislation, the correct exemptions and exceptions are applies and all are dealt with within the statutory timeframes.”
 - CS12: add the wording “in consultation with the Director of Corporate Services.”
- e) **PR4-PR17.** The Head of Legal and Monitoring Officer informed the Committee that delegations PR4 – PR17 tie in with adopted and current policies, in particular the Strategic Asset Management Plan. The figures contained within the delegations tied in with the Financial Regulations and Contract Standing Orders.
- f) **PR5.** The Committee debated the length of leases which could be granted in the context of Local Government Reorganisation. The Head of Legal and Monitoring Officer informed the Committee that in the period prior to any Section 24 Direction being made by the Government in relation to the management of the Council’s assets, decisions about occupancy and lettings could be lawfully made by the Council without concern of the impact of a Section 24 notice. In response to a question from a member, the Head of Legal and Monitoring Officer informed the Committee that the current arrangements required a decision to be made at a meeting of the Strategy and Resources Committee or via the urgent decisions process.
- g) **PR14.** In response to a question from a member, the Head of Legal and Monitoring Officer informed the Committee that this delegation would mainly relate to former right-to-buy properties where there is a covenant or restriction in place.

h) **PR15.** In response to a question from a member, the Head of Legal and Monitoring Officer informed the Committee that this proposed delegation related to applications where the Council owned a property and would relate to planning applications, building regulation applications or Listed building consents for the benefit of the Council as the owner of the premises, not on behalf of a tenant

i) **Appendix 1 of the report.** The Committee noted that proposed Standing Order 10 (b) of Appendix 1 to the report precluded Councillors from involvement in disciplinary action against any officers except the Statutory Officers (Head of Paid Service, Monitoring Officer or Chief Finance Officer). The Committee also noted that Deputy Statutory Officers were subject to the disciplinary procedures that apply to other members of staff and were not subject to the procedures set out in these standing orders.

j) **Appendix 3 of the report.** The committee considered and unanimously agreed the following amendments to Appendix 3 of the report:

- That proposed new FCR 5.6 be deleted.
- That the wording of paragraph 1.3 of new Annex 4-10 be amended to "Should the Leader wish to resign from their role, further to provisions 1.2.1 above, their resignation must be in writing (including email) and be sent to all councillors, the Head of Paid Service and the Monitoring Officer.
- **Annex 4-8 of the Operating Framework (Model Code of Practice in respect of Planning Matters).** The Committee noted that paragraphs 4.26 and 4.27 proposed amendments to Annex 4-8 of the Operating Framework. The Committee considered and approved the following amendment in addition to those set out in the report: to substitute the words "any councillor" in paragraph 8.1 of Annex 4-8 with "ward councillor".
- FCR 5.5 ii. The Committee noted that FCR 5.5 of Appendix 4 of the Constitution restricted a Councillor from being the Chair of the Planning Committee at the same time as being the Chair of a Policy Committee or the Audit and Scrutiny Committee. The Committee considered that this restriction should be removed and agreed to recommend the deletion of FCR 5.5 ii from Appendix 4 of the Constitution.

Following consideration, the Committee unanimously resolved to:

- (1) Recommend to Council the updates included in Appendix 1 to the report (Standing Order to be added to Appendix 4 of the Constitution: Disciplinary Action Against Head of Paid Service, Monitoring Officer or Chief Finance Officer).**
- (2) Recommend to Council the changes set out in Appendix 2 to the report (Appendix 2.1 of the Constitution), subject to the changes to**

P1, HS26, CG2, CS2 and CS12 set out in the body of the minutes above.

- (3) Recommend to Council the changes set out in Appendix 3 (to the report as amended in the body of the minutes above), subject to the removal of FCR 5.6 and paragraph 1.3 of Annex 4-10 (Role of the Leader)**
- (4) Refer the role of Leader of the Opposition to the Constitution Working Group for exploration.**
- (5) Recommend to Council the changes set out in paragraph 3.1.3 of the report as amended in the body of the Minutes and paragraphs 4.22, 4.23, 4.24, 4.25.7, 4.25.8, 4.26, 4.27 as set out in the report.**
- (6) Refer paragraphs 3.1.4, 4.18 and 4.19 of the report to the Constitution Working Group for consideration.**
- (7) Recommend to Council the removal of FCR 5.5 ii. of Appendix 4 of the Constitution.**

The meeting began at 7.30 pm and ended at 9.45 pm

COUNCILLOR HANNAH DALTON (CHAIR)

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