PART A - GENERAL OVERVIEW OF HOW THE COUNCIL OPERATES

PART B - STANDING ORDERS FOR MEETINGS AND GENERAL GOVERNANCE

PART C - FINANCIAL REGULATIONS

PART D - CONTRACT STANDING ORDERS

PART E - DELEGATION OF POWERS TO COMMITTEES AND OFFICERS

PART F - CODES, SCHEMES AND PROTOCOLS
(including the ‘Call In’ process; Members’ Code of Conduct; Members’ Allowances Scheme and Planning Protocol)
1. **The Constitution**

1.1 This constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure transparency and accountability. Some of these processes are required by law, while others have been adopted at the Council’s discretion.

2. **Current Composition of the Council**

2.1 Tandridge District Council comprises 42 elected Members representing 20 Wards. Councillors are usually elected once every four years although by-elections may arise from time to time to fill any casual vacancy. Surrey County Council elections are held once every four years. Councillors are democratically accountable to the residents of their Ward and have a special duty to constituents including those who did not vote for them. Councillors’ overriding duty is, however, to the community as a whole. Councillors must also follow general principles of conduct set out in this document which can cover their personal actions as well activities undertaken on behalf of the Council.

3. **Key Roles of Members**

3.1 The Chair of the Council is appointed by the Council to hold office until the next Annual Council meeting at the start of the new Municipal Year (usually mid-May of each year). As referred to in Standing Order 4 (Part B of this Constitution) the Chair’s powers regarding the conduct of meetings may, in his/her absence, be exercised by the person presiding at the meeting (i.e. the Vice Chair if present).

3.2 All Councillors will:

- collectively be the Council’s policy-makers and carry out a number of strategic and corporate management functions;
- contribute to the good governance of the area and actively encourage community participation and involvement in decision making;
- represent the interests of their Ward and of individual constituents;
- act as advocate for constituents in resolving particular concerns or grievances;
- respond to constituents’ enquiries and representations, fairly and impartially;
- represent the Council on other bodies;
- participate in the governance and management of the Council; and
- maintain the highest standards of conduct and ethics.

3.3 A list of contact details for Councillors, together with political affiliations, is available via the Council’s website.
4. **Corporate Management Team/Officers**

4.1 The day to day running of the business of the Council is undertaken by Officers under the direction of the Chief Executive and the Corporate Management Team. The Corporate Management Team comprises the Chief Executive; the Strategic Director of People; the Strategic Director of Place; the Strategic Director of Resources and the Chief Finance Officer.

4.2 Some Officers have specific statutory roles. The general management and supervision of the Council’s staff is the overall responsibility of the Chief Executive as Head of Paid Service, appointed under s.4 of the Local Government and Housing Act 1989. The Monitoring Officer is appointed pursuant to s5 of the same Act to ensure that the Council acts within the law. Finally, the Chief Finance Officer is appointed under s.151 of the Local Government Act 1972 and s.114 of the Local Government Finance Act 1982 to ensure the proper administration of financial affairs and to report on any improper expenditure.

5. **Rights and Duties**

5.1 **Councillors**

Councillors (also referred to as Members) have certain rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law. There are, however, some restrictions upon what documentation Members are able to see.

Councillors should not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.

5.2 **The Public**

The public have the following rights:

(A) Participation in meetings:

Any person resident, working or studying in the District may ask questions at certain meetings or present petitions. Members of the public and other interested parties can also make representations at certain meetings in connection with particular agenda items.

(B) Attendance at meetings and access to documents – the public can:

1. attend meetings of the Council and its Committees except where confidential/exempt information is likely to be disclosed, and the meeting is therefore held in private;

2. see reports and background papers, and any records of decisions made by the Council and its Committee;

3. inspect the Council’s accounts and make, if they so wish, an objection to the accounts to the External Auditors.

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(C) Complaints - the public have the right to complain to:

1. the Council itself under its complaints procedure;

2. the Local Government Ombudsman after using the Council’s own complaints procedure;

3. the Council’s Monitoring Officer concerning alleged breaches of the Members’ Code of Conduct.
TANDRIDGE DISTRICT COUNCIL CONSTITUTION

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PROCEDURES FOR COUNCIL MEETINGS

No. 1

MEETINGS OF THE COUNCIL

(1) The Annual Meeting of the Council shall be held in the Council Offices, Oxted (normally in May) within three weeks of the District or County Council Elections to accord with the provisions of the Local Government Act 1972.

(2) In addition to the Annual Meeting of the Council and any meetings convened by the Chair or Members of the Council (SO 1 (3) below refers), meetings for the transaction of general business shall be held in each year on dates to be determined for the ensuing year by the Council.

(3) Five Members of the Council may call for an extraordinary meeting of the Council in accordance with the requirements of Schedule 12 to the Local Government Act 1972 (Part 1, section 3).

No. 2

APPOINTMENT OF CHAIR OF THE COUNCIL

The first business to be dealt with at the Annual Meeting of the Council shall be the appointment of the Chair for the ensuing year.

No. 3

APPOINTMENT OF VICE-CHAIR OF THE COUNCIL

After the appointment of the Chair of the Council at the Annual Meeting the next business to be dealt with shall be the appointment of a Vice-Chair for the ensuing year.

No. 4

CHAIR OF THE MEETING

Any power or duty of the Chair in relation to the conduct of a meeting may in the absence of the Chair be exercised by the person presiding at the meeting.

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Part B - Standing Orders for meetings & general governance (May 2019)
No. 5
QUORUM OF COUNCIL

(1) If, during any meeting of the Council, the Chair, after counting the number of Members present, declares that there is not a quorum present, (11 in normal circumstances) the meeting shall stand adjourned.

(2) The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or if s/he does not fix a time, to the next ordinary meeting of the Council. No business shall be transacted at an adjourned meeting except the unfinished business of the original meeting.

No. 6
ORDER OF BUSINESS

(1) Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every meeting of the Council shall be:

(a) To choose a person to preside if the Chair and Vice-Chair are absent.
(b) To deal with any business required by statute to be done before any other business.
(c) To approve as a correct record and sign the minutes of the last meeting of the Council.
(d) To deal with any business expressly required by statute to be done.
(e) Chair's announcements.
(f) Declarations of Interest.
(g) To deal with questions under Standing Order No. 29(2) (not applicable to the Annual Meeting).
(h) To deal with petitions under Standing Order No. 30.
(i) To dispose of business remaining from the last meeting (if any).
(j) To receive and consider reports, minutes and recommendations of Committees.
(k) To authorise the sealing of documents.
(l) To consider motions in the order in which notice has been received.
(m) Other business, if any, specified in the summons.

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Annual Policy Statement

(2) The last business to be dealt with at the Annual Council shall be to receive from the leader(s) of the Administration (if they so wish) a policy statement covering the next municipal year. One spokesman for each of the Political Group(s) as defined by the Local Government & Housing Act 1989 not forming the Administration (if they so wish) will have the right to reply and a vote shall be taken. No speech is to last longer than 10 minutes.

Variation of Order of Business

(3) Business falling under items (a), (b) or (c) of paragraph (1), shall not be displaced, but the order of the remaining business may be varied by:-

(a) the Chair at his / her discretion; or

(b) a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

No. 7A

NOTICES OF FREE STANDING MOTIONS TO COUNCIL

(1) Notice of every motion (other than a motion which under Standing Order No.8 may be moved without notice) shall be sent by email, or submitted in writing to the Chief Executive or her nominated Officer by noon at least seven clear working days prior to the next meeting of the Council.

Motions to be set out in summons

(2) The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order of receipt unless the Member giving such a notice intimated by email or in writing when giving it, that s/he proposed to move it at some later meeting, or has since withdrawn it in writing.

Motion not moved

(3) If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his / her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Scope of motions

(4) Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the District.
No. 7B

NOTICE OF AMENDMENTS TO FREE STANDING MOTIONS OR COMMITTEE / SUB-COMMITTEE RECOMMENDATIONS AT COUNCIL

(1) Proposed amendments to a free standing motion (submitted under Standing Order 7A above) or a Committee / Sub-Committee recommendation to Council must be sent by email, or submitted in writing to the Chief Executive or her nominated Officer, by 5pm on the working day before the Council meeting in question.

(2) Acceptance of such proposed amendments shall be at the discretion of the Chair in accordance with Standing Order 11 (6), i.e.

   "An amendment shall be relevant to the motion / recommendation and shall be either to:

   • refer the matter back to the Committee for reconsideration; or
   • delete and/or add words

   … but … shall not have the effect of negating* the motion or recommendation before the Council.

(3) Any such proposed amendments submitted after the deadline specified in (1) above shall only be put to the Council meeting at the discretion of the Chair.

   (*the term negating can include the effect of distorting a motion so that its original meaning is lost)
No. 8
MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions and amendments may be moved without notice:-

(1) Appointment of a Chair of the meeting at which the motion is made.

(2) Motions relating to the accuracy of the minutes.

(3) That an item of business specified in the summons has precedence.

(4) Remission to a Committee

(5) Appointment of a Committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.

(6) Adoption of recommendations of Committees or officers and any consequent resolutions.

(7) That leave be given to withdraw a motion.

(8) Extending the time limit for speeches.

(9) That the Council proceed to the next business.

(10) That the question be now put.

(11) That the debate be now adjourned.

(12) That the Council do now adjourn.

(13) Authorising the sealing of documents.

(14) Suspending Standing Orders, in accordance with Standing Order No. 45.

(15) A Motion under Section 100A (2) and (4) of the Local Government Act 1972 to exclude the public.

(16) That a Member named under Standing Order No. 31 (Disorderly Conduct) be not further heard or leave the meeting.

(17) Giving consent of the Council where the consent of the Council is required by these Standing Orders.
No. 9

MINUTES

(1) The Chair shall put the question that the minutes of the meeting of the Council held on the ... day of..... be approved as a correct record.

(2) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

(3) The minutes of the last meeting shall be approved at the next ordinary meeting.

No. 10

PRESENTATION OF COMMITTEE MINUTES

(1) The minutes of a Committee shall be presented to the Council by the Chair of the Committee (or in his / her absence by the Vice-Chair, or some other Member of the Committee present at the meeting concerned) who shall move that the minutes be received and the recommendations contained therein (if any) be adopted. Such motions must be seconded.

(2) The Chair of the Council shall then read out the minute numbers in sequence.

(3) If any Member wishes to speak on any item or to amend or oppose any recommendation contained therein, s/he shall do so when the appropriate minute number is called by the Chair.

(4) Where discussion of any minute takes place in this manner, and the minute contains a recommendation, such recommendation shall be considered as a separate motion, and the rules of debate as contained in Standing Order No.11 shall apply, save that the motion shall be deemed to have been moved by the Chair of the relevant Committee and seconded.

No. 11

RULES OF DEBATE FOR COUNCIL MEETINGS

Motions and Amendments

(1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order No. 7. It shall, if required by the Chair, be put in writing and handed to the Chair before it is further discussed or put to the meeting.

Seconder's Speech

(2) A Member when seconding a motion or amendment may, if s/he then declares his / her intention to do so, reserve his / her speech until a later in the debate.
Only one Member to stand at a time

(3) A Member when speaking shall stand and address the Chair. If two or more Members indicate their wish to speak, the Chair shall call on one to do so. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation.

Content and length of speeches

(4) A Member shall direct his / her speech to the question under discussion or to a point of order or to a personal explanation. No speech shall exceed ten minutes in the case of a mover of a motion or the Chair of a Committee in replying to a debate, and five minutes in all other cases including the mover of an amendment, except by consent of the Council.

When a Member may speak again

(5) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

(a) to speak once on an amendment moved by another Member;
(b) if the motion has been amended since s/he last spoke, to move a further amendment;
(c) if his / her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which s/he spoke was carried;
(d) in exercise of a right of reply given by paragraph (12) or (15) of this Standing Order;
(e) on a point of order; and
(f) by way of personal explanation.

Amendments to free standing motions and Committee / Sub-Committee recommendations (subject to the notice requirements of SO 7(B)

(6) An amendment shall be relevant to the motion/recommendation and shall be either to:

(a) refer a subject of debate to a Committee for consideration or reconsideration;
(b) leave out words;
(c) leave out words and insert or add others;
(d) insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating* the motion or Committee / Sub-Committee recommendation before the Council.

(*the term negating can include the effect of distorting a motion so that its original meaning is lost)
(7) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

(8) The Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

(9) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

**Alteration to motion**

(10) A Member may with the consent of the Council signify without discussion -

(a) an alteration to a motion of which s/he has given notice, or

(b) with the further consent of his / her seconder the alteration of a motion which s/he has moved

if (in either case) the alteration is one which could be made as an amendment thereto.

**Withdrawal of motion**

(11) A motion or amendment may be withdrawn by the mover with the consent of his / her seconder and of the Council, without discussion. No Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

**Right of reply**

(12) The rights of reply at the close of a debate on a motion or Committee minute before any vote is as follows:-

(a) on any motion the mover of the motion

(b) on any amendment the mover of the original motion

(The mover of the amendment shall have no right of reply to the debate on his / her amendment).

(13) Members exercising a right of reply shall confine themselves to answering previous speakers, and shall not introduce any new matter.

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Motions which may be moved during debate (15) and (16) of this Standing Order also refer

(14) When a motion is under debate no other motion shall be moved except the following:-

(a) to amend the motion
(b) to adjourn the meeting
(c) to adjourn the debate
(d) to proceed to the next business
(e) that the question be now put
(f) that a Member be not further heard
(g) by the Chair under SO31(2) (Disorderly Conduct) that a Member leave the meeting
(h) under Section 100A(4) of the Local Government Act 1972 to exclude the public.

Closure motions

(15) A Member may move without comment at the conclusion of a speech of another Member,

"that -

(i) the Council proceed to the next business; or
(ii) the question be now put; or
(iii) the debate be now adjourned; or
(iv) the Council do now adjourn"

on the seconding of which the Chair shall proceed as follows:-

(a) On a motion to proceed to the next business; unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business;

(b) On a motion that the question be now put; unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his / her right of reply under paragraph 12 of this Standing Order before putting his / her motion to the vote;

(c) On a motion to adjourn the debate or the meeting; if in the Chair's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chair shall put the adjournment motion to the vote without giving the mover of the original motion his / her right of reply on that occasion.

(16) The closure motions referred to above can only be moved once during the course of a debate.
Points of Order/Personal Explanation

(17) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the Member shall specify the standing order or statutory provision and the way in which s/he considers it has been broken.

(18) A personal explanation shall be confined to some material part of a former speech by him / her which may appear to have been misunderstood in the present debate.

(19) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chair

(20) Whenever the Chair rises during a debate a Member then standing shall resume his / her seat and the Council shall be silent.

No. 12

VOTING

(1) Subject to SOs 12(4) and 12(6) below, voting at meetings of the Council shall be by show of hands.

(2) In the event of an equality of votes, the Chair shall have a casting vote.

(3) Immediately after a vote is taken, any Member may request that the way in which s/he voted (or abstained) be recorded in the minutes.

(4) Before a vote on any matter is taken, a Member may request that details be recorded in the minutes to show how each Member voted, or whether they abstained. For this to proceed, five other Members will be required to indicate their support by standing.

(5) In any event, at any meeting of the full Council at which a budget decision is made, the voting shall be recorded in the minutes. ‘Budget decisions’ for the purposes of this Standing Order shall mean any decision defined as such under the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2014.

(6) Recorded votes required under (4) and (5) above shall be conducted by an appropriate Officer calling the name of each Member present who shall thereupon state whether they are voting ‘for’ ‘against’ or whether they wish to ‘abstain’. The Officer shall record the voting and inform the Chair of the result.

(7) Where there are two persons nominated for any position to be filled by the Council, the Chair shall conduct a vote by:

- asking Members to vote (by a show of hands) for the first nominee according to alphabetical order of surname; and
- repeating the process for the other nominee, with the individual with the most votes being duly appointed.

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Where there are three or more persons nominated for any position (or positions) to be filled by the Council, an appropriate Officer shall call the name of each Member present who shall thereupon state his / her preferred candidates. The officer shall record the votes cast for each person nominated and shall inform the Chair of the result who will then confirm which Councillor has been appointed.

No. 13

COMMITTEES - APPOINTMENT OF

(1) The Council shall at the Annual Meeting appoint Policy Committees and any other Committees which it is deemed necessary to appoint.

(2) The Council may at any time appoint such other Committees as are necessary to carry out the work of the Council.

(3) Subject to any statutory provision, the Council:

   (i) shall not appoint any Member of a Committee to hold office later than the next Annual Meeting of the Council;

   (ii) may at any time dissolve a Committee or alter its membership.

(4) Committees may, in turn, appoint Sub-Committees in accordance with Standing Order 20.
COMMITTEE MEETINGS AND PROCEDURES

No. 14

COMMITTEES

(1) The Policy Committees of the Council are:-

- Community Services Committee
- Housing Committee
- Planning Policy Committee
- Strategy & Resources Committee

(2) The Regulatory/Statutory/Other Committees of the Council are:

- Licensing Committee
- Overview & Scrutiny Committee
- Planning Committee
- Standards Committee

No. 15

COMMITTEES - CONFIDENTIALITY OF PROCEEDINGS

(1) Committee or Sub-Committee reports may be exempt from publication and shall be treated as confidential if:

(i) their content falls within the descriptions of exempt information in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) (reproduced in (3) below); and

(ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(2) Proceedings at Committee / Sub-Committee meetings shall be conducted in public unless a Committee / Sub-Committee passes a resolution to exclude the press and public on the grounds referred to in (1) above.

(3) The definitions of exempt information detailed in Part 1 of Schedule 12A of the Act (referred to in (1) (i) above are:

1. Information relating to any individual.

2. Information which is likely to reveal the identity of an individual (including the authority holding that information).

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

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5. *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

6. *Information which reveals that the authority proposes -*
   
   (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
   
   (b) to make an order or direction under any enactment

7. *Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.*

The following additional descriptions of exempt information also apply to meetings of Standards Committees /Standards Sub-Committees:

7A. *Information which is subject to any obligation of confidentiality.*

7B. *Information which relates in any way to matters concerning national security.*

7C. *Information presented to a Standards Committee, or to a Sub-Committee of a Standards Committee, set up to consider any matter under regulations 13 or 16-20 of the Standards Committee (England) Regulations 2008 or referred under section 58(1)(c) of the Local Government Act 2000.*

Qualifications:

8. *Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:*

   (a) the Companies Act 1985[3];
   
   (b) the Friendly Societies Act 1974[4];
   
   (c) the Friendly Societies Act 1992[5];
   
   (d) the Industrial and Provident Societies Acts 1965 to 1978[6];
   
   (e) the Building Societies Act 1986[7]; or
   
   (f) the Charities Act 1993[8].

9. *Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992[9].*

10. *Information which:*

   (a) falls within any of paragraphs 1 to 7 above; and
   
   (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
No. 16

COMMITTEES’ TERMS OF REFERENCE AND DELEGATION

(1) The statutory and other powers and duties of the Council shall be delegated to its Committees and any ad hoc Committee in accordance with the terms of reference of Committees as agreed by Council.

(2) The Council may by resolution from time to time vary a Committee’s Terms of Reference.

(3) Subject to any statutory provision to the contrary, and to the exclusions and limitations specified in paragraphs (4) and (5) of this Standing Order, there shall be delegated to the respective Committees all the powers and duties of the Council specified in the above mentioned terms of reference, and in any resolution of the Council making a specified reference to a Committee.

(4) There shall be excluded from the delegation to any Committee:-

   (i) The power of raising money by tax or loan.

   (ii) The power of incurring any expenditure or of taking any decision, which under Financial Regulations approved by the Council and operative at the time, requires the prior approval of the Council.

   (iii) The power of taking any decision which, under Standing Orders regulating the business and proceedings of the Council or Standing Orders relating to Contracts approved by the Council and operative at the time, is required to be taken by the Council.

   (iv) The enactment, alteration or revocation of any schemes, orders, rules, regulations or byelaws made by the Council under the provisions of any Act of Parliament.

   (v) The appointment or dismissal of the Chief Executive.

(5) The delegation to any Committee shall be subject to the following restrictions or conditions:-

   (i) The Committee shall give effect to any resolution of the Council upon matters of principle or policy.

   (ii) The Committee shall, where a matter

       (a) involves or appears likely to involve a departure from an existing policy; or

       (b) is a new policy

       which would impact upon available resources, direct that its decision be submitted to the Council as a recommendation.

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No. 17

COMMITTEE AND SUB-COMMITTEE BUSINESS

(1) Any Member of the Council may give notice of any item of business for consideration at any meeting of a Committee or Sub-Committee.

(2) Items of business referred to in paragraph (1) above shall be sent by email, or given in writing to the Chief Executive or her nominated Officer at least 10 clear working days before the meeting.

(3) If notice is given of any item of business which in the opinion of the Chief Executive is, potentially illegal, improper or not within the relevant terms of reference, the Chief Executive shall submit such notice to the Chair of the Committee or Sub-Committee within whose terms of reference it falls and it shall not be accepted and placed on the agenda without that Chair's sanction. Where an item of business is not accepted, the Chief Executive shall inform the Member in writing.

No. 18

COMMITTEES - APPOINTMENT OF CHAIRS, VICE-CHAIRS AND SUB-COMMITTEES

(1) At the conclusion of the Annual Meeting of the Council, each Committee shall elect a Chair and appoint a Vice-Chair and Sub-Committees for the year. For each of these meetings the Chair of the Council (or in his / her absence the Vice-Chair of the Council) shall preside.

(2) No member of the Council shall be Chair of more than one Committee.

(3) If other business needs to be transacted at these meetings, the Chair or Vice-Chair of the Council shall vacate the chair in favour of the appropriate newly elected Chair of the Committee or in his / her absence the newly appointed Vice-Chair of the Committee.

(4) In the absence of the Chair and Vice-Chair from a meeting, the Committee shall elect one of its Members to preside at the meeting.

No. 19

COMMITTEES - SPECIAL MEETINGS

The Chair of a Committee may call a special meeting of the Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee (communicated by email, or given in writing to the Chief Executive or her nominated Officer) but in no case shall fewer than three Members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.
SUB-COMMITTEES

(1) Every Committee may appoint Sub-Committees for purposes to be specified by the Committee.

(2) Each Sub-Committee shall elect a Chair at its first meeting of the Municipal Year.

No. 21

COMMITTEES AND SUB-COMMITTEES – SUBSTITUTES AND QUORUM

(1) Every Political Group may appoint a substitute Member for each Committee and Sub-Committee.

(2) A substitute member of any Committee or Sub-Committee shall, in the absence of the appointed Member, be entitled to attend, speak and vote at the meeting but should the appointed Member arrive during the course of the proceedings, the substitute Member, after completion of the Item of business under consideration, subject to Standing Order No. 23, shall be required to withdraw from further participation.

(3) The quorum for Committee and Sub-Committee meetings shall be:
   - at least one quarter of the membership of the Committee or Sub-Committee; or
   - three Members

....whichever is the greater number.

No. 22

STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES

Subject to the following exceptions, the Standing Order of the Council headed “Rules of debate for Council meetings” (Standing Order No. 11) shall, with any necessary modification, apply to Committee and Sub-Committee meetings:

(i) Members, when speaking, will not have to stand;

(ii) Members may speak more than once during any debate; and

(iii) there be no automatic time limit for the length of speeches, although the Chairs of relevant Committee / Sub-Committee meetings may curtail the length of Councillors’ speeches to no more than five minutes if they consider it to be justified, having regard to the nature of the debate.

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No. 23

ATTENDANCE OF MEMBERS AT MEETINGS OF COMMITTEES AND SUB-COMMITTEES OF WHICH THEY ARE NOT MEMBERS

(1) Any Councillors may attend meetings of any Committee or Sub-Committee of which they are not members. However, in such cases, a Councillor must obtain the consent of the Chair of the meeting concerned in order to speak.

(2) In no circumstances shall Councillors vote on any matter before a Committee or Sub-Committee of which they are not members.

No. 24

VOTING AT COMMITTEES AND SUB-COMMITTEES

(1) Voting at a meeting of a Committee or Sub-Committee shall be by a show of hands.

(2) In the event of an equality of votes, the Chair shall have a casting vote.

(3) Immediately after a vote is taken at a Committee or Sub-Committee meeting, any Member may request that the way in which s/he voted or abstained be recorded in the minutes of that meeting.

No. 25

MOVER OF MOTION - RIGHT OF ATTENDANCE AT MEETINGS OF COMMITTEES OR SUB-COMMITTEES

A Member of the Council who has moved a motion which has been referred to any Committee or Sub-Committee shall:

(i) have notice of the meeting of the Committee or Sub-Committee at which it is proposed to consider the motion;

(ii) have the right to attend the meeting; and

(iii) if s/he attends, have an opportunity of explaining the motion.

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PROVISIONS RELATING TO BOTH COUNCIL AND COMMITTEES

No. 26
ATTENDANCES AT MEETINGS

(1) Every Member of the Council attending a meeting of the Council, or of any of its Committees or Sub-Committees, shall sign their names in the attendance book or sheet provided for that purpose.

(2) A statement of the attendance during the preceding municipal year of Members at Council, Committee and Sub-Committee meetings shall be prepared by the Chief Executive and circulated at the Annual Meeting.

No. 27
DISCLOSURE OF INTERESTS AND PARTICIPATION AT MEETINGS

Members shall:

(1) Disclose any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure, at meetings at which they are present and at which associated matters are considered;

(2) Notify the Monitoring Officer of any interest not already registered but which is disclosed to a meeting under (1) above within 28 days of the disclosure; and

(3) Not participate in any discussion or vote where they have a disclosable pecuniary interest in a matter and withdraw from the meeting during consideration of the matter unless a dispensation has been granted.

No. 28
RESCISSION OF PRECEDING RESOLUTION

(1) Unless a notice in pursuance of Standing Order No. 7 and bearing the names of at least one third of the Members of the Council is given it is not permissible to propose:

(a) a motion to rescind any resolution passed within the preceding six months; or

(b) a motion or amendment to the same effect as one which has been rejected within the preceding six months.

(2) When following disposal by the Council of any motion/amendment referred to in (1) above it shall not be open to any Member to propose a similar motion / amendment within a further period of six months. For the purpose of this Standing Order, the Chief Executive or the Monitoring Officer shall determine what amounts to ‘same effect’ or ‘similar’.

(3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee.

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Part B - Standing Orders for meetings & general governance (May 2019)
No. 29
QUESTIONS AND REPRESENTATIONS AT MEETINGS
(other than petitions – Standing Order 30 refers)

(1) A Member of the Council may ask the Chair of a Committee any question regarding a Committee minute which is under consideration by the Council.

(2) Subject to (i) to (x) below, a Councillor, or a person resident, working or studying in the District, may put a question to any meeting of the Council (other than the Annual Meeting) or a Committee on any matter in relation to which the Council / Committee has powers or duties or which affects the District:

(i) such questions must be sent by e-mail or submitted in writing to the Chief Executive or her nominated Officer at least three clear working days prior to the meeting;

(ii) the Chief Executive may, at her discretion, refuse to allow a question to be presented if she considers it to be offensive, excessively lengthy, outside the scope of this Standing Order, or on the same subject as another question or upon which a question has been answered in the previous three months;

(iii) at Council meetings, the Chair may request that the answer be given by the Chair of a relevant Committee;

(iv) at Committee meetings, the Chair may request that the answer be given by another Member or an Officer;

(v) questions from a person resident, working or studying in the District may be presented by the individual concerned or read to the meeting by the Chief Executive or her nominated Officer;

(vi) the time allowed for questions and answers shall be ten minutes unless the Chair deems that there are special circumstances for extending that period;

(vii) the questions shall be taken in the order that they were received by the Chief Executive or her nominated Officer;

(viii) such questions shall be dealt with at the beginning of the relevant meeting;

(ix) every question shall be put and answered without discussion;

(x) answers may take the form of:-

(a) a direct oral answer; or

(b) where the desired information is contained in a publication of the Council, a reference to that publication; or

(c) a written answer (copies of which shall be circulated to Members of the Council) where the reply to the question cannot conveniently be given orally.
Members of the public and other interested parties can make representations at meetings of any Policy Committee (or Sub-Committee thereof) or the Overview & Scrutiny Committee in connection with a particular agenda item. The maximum time allowed shall be three minutes per person. Unless the agenda already makes special provision for members of the public to participate at a particular meeting, such requests must be sent by email, or submitted in writing to the Chief Executive or her nominated Officer at least two working days prior to the Committee meeting in question. Acceptance of such requests, together with those received after the aforementioned deadline or at the meeting, shall be at the discretion of the Chair of the relevant meeting, having due regard to the number of contributions, the potential for repetition of the subject matter and the likely length of the meeting.

No. 30

PRESENTATION OF PETITIONS TO MEETINGS OF THE COUNCIL AND ITS COMMITTEES (excluding the Planning and Licensing Committees)

(1) This Standing Order applies to the presentation of petitions at meetings of:
   (i) the Council (other than the Annual Meeting); and
   (ii) Committees (excluding the Planning and Licensing Committees).

(2) Such petitions must be:
   (i) confined to matters which fall under the Authority’s powers or duties or which specifically affect the whole or part of the District, but must not concern individual planning applications / enforcement matters / licensing decisions, or other matters where there is a statutory right of review or appeal. (Whilst members of the public may wish to organise petitions in respect of planning and licensing issues, these will be taken into account as part of the Council’s separate decision making processes. For example, petitions about planning applications can be referred to by residents when addressing the Planning Committee as part of the public speaking arrangements specifically tailored for that Committee);
   (ii) signed by at least ten persons living, working or studying in the area;
   (iii) submitted at least ten clear working days before the relevant meeting to the Chief Executive or her nominated Officer, either via email, the Council’s website (on-line format), or the delivery of a paper copy, together with notice of the intention to present it.

(3) The Chief Executive must be satisfied that it would be appropriate for the petition to be presented (i.e. that the prayer of the petition does not exceed 300 words; does not contain offensive language; and that it otherwise complies with the requirements of this Standing Order).

(4) Subject to (3) above, the presentation of petitions shall take place:-
   (i) at Council meetings (other than the Annual Meeting), in accordance with Standing Order 6; or
   (ii) at Committee meetings specified in 1 (ii) above, immediately after the submission of questions by members of the public.

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(5) The presentation of a petition (to be by any one of the ten or more signatories specified in 2(ii) above or a Member of the Council) shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the subject matter of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition.

(6) Regarding petitions presented to the Council itself, the Chair of the Council:-

(i) may, if s/he considers it convenient and conducive to the despatch of business, allow the subject matter to be dealt with at the meeting at which it is presented; or otherwise

(ii) shall refer the subject matter, without discussion, to the relevant Committee or Sub-Committee for consideration.

(7) Regarding petitions presented to a Committee:-

(i) the Chair of the Committee may, if s/he considers it convenient and conducive to the despatch of business, allow the subject matter to be dealt with at the meeting at which it is presented; or otherwise

(ii) the subject matter shall stand referred, without discussion, either to the next ordinary meeting of the Committee or appropriate Sub-Committee.

(8) Petitions shall be presented in the order in which notice of them is received by the Chief Executive or her nominated Officer.

(9) Notwithstanding the provisions of this Standing Order, it is acknowledged that any person may, if s/he so wishes, present a petition to the Council out of meeting.

No. 31

DISORDERLY CONDUCT - MEMBERS

(1) If at any meeting of the Council, Committee, or Sub-Committee any Member of the Council, in the opinion of the Chair misconducts him/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the meeting, the Chair or any other Member may move "that the Member named be not further heard", and the motion if seconded shall be put and determined without further discussion.

Continuing misconduct by a named Member

(2) If the Member named continues his / her misconduct after a motion under the foregoing paragraph has been carried, the Chair may :-

EITHER
Move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

OR
Adjourn the meeting for such period, as s/he in her/his discretion considers expedient.
General disturbance

(3) In the event of general disturbance which, in the opinion of the Chair, makes it impossible to conduct business, s/he may adjourn the meeting without question for whatever period s/he considers appropriate.

No. 32

DISTURBANCE BY THE PUBLIC

(1) The Chair shall warn any member of the public who interrupts the proceedings at any meeting. If the individual continues the interruption, the Chair may order his / her removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public, the Chair shall order that part to be cleared.

(2) The Chair may adjourn the meeting as per SO 31(3) above.

MEMBERS AND STAFF

No. 33

GENERAL URGENCY PROVISION

Notwithstanding anything in this Constitution, the Chief Executive and other Chief Officers shall be authorised to take decisions on the grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or the Council. A matter can be deemed urgent if, in the reasonable opinion of the Chief Officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision making body in sufficient time to take the decision.

The Chief Officer concerned shall also:

- advise and seek the views of the Political Group Leaders and the Chair of the appropriate Committee at the earliest opportunity; and
- report the matter to next scheduled meeting of the appropriate Committee.

No. 34

PECUNIARY INTERESTS OF OFFICERS

If an Officer has a direct or indirect pecuniary interest in a contract which the Council has entered into, or proposes to enter into, he /she shall make arrangements for the interest to be recorded within an electronic register maintained by the Chief Executive for this purpose.

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No. 35

MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council, Committee or Sub-Committee to which Section 100A(4) of the Local Government Act 1972 applies as to the appointment, promotion, dismissal, salary, superannuation or condition of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Committee or Sub-Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972 shall be exercised.

No. 36

CANVASSING OF AND TESTIMONIALS BY MEMBERS

(1) Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council may disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.

(2) A Member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a Member from giving a written testimonial of a candidate’s ability, experience, or character for submission to the Council with an application for appointment.

(3) A Member of the Council shall inform the Chief Executive of any Officer canvassing them directly or indirectly for any favour relating to their employment. The Chief Executive will consider the appropriate course of action to be taken against that Officer.

No. 37

APPLICANTS FOR EMPLOYMENT VACANCIES WHO ARE RELATIVES OR PARTNERS OF MEMBERS OR OFFICERS

(1) A candidate for any appointment by the Council who is a relative or partner of anyone known to be a Member or officer of the Council shall, when making an application, disclose that relationship. A candidate who fails to disclose such a relationship may be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. If a Member or officer is a relative or partner of anyone known to be such a candidate, they must disclose this to the HR Lead Specialist.

(2) The purport of this Standing Order shall be included in any form of application.
No. 38

FILLING OF VACANCIES

All vacancies, unless they are to be filled by promotion or transfer, shall be advertised on a relevant website. Consideration may be given to advertising in a relevant newspaper or a journal or an agency/consultancy as well where the best opportunity lies for reaching prospective applicants except where determined by the appropriate Committee. If, within six months of the filling of a vacancy which has been advertised, a similar vacancy occurs, one of the former applicants may be appointed.

NOTE:

(i) The appointment of Local Authority staff generally is dealt with under Sections 112 to 119 of the Local Government Act 1972.

(ii) The appointment of the Chief Executive and other Chief Officers are covered in Standing Order No. 39.

No. 39

APPOINTMENT OF CHIEF OFFICERS

(i.e. those who will serve on the Corporate Management Team and the Monitoring Officer)

(1) Where the Council proposes to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among existing staff, the Chief Executive shall:

(i) draw up a statement specifying -

(a) the duties of the post; and

(b) any qualifications / qualities to be sought in the person to be appointed;

(ii) invite applications by public advertisement; and

(iii) provide a copy of the statement referred to in paragraph (i) above to any person on request.

(2) Where a post has been advertised as provided in paragraph 1 (ii) above, the Chief Officer Sub-Committee will interview all qualified applicants for the post or a short list of qualified applicants. Such short-listing will be undertaken by the Sub-Committee where the appointment in question is for the post of Chief Executive. For other Chief Officer appointments, short-listing will be undertaken by the Chief Executive.

(3) Where no qualified person has applied, further applications shall be invited in accordance with paragraph 1 (ii).

(4) An appointment to the post of Chief Executive shall be made by the Council.

(5) Appointments to other Chief Officer posts will be dealt with by the Chief Officer Sub-Committee which is empowered to make an appointment and report its decision to the next meeting of the Council.

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No. 40

DISCIPLINARY ACTION AGAINST CHIEF OFFICERS

(1) Subject to (2) below, the Chief Officer Sub-Committee shall deal with disciplinary matters relating to the Chief Executive and other Chief Officers.

(2) In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, any recommendation of the Sub-Committee to dismiss the Chief Executive, Monitoring Officer or the Chief Finance Officer (Section 151 Officer) must be referred to full Council following a disciplinary hearing by an independent advisory panel.

(3) Should a Chief Officer be suspended for the purpose of investigating alleged misconduct, any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

No. 41

INSPECTION OF LANDS, PREMISES, ETC.

Unless specifically authorised to do so by the Council or a Committee, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his / her Membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.

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No. 42

POLITICALLY RESTRICTED POSTS

The following posts have been listed in accordance with Subsection (1) of Section 2 of the Local Government and Housing Act 1989:

1. Specified Posts

Chief Executive
Strategic Director of People
Strategic Director of Place
Strategic Director of Resources
Chief Finance Officer (Section 151 Officer)
Lead Legal Specialist (Monitoring Officer)

2. Posts included by virtue of Subsection (3) of Section 2 of the Local Government and Housing Act 1989 (giving advice to the Authority and speaking to the press on a regular basis on behalf of the Authority):

Head of Communications and Customer Experience
Communications and Customer Experience Specialists x 2
Head of Corporate Policy, Projects and Performance
Democratic Specialist
Legal Specialist
Head of Strategic Asset Management
Locality Services Manager
Case Services Manager
Specialist Services Manager

No. 43

RECOGNITION OF POLITICAL GROUPS

Political Groups will be provided with:

(i) The use of the Council Chamber and/or Committee Rooms in the Council Offices for the consideration of matters connected with the functions of the Local Authority.

(ii) Council / Committee items and other relevant documentation via the Council’s Member despatch system; and

(iii) Copying facilities.

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GENERAL MATTERS

No. 44

INTERPRETATION OF STANDING ORDERS

(1) The ruling of the Chair as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. The Chair may call upon the Chief Executive to give advice at Council meetings on any matter.

(2) This Standing Order shall also apply with any necessary modification to the ruling of the Chair at any Committee or Sub-Committee meeting.

No. 45

SUSPENSION OF STANDING ORDERS

(1) Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders (other than Standing Orders 12 (3) and (5) which are mandatory) may be suspended so far as regards any business at the meeting where its suspension is moved.

(2) A motion to suspend Standing Orders shall not be moved without notice in Council (i.e. under Standing Order No. 8) or Committee unless there shall be present at least one-half of the whole number of the members of the Council or Committee.

No. 46

CONSTITUTION - COPIES TO BE GIVEN TO MEMBERS AND AMENDMENTS

(1) A printed copy of the Constitution shall be given to each newly elected Member of the Council.

(2) Power to make significant revisions to the Constitution is reserved for the Council (including upon consideration of recommendations from the Strategy & Resources Committee (subject to other Policy Committees being able to make recommendations direct to Council about proposed changes to their Terms of Reference). Subject to the matter being reported on the Delegated Action List, minor and consequential amendments can be made by the Chief Executive.

No. 47

LOCAL CODE OF CONDUCT

All Members of the Council must familiarise themselves with the contents of the Local Code of Conduct, a copy of which forms part of the Council's Constitution.

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Part B - Standing Orders for meetings & general governance (May 2019)
No. 48

CUSTODY OF SEAL

The Common Seal of the Council shall be kept in a safe place in the custody of the Lead Legal Specialist.

No. 49

INSPECTION OF DOCUMENTS

In addition to the rights given to Members by Section 100F (Rights of Access to Documents) of the Local Government Act 1972, a Member of the Council may also establish the need to know and hence a right to inspect any document in the Council's possession on an approach to the Chief Executive.

NOTES

(i) References in these Standing Orders to the feminine / masculine genders are interchangeable. References to the singular shall also include the plural and vice-versa.

(ii) A clear working day means any day from Mondays to Fridays inclusive but specifically excludes Public and Bank Holidays and weekends.

(iii) In respect of the decision making process and by virtue of Minute 541 (94/95), the Council has accepted the general principle that a decision, once taken, should not be changed at the same Council/Committee/Sub-Committee meeting.

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[In these Financial Regulations, references to Chief Officers shall comprise the Chief Executive, the Strategic Directors x3, the Chief Finance Officer and Lead Legal Specialists]

No. 1

POWERS OF THE CHIEF FINANCE OFFICER

The Chief Finance Officer shall, for the purposes of Section 151 of the Local Government Act, 1972, be responsible for the proper administration of the Council's financial affairs. Departmental Chief Officers shall supply the Chief Finance Officer or his/her authorised representative with all information necessary for this purpose.

They shall allow him access to all documents, records and establishments of the Council.

No. 2

ADVANCE INFORMATION REGARDING EXPENDITURE AND COMMITMENTS

(i) Financial Effects of New or Increased Commitments

When a Committee is considering new or increased commitments, information shall be provided by the Chief Officer concerned to show the estimated revenue and expenditure consequences of the decision options over a 3 year period (i.e. the budget year in question and the following two years) and the consequences for any other future year where these are significant.

(ii) Capital Financing Costs

When a Committee is considering any capital expenditure, information shall be provided by the Chief Officer concerned to indicate the revenue consequences of the decision. Where there is a difference between the costs of the chosen financing option (with the exception of schemes financed from internal borrowing) and conventional borrowing this shall be illustrated using Public Works Loan Board (PWLB) lending rates of the appropriate maturity.

(iii) Medium Term Financial Strategy

At least annually the Chief Finance Officer shall present to the Strategy & Resources Committee, to be made public, a medium term financial strategy giving at least a 3 year forward assessment (for the next budget year and the two following years) of revenue commitments based on present levels of service and efficiency but reflecting also decisions already taken on new commitments.

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No. 3

CONTROL OF REVENUE EXPENDITURE

(i) The Chief Finance Officer, in consultation with the rest of the Corporate Management Team, shall prepare annual estimates for the ensuing year of revenue expenditure and income for consideration and approval of Committees.

(ii) The Strategy & Resources Committee shall consider the aggregate of all Committee estimates and, after making such amendments as it thinks fit, submit the aggregate estimates to the Council for approval, together with recommendations as to the Council Tax to be levied for General Fund expenditure.

(iii) If any item of estimate in the annual budget is likely to be insufficient or if it is proposed to incur expenditure on any item not provided for in the budget, the expenditure may, provided that the Council's policy is not affected, be approved by:

   A. the relevant Chief Officer, subject to the concurrence of the Chief Finance Officer, where the variation of expenditure does not exceed £30,000 and can be met by virement elsewhere in the Council's budget; or

   B. the relevant Committee in cases where the expenditure variation exceeds £30,000 but can be met by virement within that Committee.

(iv) If it is proposed to incur expenditure for which no or insufficient provision has been made in the budget, and cannot be met by virement under A or B above, then the Committee shall not incur such expenditure without the approval of Council and following consideration by the Strategy & Resources Committee.

(v) Notwithstanding paragraphs (iii) and (iv) above, in circumstances of urgency, Chief Officers, shall be allowed to incur unavoidable expenditure subject to the concurrence of the Chief Executive and the Chief Finance Officer. A matter can be deemed urgent if, in the reasonable opinion of the Chief Officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision making body in sufficient time to take the decision. The Chief Officer concerned shall also:

   • advise and seek the views of the Political Group Leaders and the Chair of the appropriate Committee at the earliest opportunity; and

   • report the matter to next scheduled meeting of the appropriate Committee.

(vi) Chief Officers are authorised to incur revenue expenditure up to the amounts included in the approved Annual Budget.

(viii) The Chief Finance Officer shall make available to each Chief Officer information relating to statements of income and expenditure under each head of approved estimate, in such format as deemed appropriate together with any other relevant information.

(ix) Reports monitoring expenditure against the Council's current year revenue budgets, including an analysis of any major variances, shall be submitted to Policy Committees on a quarterly basis.

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CONTROL OF CAPITAL EXPENDITURE

(i) Each Committee shall annually review the Capital Programme for all schemes.

(ii) The Chief Finance Officer, in consultation with the Chief Officers, shall annually prepare estimates for the ensuing year of capital expenditure (including the future revenue implications of each scheme) for consideration and approval by Committees prior to their submission (in aggregate) to the Strategy & Resources Committee.

(iii) Subject to (i) above, inclusion in the Capital Programme is to be regarded as authority for any scheme to proceed, but any scheme costing £181,302* or more requires the specific approval of the Council on the recommendation of the appropriate Committee to which an appraisal of the scheme including the financial implications shall be submitted at the same time as authority is sought for the invitation of tenders.

(iv) If it appears at any time that the approved estimated cost of a capital scheme will be exceeded then the variation of expenditure may be approved by:-

A. the relevant Chief Officer, subject to the concurrence of the Chief Finance Officer, where the variation of expenditure does not exceed £30,000 and can be met by virement elsewhere in the Council's budget; or

B. the relevant Committee in cases where the expenditure variation exceeds £30,000 but can be met by virement within that Committee.

(v) In all cases where the cost of the scheme exceeds £181,302* a post-project appraisal shall be carried out on completion comparing outcome with the original appraisal. In the case of schemes exceeding £260,000 the appraisal results shall be reported to the appropriate Committee via the Delegated Action List.

(vi) The Chief Finance Officer shall make available to each Departmental Chief Officer information relating to income and expenditure under each head of approved estimate in such format as deemed appropriate together with any other relevant information.

(vii) Reports monitoring expenditure against the Council's current year capital budgets, including an analysis of any major variances, shall be submitted to Policy Committees on a quarterly basis.

*Note: the threshold quoted in FR4(iii) and (iv) will be adjusted in line with any future revisions to the Government’s threshold for service / supply contracts which are required to be advertised in the Official Journal of the European Union – Contract Standing Orders 2,5 and 6 also refer.
No. 5
ORDERS FOR GOODS, WORKS AND SERVICES

(i) Official orders in the form approved by the Chief Finance Officer must be issued for all requirements of the Council except:

(a) rents, rates, charges for the supply of electricity, gas and water and other items of an obligatory and continuous nature including telephone rentals and calls;

(b) cash purchases properly defrayed from imprest accounts; and

(c) other items specifically agreed by the Chief Finance Officer for exception.

(ii) Every order shall be authorised by the Chief Officer concerned or delegated budget manager and no order shall be issued unless covered by an approved annual estimate or other financial provision.

(iii) In circumstances of urgency a Chief Officer may authorise verbal orders but these must be followed immediately by a confirming order.

No. 6
PAYMENT OF ACCOUNTS

(i) The relevant Chief Officer or delegated budget manager issuing an order is responsible for examining, verifying and certifying the related invoice(s) or an electronic Goods Received Note and similarly for any other payment vouchers or accounts arising from sources under his control. Such certification shall be in a form approved by the Chief Finance Officer and can be electronic or in manuscript and prepared by or on behalf of the relevant Chief Officer. The names of Officers authorised to sign such records shall be sent to the Chief Finance Officer together with specimen signatures and shall be amended on the occasion of any change therein.

(ii) Before certifying an account, the certifying Officer shall, save to the extent that the Chief Finance Officer may otherwise determine, have satisfied himself that:-

(a) the work, goods or services to which the account relates have been received, carried out, examined and approved;

(b) the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;

(c) the relevant expenditure has been properly incurred and is within the relevant estimate provision;

(d) appropriate entries have been made in inventories, stores records or stock books as required;

(e) the account has not been previously passed for payment and is a proper liability of the Council;

(f) appropriate checks have been carried out to ensure that the supplier and changes to the supplier details are bona fide and that a check on employment status is carried out prior to entering into a contract with any sub-contractor.

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(iii) The Chief Finance Officer shall examine as far as he considers necessary certified accounts passed to him for payment and pay such accounts which he is satisfied are in order and in accordance with the Financial Regulations.

No. 7

WORKS CONTRACTS

(i) All payments to contractors, on account of liability, shall be made by the Chief Finance Officer on the basis of certificates, or other documentation, in a form approved by him and issued and authorised by the appropriate Officer.

(ii) Any variation of, addition to or omission from a works contract duly authorised by the appropriate Officer shall be in writing and retained by the relevant Chief Officer.

(iii) For the purposes of audit, vouchers, documents and other information which the Chief Finance Officer may require, shall be made available to him.

(iv) Where outside professional architects, engineers, quantity surveyors or other consultants are engaged to supervise any works contract, it shall be a condition of their employment that they shall comply with Financial Regulations Nos. 3 & 4 of this part and (i), (ii) and (iii) above in relation thereto.

No. 8

IMPREST ACCOUNTS

The Chief Finance Officer may make imprest advances to Officers for petty disbursements. Payments out of imprest accounts shall be limited to such sums as the Chief Finance Officer may approve and the accounts kept in compliance with his requirements.

No. 9

SALARIES AND WAGES

The Chief Finance Officer shall be responsible for the payment of all salaries, wages and other emoluments and for all related matters including travelling allowances, pension fund payments, national insurance and income tax. The other Chief Officers shall supply such information relating to the employment of staff as required.

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No. 10

CONTROL AND COLLECTION OF INCOME

(i) Any proposal to introduce or vary a scheme of fees and charges shall be considered by the appropriate Committee and then referred to the Council. The relevant Chief Officer shall report on the financial implications of any such proposal.

(ii) Particulars of all charges for work done, goods supplied and services rendered or other sums becoming due to the Council (where an account is due to be raised) shall be notified promptly to the Chief Finance Officer. All accounts for income due shall be rendered by the Chief Finance Officer or in accordance with arrangements approved by him.

(iii) The collection of all monies due to the Council shall be subject to control by the Chief Finance Officer. All monies received shall be paid promptly to the Chief Finance Officer or subject to his instructions shall be banked without delay to the credit of the Council.

(iv) All receipt forms, tickets and other documents of a similar nature shall be in a form approved by the Chief Finance Officer and shall be controlled by him.

(v) The writing off of debts due to the Council, in excess of £10,000 shall be the subject of a report by the Chief Executive/Chief Finance Officer to the Strategy & Resources Committee, except for irrecoverable debts of rent arrears which shall be reported to the Housing Committee. The Chief Finance Officer shall have authority to write off irrecoverable debts in respect of relevant benefits and other debts up to and including £10,000.

No. 11

TRANSPORT, PLANT, EQUIPMENT AND STORES

(i) The Chief Executive/Director shall be responsible for the care and custody and physical control of all stores and property maintained under his control including the keeping of inventories. S/he shall ensure that items held are not in excess of reasonable requirements.

(ii) All systems, documents and records in connection with the receipt, issue and custody of stores and property shall be approved by the Chief Finance Officer.

(iii) It shall be the joint responsibility of the Chief Finance Officer and the relevant Chief Officer to make arrangements for the regular stocktaking of stores and property held, including items held on inventory.

No. 12

BANKING ARRANGEMENTS

(i) All arrangements concerning the Council's Banking Accounts shall be made through the Chief Finance Officer and be authorised by resolution of the Council.

(ii) The Chief Finance Officer shall maintain a list of authorised signatories.

(iii) Every cheque drawn on a bank account of the Council shall bear the signature of the Chief Finance Officer.

(iv) Cheques over £12,000 shall be countersigned by an authorised signatory.
No. 13

INSURANCES

The Chief Finance Officer shall arrange all insurance cover, negotiate all claims and hold all policies. Other Chief Officers shall notify the Chief Finance Officer of the extent and nature of new risks to be insured and the alterations affecting insurable risks and of any loss, liability or damage giving rise to a claim.

No. 14

IRREGULARITIES AND NON-COMPLIANCE WITH REGULATIONS

(i) Any Officer of the Council suspecting financial irregularity shall immediately inform the Chief Executive and the Chief Finance Officer. The Chief Finance Officer shall, in consultation with the Chief Executive, make what investigation he thinks proper and if he is satisfied that irregularity exists, he shall immediately inform the Chair of the Strategy & Resources Committee and the External Auditor. An investigation concerning an allegation or suspicion of fraud must be conducted in accordance with the Council’s anti-fraud policy.

(ii) The Chief Finance Officer shall, at his discretion and after consultation with the Chief Executive and the Officer concerned, report to the Strategy & Resources Committee any case of non-compliance with these Financial Regulations.

No. 15

TREASURY MANAGEMENT AND BORROWING

(i) The Council shall comply with the key recommendations of CIPFA's Treasury Management in the Public Services Code of Practice and Cross-Sectoral Guidance Notes (the Code), as described in section 5 of that Code.

(ii) The Council will create and maintain, as the cornerstones for effective treasury management:

- a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities.
- suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

(iii) The Council will receive reports on its treasury management policies, practices and activities and will approve an annual treasury management plan, incorporating strategies for borrowing and investment.

(iv) The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies, practices and strategy, including the operation of its borrowing strategy, to the Strategy & Resources Committee which, in turn, may delegate the function to its Investment Sub-Committee. This will include a mid-year review and annual report in the form prescribed in its TMPs. The execution and administration of treasury management decisions and borrowing strategy is delegated to the officer designated for the purposes of section 151 of the Local Government Act 1972 (i.e. Chief Finance Officer). The section 151 officer will act in accordance with the policy statements, strategies and TMPs and CIPFA’s Standard of Professional Practice on Treasury Management.

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(v) The Council nominates the Strategy & Resources Committee / Investment Sub-Committee to be responsible for ensuring effective scrutiny of the treasury management and borrowing.

(vi) The Chief Finance Officer is authorised to approve prudential borrowing, if considered to be the most appropriate funding option, to support asset purchases.

No. 16

INVEST TO SAVE

Subject to achieving a financial return of at least 2% above bank base rates and a measurable improvement in service, spending be approved as follows:

(i) Up to £30,000 – to be approved by the relevant Chief Officer, subject to the concurrence of the Chief Finance Officer (or in his absence, or where the expenditure relates to his Directorate, by the Chief Executive) and in the consultation with the Chair of the Strategy & Resources Committee;

(ii) Over £30,000 – to be approved by the appropriate Committee and Council.

No. 17

PURCHASE OF LAND AND BUILDINGS UTILISING THE INVESTMENT & DEVELOPMENT FUND OR THE HOUSING REVENUE ACCOUNT (HRA)

Subject to the conditions specified Annex A on the next page, the Chief Executive, in consultation with:

a) the Leader or Deputy Leader and the Chair or Vice Chair of the Strategy & Resources Committee, can utilise the Investment & Development Fund; or

b) the Leader or Deputy Leader and the Chair or Vice Chair of the Housing Committee, can utilise the Housing Revenue Account

… for the purchase of land or buildings in accordance with the Council’s general power of competence under the Localism Act 2011, or in the case of the HRA, for the Council’s House Building Programme.

Subject to all other conditions specified in Annex A, the Chief Executive, in consultation with the Leader or Deputy Leader and the Chair or Vice Chair of the Strategy & Resources Committee, can amend the phasing of the capital budget for the Investment & Development Fund up to the maximum of the available approved funding.

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FINANCIAL REGULATION 17
PURCHASE OF LAND & BUILDINGS UTILISING THE INVESTMENT & DEVELOPMENT FUND OR THE HOUSING REVENUE ACCOUNT HRA

<table>
<thead>
<tr>
<th>Investment &amp; Development Fund</th>
<th>HRA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Size of funds</strong></td>
<td>£200 million</td>
</tr>
</tbody>
</table>

(i) **Purpose of funds**

To facilitate
- the acquisition of assets, both within and outside the District, to drive income from investment which will support the delivery of services to residents and businesses within the District;
- the acquisition of assets within the District that do not meet the level of return required by Gryllus Property Ltd, the Council’s arms-length company for the acquisition of assets outside the District;
- the development of Council owned sites within the District; or
- other corporate projects

To facilitate the Council's House Building Programme

(ii) Subject to (iii) to (viii) below, authority is delegated to the Chief Executive, in consultation with:
- the Leader or Deputy Leader and the Chair or Vice Chair of the Strategy & Resources Committee; or
- the Leader or Deputy Leader and the Chair or Vice Chair of the Housing Committee to ...

- Purchase land and buildings in accordance with the above;
- Approve funding to bring forward appropriate Council-owned sites or purchase sites* within the District for development or redevelopment; or
- Support the development of other corporate projects which will:
  - increase capital value of assets; or
  - provide an improved capital receipt; and / or

Purchase land and buildings* in accordance with the above.
<table>
<thead>
<tr>
<th>Requirement to notify local Ward Members, if contactable during the required timeframe …</th>
<th>Inform Members if the site concerned is within their Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper limit on individual purchases …</td>
<td>Up to £10 million</td>
</tr>
<tr>
<td>Upper limit on total sum of purchases …</td>
<td>£50 million per annum</td>
</tr>
<tr>
<td>Purchase criteria …</td>
<td>Purchase of such assets and associated income would facilitate or improve the delivery of services to the residents of Tandridge or be of economic benefit to businesses in the Tandridge area</td>
</tr>
</tbody>
</table>
| Appraisal requirements … | (a) an independent R.I.C.S. qualified commercial valuation has been obtained and the purchase price (net of SDLT and VAT):
   • is within the independent R.I.C.S. qualified commercial valuation for the proposed or potential use; or
   • does not exceed the valuation by more than 15% where an acquisition is being made for future regeneration purposes;
(b) where appropriate, building / mechanical / electrical / lift and environmental surveys
(c) the net rental yield (if appropriate) shall represent a reasonable return in light of prevailing market rates; and
(d) in order to identify potential Full Life Costs, the valuation has taken account of the condition of the property and where deemed necessary by the Lead Legal Specialist, an independent building condition survey will be commissioned to inform the Net Rental Yield. |
| (viii) | Authority is delegated to the Strategy & Strategy & Resources Committee / Housing Committee to approve the following in accordance with the above criteria ... | ...individual purchases of land or buildings within or outside the District at or above £10 million in value (including by means of a loan to a Local Authority owned company). | Approve individual purchases of land or buildings within the District at or above £5 million in value. |

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PART D - CONTRACT STANDING ORDERS

In these Contract Standing Orders:

(i) references to Chief Officers shall comprise the Chief Executive, the Strategic Directors x3, the Chief Finance Officer and Lead Legal Specialist; and

(ii) the contract values referred to throughout are exclusive of VAT.

No. 1

INTRODUCTION

(i) Contracts are prepared for the formal relationship between the Council and a supplier for the supply of works, services and other supplies. The Council seeks to achieve value for money when obtaining these supplies. The aim of the procurement process is to ensure that each contract is awarded to the most economically advantageous tenderer, who may or may not have submitted the lowest sum offered, and that any decision or variation is made on a similar basis so as to ensure the value for money and quality considerations are taken into account.

(ii) The procedures for selecting the suppliers are contained within these Contract Standing Orders (CSOs). The CSOs set out minimum requirements to be followed and are governed by section 135 of the Local Government Act 1972. They must always be followed unless the law (European or UK) requires something different. One of the functions of these CSOs is to safeguard all those involved with the process from any allegations of impropriety. Allegations of non-compliance should be raised through the relevant Chief Officer.

(iii) All contracts for works services and supplies shall be dealt with according to relevant statutory requirements and whether a contract is being sourced via a Procurement Framework (final paragraph of this Introduction refers) or other means. In cases where a Procurement Framework is not being utilised, requirements shall vary in accordance with the estimated value of the contract concerned.

(iv) CSOs 2-6 shall apply:

- to any procurement or tendering process or contract entered into by the Council for the provision of goods, services and works and to the operation of any concession; or

- where the Council is involved in joint working, funded partly or entirely by external funding to the extent that the money passes through the Council’s accounts.
(v) These CSOs do not apply to:

- land transactions;
- grants given by the Council;
- software licence, updates and software maintenance renewal contracts (these may be renewed with the existing supplier, without requirement to re-advertise or seek alternative quotes or tender, where the relevant Chief Officer is satisfied that value for money is obtained).
- requests for Counsel’s opinion (contracts up to £50,000 may be entered into without the requirement to advertise or seek alternative quotations where the Lead Legal Specialist is satisfied that appropriate specialism is not obtainable elsewhere and that value for money is being achieved).

(vi) Other exemptions may be approved by the appropriate Committee, or in case of urgency by a Chief Officer, with the agreement of the Chief Executive and the Chief Finance Officer. A matter can be deemed urgent if, in the reasonable opinion of the Chief Officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision making body in sufficient time to take the decision. The Chief Officer concerned shall also:

- advise and seek the views of the Political Group Leaders and the Chair of the appropriate Committee at the earliest opportunity; and
- report the matter to next scheduled meeting of the appropriate Committee.

(vii) The Council recognises the following e-procurement activities to achieve best value in line with these standing orders and Council policies:

- Sourcing, ordering, receiving goods and making payments
- Corporate purchase cards
- Electronic tendering
- Electronic auctions
- Purchase-to-pay systems
- Consolidated and electronic invoicing

(viii) An electronic signature is acceptable to make a contract legally binding. However, contracts must still be printed by the commissioning client officer and appropriately signed or sealed to comply with Council procedures.

(ix) When calculating the estimated value of any procurement, officers must consider the aggregate value and not the annual value of the proposed contract.

Declaration of Interests

(x) If an Officer has a direct or indirect pecuniary interest in a contract which the Council has entered into, or proposes to enter into, s/he shall make arrangements for the interest to be recorded within an electronic register maintained by the Chief Executive for this purpose.

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Procurement Frameworks

(xi) In the context of these CSOs, Procurement Frameworks provide ‘pre-tendered’ arrangements for the benefit of public sector bodies. They offer specific goods and services from suppliers who have successfully undergone competitive selection regimes for inclusion in the Framework concerned. Examples of such arrangements are available from Crown Commercial Services (CCS), Improvement & Efficiency Social Enterprise (IESE), Surrey County Council and others. Such Frameworks have bespoke tendering processes and legal agreements which conform to public sector purchasing regulations. This obviates the need for the Council to pursue its own tendering processes. Hence, CSO 2 below enables contractors to be selected via Frameworks without the need to obtain separate quotations / tenders. However, Chief Officers should always consider whether it is appropriate to instigate a ‘mini-competition’ among a small number of potential suppliers in situations where a Framework identifies more than one potential contractor who would be capable of fulfilling the Council’s requirements.

No. 2

CONTRACTS SOURCED VIA PROCUREMENT FRAMEWORKS

(i) The relevant Chief Officer may, if satisfied that the most economically advantageous outcome is being obtained, enter into a contract for works, services or supplies up to the value of £181,302* (see note below) with a supplier or contractor selected via a Procurement Framework.

(ii) Decisions to enter contracts for works, services or supplies in excess of £181,302 (whether under Procurement Frameworks or not) shall be determined by the appropriate Committee.

*Note: £181,302 is the Government’s current threshold for service / supply contracts which are required to be advertised in the Official Journal of the European Union. This value is also integral to the ranges identified in Contract Standing Orders 5 and 6.

No. 3

PROCUREMENT OF NON-FRAMEWORK CONTRACTS UNDER £10,000

(i) Where the estimated contract value is less than £10,000 the relevant Chief Officer may, if satisfied that the most economically advantageous outcome is being obtained, place an order for works, services or supplies with a supplier or contractor selected on the receipt of one quotation or, where work is required in an emergency situation which cannot be dealt with through an existing contract, without an initial quotation.

(ii) Alternatively, the relevant Chief Officer may seek to obtain additional quotations or tenders in accordance with CSO 4 or 5 and may accept any such tender or quotation.

(iii) No quotation is necessary for any procurement below £1,000 in value provided the Chief Officer is satisfied that the most economically advantageous outcome is obtained.
No. 4

PROCUREMENT NON-FRAMEWORK CONTRACTS BETWEEN £10,000 AND £25,000

(i) In the case of works, services or supplies where the estimated contract value is between £10,000 and £25,000, the relevant Chief Officer shall seek to obtain three quotations.

(ii) Alternatively, the relevant Chief Officer shall seek to obtain three tenders in accordance with CSO No. 5.

No. 5

PROCUREMENT NON-FRAMEWORK CONTRACTS BETWEEN £25,000 and £181,302

(i) In the case of works, services or supplies where the estimated contract value is between £25,000 and £181,302, the relevant Chief Officer shall seek to obtain three tenders in accordance with these CSOs.

(ii) Such tenders must also be advertised on Contracts Finder either as an open or restricted procedure.

(iii) Such tenders shall be received and opened in accordance with CSO 9.

(iv) The relevant Chief Officer may accept one of the tenders received if satisfied that the most economically advantageous outcome is being obtained.

No. 6

PROCUREMENT NON-FRAMEWORK CONTRACTS OVER £181,302

(i) In the case of works, services or supplies where the estimated contract value is above £181,302, the relevant Chief Officer shall seek to obtain a minimum of three tenders in accordance with these CSOs. The Chief Officer must also comply with European Public Procurement Rules where relevant thresholds apply, (services and supplies above £181,302 and works above £4,551,413) (CSO 7 refers).

(ii) The receipt and opening of such tenders shall be in accordance with CSO 10.

(iii) Before the procurement commences, where the estimated value of any contract exceeds £181,302, the relevant Chief Officer must obtain the appropriate Committee’s authorisation.

(iv) Decisions as to acceptance, together with details of the tender process followed, may be delegated by the appropriate Committee to the relevant Chief Officer who will report such decision under delegated action.
No. 7

IDENTIFICATION OF POTENTIAL TENDERERS

(i) This CSO shall apply where invitations to tender for a contract are to be made to some or all of those persons or bodies who have replied to a public notice of advertisement.

(ii) Contracts for supplies and services over £181,302 and for works over £4,551,413 must be advertised in the Official Journal of the European Union (OJEU) in accordance with European Public Procurement Rules. They can also be advertised through the mediums listed in (iii) below. These thresholds are subject to change and uplifts will be notified by the relevant Government Department.

(iii) Public notices for non-procurement framework contracts for values below those specified in (ii) above, shall be given either:

(a) in at least one newspaper or journal circulating among such persons or bodies who undertake such contracts (and, at the discretion of the relevant Chief Officer, in at least one local newspaper and/or any other persons or bodies who undertake such contracts); or

(b) via the Surrey wide e-tendering portal.

(iv) The public notice shall:-

(a) give details of the contract into which the Council wishes to enter;

(b) invite interested parties to apply for permission to tender; and

(c) specify a time limit, being not less than 10 days, within which such applications are to be submitted to the Council.

(d) after expiry of the periods specified in the public notice, invitations to tender for the Contract shall be sent to not fewer than three of the persons or bodies who apply to tender and are considered suitable by the relevant Chief Officer.

No. 8

OPEN TENDERING

(i) This CSO shall apply where it has been decided that tenders for a contract are to be obtained by open competition.

(ii) At least 10 days’ public notice shall be given in one or more local newspapers (or for electronic procurement through the Council’s Website or the Surrey wide e-tendering portal) and also, wherever the value of the contract exceeds £50,000, in one or more newspapers or journals circulating among such persons or bodies who undertake such contracts. The notice shall express the nature and purpose of the contract, state where further details may be obtained, invite tenders for its execution and state the last date and time when tenders will be received.
SUBMISSION OF TENDERS

(i) Every invitation to tender shall require the tender to be sent to “The Chief Executive, Tandridge District Council, Council Offices, Station Road East, Oxted, Surrey, RH8 0BT” (subject to CSO 14) or in the event of electronic tendering via the Surrey wide e-tendering portal.

(ii) No paper tender will be accepted unless it is enclosed in a plain sealed envelope which shall bear the word “tender” followed by the subject to which it relates but no other name or mark indicating the sender. Electronic tenders must comply with the rules set out on the Surrey wide e-tendering portal.

(iii) Tenders shall be kept as follows:-

(a) under £181,302 by the Chief Officer who issued the invitation;
(b) £181,302 and above by the Lead Legal Specialist; and
(c) on any e-tendering portal system.

In each case the tenders shall be kept unopened until the time and date specified for their opening.

(iv) No tender received after the time and date specified in the invitation shall be accepted or considered under any circumstances.

No. 10
OPENING OF TENDERS

(i) Tenders received under these CSOs shall be opened at one time and only in the presence of the Chief Executive or his/her representative, and the appropriate Chief Officer or representative.

(ii) All such tenders received shall be recorded.

(iii) A central register of all contracts placed as a result of tenders (including the name of the Contractor, length of contract, details of the works / services concerned and the contract value) shall be kept and maintained by the Lead Legal Specialist. The register shall be open to inspection.

No. 11
CONTRACT CONDITIONS

(i) All contracts should be in writing and every contract which exceeds £25,000 in value shall be under the seal of the Council and on terms and conditions (including any provision for liquidated damages) as may be determined by the Lead Legal Specialist.

(ii) There shall be inserted in every such written contract a clause empowering the Council to terminate the contract and to recover from the contractor the amount of any loss resulting from such termination, if:
(a) the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Council or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council; or

(b) the like acts shall have been done by any person employed by them or acting on their behalf (whether with or without the knowledge of the contractor), or

(c) in relation to any contract with the Council, the contractor or any person employed by them or acting on their behalf shall have committed any offence under the Bribery Act 2010, or shall have given any fee or reward, the receipt of which is an offence under Section 117 (2) of the Local Government Act 1972.

No. 12

ASSIGNMENT AND SUB-LETTING OF CONTRACTS

No contract for works, services or supplies shall contain provisions entitling the contractor to transfer or assign or sub-let directly or indirectly to any person or persons whatever the whole or any portion of his contract other than with prior written permission of the Council.

No 13

JOINT PROCUREMENT

Where the Council decides to enter into a joint procurement contract with one or more partners (either as a consortia or otherwise), the CSOs for the lead authority/organisation will be followed.

No 14

ELECTRONIC PROCUREMENT

(i) Exceptions to these CSOs will apply to such matters as the opening of tenders to facilitate the use of electronic procurement systems.

(ii) Controls in respect of E-auctions and purchase through an E-marketplace should be determined in advance through consultation with the Chief Finance Officer and Internal Audit.

(iii) Electronic systems shall be used in preference to paper based systems.

(iv) Electronic addresses for the receipt of tenders will be provided as appropriate. Electronic tenders received to any address, other than the official notified address for receipt of such, will not be deemed received.

(v) Electronic tenders and quotations must be treated consistently, and details of all offers and tenders made kept securely so that a full audit trail is available.

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## Contract Value Threshold Summary

<table>
<thead>
<tr>
<th>Contract Values not involving Procurement Frameworks</th>
<th>Value of contracts sourced via Procurement Frameworks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Under £1,000</strong></td>
<td><strong>Over £181,302</strong></td>
</tr>
<tr>
<td><strong>Quotations or tenders?</strong></td>
<td><strong>Up to £181,302</strong></td>
</tr>
<tr>
<td>No requirement</td>
<td><strong>Over £181,302</strong></td>
</tr>
<tr>
<td><strong>Minimum No. of quotes / tenders that must be sought</strong></td>
<td><strong>No initial quotation necessary in emergency situations</strong></td>
</tr>
<tr>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>No initial quotation necessary in emergency situations</td>
</tr>
<tr>
<td><strong>Approval by …</strong></td>
<td><strong>Chief Officer</strong></td>
</tr>
<tr>
<td>Chief Officer</td>
<td>Chief Officer</td>
</tr>
</tbody>
</table>

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### OVERVIEW OF DELEGATION ARRANGEMENTS

Subject to the urgency provisions of (vii) below, powers, duties, and delegation arrangements for each Committee are set out under these headings:-

<table>
<thead>
<tr>
<th><strong>TERMS OF REFERENCE</strong></th>
<th>-</th>
<th>These set out the duties/functions/provision of services for which a Committee is responsible.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TO RECOMMEND</strong></td>
<td>-</td>
<td>This signifies that a Committee has no power of decision but may only make recommendations. Such recommendations are to the Council unless expressly stated to be otherwise.</td>
</tr>
<tr>
<td>(matters reserved for Full Council to determine)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TO RESOLVE</strong></td>
<td>-</td>
<td>This signifies that the Council has delegated its power to decide issues to a Committee. A Committee can resolve matters within its terms of reference, provided they are not reserved for determination by Full Council (by virtue of this Constitution or statute) even if the matter concerned does not appear within the list of its “resolved” functions.</td>
</tr>
<tr>
<td>(matters reserved for a Committee to determine)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DELEGATION TO SUB-COMMITTEE(S) (if any)</strong></td>
<td>-</td>
<td>Each Sub-Committee is identified, together with the powers delegated by the parent Committee.</td>
</tr>
<tr>
<td><strong>DELEGATION TO OFFICERS</strong></td>
<td>-</td>
<td>The Chief Executive and other Chief Officers (i.e. Strategic Directors x3; Lead Legal Specialist and Chief Finance Officer) are empowered to exercise, on behalf of the Council, all those functions, which are not reserved in this Constitution for determination by Council, Committees or Sub-Committees.</td>
</tr>
</tbody>
</table>

### General arrangements / explanatory notes:

1. Notwithstanding the fact that a body has delegated a power to another body, the delegating body may elect to take a decision on such a matter itself.

2. The Council, its Committees and Sub-Committees may delegate individual decisions to other Council bodies or Officers from time to time.

3. Expenditure shall be incurred within the cash limited budgets determined by the Council in accordance with the Financial Regulations (in cases of urgency Financial Regulation No. 3(v) shall apply with a report being subsequently submitted to the appropriate Committee).

4. Principles or policies laid down by the Council or its Committees shall not be contravened or varied without further recourse to the Council or the relevant Committee as appropriate.

5. Authority to institute proceedings in respect of Council Tax, National Non Domestic Rates and Housing Benefit proceedings is delegated to the Chief Finance Officer.

6. Authority to settle court proceedings to protect the Council’s interests is delegated to the Monitoring Officer in consultation with the Chair or a Vice Chair of the relevant Committee.
(vii) Notwithstanding anything in this Constitution, the Chief Executive and other Chief Officers shall be authorised to take decisions on the grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or Council. A matter can be deemed urgent if, in the reasonable opinion of the Chief Officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision making body in sufficient time to take the decision. The Chief Officer concerned shall also:

- advise and seek the views of the Political Group Leaders and the Chair of the appropriate Committee at the earliest opportunity; and

- report the matter to next scheduled meeting of the appropriate Committee.

(viii) The Chief Executive will publish regular reports of action taken by Officers under delegated powers in a document referred to as the 'Delegated Action List'. Any Member can request the Chief Executive to refer any matter within such reports to a future meeting of the appropriate Committee (such reference shall not retrospectively affect the validity of the decision in question).

(ix) The Common Seal of the Council shall:

- not be affixed to any document unless the sealing has been authorised by a resolution of the Council or under powers delegated to a Committee or an Officer; and

- be attested by one of the following Officers:
  - Chief Executive
  - Strategic Director of Resources
  - Chief Finance Officer (Section 151 Officer)
  - Lead Legal Specialist
  - Legal Specialist

  and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the seal.

(x) Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Chief Executive or the Lead Legal Specialist unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.
COUNCIL

The following matters are reserved for Council:

(i) significant revisions to the Constitution (subject to other Committees being able to make recommendations direct to Council about proposed changes to their Terms of Reference)

(ii) appointment of the Chief Executive

(iii) dismissal of the Chief Executive, Monitoring Officer or Chief Finance Officer following consideration of the advice, views or recommendations of an independent panel and other matters specified in Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

(iv) determining the number, size and political balance of Committees

(v) civic matters (i.e. appointment of representatives on Outside Bodies; Members' Allowances and the conferment of a title of Honorary Alderman)

(vi) Members' Code of Conduct

(vii) determination of Licensing policy

(viii) other policy matters (new policies / changes in policy) which require resources beyond those allocated to Committees

(ix) financial programmes for overall revenue and capital expenditure as part of the annual budget preparation cycle

(x) annual Pay Policy Statement

(xi) freehold disposals of General Fund assets worth over £1 million

(xii) leasehold disposals of General Fund assets for periods of over 99 years and periods of between 16 and 19 years if the annual rental valuation is more than £75,000 plus premium

(xiii) determination of Polling District and Community Governance Reviews

(xiv) making of byelaws

(xv) planning applications by the Council

(xvi) adoption of Development Plan Documents

(xvii) other matters which, by virtue of statutory provision, must be determined by full Council.

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COMMUNITY SERVICES COMMITTEE

1. TERMS OF REFERENCE

A. To be responsible for formulating and reviewing the Council’s policies in respect of the leisure, cultural, environmental health and amenity needs of the District, including:

(i) Waste and amenity management (street cleaning, refuse collection, cesspool emptying, public conveniences, vehicle parking, abandoned vehicles, fly-tipping, recycling and cemeteries);

(ii) Provision and maintenance of leisure facilities, including leisure and sports centres, formal parks, pavilions, and open spaces;

(iii) Drainage and sewerage matters;

(iv) Health & Safety, Food Safety, Pollution Control, Registration of motor salvage and scrap metal operators, Control of Dogs, Street/House to House Collections, Pest Control, water supply, infectious diseases and unauthorised encampments;

(v) Control of Hackney Carriage and Private Hire Vehicles;

(vi) Determination of licence applications for hackney carriage / private hire vehicles; animal welfare; pollution control; house to house and street collection licences; street trading; scrap metal dealing; sex establishments and other premises requiring licences/registration/permits for purposes other than alcohol, entertainment or gambling;

(vii) Grants to voluntary bodies.

B. Prepare and annually review a Committee Service Plan.

C. Subject to the agreement of the Chief Executive and in consultation with the respective Policy Committee Chairs, to deal exclusively with any matter that also falls within the terms of reference of another Policy Committee / other Policy Committees and to resolve such matters unless reserved for determination by Full Council.

2. TO RECOMMEND

(i) New policies or changes in policy within the remit of the Committee which would require resources beyond those allocated to the Committee.

(ii) Financial programmes for overall revenue and capital expenditure as part of the annual budget preparation cycle.

(iii) Making of Byelaws for good rule and government and the suppression of nuisance within the remit of this Committee.

(iv) Changes to the Committee’s Terms of Reference.

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Part E – Delegation of powers to Committees and Officers (Aug 2018)
(v) Other matters under the Committee’s jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. **TO RESOLVE**

(i) New policies or changes in policy within the remit of the Committee which can be accommodated within the Committee’s overall allocation of resources and/or trading reserves.

(ii) Requests for assistance in individual cases which fall outside of policy but which do not impact upon resources, or where the individual wishes to appeal against the officer decision.

(iii) 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.

(iv) Provision of Hackney Carriage ranks and variations in fees and fares in respect of Hackney Carriage and Private Hire Vehicles.

(v) The award of contracts falling under the remit of the Committee and within the allocated budget.

(vi) Grant applications referred to the Committee via:
- the call in procedure for the Tandridge Small Grants Scheme; and
- other grant regimes when Committee approval is required

(vii) The seeking of Deemed Planning Consents.

(viii) Rents and charges for services, accommodation and land.

4. **DELEGATION TO THE REGULATORY SUB-COMMITTEE**

Power to determine:

(i) Refusal of applications for licences falling under the purview of the Committee; and

(ii) Revocation of such licences.

*return to Part E contents page*
5. **DELEGATION TO OFFICERS**

1. To the Chief Executive and other Chief Officers respectively the power to implement Council/Committee policies and deal with the day-to-day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.

2. The officers referred to in 1. above have the power in turn to delegate to other officers of their choice, the power to deal on their behalf and in their name with any of the above functions. Such delegation shall be in writing and signed by the relevant Chief Officer and may contain such limitations or be subject to such conditions as that Officer shall decide.
HOUSING COMMITTEE

1. TERMS OF REFERENCE

A. To be responsible for formulating and reviewing the Council's policies in respect of the housing and community care needs of the District, including:

(i) Management (including repair, maintenance, improvements, sale, acquisition, allocation and control) of the housing stock, buildings, housing land (including garages, mobile homes parks, caravan sites and day centres) and other land and property which is not clearly identified as belonging to any other Committee;

(ii) Management of the emergency alarm system for the elderly and disabled;

(iii) Private sector housing conditions, including standards of fitness, slum clearance, houses in multiple occupation, overcrowding, harassment, improvements on an individual or area basis, grants/mortgages for purchase, improvement or repair of property and the provision of a housing advisory service;

(iv) Contributing to the provision of affordable housing to meet local housing needs, both:
   - via the direct supply of new Council owned homes; and
   - as a housing enabler, supporting the delivery of homes by other agencies, e.g. housing associations.

B. Prepare and annually review a Committee Service Plan.

C. Subject to the agreement of the Chief Executive and in consultation with the respective Policy Committee Chairs, to deal exclusively with any matter that also falls within the terms of reference of another Policy Committee / other Policy Committees and to resolve such matters unless reserved for determination by Full Council.

2. TO RECOMMEND

(i) New policies or changes in policy within the remit of the Committee which would require resources beyond those allocated to the Committee.

(ii) Financial programmes for overall revenue and capital expenditure as part of the annual budget preparation cycle.

(iii) Freehold disposals of Housing Revenue Account assets worth over £1 million.

(iv) Leasehold disposals of Housing Revenue Account assets for:
   - periods over 99 years; and
   - periods of between 16 and 99 years if the annual rental valuation is more than £75,000 plus premium

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Part E – Delegation of powers to Committees and Officers (Aug 2018)
(v) Making of Byelaws for good rule and government and the suppression of nuisance within the remit of this Committee.

(vi) Changes to the Committee’s Terms of Reference.

(vii) Other matters under the Committee’s jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. **TO RESOLVE**

(i) New policies, or changes in policies within the remit of the Committee which can be accommodated within the expenditure limits as defined within the Committee’s revenue and capital budgets.

(ii) Freehold disposals of Housing Revenue Account assets worth between £250,000 and up to £1 million (the Chief Executive can determine freehold disposals of assets worth less than £250,000 in consultation with the Chair of the Committee).

(iii) Leasehold disposals of Housing Revenue Account assets for:

- periods between 16 and 99 years if the annual rental valuation is up to £75,000 plus premium; and

- periods up to 16 years if the annual rental valuation is more than £75,000

(Authority is delegated to the Chief Executive, in consultation with the Housing Committee Chair, to approve leasehold disposals of HRA assets of up to 16 years and with an annual rental valuation of up £75,000)

(iv) Schemes for the building of Council owned homes (subject to necessary planning consents and budgetary provision).

(v) Individual purchases of land or buildings within the District in accordance with Financial Regulation 17.

(vi) Requests for assistance in individual cases which fall outside of policy but which do not impact on resources, or where the individual wishes to appeal against the Officer decision.

(vii) The writing off of rent arrears and associated charges which are in excess of £10,000.

(viii) 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.

(ix) The award of contracts falling under the remit of the Committee and within the allocated budget.

(x) The seeking of Deemed Planning Consents.

(xi) Rents and charges for services, accommodation and land.

*return to Part E contents page*
4. DELEGATION TO OFFICERS

1. To the Chief Executive, and other Chief Officers the power to implement Council/Committee policies and deal with the day-to-day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.

2. The officers referred to in 1. above have the power in turn to delegate to other officers of their choice, the power to deal on their behalf and in their name with any of the above functions. Such delegation shall be in writing and signed by the relevant Chief Officer and may contain such limitations or be subject to such conditions as that Officer shall decide.
1. **TERMS OF REFERENCE**

To be responsible for exercising regulatory and policy functions under the relevant legislation concerning the determination of:

(i) Alcohol and entertainment licence applications; and

(ii) Gambling and racing licence applications.

2. **TO RECOMMEND**

(i) New policies or changes in licensing policy.

(ii) Changes to the Committee’s Terms of Reference.

(iii) Other matters under the Committee’s jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. **DELEGATION TO THE LICENSING SUB-COMMITTEE**

(i) Determination of licence/registration applications and enforcement action referred by:

   (a) any Member of the Council; or

   (b) the Strategic Director of Place, including:

   - instances where s/he is minded to refuse a licence application; and

   - referrals arising from the scheme of delegation for alcohol and entertainment licensing (see 4(3) below and Annexe 1 to these Terms of Reference).

(ii) In accordance with Minute 71 (16/17) the Licensing Sub-Committee shall comprise three members to be chaired by either the Chair or Vice-Chair of the parent Committee. The second and third members shall be named Councillors; in the event of one or either of those Councillors being unable to attend a Sub-Committee meeting, their places shall be filled by selecting substitutes from the main Committee. (Membership of the Licensing Committee does not preclude Members from attending a hearing as the local Ward Member and undertaking a representative role as an interested party within the meaning of the Licensing Act).

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4. **DELEGATION TO OFFICERS**

1. To the Chief Executive and other Chief Officers the power to implement Council/Committee policies and deal with the day to day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.

2. The Officers named in 1. above to have the power in turn to delegate to other Officers of their choice the power to deal on their behalf and in their name with any of those functions. Such delegation shall be in writing and signed by the relevant Chief Officer and may contain such limitations or be subject to such conditions as that Officer shall decide.

3. For the purposes of Alcohol and Entertainment licensing, delegation shall be exercised in accordance with the scheme of delegation recommended by the Secretary of State in section 182 of the Licensing Act 2003 Guidance as refined by Minute 162, 2004/05 (Licensing Committee – 25th November 2004) (see Annexe 1 to these Terms of Reference on the following page) and section 154 of the Gambling Act 2005.

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### Licensing Committee Scheme of Delegation

The Authority will exercise and delegate functions in accordance with this table.

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Sub-Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td>If a Police objection</td>
<td>If no objection made</td>
</tr>
<tr>
<td>Application for personal licence with unspent convictions</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary premises/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary designated premises supervisor</td>
<td>If a Police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Request to be removed as designated personal licence holder</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td>If a Police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application for Interim Authorities</td>
<td>If a Police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application to review premises licence/club registration certificate</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision on whether a complaint is frivolous, vexatious etc</td>
<td>All cases in consultation with the Chair and Vice-Chair of the Committee</td>
<td></td>
</tr>
<tr>
<td>Decision to object when Local Authority is a consultee and not the relevant authority considering the application</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of a Police representation to a temporary event notice</td>
<td>All cases</td>
<td></td>
</tr>
</tbody>
</table>

*return to Part E contents page*
OVERVIEW & SCRUTINY COMMITTEE

1. TERMS OF REFERENCE

To be responsible for the review and scrutiny of the decisions and performance of the Council, audit arrangements and providing opportunities for other organisations to present / explain key aspects of their local services, including:

(i) Exercising the right to call-in, for reconsideration of, certain decisions made, but not yet implemented by the Policy Committees;

(ii) Consideration of matters arising from the Internal and External Audit functions;

(iii) Monitoring the Council's performance against targets which seek to ensure the provision of cost effective, quality services to the community (as part of the Council's own performance management regime);

(iv) Responding to any Government sponsored assessment regime;

(v) Calling upon representatives of outside organisations to present information about services which have a significant impact upon local residents, including measures to minimise crime & disorder delivered via the Community Safety Partnership;

(vi) To act as the local Crime & Disorder Committee.

2. TO RECOMMEND

(i) Matters with significant budgetary and/or policy implications arising from Internal or External Audit reports;

(ii) Matters with significant budgetary and/or policy implications arising from the reviewing and scrutinising of the performance of the Council in relation to its policy objectives, performance targets, Committee Service Plans and any Government sponsored assessment regime;

(iii) Matters with significant budgetary and/or policy implications arising from presentations by representatives of outside organisations about services which have a significant impact upon local residents, including measures to minimise crime & disorder delivered via the Community Safety Partnership;

(iv) Consideration of any Councillor Call for Action;

(v) Changes to the Committee’s Terms of Reference;

(vi) Other matters under the Committee’s jurisdiction which, by virtue of statutory provision, must be determined by full Council.

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3. TO RESOLVE

(i) Matters in connection with 2 (i) to (iii) above with no significant budgetary and/or policy implications.

(ii) Decisions to refer matters to Policy Committees.

4. DELEGATION TO OFFICERS

1. To the Chief Executive and other Chief Officers the power to implement Council/Committee policies and deal with the day-to-day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.

2. The officers referred to in 1. above have the power in turn to delegate to other officers of their choice, the power to deal on their behalf and in their name with any of the above functions. Such delegation shall be in writing and signed by the relevant Chief Officer and may contain such limitations or be subject to such conditions as that Officer shall decide.

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PLANNING COMMITTEE

1. TERMS OF REFERENCE

To be responsible for exercising regulatory functions under the Town and Country Planning legislation including:

(i) Determination of planning and related applications;
(ii) Enforcement action in response to breaches of control.

2. TO RECOMMEND

(i) Applications for planning permission by the Council itself.
(ii) Changes to the Committee’s Terms of Reference.
(iii) Other matters under the Committee’s jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. TO RESOLVE

(i) Determination of planning and related applications and enforcement action referred to the Committee by any Member of the Council and/or the Strategic Director of Place.

(ii) Guidelines under which the Committee shall determine its level of involvement in individual planning, building control and enforcement decisions.

(iii) Confirmation (or modification) of Tree Preservation Orders where there are unresolved objections.

4. DELEGATION TO OFFICERS

1. To the Chief Executive, Strategic Director of Place and the Lead Legal Specialist respectively the power to implement Council/Committee policies and deal with the day to day management of services relevant to this Committee, including the discharge of all functions of this Committee, except for:

   (a) those which are identified above as reserved for determination by the Council or Committee or Sub-Committee, that may be set up from time to time; and
   
   (b) those referred to in 2. below as being delegated only to the Strategic Director of Place.

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Part E – Delegation of powers to Committees and Officers (Aug 2018)
2. To the Strategic Director of Place or the Chief Executive 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.

3. The Officers named in 1. above may authorise other Officers of their choice the power to deal on their behalf and in their name with any of those functions (save for those referred to in 2. above). Such authorisation(s) shall be in writing and signed by the relevant Chief Officer and may contain such limitations or be subject to such conditions as the relevant Officer named in 1. above shall decide.

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PLANNING POLICY COMMITTEE

1. TERMS OF REFERENCE

A. To be responsible for influencing and controlling development and use of land as Local Planning Authority including:

   (i) Preparation, adoption and review of the statutory Development Plan, including Local Development Documents;

   (ii) Administration of Building Control regulations;

   (iii) Transport issues.

B. Prepare and annually review a Committee Service Plan.

C. Subject to the agreement of the Chief Executive and in consultation with the respective Policy Committee Chairs, to deal exclusively with any matter that also falls within the terms of reference of another Policy Committee / other Policy Committees and to resolve such matters unless reserved for determination by Full Council.

2. TO RECOMMEND

   (i) New policies or changes in policy within the remit of the Committee which would require resources beyond those allocated to the Committee.

   (ii) Financial programmes for overall revenue and capital expenditure as part of the annual budget preparation process.

   (iii) Adoption of Development Plan Documents.

   (iv) Changes to the Committee’s Terms of Reference.

   (v) Other matters under the Committee’s jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. TO RESOLVE

   (i) New policies or changes in policy within the remit of the Committee which can be accommodated within the Committee’s overall allocation of resources.

   (ii) Preparation and review of Local Development Documents.

   (iii) Adoption of Neighbourhood Development Plans.

   (iv) Adoption of Supplementary Planning Documents.

   (v) Confirmation of Conservation Area designations.

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(vi) 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 District’s environment.

(vii) The seeking of Deemed Planning Consents.

(viii) Approving Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders.

(ix) Rents and charges for services, accommodation and land.

4. **DELEGATION TO OFFICERS**

   1. To the Chief Executive and other Chief Officers the power to implement Council/Committee policies and deal with the day-to-day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.

   2. To the Strategic Director of Place, the power to agree an application for a Neighbourhood Area to be designated (in cases where the Strategic Director of Place is minded to refuse such an application, the matter will be referred to the Committee for determination).

   3. To the Strategic Director of Place (subject to the Chair of the Committee being advised of the actions concerned) the power to agree amendments to the Local Validation Requirements and associated documents; and to publish these on the Council’s website.

   4. The Officers named in 1. above have the power in turn to delegate to other officers of their choice, the power to deal on their behalf and in their name with any of the above functions. Such delegation shall be in writing and signed by the relevant Chief Officer and may contain such limitations or be subject to such conditions as that Officer shall decide.

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STANDARDS COMMITTEE

1. TERMS OF REFERENCE

To be responsible for:

(i) Promoting and maintaining high standards of conduct by Councillors and co-opted Members in accordance with the duty contained in Section 27 of the Localism Act 2011;

(ii) Assisting Councillors and co-opted Members to observe the Members' Code of Conduct;

(iii) Advising the Council on the adoption or revision of the Members’ Code of Conduct;

(iv) Monitoring the operation of the Members’ Code of Conduct;

(v) Advising, training or arranging to train Councillors and co-opted Members of Tandridge District Council and the Parish Councils within the District on matters relating to Members’ Codes of Conduct;

(vi) Granting dispensations under Section 33 of the Localism Act 2011 to Councillors and co-opted Members from the requirements relating to interests set out in the Members’ Code of Conduct;

(vii) Making arrangements for investigating and determining complaints regarding alleged breaches of the Members’ Code of Conduct applicable to Tandridge District Council or one of the Parish Councils within the District; and

(viii) Discharging, through a Hearings Panel, decisions made following consideration of reports by an Investigating Officer in connection with (vii) above.

In accordance with Minute 64, 2012/13 (Standards Committee - 4th July 2012) the Committee shall comprise:

- four District Councillors with voting rights;
- two co-opted Parish Councillors without voting rights;
- two co-opted Independent Persons without voting rights (as defined by the Localism Act 2011).

2. TO RECOMMEND

(i) The adoption and revision of the Members' Code of Conduct.

(ii) Changes to the Committee’s Terms of Reference.

(iii) Other matters under the Committee’s jurisdiction which, by virtue of statutory provision, must be determined by full Council.
3. **TO RESOLVE**

(i) The granting of dispensations in the following circumstances (under Section 33 of the Localism Act 2011) to Councillors and co-opted Members from the requirements relating to interests set out in the Members’ Code of Conduct.

(a) 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;

(b) that dispensation is considered to be in the interests of persons living in the authority’s area; or

(c) it is otherwise considered appropriate to grant a dispensation.

(Authority has been delegated to the Monitoring Officer, in consultation with the ‘Independent Person’, to grant dispensations in situations where so many Members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would otherwise impede the transaction of the business (Minute 157, 2011/12 – Standard Committee, 4th January 2012).

4. **DELEGATION TO HEARINGS PANELS**

Determination of complaints referred by an Investigating Officer regarding alleged breaches of the Members’ Code of Conduct (applicable to Tandridge District Council or one of the Parish Councils within the District).

Such Panels shall comprise three District Councillors serving on the Standards Committee.

5. **DELEGATION TO OFFICERS**

To the Monitoring Officer and Deputy Monitoring Officer respectively the power to determine matters in respect of the Code of Conduct and arrangements for dealing with allegations of breach (following consultation with the Independent Person / Reserve Independent Person as appropriate) except for those which are identified above as reserved for determination by the Council, Committee or Hearings Panel.

(Procedures for dealing with arrangements of failure to comply with the Code of Conduct, including an explanation of the role of the Independent Person, are set out within Minute 66, 2012/13 (Standards Committee, 4th July 2012).

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1. TERMS OF REFERENCE

A. To be responsible for the general administration and overall policy/financial framework of the Council including:-

(i) Civic matters (the Appointment of Representatives on Outside Bodies with the exception of the list considered at the Annual Meeting of the Council; Members’ Allowances; Conferment of a Title of Honorary Alderman; and Regalia).

(ii) Arrangements for the appointment of, and disciplinary action against, Chief Officers.

(iii) Land and Buildings not within the purview of any other Committee.

(iv) The annual budget preparation process and consideration of overall Committee budgets, including the setting of Council Tax and prudential indicators.

(v) Formulation and review of the Constitution.

(vi) Formulating and reviewing emergency plans;

(vii) Publicity/public relations/complaints procedure.

(viii) Formulating, implementing and reviewing corporate and financial strategies (e.g. those relating to IT; Data Protection; Community Safety; Risk Management; and Asset Management) which do not fall within the remit of other Committees.

(ix) Health & Wellbeing.

(x) The determination of Community Infrastructure Levy (CIL) allocation criteria and applications for CIL funding

(xi) The monitoring of CIL income, expenditure and disbursements to Parish Councils

(xii) Administration of Council Tax and benefits;

(xiii) Treasury management (including strategies for borrowing and investment);

(xiv) Financial oversight of the procurement process for significant contacts being tendered by the Council (including those for IT and waste collection).

B. Prepare and annually review a Committee Service Plan.

C. Subject to the agreement of the Chief Executive and in consultation with the respective Policy Committee Chairs, to deal exclusively with any matter that also falls within the terms of reference of another Policy Committee / other Policy Committees and to resolve such matters unless reserved for determination by Full Council.
2. **TO RECOMMEND**

(i) New policies or changes in policy within the remit of the Committee which would require resources beyond those allocated to the Committee.

(ii) 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.

(iii) 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.

(iv) Freehold disposals of General Fund assets worth over £1 million.

(v) Leasehold disposals of General Fund assets for:

- periods over 99 years; and
- periods of between 16 and 99 years if the annual rental valuation is more than £75,000 plus premium

(vi) Annual pay policy statements.

(vii) Civic matters as detailed in 1.A (i) above.

(viii) Making of Byelaws for Good Rule and Government and the suppression of nuisance within the remit of this Committee.

(ix) Polling District and Community Governance Reviews.

(x) 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).

(xi) Changes to the Committee’s Terms of Reference.

(xii) Other matters under the Committee’s jurisdiction which, by virtue of statutory provision, must be determined by full Council.
3. **TO RESOLVE**

(i) New policies or changes in policy within the remit of the Committee which can be accommodated within the Committee’s overall allocation of resources.

(ii) The formation of other subsidiary companies and special purpose vehicles as deemed necessary to support property projects.

(iii) Freehold disposals of General Fund assets worth between £250,000 and up to £1 million (the Chief Executive can determine freehold disposals of assets worth less than £250,000 in consultation with the Chair of the Committee).

(iv) Leasehold disposals of General Fund assets for:

- periods between 16 and 99 years if the annual rental valuation is up to £75,000 plus premium; and
- periods up to 16 years if the annual rental valuation is more than £75,000

(Authority is delegated to the Chief Executive, in consultation with the Chair of the Committee, to approve leasehold disposals of General Fund assets of up to 16 years and with an annual rental valuation of up £75,000).

(v) Determination of applications by community organisations for rental subsidies in respect of their use of Council owned land.

(vi) Use of the Investment & Development Fund to purchase assets; develop Council-owned sites; or facilitate other corporate projects in accordance with the criteria specified within Financial Regulation 17.

(vii) Individual purchases of land or buildings within or outside the District at or above £10 million in value in connection with (vi) above (including by means of a loan to a Local Authority owned company).

(viii) The writing off of irrecoverable debts in excess of £10,000 with the exception of a National Non-Domestic Rate liability which is no longer recoverable owing to the business having become Insolvent; the company having dissolved; or the sole trader having been made bankrupt. **(Note: the writing off rent arrears is dealt with by the Housing Committee).**

(ix) Approval of the Council’s annual statements of accounts.

(x) Issues arising out of the financial audit of the accounts.

(xi) The seeking of deemed planning consents.

(xii) Determination of the tax base for Council Tax purposes.

(xiii) Rents and charges for services, accommodation and land.

(ix) Local Land Charges.

(x) Street names, house names and street numbering records.

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Revisions to CIL allocation criteria; and

CIL allocations upon consideration of applications and associated representations.

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.

4.  DELEGATION TO THE CHIEF OFFICER SUB-COMMITTEE

4.1 Definition of Chief Officer

For the purpose of this Sub-Committee’s terms of reference, the term ‘Chief Officer’ covers the posts of:

- Chief Executive
- Strategic Directors of People, Place and Resources
- Chief Finance Officer (‘Section 151 Officer’)  
- Monitoring Officer

4.2 Membership

The Sub-Committee shall comprise:

- the Leader and Deputy Leader of the Council (or, in their place, one or two other Members of the Administration as appointed by the Leader or the Deputy Leader);
- the Leader and Deputy of the OLRG Independents Alliance Group (or, in their place, one or two other Members of that Group as appointed by its Leader or the Deputy Leader);
- the Leader of the Liberal Democrat Group (or, in his place, one other Member of that Group as appointed by its Leader or Deputy Leader).

4.3 Terms of Reference

To: short list and interview candidates for the post of Chief Executive and to recommend such appointments to the Council; interview shortlisted candidates for other Chief Officer posts and to determine such appointments; consider disciplinary matters in respect of the Chief Executive and other Chief Officers, including the appointment of independent panels in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (Minute 63, 2015/16 - Resources Committee, 30th June 2015 also refers).
4.4 To Recommend (to full Council):

(i) the appointment of the Chief Executive;

(ii) dismissal of the Chief Executive, Monitoring Officer or Chief Finance Officer following consideration of the advice, views or recommendations of an independent advisory panel (4.5 (iv) below refers) and other matters specified in Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

4.5 To Resolve:

(i) the short listing of candidates for the post of Chief Executive;

(ii) appointments to Chief Officer posts (other than the Chief Executive);

(iii) the appointment of an Independent Investigator to investigate allegations of misconduct against the ‘Head of the Authority’s paid service (Chief Executive);

(iv) the appointment of an independent advisory panel in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to consider the findings of formal investigations into misconduct allegations against the ‘Head of the Authority’s paid service (Chief Executive); Monitoring Officer (Lead Legal Specialist) and the Chief Finance Officer;

(v) disciplinary action against the Chief Executive, Monitoring Officer or Chief Finance Officer(other than dismissal) following (except in the case of a decision to suspend him/her) consideration of the advice, views or recommendations of the independent advisory panel referred to in (iv) above; and

(vi) appeals from Chief Officers (other than those specified in (iv) above) against disciplinary action taken against them by the Chief Executive.

5. DELEGATION TO THE INVESTMENT SUB-COMMITTEE

To Resolve:

(i) Annual strategies for the prudent investment of surplus funds held in the Council’s accounts (representing income received in advance of expenditure and cash balances and reserves held for future use) having regard to:

   - both the security and liquidity of investments; and

   - the advice of the Council’s treasury consultants

   …. before seeking the highest rate of return.

(ii) Relevant performance indicators to measure the effectiveness of financial investment strategies.
(iii) Any modifications to investment policy during the course of the year to reflect the availability of funds and/or prevailing economic circumstances following an assessment of investment performance against the indicators referred to in (ii) above.

(iv) The following shareholder functions of Council owned holding and property investment companies:

- approving the Memorandum of Articles of Association
- approving a Shareholder Agreement between the company and the Council (this agreement will capture how the Council, as shareholder, will exercise its control over the Company and the expectations for performance delivery)
- approving the Business Plan (this will be developed to cover a rolling 5-year period of investment activity which will include an analysis of the market, investment strategy and outlook, target returns in line with the prevailing market conditions and will outline the company’s planned operations and financial forecasts - it will be reviewed annually)
- appointing a Company Secretary and Auditor
- appointing a Managing Director and Director(s) to the company (they will be members of the Property Board tasked with the day to day management of the business)
- approving a Resourcing Agreement regarding the company’s use, where required, of Council staff and facilities to further its business objectives
- approving loan draw down facilities for the company and loan agreements, setting out the funding arrangements between the Council and the company
- reviewing performance reports.

5. DELEGATION TO OFFICERS

1. To the Chief Executive and other Chief Officers respectively the power to implement Council/Committee policies and deal with the day-to-day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.

2. The officers referred to in 1. above have the power in turn to delegate to other officers of their choice, the power to deal on their behalf and in their name with any of the above functions. Such delegation shall be in writing and signed by the relevant Chief Officer and may contain such limitations or be subject to such conditions as that Officer shall decide.
TANDRIDGE DISTRICT COUNCIL CONSTITUTION

PART F

CODES, SCHEMES AND PROTOCOLS

February 2019

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PROCEDURE FOR CALL-IN OF POLICY COMMITTEE DECISIONS FOR SCRUTINY BY THE OVERVIEW AND SCRUTINY COMMITTEE
(October 2018)

1. What is call-in?

Call-in is the referral to the Overview & Scrutiny (O&S) Committee of a decision made by a policy committee / sub-committee (defined as such within the constitution) but not yet implemented. Implementation of the decision will then be suspended, pending further consideration.

2. In what circumstances can call-in be exercised?

The process should only be triggered in exceptional circumstances, namely when members of the O&S Committee have evidence to suggest that, in respect of the decision concerned:

- due process was either ignored or not followed correctly (this includes any prescribed processes associated with the matter in question and/or the way in which the matter was dealt with at the meeting of the policy committee / sub-committee);
- the decision was unreasonable in that relevant information was not taken into account and/or too much weight was given to irrelevant information;
- key information has since come to light which warrants reconsideration of the decision;
- the decision was in breach of the law or the Council’s constitution.

3. What can’t be called in?

3.1 A call-in request shall not be effective if the policy committee (or a sub-committee thereof) has determined that the interests of the Council or the District would be prejudiced by a delay in implementing the decision. Any officer seeking to rely on this provision must contact the Chair of the O&S Committee (or in the Chair’s absence the Vice-Chair) and the Leader of the Council (or in the Leader’s absence the Deputy Leader) to obtain their agreement and explain in the relevant report the justification for such a decision.

3.2 If, in exceptional circumstances which could not have reasonably been foreseen, a matter becomes urgent after the date of the committee meeting in question, the Chair of the O&S Committee (or in the Chair’s absence the Vice-Chair) and the Leader of the Council (or in the Leader’s absence the Deputy Leader) may agree to waive the operation of the call-in procedure and may do so even if the procedure has already been triggered.

3.3 Those decisions which constitute recommendations to Council shall not be subject to the call-in procedure; this is because effective scrutiny can take place at Council before such decisions are implemented. Council would have the opportunity of accepting the recommendation from the committee; amending or rejecting it; or referring it back to the committee.

3.4 Decisions of the Planning Committee or hearings conducted by a Licensing Sub-Committee, Regulatory Sub-Committee or a Standards Committee panel are also immune to the call-in process.
4 How does call-in work?

4.1 Subject to the exceptions of section 3 above, details of relevant Committee decisions shall be e-mailed to all Members of the Council within three working days following the meeting. Any three Members of the O&S Committee can then, within a further four working days, inform the Chief Executive and the Chair of O&S (or in the Chair’s absence the Vice-Chair) that they require an item to be called-in. This will be on the call-in form provided, setting out the criteria in section 2 on which they are relying with a brief explanation as to why the Members concerned consider the criteria to be met. No action will be taken on implementing the decision until a meeting of the O&S Committee has taken place. The timetable would work as follows for a policy committee held on a Thursday:

(a) policy committee meeting (day 1);

(b) by the following Tuesday, notification of the committee resolutions would be e-mailed (day 6);

(c) Members would then have until 12 noon on the Monday following the notification of resolutions to inform the Chief Executive and the Chair of the O&S Committee (or in the Chair’s absence the Vice-Chair) that they wish to have a matter called-in (day 12); the matter would then be reported to the next meeting of the O&S Committee or, if considered more expedient by the Chair, a special meeting of the O&S Committee shall be convened for the purpose;

(d) if the decision of the O&S Committee was to accept the committee decision, then immediate action would be taken to implement it;

(e) otherwise, the O&S Committee shall either:

(i) refer the matter back to the policy committee or sub-committee in question and ask that committee or sub-committee to reconsider its decision; or

(ii) refer the matter to Full Council in which case the effect of such a referral will be to change the status of the decision in question from one which the relevant policy committee had resolved be taken to one which it is recommending to Full Council be taken. The subsequent consideration of that recommendation by Full Council shall be subject to the normal rules of debate. For the avoidance of doubt, the Chair of the relevant committee shall be the mover of the recommendation in question; and

(iii) in either case, the O&S Committee may make recommendations as to an alternative course of action to be pursued;

(f) the matter will then be reconsidered at the next ordinary meeting of the policy committee (or sub-committee), or via a report to the next Full Council, as the case may be, unless the matter is sufficiently urgent to require a special or extraordinary meeting;

(g) the Chair or Vice Chair of the O&S Committee shall have the right to address the relevant meeting of the policy committee / sub-committee or Full Council with reference to (f) above;
(h) if the matter is subsequently considered by Full Council, either as a result of a reference pursuant to clause e(ii) or otherwise, the power contained in Standing Order 8(4) to move a motion to remit back to policy committee / sub-committee shall not apply;

(i) the subsequent decision of the policy committee / sub-committee or the Council upon the matter will not be subject to further call-in or be the subject of a motion to remit under Standing Order 8(4) when being considered within the minutes of the relevant meeting at a subsequent Council meeting.
1. **Introduction and Interpretation**

1.1 This Code applies to you as a Member of Tandridge District Council (“the Council”) when you act in your role as a Member.

1.2 You are a representative of the Council and the public will view you as such. Your actions can impact on how the Council as a whole is viewed.

1.3 This Code is based on and is consistent with the principles of public life set out in Section 28 Localism Act 2011:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership.

1.4 It is your responsibility to comply with the provisions of this Code.

1.5 In this Code –

“meeting” means any meeting of:

(a) the Council; or

(b) any of the Council’s committees, sub-committees, working groups, joint committees, joint sub-committees, or area committees;

“Member” includes a co-opted Member.

2. **General Obligations**

2.1 **Do** treat others with respect. In particular, you should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. You should also respect the impartiality and integrity of the Council’s employees.

2.2 **Do not** conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct by Members.

2.3 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

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Part F – Codes, Schemes and Protocols
(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

(a) reasonable and in the public interest;

(b) made in good faith and in compliance with the reasonable requirements of the Council; and

and you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.

2.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.

2.5 **Do not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.

3 **Resources of the Council**

3.1 When using or authorising the use by others of the resources of the Council -

(i) **Do** act in accordance with the Council's reasonable requirements and policies;

(ii) **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and

(iii) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

4 **Gifts and Hospitality**

4.1 **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

4.2 **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

4.3 **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

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*Part F – Codes, Schemes and Protocols*
5. **Registration of Interests**

5.1 **Do** notify the Monitoring Officer of your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration (Annexe ‘A’ refers), within 28 days of being elected or appointed to office or within 28 days from the adoption of this Code.

5.2 **Do** notify the Monitoring Officer of any change in your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of the change taking effect.

5.3 **Do** notify the Monitoring Officer of any disclosable pecuniary or other interests not already registered within 28 days of your re-election or re-appointment to office.

5.4 **Do** be aware that disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person.

5.5 **Do** be aware that the Council has decided that it is appropriate for you also to register and disclose non-pecuniary interests that arise from your membership of, or your occupation of a position of general control or management of:

(i) bodies to which you have been appointed or nominated by the Council;
(ii) bodies exercising functions of a public nature;
(iii) bodies directed to charitable purposes and with a connection to the Council’s area; and
(iv) bodies whose principal purposes include the influence of public opinion or policy.

6. **Disclosure of Interests and Participation**

6.1 **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure (such interests are defined at Annexe ‘A’) which relates to any matter considered at the meeting.

6.2 **Do** notify the Monitoring Officer of any interest not already registered that is disclosed to a meeting under paragraph 6.1 above within 28 days of the disclosure.

6.3 **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter.
7. **Predetermination**

7.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.

7.2 However, **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

7.3 When making a decision, **do** consider the matter with an open mind and on the facts established at the meeting at which the decision is to be made.

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ANNEXE ‘A’

Tandridge District Council’s Code of Conduct – Interests which must be registered

DISCLOSABLE PECUNIARY INTERESTS (relating to Elected / Co-opted Members AND their spouses or civil partners)

Employment
Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship
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 you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts
Any contract which is made between a Member (or his/her spouse/partner) (or a body in which either person has a beneficial interest) and the Council:
• under which goods or services are to be provided or works are to be executed; and
• which has not been fully discharged.

Land
Any beneficial interest in land (e.g. a Member’s home) which is within the Council’s area.

Licences
Any licence (alone or jointly with others) to occupy land in the Council’s area for a month or longer.

Corporate Tenancies
Any tenancy where (to the Member’s knowledge):
• the landlord is the Council; and
• the tenant is a body in which the Member or his/her spouse/partner has a beneficial interest

Securities
Any beneficial interest in securities of a body where:
• that body (to the Member’s knowledge) has a place of business or land in the Council’s area; and
• the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
• if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member or his/her spouse/partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

DISCLOSABLE NON-PECUNIARY INTERESTS arising from membership of or occupation of a position of general control or management in the following bodies (relating to Elected / Co-opted Members)

Bodies:
• to which a Member has been appointed by the Council
• exercising functions of a public nature
• directed to charitable purposes and with a connection to the Council’s area
• whose principal purposes include the influence of public opinion or policy.
MEMBERS' ALLOWANCES SCHEME FOR 2019/20

The Tandridge District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following Scheme:

1. This Scheme may be cited as the Tandridge District Council Members' Allowances Scheme, and shall be effective for the 2019/20 Municipal Year.

2. In this Scheme:
   "Councillor" means a member of the Tandridge District Council who is a Councillor;
   "total estimated allowances" means the aggregate of the amounts estimated by the Chief Finance Officer, at the time when a payment of basic allowance or special responsibility allowance is made, to be payable under this Scheme in relation to the relevant year, and for this purpose any election under paragraph 9 shall be disregarded;
   "year" means the 12 months ending with the Annual Meeting of the Council.

3. Basic Allowance

Subject to paragraphs 8 and 9, the basic allowance to be paid to each Councillor in 2019/20 shall be £4317 (in line with the cost of living increase in pay for the Council’s staff for this year).

4. Special Responsibility Allowances

   (1) For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this Scheme.

   (2) Subject to paragraphs 8 and 9, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

   (3) No such allowance shall be payable if such a payment would be contrary to a provision made by or under any enactment.

5. Travelling and Subsistence Allowances

A Councillor may claim travelling and subsistence allowances in accordance with Schedule 2 to this Scheme.

6. Dependents' Carers' Allowance

A dependants’ carers’ allowance may be claimed on the basis of the actual cost incurred supported by receipts.

7. Co-optees' Allowance

A member of the public who sits on any committee or sub-committee of the Council (a ‘co-optee’) may only claim the travelling and subsistence allowances (as detailed in Schedule 2 to this Scheme) and the dependants’ carers’ allowance as detailed in paragraph 6 above.
8. **Renunciation**

A Councillor may, by notice in writing given to the Chief Operating Officer, elect to forego any part of his entitlement to an allowance under this Scheme.

9. **Part-year Entitlements**

(1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year:

(a) this scheme is amended, or

(b) that Councillor becomes, or ceases to be, a Councillor, or

(c) accepts or relinquishes a special responsibility in respect of which a special responsibility is payable.

(2) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

(a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

(b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

(3) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.

(5) Where a Councillor has during part of, but not throughout, a year such special responsibility as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which s/he has such special responsibilities bears to the number of days in that year.
(6) Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor’s entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which s/he has such special responsibilities bears to the number of days in that period.

10. **Claims and Payments**

(1) Claims for travelling and subsistence allowances (as detailed in Schedule 2 to this Scheme) and the dependants’ carers’ allowance shall be made monthly.

(2) Subject to paragraph 8 above and sub-paragraph (3) below, basic and special responsibility allowances shall be paid on the 15th day of each month or the nearest working day prior to the 15th if that day falls on a weekend or bank holiday.

(3) Where a payment of the amount specified in this Scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 9, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which s/he is entitled.

11. **Independent Remuneration Panel**

In accordance with the 2003 Regulations (detailed at the beginning of this Scheme) the Council instituted and considered the recommendations of an independent panel of members of the public before adopting this Scheme of Allowances.
**SCHEDULE 1**

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

<table>
<thead>
<tr>
<th>Member</th>
<th>Amount for 2019/20 £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair of the Council</td>
<td>3062</td>
</tr>
<tr>
<td>Vice-Chair of the Council (one-third of the Chair of Council Allowance)</td>
<td>1021</td>
</tr>
<tr>
<td>Leader of the Council</td>
<td>6123</td>
</tr>
<tr>
<td>Deputy Leader of the Council (one quarter of the Leader’s Allowance)</td>
<td>1531</td>
</tr>
<tr>
<td>Chair of Committees - excluding Licensing and Standards</td>
<td>3062 (each)</td>
</tr>
<tr>
<td>Vice-Chairs of Committees - excluding Licensing and Standards (one-third of the Committee Chairs’ Allowance)</td>
<td>1021 (each)</td>
</tr>
<tr>
<td>Supplement for Members of the Planning Committee</td>
<td>591 (each)</td>
</tr>
<tr>
<td>Leader of the Opposition</td>
<td>3062*</td>
</tr>
</tbody>
</table>

* in the case of two equally sized opposition groups, both of their leaders be entitled to the full allowance.
SCHEDULE 2
APPROVED DUTIES FOR TRAVELLING ALLOWANCES

Council Meetings

Committee/Sub-Committee/Working Group meetings where:

- the Councillor is a member of the Committee/Sub-Committee/Working Group; or
- if the Councillor is not a member of the Committee/Sub-Committee/Working Group, an agenda item impacts on the Councillor’s Ward in particular

Council Agenda Call-Over Meetings (Chairman and Vice-Chairman of the Council)

Committee Agenda Call-Over Meetings (Committee Chairman and Vice-Chairman)

Sub-Committee and Working Group Agenda Call-Over Meetings (Chairman of the Sub-Committee/Working Group)

Site Meetings approved in advance by the Committee

Staff Selection - Interviews by Chairmen of Committees

Surrey County Council Tandridge Local Committee

Meetings of Parish Councils whose areas fall within the Councillor’s District Ward

Tandridge Tenants Partnership Group

Tandridge Joint Consultative Meeting

Member Training Sessions

Opening Tenders

Conferences, Seminars organised by other bodies if appointments made by appropriate Committee

Joint meetings of the District Council and the Local Health Authority

Council organised Seminars/Workshops for Members

External Conferences/Seminars/Workshops or similar events, when attendance has been agreed by the appropriate Standing Committee or Chief Executive as relevant to and in the interests of the efficient conduct of Council business

Other pre-arranged meetings convened in liaison with District Council Officers

Meetings of Outside Bodies to which the Councillor has been appointed (by the Council)
ALLOWANCES TO MEMBERS OF LOCAL AUTHORITIES AND CO-OPTEES IN RESPECT OF
PERFORMANCE OF APPROVED DUTIES, THAT IS, ATTENDANCE AT A MEETING OF THE
COUNCIL OR A COUNCIL COMMITTEE OR ANY OTHER DUTY APPROVED BY THE
COUNCIL FOR THE PURPOSE OF THE DISCHARGE OF ITS FUNCTIONS.

A. TRAVELLING

From place of residence to place of meeting. Rail fare (reimbursed at second class rate) or the fare of a public service vehicle. Taxi fares may be allowed in emergencies.

Where a Member use his own solo motor cycle, car or bicycle the rates shall not exceed:

Rate per mile:

Motor-cycles 24p
Cars 45p for the first 10,000 miles and 25p per mile thereafter
Bicycle 20p

(N.B. Irrespective of engine size for both motor-cycles and cars. The above rates represent the approved mileage allowance payments as specified by HM Revenues & Customs)

B. SUBSISTENCE

(a) In the case of absence, not involving an absence overnight from the usual place of residence:-

(i) Over four hours but not more than 8 hours £ 6.00
(ii) Over 8 hours but not more than 12 hours £12.00
(iii) Over 12 hours £19.00

(b) In the case of absence overnight from the usual place of residence - £81.50.
In addition for absence overnight in London or for the purposes of attendance at the annual conference of the LGA a supplementary allowance of £21.00 may be claimed.

These rates are deemed to cover a continuous period of absence of 24 hours. They should be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body during the period to which the allowance relates.

Further information, together with details of Councillors’ and Co-optees’ liabilities for Income Tax and National Insurance, may be obtained from the Strategic Director of Resources.

Part F – Codes, Schemes and Protocols
1. Introduction

1.1 This protocol sets out the roles and responsibilities of elected Councillors (‘Members’) and Council Officers (‘Officers’) to ensure clarity when carrying out their respective duties.

1.2 The overriding principle is for Members and Officers to recognise and respect each other’s roles and responsibilities. An ethos of mutual respect, trust and courtesy should underpin relations and be reflected in both in-house and public capacities. Neither Members nor Officers should conduct relations in such a way as to bring the Council into disrepute.

1.3 Both Members and Officers are required to observe the 7 ‘Nolan principles of public life’ in their dealings with each other, namely:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

……. these principles form the basis of the Members’ Code of Conduct and are explained in Annex ‘A’.

1.4 This Protocol should be read and understood alongside relevant legislation and the Members’ Code of Conduct. If any questions arise from this Protocol, advice should be sought from the Chief Executive or Monitoring Officer.

2 Respective roles of elected Members and Officers

2.1 As Tandridge operates a committee system of governance (as opposed to an executive model) decisions cannot be made by individual Members. Decisions must be made in accordance with the Council’s Scheme of Delegation (Part E of the Constitution). Specific matters are reserved for determination by Full Council and certain committees; other matters are delegated to Officers. However, upon delegating a matter to an Officer, a committee can require certain Members (e.g. the chair and vice-chair) to be consulted. It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy.

2.2 The respective roles of Members and Officers can be summarised as follows:

2.2.1 Councillors and Officers are servants of the public and they are indispensable to one another but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are appointed to serve the Council as a whole and not any political group; their job is to give advice to Councillors and to the authority and to carry out the authority’s work under the direction and control of the Council and relevant committees. Officers are employed by the Council and are accountable to it. Mutual respect between Councillors and Officers is essential to good local government.
2.3 Councillors have four main areas of responsibility:

(i) determining the policies of the authority and giving it political leadership;
(ii) monitoring and reviewing performance in implementing policies and delivering services;
(iii) representing the authority externally; and
(iv) acting as advocates on behalf of their residents.

2.4 It is not the role of Councillors to control the day-to-day management of the authority’s services. They should not seek to give instructions to Officers other than in accordance with the terms of reference of their committee.

2.5 Chairs and Vice-Chairs of committees have additional responsibilities. Although they may have different relationships and more regular contact, these Councillors must still respect the impartiality of Officers, must not ask them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.

2.6 All Councillors have the same rights and obligations in their relationship with Officers and should be treated equally.

2.7 The role of Officers is to give advice and information to Members and to implement the Council’s policies. Certain Officers, e.g. Chief Executive, the Section 151 Officer and the Monitoring Officer have responsibilities in law over and above their obligations to the authority and to individual Councillors. Councillors must respect these obligations, must not obstruct Officers in the discharge of these responsibilities and must not victimise Officers for discharging these responsibilities.

2.8 While there should be a close working relationship between a committee chair and the relevant director and other senior Officers, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question Officers’ abilities to deal impartially with other Members, individuals or organisations.

2.9 Officers are accountable to their line manager, and while Officers should always seek to assist a chair (or indeed any Members) they must not exceed their levels of authority. The Chief Executive has statutory responsibility, as head of paid service, for ensuring the proper organisation and management of the Council’s staff and has overall responsibility for the direction and management of all Officers. The Monitoring Officer, which is also a statutory role, is responsible for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.

2.10 The distinct roles of Councillors and Officers necessarily impose limitations upon behaviour, for example:

(i) close personal relationships between Councillors and Officers can confuse these separate roles and get in the way of the proper discharge of the authority’s functions, not least in creating the perception in others that a particular Councillor or Officer may secure advantageous treatment;

(ii) there are limits to the matters on which Councillors may seek the advice of Officers, both in relation to personal matters and party-political issues;

(iii) relationships with individual Members or party groups should not be such as to create public suspicion that an Officer favours that Councillor or group above others. Officer attendance and advice to political groups is covered in more detail under section 7.
3. **Access to Officers**

3.1 The customer services team leaders have been designated to provide support for Members in resolving any enquiries they may have or putting them in touch with the relevant Officer. Members should use the following channels as the first point of contact if they don’t already know to whom to direct their enquiry:

- call **01883 732948** or
- e-mail csteamleaders@tandridge.gov.uk

3.2 Officers will endeavour to resolve Members’ enquiries or complaints as quickly as possible. Where, for whatever reason, an enquiry cannot be answered straight away, the responsible Officer should keep the Member informed of the likely timeline, or explain why it is not possible or practicable to meet the request.

3.3 It is generally a more effective use of time for Members wishing to meet with Officers to make an appointment in advance, indicating the broad nature of the matter they wish to discuss, rather than simply to come to the offices without notice.

4. **What Members can expect of Officers:**

(i) a commitment to the authority as a whole, and not to any political group or individual Councillor;

(ii) a working partnership;

(iii) an understanding of and support for respective roles, workloads and pressures;

(iv) timely response to enquiries and complaints in accordance with agreed standards;

(v) professional advice, not influenced by political views or preference;

(vi) regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to Councillors’ needs, having regard to any individual responsibilities they have and positions they hold;

(vii) an appreciation of the political environment in which they are working;

(viii) respect, dignity and courtesy;

(ix) training and development in order to carry out their roles effectively;

(x) integrity, mutual support and appropriate confidentiality;

(xi) not to have personal issues raised with them by Officers outside the agreed procedures;

(xii) compliance with the relevant code of conduct;

(xiii) support for the role of Councillors as the local representatives of the Authority.
5. What Officers can expect from Members

(i) a working partnership;
(ii) an understanding of and support for respective roles, workloads and pressures;
(iii) an understanding and knowledge of the local area and a willingness to share this with Officers;
(iv) political leadership and direction;
(v) respect, dignity and courtesy;
(vi) integrity, mutual support and appropriate confidentiality;
(vii) not to be subject to bullying or harassment - Councillors should have regard to the seniority and experience of Officers in determining what are reasonable requests, having regard to the powerful relationship between Councillors and Officers and the potential vulnerability of Officers, particularly at junior levels;
(viii) Councillors will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
(ix) compliance with the relevant code of conduct.

6. While of course it is legitimate for Councillors to express concern about the way in which a service is run or policy is being implemented by Officers, Councillors should avoid undermining, or making detrimental remarks about, individual named Officers at meetings, or in any public forum, including on social media. This would be damaging both to effective working relationships and to the public respect for the Council. In general, staff are unable to defend themselves against criticism in a public forum.

7. Provision of information to Members

Requests for written information

7.1 Councillors should be provided with adequate written information about services or functions upon which they may be called upon to make or scrutinise decisions, or which affect their residents. Members are encouraged to make use of existing sources of information wherever possible and to bear in mind the impact on the effective use of resources of making excessive or repeated requests.

7.2 In addition, any Councillor may ask the relevant Officer for factual information about a service. These requests will be met where the Councillor has a legal right to the information. If that right arises under the Freedom of Information Act (FOIA) or the Environmental Impact Regulations (EIR), the Councillor shall not be required to make a formal FOI request. All such information should be provided within 10 working days of the date of receipt of the request. In circumstances where this is not practical, the Officer shall contact the Councillor as soon as possible explaining why not and provide an alternative time scale.
7.3 Where the information requested is such that it would be exempt from disclosure under the FOIA or the EIR, that information will be provided if the Councillor has a right to it under the access to information provisions contained in the Local Government Act 1972 or otherwise has a right to that information under the common law on the basis that the information is necessary to enable the Councillor to carry out their role as an elected Member.

7.4 Written information supplied to a Councillor regarding the implications of current Council policies or containing statistical information about Council services shall also be copied to the relevant committee chair and other Members of that committee but without making reference to the individual Councillor who requested that information.

7.5 The Leader of the Council, or Leader of any other political group represented on the Council, may request the Chief Executive or the relevant Strategic Director, or other designated officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information (e.g. relating to casework or personal details of applicants for services).

7.6 If the officer considers that the cost of providing the information under this paragraph is unreasonable, or if the request is unreasonable in other respects, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups.

7.7 Officer reports to a political group will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications and Officers will not make any recommendation to a political group.

Briefings

7.8 In order for committee chairs or vice chairs to discharge their responsibilities, those Members will be briefed by Chief Officers on service issues, proposals and policy development. Chief Officers may, from time to time, nominate other Officers to attend these meetings. These informal meetings may be on a one-off or regular basis, in accordance with the requirements of the Councillors concerned.

7.9 Opposition groups may also have nominated committee leads and if those leads so request, the relevant Chief Officers will make themselves available to brief them on service issues or on Committee papers once the agenda has been published.

7.10 The content of these informal briefing sessions shall remain confidential as between Officers and the political group concerned.

“News” items

7.11 When an event occurs in the District which has or will have a significant impact on the Council or Tandridge residents, the Chief Executive will ensure that the Leaders of all political groups and the relevant Ward Councillors are informed as soon as possible.

Ward Councillors

7.12 Chief Officers will ensure that ward Councillors are given information relevant to their ward on a regular basis. As well as letting ward Members know when there has been a specific incident in their ward, ward Members should be routinely notified about the following types of issue: public consultation events affecting their wards; ongoing planning enforcement cases; proposed changes to services sited within their wards; and significant anti-social behaviour issues.
Officers and Political Groups

7.13 The Leader of the Council or Leader of any other political groups may ask the Chief Executive or relevant Strategic Director, or other designated Officers, to give or arrange a private and confidential briefing for the party group.

7.14 Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible, such briefings should be to all or a combination of party groups.

7.15 Officers’ advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice should not include making recommendations to a political group.

7.16 Senior Officers may properly be called upon to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Councillors, treat them in a fair and even-handed manner.

8. When Things Go Wrong

Procedure for Officers

8.1 It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy. From time to time the relationship between Councillors and Officers may break down or become strained. Although Councillors have the right to criticise reports or the actions taken by Officers, they should always:

- seek to avoid personal attacks on Officers; and
- ensure that criticism is constructive and well-founded.

8.2 It will always be preferable to resolve matters informally. Should Officers wish to raise a concern about a Councillor, they can either escalate it to their line manager or to the Chief Executive, as appropriate to the circumstances. Officers also have recourse to the Council’s Whistleblowing Procedure or can refer the matter to the Monitoring Officer if they consider that a Councillor has broken the Code of Conduct.

Procedure for Councillors

8.3 Where Councillors have concerns about the way in which a service or part of it is performing, as opposed to the conduct of a specific officer, the most appropriate course of action, if the concerns cannot be resolved informally is for the Member to request the Committee charged with responsibility for that service to consider the matter, using the powers available under the constitution. Alternatively, where it is considered more appropriate, the Chief Executive may, with the agreement of the Chair of the Overview and Scrutiny Committee, refer the matter to that Committee for consideration.

8.4 In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an individual Officer, the matter should be raised with the appropriate Strategic Director in the first instance. Where the Officer concerned is a Strategic Director, the matter should be raised with the Chief Executive. Where the Officer concerned is the Chief Executive, the matter should be raised with the Monitoring Officer. Where there is a prima facie case for a disciplinary investigation, this will be dealt with in accordance with the Council’s disciplinary procedures contained in the staff conditions of service.
9. Breaches of the Protocol

9.1 In recognising that this Protocol is a guideline document, minor breaches may not involve a sanction against the Member or Officer concerned. However, regular or more serious breaches may involve disciplinary action against the Officer through the Council's internal procedure or against the Member through the Standards Committee.

10. Responsibility for this Protocol

10.1 The Monitoring Officer has overall responsibility for this Protocol and will periodically review how it is working.
The 7 Nolan principles of public life*

- **Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

- **Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

- **Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- **Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- **Openness** – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- **Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- **Leadership** – Holders of public office should promote and support these principles by leadership and example.

*In 1994, the government established a committee tasked with making recommendations to improve standards of behaviour in public life. The committee was chaired by Lord Nolan and its first report identified “the seven principles of public life” which have since come to be known as the “Nolan principles”.

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PROTOCOL FOR RECORDING COUNCIL / COMMITTEE MEETINGS
(last revised in August 2014)

Film or sound recording is allowed at meetings which are open to the public.

Anyone wishing to make a film or sound recording is encouraged to liaise with the Council’s Committee Section in advance so that any necessary arrangements can be made prior to the meeting.

Anyone filming a meeting must respect the wishes of any other member of the public who objects to being filmed.

Recording shall cease if the meeting has resolved to exclude the public in circumstances prescribed by the Council’s Constitution. The Chairman may also require recordings to cease if s/he considers that proceedings are being disrupted.

Recordings should not be edited in a way that:

- could lead to misinterpretation or misrepresentation of the proceedings; or
- disrespects those in the recording.

The Council will require any recording in breach of these rules to be removed from public view.

The use of social media during meetings is allowed, providing this does not disrupt proceedings.

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ANTI-FRAUD STRATEGY STATEMENT

The authority is committed to the proper accountability of public funds and condemns fraud and corruption in public life.

The Authority expects holders of public office and its employees to:

- take decisions solely in pursuance of the Council’s functions and in the public interest to the exclusion of private and personal interest
- not place themselves under any financial, or other obligation to outside individuals, or organisations, that might influence, or be perceived to influence, them in the performance of their duties
- in carrying out public duties, including making public appointments, awarding contracts, or recommending individuals for awards and benefits, to make choices on merit in accordance with defined guidelines
- to be accountable for their decisions and actions to the public and submit themselves to whatever scrutiny is appropriate to their office
- to be as open as possible about all the decisions and actions that they take; to give reasons for their decisions and restrict information only when the wider public interest clearly demands
- to declare any private interest which is relevant to their public duties
- to promote and support these principles by leadership and example.

Definitions:
Fraud is defined in the Fraud Act 2006. It is split into three sections:

- **Fraud by false representation**
  - Representation made dishonestly with the intention of making a gain or causing a loss or risk of loss to another.
  - A representation is defined as false if it is untrue or misleading and the person making it knows that it is, or might be, untrue or misleading. Representation can be stated by words or communicated by conduct i.e. written, spoken or by electronic means.

- **Fraud by failing to disclose information**
  - A fraud will have been committed, if a person fails to declare information which he/she has a legal duty to disclose. There is a requirement that the person acts dishonestly and intends to make a gain for himself/herself, cause a loss to another or expose another to a risk of loss.

- **Fraud by abuse of position**
  - Where a person who is in a privileged position acts dishonestly by abusing the position held; and by doing so, fails to disclose to another person, information which he/she is legally required to disclose. The dishonest act must be with the intention of making a gain for himself/herself or another. Alternatively it may be with the intention of causing a loss or risk of loss to another. The offence may be committed by omitting to make a declaration as well as by an act.

There remain a number of other Acts which detail other offences including the Computer Misuse Act, Theft Acts and Forgery and Counterfeiting Act.
This is a non-exhaustive list of examples that may be offences:

- Obtaining the property of another.
- Obtaining services from another.
- Evading liability for payment.
- False accounting, including the destruction, concealment or falsification of any account or record or giving misleading, false or deceptive information.
- Misuse of computers for the access of information
- Obtaining property by false pretences.
- Cheating the public revenue.
- Corruptly accepting or obtaining any gift or other consideration as an inducement for doing or refraining from doing anything in relation to the business of the Council, or for showing favour.

A key element of fraud is ‘deception’ or ‘concealment’, examples of these include;

- Unauthorised input, alteration, destruction or misappropriation of data or other records.
- Inappropriate transactions with suppliers (resulting from undisclosed favours received/expected).
- Deliberate misrepresentation of facts or manipulation of management information or records, including personal expenses.

**Reporting Concerns and Action taken**

Fraudulent or corrupt activity is taken very seriously at Tandridge as such it is important that suspicions and concerns are raised in an appropriate manner. Concerns should be raised through the appropriate sections procedure or manager or where the suspicion is an internal matter with your line manager, the Chief Finance Officer or the Audit Contract Manager. A confidential anti-fraud and corruption telephone line is also available and is operated in accordance with the Public Interest and Disclosure Act 1998 to protect the anonymity of genuine reports of concerns. Once an investigation is underway it is the Chief Finance Officer or Chief Executive who will determine whether the police should be involved and they will be responsible for taking this action, in accordance with the corporate fraud response plan.

Investigations in to Housing and Council Tax Benefit Fraud, except where they involve existing members of staff, will be determined in accordance with the procedure in the HB/CTB prosecution policy. Where they do involve existing members of staff a recommendation will be made to the Chief Finance Officer or Chief Executive.
Planning Protocol

December 2011
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2. Declaration of and Advice on Interests
3. Response to Lobbying
4. Attendance at Meetings on Development Proposals
5. Councillors or Officers as Applicants
6. Involvement at Appeals, Local Plan Inquiries and Call-In Inquiries
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11. Training and Review
12. Delegation
13. Member/Officer Relationships
14. Committee Procedures
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16. Standards for Responding

Appendix 1  Form for Recording Lobbying
Appendix 2  Rules for Public Speaking
Appendix 3  Standards for Responding
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1. Introduction

1.1 This document has been produced to give guidance to Members of the Council, Officers and members of the public with regards the discharge of the planning functions of Tandridge District Council.

1.2 The document has been produced having regard to the Code of Conduct as adopted by the Council. Advice contained in ‘Probity and Planning (Updated)’ published by the Local Government Association has also been taken into account; as has the contents of the Standard Board’s publication ‘Lobby Groups, dual-hatted members and the Code of Conduct’.

1.3 Much procedural detail is set out in the Development Management Charter, which is attached at Appendix 4.

2. Declaration of and Advice on Interests

2.1 Members and Officers are required to observe the locally adopted Code of Conduct (which takes precedence over this Protocol).

2.2 Any Member in doubt about the meaning of the law, or the Code of Conduct, is recommended to consult the Monitoring Officer. The Local Government Ombudsman has made it clear that a Member always has a personal interest, and very often a prejudicial interest, in development of land or buildings adjoining his/her residence. Living in the same Ward, of itself, should not give rise to interest difficulties, but this would depend on the potential impact of the proposal.

2.3 There is currently no legislation or guidance at a national level on distances to indicate when a Member should declare an interest. The issue remains open to interpretation and a Member must exercise his/her judgement in the matter. This also applies if the Member’s spouse, partner or immediate family lives close by the site of a planning application or LDF proposal.

2.4 In a multi-member ward, a DC Member would be better advised to ask another Ward Member to represent local views when the item comes before a meeting. In a single Member Ward, the DC Councillor should ask a Member in another Ward to speak on the matter.

2.5 If any Member (or spouse, partner, family, close associates, or their employer, or any body to which the Council has appointed them or any body you belong to which exercises functions of a public nature, or is directed to charitable purposes or one whose principal purposes includes the influence of public opinion or policy) has made written comments (as defined in paragraph 5.3) on an application very close to their property, then the Member is very likely to have a personal and prejudicial interest and cannot take part in the Committee discussion or vote on the matter.

2.6 A Planning Committee Member expressing a concluded view on any application prior to a meeting could well have a pre-determined view and would also not be able to take part in the decision making process. In deciding whether a Councillor has or appeared to have had a closed mind to any extent when taking a decision, the relevant time at which that issue is to be assessed is when the decision is formally taken; an earlier statement or conduct by the decision-taker that amounts to predisposition is irrelevant; and an earlier statement or conduct that amounts to predetermination shall be taken into account and given weight as is appropriate in the circumstances of the case. It is recommended that you discuss any issues with the Monitoring Officer.

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2.7 The Monitoring Officer manages a Register of Members’ Interests. All Members are advised to ensure that they declare all interests and that any changes are immediately added to the register in accordance with the Code of Conduct.

3. Response to Lobbying

3.1 It is necessary to take account of the realities of the political/representative process. Members are often approached to support or oppose an application. A Member should not make his/her decision before having heard all the relevant information. This applies particularly to Members who sit on the Planning Committee. It is important to recognise that lobbying is a normal and perfectly proper part of the democratic process. If lobbied significantly, Members should complete a standard form (see Appendix 1). Members may declare that they have been lobbied during the consideration of the planning application.

3.2 Lobbying can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved. When being lobbied, Members of the Planning Committee should not express an opinion that might indicate that they have already made up their mind. Members may only give procedural advice, and suggest that third parties write to the Chief Planning Officer, in order that their opinions can be included in the officer’s report to the Committee. Members should adopt a cautious approach and be aware that statements may be perceived as pre-determination. The common law concept of pre-determination has always been applied by the Courts to local authority decision-making. If a decision is flawed because a Member was not open to persuasion on the merits of a case in committee, then the decision may be vulnerable to challenge, potentially bringing the Council into disrepute together with financial loss in terms of cost.

3.3 The general public (and the Ombudsman) expect that a planning application will be processed and determined in an open and fair manner, where Members will take account of all the evidence presented before arriving at a decision. The determination of planning applications is a formal administrative process involving rules of procedure, rights of appeal for applicants, and opportunities for legal challenge for third parties. An aggrieved party may seek judicial review on the way in which a decision has been arrived at; to complain to the Local Government Ombudsman on grounds of maladministration; or to complain to the Standards Committee that a Member has breached the Code of Conduct.

3.4 A Committee Member should adopt an impartial stance, and wait until the Committee meeting before declaring one way or another. It may not be sufficient for Members to publicly state that they are not predetermined on a case. Members must be genuinely open to persuasion.

3.5 If the member responds to lobbying by deciding to go public in support of a particular outcome – or even campaigning actively for it, by making statements at a public meeting or to the press or by signing a petition – it will be very difficult for that member to argue convincingly that he/she has not predetermined the application. Then the Member should make an open declaration and leave the meeting.

3.6 Members, particularly Planning Committee Members, are strongly advised not to visit applicants’ or objectors’ premises. Where any Member considers it is unavoidable or inappropriate to decline an invitation to visit premises the Member should:
   a) not commit themselves in expressing a view;
   b) be even handed in undertaking such a visit; and
   c) refer any technical, policy or procedural issues to the relevant officer.

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3.7 Planning Committee Members should not organise support for or opposition to proposals. No Member should put undue pressure on other Councillors, or put pressure on officers for a particular recommendation. Case Officers are required to make a recommendation and where senior officers change a recommendation following discussion with a Case Officer, a file note will be made explaining why a change has been made. Such changes of recommendation require the signature of two senior officers. Officers cannot determine applications for planning permission on which they have made the recommendation.

3.8 The use of political ‘whips’ at group meetings prior to a Planning Committee meeting amounts to maladministration.

3.9 Where a District Councillor is also a Parish Councillor, caution should be exercised in distinguishing roles, particularly if the Member sits on the District Planning Committee. Standards Board advice refers to an example of a Member who is a Parish and District Councillor and states that Members should:

- at the parish level, declare a personal (but not prejudicial) interest arising from your membership of the district council make it clear that you will reconsider the matter at the district level, taking into account all relevant evidence and representations at the district tier;
- at the district level, declare a personal (but not prejudicial) interest arising from your membership of the parish council which has already expressed a view on the matter, and make it clear that the parish council’s view does not bind you and that you are considering the matter afresh.

Members of a Parish Council however should not take part in discussions or voting at the District Planning Committee when an application made by the Parish Council is being considered.

Where a Parish Council has a Planning Sub-committee, District Planning Committee Members are advised to refrain from joining that committee.

3.10 The District Council will be pleased to advise Parish Councils on the preparation of their own Planning Protocols, clarifying the powers of such councils as consultees and how planning matters may be dealt with. The production of such Local Protocols to suit the local circumstances of each Parish is commended. The District Council will also provide training and opportunities for liaison with Parish Councils.

4. Attendance at meetings on Development proposals

4.1 Only in exceptional circumstances should members attend pre or post applications discussions unless the meeting has been agreed by the Planning Committee and/or arranged by and is attended by officers. For any meeting not endorsed by the Planning Committee Members should always advise the Chief Planning Officer and only attend as an observer. A written note of the meeting should always be made. The meeting should normally be held at the Council Offices and not on site. The outcome of such meetings is confidential.

4.2 Members who have local, detailed or professional knowledge should bring the benefit of this to the case officer at the earliest opportunity.

4.3 All advice, whether given by an officer or a Member is given without prejudice to the formal determination of any subsequent planning application.

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Occasionally, a prospective developer may wish to hold an exhibition of proposals to which Members may be invited. Attendance at private viewings should be avoided, and any Member who wishes to attend should do so at the public session without expressing a concluded view to either the prospective applicant or third parties. In all cases, Members are requested to advise the Chief Planning Officer of the invitation. Member attendance of pre-meetings on large schemes allows an opportunity for providing factual information. Discussion of the merits of the scheme would not be allowed.

5. Councillors or Officers as applicants

5.1 Current and recent former Members who act as agents for individuals, firms or organisations pursuing a planning matter should avoid making applications within the District. Where this is unavoidable, the Member should play no part in the decision-making process. The national planning applications forms require the applicant to state whether they (the applicant or agent) are a member of staff, an elected Member, related to a member of staff, or related to an elected Member. Answering this question allows officers to ensure that the correct procedures are followed.

5.2 Where a Member/Officer is the (prospective) applicant, in order to avoid any possible allegation of malpractice or maladministration, he/she cannot take any part in the decision making process but must appoint a professional agent to act on his/her behalf in dealing with the planning officers. If a Member wishes to make comments on an application they may do so in writing. Public speaking facilities at Planning Committee may be used, but only through an agent.

5.3 Whilst this might appear to place an undue financial burden on the Member/Officer insofar as an individual member of the public might not need to go to these lengths for a reasonably simple, straightforward application, Members/Officers need to exercise caution that they do not lay themselves open to allegations of attempting to exert undue influence on planning officers in such situations. A Member who wishes to object to an application as a private resident may do so by letter, but should instruct an agent in any dealings with officers and/or using public speaking facilities. Officers or their family wishing to make third party representations on applications or representations on Local Development Framework matters may do so on their own behalf, but should declare that they are an employee, or the views expressed reflect those of an employee, as part of their written submission. The Monitoring Officer and Chief Planning Officer should be advised of any application or objection being made on behalf of a Member/Officer so that where necessary decisions are made by the Planning Committee rather than under delegated powers.

5.4 Any Member contemplating pursuing a planning matter either on their own behalf or as an agent which is clearly contrary to local planning policies would be in a difficult position. In particular, adverse public perception may bring the Member and Council as a whole into disrepute and under such circumstances the Member may need to reconsider their position as a Committee Member and/or Councillor if the matter is pursued.

5.5 Where the Council in itself is applicant, the client Committee should make a clear resolution to seek permission. If this is delegated to officers, then a clear written decision needs to be recorded to commence the ‘deemed application’ procedure. The application would be reported to the Planning Committee in the usual way but there would then be a recommendation to Council at which the application would be determined. It would not be necessary to those members who sit on the client Committee to declare an interest at the Planning Committee, provided it is abundantly clear that they remain open to persuasion on the merits of the case.
6. **Involvement at Appeals, Local Plan Inquiries and Call-In Inquiries**

6.1 If a Member intends to make representations to an Inspector from the Planning Inspectorate at an inquiry (whether it be LDF/Local Plan/Neighbourhood Plan Examination, or Call-In Inquiry), either in writing and/or in person at such public inquiries he/she should be clear as to whether he/she proposes to make such representations as a Member of the Council or as a private individual. The distinction must be made quite clear.

6.2 If a Member intends to make representations either in writing or in person as a Councillor, for the purpose of supporting the Council’s case, he/she is recommended to liaise with the Principal Solicitor/Appeals Officer who will advise on inquiry procedures and how he/she might best present his/her case to the Council’s advantage.

6.3 If a Member is to make representations in a personal or private capacity he/she should consider very carefully beforehand whether he/she can contribute in any way without bringing about suggestions of a conflict of interest. The general rule is that Members are bound by decisions that have already been made. A Member should be aware that if he/she feels the need to support an appellant or objector’s case, his/her conduct will affect the reputation of the Council and could be viewed as being contrary to his/her overriding duty to the community as a whole. If in doubt about the situation the advice of the Monitoring Officer should be sought.

6.4 Where the Member is the appellant all negotiations and dealings with the Local Authority must be made via an appointed agent in order to avoid any suggestion or allegation of malpractice or conflict of interest.

7. **Relations with local Businesses, etc.**

7.1 Members should take care over their private social contacts with known developers or other individuals, firms or organisations. Where they already exist, particular care should be taken when a relevant issue is before the Council for consideration. If any approach is made, this could be recorded on the form provided (Appendix 1) and an interest may need to be declared when the matter is considered by the relevant Committee.

7.2 Members who have regular and continuing business or other interests which could bring them into conflict with their planning responsibilities should not seek or accept membership of the Planning or Planning Policy Committees.

7.3 Similar considerations should also apply to officers who may be involved in any way with the decision-making process.

7.4 Occasionally, on completion of a development, Members and officers may be invited to opening ceremonies, etc. To decline an invitation may be considered a discourtesy. However, Members and Officers should ensure that they have checked with the Chief Planning Officer that there are no outstanding issues in relation to the proper planning and implementation of any planning permission before they accept any invitation. There may, for example, be outstanding conditions or alleged breaches of planning control where attendance at such an event could be viewed as prejudicing the Council’s position. Where a Member/Officer considers that excessive hospitality (£25+) was received, a Change to Registered Interests form must be completed within 28 days and returned to the Monitoring Officer.
8. **Planning Application Procedures**

8.1 Members may become involved in the procedure for planning applications at various stages. At the pre-application stage, prospective applicants may pursue informal discussions with officers.

8.2 Officers will be encouraging prospective applicants to make their applications as comprehensive as possible, including where appropriate the preparation of a unilateral obligation (or agreement) under S106 of the Town & Country Planning Act as amended. Such discussions should not be regarded as prejudicial to the outcome of applications. Indeed, more comprehensive proposals, including developers’ commitments to deal with infrastructure and other issues, would make the application process more transparent and accountable. Where such information is not provided at the outset, applications may have to be refused for relevant policy reasons.

8.3 Any Member referring prospective applicants to the Council for advice should remind such parties that Officers are not in a position to give development advice. That is a matter which the prospective applicant would need to obtain for themselves, using an agent or consultant. Officers will however give informal advice (without prejudice or obligation) in response to draft schemes providing opportunity is given for the necessary research and any consultations to be undertaken. This is referred to as pre-application advice and the Council charges for this discretionary service. Charges are set by the Planning Policy Committee and details are available on the Council’s web site.

8.4 Any Member who wishes an application to be reported to the Planning Committee should contact the case officer as soon as possible. Requests for applications to be reported to Committee which would normally be dealt with under delegated powers would need to be referred to the Planning Applications Manager or Chief Planning Officer who will discuss the matter with the Chairman and/or Vice-Chairman of the Committee. A major consideration will be whether it is in the public interest or the matter is so finely balanced to have the application decided at Committee rather than dealt with under delegated powers. Whilst Members should not have pre-determined the application they should be able to express that they have a predisposition that there is an alternative case to put to the Planning Committee. Requests to report routine applications to Committee to provide for public speaking or to allow Members to speak where there is no prospect of an alternative motion being proposed, but where there is no other significant issue, will not normally be agreed. The same applies to enforcement matters. Members who request Committee determination should make their requests directly, rather than through other Members or through Parish Councils. Member requests for Committee determination, where the application is brought to the Committee for a decision, will be set out in the report.

8.5 When the application is reported for decision, most will be dealt with under delegated authority (see below). For those which are reported to the Planning Committee, an officer recommendation will be made. The law requires that where the Development Plan is relevant, decisions should be taken in accordance with it unless material considerations indicate otherwise. If the officer’s report recommends approval of a departure, the justification for this should be included in full in the report to the Committee.

8.6 If a Member wishes to move a contrary recommendation once the agenda has been published, the Member should discuss the application as soon as possible, and in any event before the Planning Committee, with the case officer. The implications of a contrary motion can then be discussed, and the officer can advise on appropriate wording which reflect the planning concerns of the Member, albeit that the officer remains in support of the recommendation. The contrary view therefore is pursued on the initiative of the Member who is also responsible for the wording of the motion.
8.7 It may be that as a result of public speaking and/or the debate at Committee that a Member wishes to move a contrary recommendation. It may not be possible to construct appropriately worded reasons for the motion at the Committee and the Chief Planning Officer may advise in such cases that the application is deferred for consideration at a subsequent meeting.

8.8 If the Committee makes a decision which is contrary to the officers’ recommendation (whether for approval or refusal), the motion should include details of the reason for change. In particular, where a decision is made to refuse a householder application contrary to a recommendation detailed minute of the Committee’s reasons should be made and a copy placed on the file as in these cases this may form the only documentation that could be relied on at any subsequent appeal. Reasons should be convincing and clearly demonstrate how they justify overriding the recommendation. The officer should be given the opportunity to explain the implications of the contrary decision.

8.9 Where a Member wishes to move a contrary motion, it is acceptable for the Member to approach another Councillor with a view to seconding the motion, providing this is done without applying undue pressure. Moving a contrary motion, and seeking a seconder need not be seen as having a pre-determined view, but rather as a means of testing in debate the issues and recommendation.

8.10 All the above applies to changes to conditions, heads of legal agreements, etc. as well as recommendations to permit or refuse applications.

9. Committee Conduct and Voting

9.1 During the Planning Committee, members should not communicate with the public in the gallery, nor leave the Chamber to discuss matters with parties to applications outside. Other than those individuals who are ushered into the Chamber for public speaking, no members of the public should enter the Chamber area, as opposed to the Public Gallery, and Councillors should not invite them to do so.

9.2 When votes are taken on planning matters, it is important that arms are raised clearly for sufficient time for the Committee Co-ordinator to count the votes properly. Each Chairman of the Committee shall advise the Committee of their own approach to voting at the beginning of each Council year.

10. Committee Site Visits and Factual Presentations

10.1 Formal Committee site visits will only be authorised by the Committee. Formal Committee site visits should only be held in circumstances in which it is not possible for Members to make an informed decision without seeing the site for themselves. Members may view any application site from a public place (e.g. the highway), but must not enter private land unless part of such a Committee site visit. The planning reason for the Committee site visits shall be discussed and agreed by the Committee to enable the public to understand why a Committee site visit is necessary. The planning reason will be recorded in the Committee minutes and a copy placed on the file. Examples of such reasons are that the application is a new type of development; the impact of proposals are difficult to assess from the submitted plans; or that the proposal is of such a scale or importance to warrant a visit. Committee site visits will not normally be necessary where a site can be viewed sufficiently from a public place. Committee site visits may be invoked either by a decision of the Planning Committee when considering the recommendation on an application brought before them for determination or by officer recommendation by way of a formal report to the Planning Committee, usually in advance of an application being ready for determination.
10.2 The applicant will be notified in advance in writing of the time and date of the visit. A Planning Officer will be in attendance to present the item and answer Member questions. These questions should be of a factual nature only. All Members of the Council are entitled to attend such visits in the same way that any Member may attend any Committee meeting. The County Divisional Member will also be invited to attend, as will one representative of the Parish Council, but no other persons are entitled to attend.

10.3 Site visits are:

a) to be conducted as a single meeting. Members should keep together and not be seen to be discussing matters in smaller groups as such action may be found to amount to maladministration. Applicants or agents may only address Members on factual matters. No decision may be made by the site visit party.

b) a fact finding exercise

c) to enable officers to explain the proposals and point out relevant features of the site on-site.

d) to enable Members through the officers present to ask questions on site for factual clarification. There should be no discussion on the merits of the application.

10.4 At the conclusion of the site visit, Members may at the invitation of third parties and under the direction of the officer attending, visit premises considered to be affected by the proposals. Only factual information may be gathered and there should be no discussion on the merits of the scheme.

10.5 Applications that have been the subject of site visits will normally be reported to the next available Planning Committee meeting for the formal consideration of the application and decision.

10.6 Factual presentations on prospective or existing planning application proposals may be made to Councillors following formal agreement by the Planning Committee. They will be held in circumstances where the Committee is of the view that the proposal is likely to be of a scale and complexity that a factual presentation by the applicant and their agents would be of benefit to the decision making process. Factual presentations are:

a) a fact finding exercise
b) to enable an applicant or agent to explain their proposals
c) to enable Members to ask questions through the Chairman of a fact finding nature.

There will be no discussion of the merits of the proposal. Officers will be present at the presentation largely in an observational role. All Members of the Council will be invited to the presentation but there is an expectation that members of the Planning Committee will attend. Presentations are not a public meeting and are for District Council Members only although at the Chairman’s discretion the relevant County division Member can be invited. Members of Parish Council may not attend but officers can provide the details of the applicant so that they may initiate their own factual presentation should they wish.
11. **Training and Review**

11.1 Training is a pre-requisite for Councillors who sit on the Planning and normally Planning Policy Committees. This will take place annually, usually as soon after Elections as possible. Established Members, as well as newly elected Members will attend. Members who regularly miss training sessions will be asked to consider their position on the committee.

11.2 Members should revisit a sample of implemented planning permissions to assess the quality of the decisions, or at least attend an illustrated presentation on such a review. Such a review should improve the quality and consistency of decision-making, thereby strengthening public confidence in the planning system, and can help with reviews of planning policy.

11.3 Such reviews are best undertaken at least annually although where it is considered by the Chairman/Vice-Chairman of the Planning Committee that a greater period is required in order to make the best use of such a review, such as where particularly contentious developments are not yet complete, this will be accommodated. They should include examples from a broad range of categories such as major and minor development; permitted departures; upheld appeals; enforcement cases and where relevant any conservation area/listed building schemes. Such reviews would form part of training and as such would be closed sessions.

12. **Delegation**

12.1 Most applications, notifications and enforcement decisions are delegated to the Chief Planning Officer who can delegate responsibility for decision making to other officers.

12.2 The following types of applications will not be delegated to officers:

  a) deemed applications by the Council to itself (this will be considered by the Planning Committee which will make a recommendation to the Council).

  b) applications by Members of the Council and Officers (including recent former Members and senior officers); and

  c) applications where a Member, officer or a recent former Member or officer have made formal representations

12.3 Although staff processing applications will monitor items (a)-(c) above, Members and staff, together with the declarations on planning application forms, should declare in writing to the Chief Planning Officer their involvement as applicant or third party.

12.4 Certificates of Lawfulness of an Existing Use of Development (CLEUDs) being legal determinations will be dealt with by the Assistant Chief Executive (Legal) (ACE(L)) following a recommendation made by planning officers. In exceptional and special circumstances, the Chief Planning Officer may, in consultation with the ACE(L) and the Chairman and Vice-Chairman, use his discretion to report the determination of such applications to Planning Committee for decision.

12.4 Certificates of Lawfulness for a Proposed Use or Development (CLPUDs) are determinations as to the need for planning permission and are matters of fact as set out in the General Permitted Development Order (as amended). As such they are dealt with under delegated authority and only in exceptional and special circumstances would the Chief Planning Officer in consultation with the Chairman and Vice-Chairman, use his discretion to report the determination of such applications to Planning Committee for decision.

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13 Member/Officer Relationships

13.1 Members of the Council and officers have complementary roles in exercising planning functions. Members are responsible to the electorate, whereas officers are responsible to the Council as a whole. Officers are employed by the Council, not by individual Councillors, and therefore formal instructions can only be given to officers through a decision of the Council or its Committees.

13.2 The relationship is formalised by the national Code of Conduct for Members which has been adopted by Tandridge District Council and by the Royal Town Planning Institute’s Code of Professional Conduct for those staff who are chartered town planners. Members should not put improper pressure on officers for a particular recommendation and, as required by the Code of Conduct, should not do anything which compromises, or is likely to compromise, officer impartiality.

13.3 In terms of access to officers, frequent unplanned visits from Members can have an impact on meeting deadlines. E-mail and telephone enquiries are to be welcomed.

- Routine general queries should be referred to the Duty Officer in the first instance. After a planning application has been advertised on a weekly list, more involved queries by Members should be pursued by appointment with the case officer.

- Enforcement queries should be made to the Planning Technician (Enforcement).

- The initial point of contact for others (e.g. applicants, agents, consultees and third parties) on general matters will also be the Duty Officer so that interruptions to case officers are kept to a minimum.

It should be noted that the Duty Officer will need to attend at the public counter and so will not always be available to answer the telephone. However, a managed voicemail system is in operation and calls will be acknowledged before the end of the next working day.

13.4 All planning application files are available for inspection by Members. Some documents (e.g. financial appraisals for agricultural dwellings and letters of complaint on enforcement matters) are exempt information. Members (e.g. the Local Member or Committee Chairman or Vice-Chairman) may inspect these papers on an “in confidence” and “need to know” basis. In such cases, the Member should arrange this by appointment with the Chief Planning Officer or Planning Applications Manager.

14. Committee Procedures

14.1 The Chairmen of the Planning and Planning Policy Committees will conduct meetings in accordance with Standing Orders.

14.2 Public speaking at Planning Committee imposes a time consideration as laid out in Appendix 2.

14.3 On any application, a Member should restrict themselves to a single contribution not exceeding 5 minutes which will be determined by the illuminated time switch. Members who require to speak for longer, should give notice to the Chairman. In the event of discussion leading to a new point, a Member may seek to speak for a second time but must avoid repetition. In particular Members should avoid repeating points already made with which they agree and should succinctly confirm their support or agreement with the point already made.

-return to Part F contents page
Consultations

15.1 Most planning applications including notifications will be advertised for public comment in accordance with statutory requirements. For larger proposals or those affecting a Conservation Area, public notices will be published in a local newspaper as well as being the subject of notification to adjoining properties by means of a standard letter. Unoccupied, agricultural or other open land adjoining a site will not be the subject of such neighbourhood notification as it is not possible within time constraints to identify the owner of such land. Only certain significant applications as defined in the General Permitted Development Order require a site notice. For all other applications, the applicant is asked to display a notice but this is not compulsory. As required by law all representations made on planning applications up to the time of the decision must be taken into account. Details are set out in the Development Management Charter, which is attached at Appendix 4.

15.2 Parish Councils are advised of applications in their area on an individual basis by letter. No extensions of time can be allowed for any consultee although case officers can advise on the likely time scale for a decision. In order to meet Committee deadlines, agenda reports may be completed before comments from Parish Councils or other consultees have been received. Late comments will be read to the Committee and, if necessary, applications may be deferred or recommendations changed.

15.3 Representations received on planning applications may be viewed on the Council’s Interactive Website (www.tandridge.gov.uk), and correspondence is not entered into. The Council’s website makes available Officers’ reports, indicating how the decision was arrived at, the reasons for refusal, reasons for permission and any conditions imposed.

16 Standards for responding

Appendix 3 sets out standards for dealing with the Council’s response to enquiries or representations.
Tandridge District Council
Planning Protocol

Appendix 1

Note of Representation on Planning Application
to Chief Planning Officer

From Cllr ________________________________

Subject ________________________________

Address

________________________________________
________________________________________
________________________________________

Application Ref TA/

(If known)

Name of Person making representation

________________________________________

Contact Details ________________________________
(If known)

________________________________________

Signed __________________________ Date __________

This form should be completed in accordance with guidance in paragraph 3.1 of the Protocol on Planning. It should be used to note all significant approaches about which Members are uncomfortable or uneasy. This will be placed on the application file and will be available for public inspection.
Planning Protocol

APPENDIX 2

TANDRIDGE DISTRICT COUNCIL

PROCEDURE FOR MEMBER & PUBLIC PARTICIPATION IN DETERMINING PLANNING APPLICATIONS AT THE PLANNING COMMITTEE

1. Member Participation

Members of the Committee will normally be allowed to speak only once on each planning application and that speech will normally be limited to 5 minutes. During the speaking Members should not make long speeches or repeat points previously made. The overall consideration must be that of the public's perception. For example, two or three Members speaking forcefully but repetitively in favour (or against) an application could then find themselves in the minority when it comes to the vote and could produce a situation where the public have difficulty in understanding the process. The only exception to the 5-minute rule will be at the Chairman's discretion where a new point is raised and a Member wishes to make a brief observation on that point. District Councillors who are also Parish Councillors should not speak for their Parish Council. Opportunity is provided for Parish Councils to express their own view (see 2 below).

Members of the Council who are not members of the Committee may speak in accordance with the above procedure with the agreement of the Committee Members.

The Planning Committee sits by law as the regulatory body for deciding planning applications in this District. The Councillors who sit on this Committee are appointed by the Council to decide such applications in accordance with the law. Councillors do not therefore represent their particular Wards or specific parts of the District. Councillors on the Planning Committee should act in a non-representative way to make the necessary decisions.

2. Public Participation

At any meeting of the Planning Committee, provision will be made for a normal maximum of three speakers on each planning application, including one in favour (e.g. an applicant, agent or supporter); one objector; and the Parish Council. No individual will be allowed to speak in more than one capacity and as set out above Members should not assume one of these roles. All public participants will be allowed 3 minutes in which to make their case and should restrict their comments to land-use planning considerations. The Chairman will use discretion to permit additional speakers where this would allow for different views to be expressed in relation to large-scale developments or to permit additional time to speak where matters are complex or where speaking is relating to several closely related applications.

Where those wishing to speak under these requirements are in agreement with the recommendation the Chairman can, at their discretion, ask whether there are any Members that wish to speak to the item. If there are then the public speaker(s) will proceed. If it is indicated that no Member wishes to speak, and the application is recommended for approval, the public participant(s) would be asked if they wish to speak in respect of any of the proposed condition. If they do they will proceed and if not there will be no requirement for them to speak and the Chairman will normally move directly to a vote.
TANDRIDGE DISTRICT COUNCIL STANDARDS FOR RESPONSE

1. The Council’s Customer Services Reception is open throughout normal office hours. Customer Services (CS) staff are trained in dealing with general basic planning enquiries. Where CS staff are not able to deal with a query they will refer to the Duty Planning Officer. If available the Duty Planning Officer will assist either in person or via CS staff. If the Duty Planning Officer is not available, callers to reception will be asked to put their query in writing or to call the Duty Planning Officer directly to make an appointment. Subject to availability Technical Support Officers will be able to offer advice on the submission and validity of applications, although this will usually require an appointment. The availability of case officers to attend reception is limited and in most cases those wishing to comment on live planning applications with be requested to do so in writing. Officers are not available to assist in the detailed preparation of submissions, and nor are they available to advise third parties on the impact of development proposals other than by reference to submitted schemes. Detailed advice on proposed schemes should be obtained via the formal pre-application advice service.

2. Letters of representation on planning applications will not be acknowledged and nor will any correspondence be entered into. Representations will be made available on the Council’s web site and will be summarised in any report and taken into account when a decision is made.

3. Letters enquiring about the need for planning permission will not be acknowledged. Only general advice will be given and replies will usually suggest the submission of an application for a Certificate of Lawfulness.

4. For enforcement matters alleged breaches will be investigated in accordance with their priority and the adopted Council standards.

5. Voicemail facilities are available for applicants, third parties, members of the public to leave messages for staff. Such messages will be responded to no later than the end of the next working day. Where staff are expected to be absent from the office, the voicemail message will be amended accordingly.

6. Telephone messages will not be "recorded in writing" and entered upon a planning application file. The reason for this is because it is important that the person making the telephone call should have their views truly represented and, quite often, the omission of one word can make quite a difference. The Council cannot accept responsibility for any omissions and errors and therefore all people who make contact by telephone will be advised that they should confirm their views by letter, e-mail or via the Council’s web site.

7. E-mail communications will be dealt with on the same basis as paper letters as stated above. 'Out of office' messages will be posted when staff are absent for significant periods.

8. The Council aims to determine all planning applications in accordance with its performance targets as agreed from time to time.

9. Complaints about the planning service will be dealt with as set out in the Council’s leaflet 'Comments, Compliments and Complaints'.

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Planning Protocol

Tandridge District Council
Development Management Charter

Introduction
As the local planning authority, the District Council is concerned to promote good planning practice. It is equally concerned to ensure that the needs of the users and customers of the planning system are properly recognised.

Planning is the positive means of enhancing and protecting our environment whilst at the same time allowing the development necessary for our economic and social well-being to take place in an appropriate way. Most people become involved in it through the development management process (often previously referred to as development control), either as an applicant for planning permission or as someone affected by a development which is proposed or has taken place. It is essential that the various customers of this service clearly understand what they can expect from it as there are often unrealistic expectations.

Development management is broader in its scope than the development control model that has been used at local authorities for many years. Development management is not just a new name for development control, although familiar development control activities still remain part of the suite of development management functions. The role of development management can be characterised in the following ways:

Development management is an integral part of the planning process; it puts the Development Plan (Tandridge District Local Plan (saved policies), Local Development Framework (LDF) and Surrey Waste and Minerals Plan) into action. It is the end to end management of the delivery chain for sustainable development feeding back into the policy formulation and the LDF process. Through the end to end management process the consideration of proposals is proportionate and appropriate to the impact of the individual development. This is based on complexity and scale of proposals with outputs measured, not just in terms of time taken, but in terms of good outcomes, customer service, transparency and delivery of quality developments. The Council’s Statement of Community Involvement sets out the procedures for engaging the Community in policy and planning application processes.

The Purpose of Development Management

Development management is a process which regulates the development and use of land. It involves the consideration of planning applications, the monitoring of development as it takes place, enforcement action where breaches of control have taken place and the provision of information and advice about the system generally and individual proposals specifically. It involves the monitoring and review of outcomes to feed back into the spatial planning framework. It is a process governed by the law and can be complex.

Development management is also a service to local communities. Its objective is to ensure that changes to our physical surroundings - buildings and land - are right for their purpose and location. A framework for development is set out in Government Guidance, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs) and in more detail in development plans, which in Tandridge comprise the Surrey Waste and Minerals Plan and Local Development Framework (LDF). The LDF comprises many policy documents including the Core Strategy and flowing from that various Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). Planning applications are considered against this framework but also any other material factors.

The aim is to make the best decision about each application, not necessarily the quickest. This means taking into account a proposals impact upon the environment and on the interests of the community.

Part F – Codes, Schemes and Protocols
may also mean balancing the needs of the applicant as well as national and local needs against the
effect a development might have on neighbours and other people living nearby.

Applicants, developers, neighbours, the public generally, Parish Councils and other statutory bodies
are all customers of the Development Management Service. Many have little or no experience of how
the system works. They must be treated positively, helpfully and equally. The Council must give as
much thought to the requirements of a developer as it does to the comments of neighbours. This
Charter sets out how the service will be delivered. It defines the service and the standards to be met.

Pre-Application Discussions and General Advice

The Council considers that such discussions are primarily of benefit to the prospective applicant by
identifying the relevant planning issues, the site history and planning policies relevant to the site, the
supporting information required with the application and the range of other statutory consents that may
be required. Also, where applicable, the possible requirements of any legal agreement can also be
identified, so prospective applicants can arrange for legal obligations to be prepared and submitted with
applications.

General advice by telephone will be given by the Council’s Customer Services team, who deal with a
range of general enquiries. Where our Customer Services team is unable assist they will pass the
request to the duty planning officer. The duty planning officer will attempt to assist by telephone in the
first instance but this is not often possible and so prospective applicants will be asked to submit their
request in writing following the pre-application advice procedures.

Details of the pre-application service are available on the Council’s web site, as are the fees for the
service.

Where formal pre-application advice is sought we will handle requests in the order that they are
received. We will require the information set out on the form as a minimum and the required fee.

We will deal with one follow up request for advice, where that request seeks confirmation that advice
given has resolved any issues, without further charge. This conformation will be given either verbally
or in writing. A further meeting will be chargeable.

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<th>What we aim to do</th>
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<tr>
<td>• We aim to register requests for pre-application advice and allocate an officer within 7 days of receipt</td>
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<tr>
<td>• Requests for written responses should be dealt with within 21 days receipt.</td>
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<td>• Where a meeting has been requested and is considered necessary by the Council the allocated officer should make contact with potential appointment dates within 14 days of receipt</td>
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<tr>
<td>• We aim to provide written confirmation of the content of a meeting within 14 days of the date of the meeting</td>
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<tr>
<td>• We aim to give written or verbal follow-up advice within 14 days of the request</td>
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Submitting a Planning Application

There are a range of statutory requirements that have to be met when submitting a planning application. The Council has a team that deals with entering new applications on our systems (our planning register) and checking the applications to make sure they have been properly made (validation).

The registration and validation team aims to register each application on our system and notify you if it is invalid within seven days. If your application is invalid and the problem is minor and can be dealt with by telephone or email we will attempt to contact you by those means. If the problem with the validity of the application is more substantial and cannot be easily resolved via telephone or email, or where we have been unable to make immediate contact with you via telephone or email, we will write to you and explain what you need to do to make the application valid.

If we have contacted you to tell you your application is invalid we will hold the application for fourteen days. If we do not receive further information from you we will return the application to you.

Members of the registration and validation can be available, by appointment, to assist in making a valid application. Please call the Council in advance.

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<th>What we aim to do</th>
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<tr>
<td>• Register new applications on our system, allocate a validation officer and/or case officer and notify you if it is invalid within 7 days of receipt</td>
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<tr>
<td>• Deal with minor problems with validity by email or telephone</td>
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<tr>
<td>• Return invalid applications after 14 days of telling you as such if the requested information is not received</td>
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Dealing with a Planning Application

Once your application is valid we will send you an acknowledgement letter. This will give the name and contact details of the allocated case officer. It will also provide advice on the statutory determination period, the right of appeal and how to follow the application online. Case officers will only deal with the agent for an application or where there is no agent the applicant. Case officers aim to visit the site as quickly as possible. This may be difficult if the case officer is away from the office. Within four weeks of the date of the acknowledgement letter the case officer aims to make an informal recommendation on the application. This would still be informal and not binding on the Council and it will also be subject to any further consultation responses received. At this point amendments may be requested by the case officer provided they do not require any further consultation. If the case officer feels the application is likely to be refused the applicant will have the option of withdrawing the application. This would need to be done in writing within seven days of discussing the matter with the case officer.

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<tr>
<td>• Case officers will aim to visit the application site within 10 days of the date of the acknowledgement letter</td>
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<tr>
<td>• Within 4 weeks of the date of the acknowledgement letter the case officer aims to be able to say whether the application is likely to be acceptable or not. This view is not binding and could change.</td>
</tr>
<tr>
<td>• Case officers will only call agents or applicants to discuss progress at the 4-week date if the informal view is that the application will be refused or if amendments are necessary</td>
</tr>
<tr>
<td>• The Council aims to issue a formal decision within 8 weeks of the valid receipt of the application</td>
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</table>
Consultation

We will consult on applications in accordance with the statutory requirements set down in law. In essence this means that we will follow the requirements in Article 13 of the Development Management Procedure Order. Consultation with statutory bodies will be carried out in accordance with Article 16 and the table in Schedule 5 of the Order. We will also inform the relevant Parish Council pursuant to paragraph 8(1) of Schedule 1 to the Town and Country Planning Act 1990 and any others from whom we feel we need advice.

For public consultation we will write to advise those properties that can be identified that adjoin the application site. In addition, where development is proposed that would be visible from a street we will consult those identified properties that are opposite. The Council will send the applicant or their agent a site notice, which they are encouraged to display. However, this is not part of the statutory consultation and failure to display it will not affect the processing of the application. However, where there are no adjoining properties to consult the Council will erect its own site notice in order to meet the statutory requirements.

In some cases the statutory requirements do include the display of a site notice and/or advertisement of an application in a local newspaper. This Council will only do this where this is required by the Development Management Procedure Order.

The Council will not undertake written consultation more widely. The Council has to be very strict on this point to ensure that all direct consultation is undertaken in an even handed manner to ensure that neither the applicant nor consultees are given any preferential treatment. Where there are no adjoining properties to consult the Council will erect its own site notice.

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Comments on planning applications are welcome from anyone, whether they have received a formal notice from the Council or not. The Council's web site provides a number of automated ways for being notified of applications within your area, as well as lists of newly acknowledged applications. Parish Councils cover the whole of Tandridge District and are there to reflect the views of the wider community.

Case officers cannot provide and do not have access to more information than is contained in the application. They can advise third parties on relevant policies and national advice. They will also advise third parties of their informal view of the application if they have already advised the applicant.

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<th>What we aim to do</th>
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<tr>
<td>• Consult in accordance with the statutory requirements</td>
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<td>• Provide a range of electronic means of being alerted to planning applications via the Council’s web site</td>
</tr>
<tr>
<td>• Not make a decision until the time scale for all formal consultations has expired</td>
</tr>
</tbody>
</table>

Making the Decision

Decisions will be made either by the Director with the delegated powers of the Planning Committee (or other officers to whom that function has been delegated) or by the Planning Committee itself. Any applicant or objector can approach their Ward Councillor to ask for an application to be referred to the Council's Planning Committee. This will be at the discretion of the Director of Planning in conjunction with the Committee Chairman and/or Vice Chairman.

Once a final delegated decision has been made the decision notice will be posted within one working day. Decisions taken at Planning Committee will be issued as soon after the meeting as possible. Any conditions attached to the permission, reasons for refusal and/or any additional information or advice will be set out clearly and the reasons for them explained.

Some decisions can not be made until the applicant and other relevant parties have entered into a planning obligation. If an obligation is believed to be required an applicant will be told at the earliest opportunity during the life of the applications or at pre-application stage. Where the planning permission has been granted subject to the signing of a planning obligation the decision notice will not be issued until the obligation is signed. This will need to be within an agreed timescale else the Council may have to revisit the resolution togrant planning permission.

Where an application has been refused an applicant will need to make use of the formal pre-application advice service to receive informal advice on revised schemes. The applicant’s right of appeal against the decision will be explained on the decision notice.

The Council will publicise its own performance targets for decision making and its achievements against these will be reported to the Planning Policy Committee.

<table>
<thead>
<tr>
<th>What we aim to do</th>
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<tbody>
<tr>
<td>• Determine the majority of applications under delegated powers</td>
</tr>
<tr>
<td>• Refer applications to Committee where there is a Member request agreed by the Director of planning in conjunction with the Committee Chairman and/or Vice Chairman</td>
</tr>
<tr>
<td>• Post delegated decision notices within 1 working day of the decision being made</td>
</tr>
<tr>
<td>• Set timescales for dealing with Agreements or Obligations under S106 of the Planning Act</td>
</tr>
<tr>
<td>• Publish the Council’s targets and performance for planning decision making</td>
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</tbody>
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Conditions and Amendments

Once full planning permission has been given, the applicant may need to submit for approval by the Council any details of the development which have not been agreed beforehand. These details will be described in conditions attached to the permission and approval must be sought before development can take place. The Council will not consult on these details and will usually issue a decision under delegated powers. Requests to consider details required by condition must be submitted on the appropriate form and be accompanied by the required fee. Where no statutory consultation is required the Council will aim to issue a decision within twenty-one days. In other cases a decision should be issued within eight weeks.

Amendments to a planning permission can fall into one of four categories depending on the nature of the change. We encourage applicants to forward us details of any proposed amendments to a planning permission and we will then let them know what type of application is required; this might be a non-material amendment, a minor material amendment, a new full planning application or a variation of condition application. Depending on the type of application required further details or forms may be needed.

<table>
<thead>
<tr>
<th>What we aim to do</th>
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<tbody>
<tr>
<td>Deal with simple applications for details pursuant to a condition within 21 days</td>
</tr>
<tr>
<td>Deal with more complex applications for details pursuant to a condition within 8 weeks</td>
</tr>
<tr>
<td>Let you know the type of amendment application you require with 7 days</td>
</tr>
<tr>
<td>Aim to deal with non-material amendment requests within 14 days</td>
</tr>
<tr>
<td>Aim to deal with formal applications for minor material amendment within 8 weeks</td>
</tr>
</tbody>
</table>

Enforcing Planning Law and Regulations

The Council is committed to ensuring that all development within the District is properly controlled and authorised in line with Government advice and its planning policies. The planning enforcement system can only deal with planning land use or development matters. Neighbour disputes, clashes of lifestyle between individuals or families, boundary disputes, on-street parking problems, trespass or damage to property are normally issues outside planning control. These are often private matters and the Council cannot get involved.

The Council categorises all the requests to investigate it receives. All requests to investigate must be in writing. Priority 1 items are those where the works are judged to cause immediate and potentially irreparable harm to the locality. Priority 2 items are those that cause some harm to the locality, but immediate remedial action is not considered necessary. Priority 3 items are those that are either minor or technical planning infringements that cause little or no harm to the locality or nuisance to nearby local residents. The Council will investigate complaints as resources allow having regard to their priority.

The decision whether or not to commence formal enforcement action is delegated to the Director of Planning and other officers, but where enforcement action is proposed that decision is discussed with a District Councillor. In particularly sensitive cases the matter may be referred to the Planning Committee for discussion. Committee referral will be subject to the agreement of the Director, in consultation with the Chairman and/or Vice Chairman. Enforcement reports will normally be considered confidentially by the Committee.

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Further information is available here (web link to “Our procedures for investigating alleged breaches of planning control within Tandridge and “Complainants - Our approach to planning enforcement”)

What we aim to do
If you are the complainant . . .
• Investigate all complaints in accordance with their priority
• Notify you of any decision not to pursue your complaint and the reason why
• Notify you if a retrospective application is submitted
• Notify you of the service of any formal Notices or court proceedings
• Notify you of any appeal that may be lodged in respect of the breach or of any decision to prosecute

If we are investigating your land or premises . . .
• We will not assume that a breach of planning control has occurred, or that you are responsible for it
• We will endeavor to make contact with you but may have to enter your land to establish the facts without prior warning
• If there is a breach we will explain this to you, how you can rectify the breach, by when and what will happen if you don’t
• When ever possible before taking formal action we will give you a final warning asking for the breach to be rectified

Appeals
Applicants who receive a refusal of planning permission or a copy of an enforcement notice are entitled to appeal against the Council’s decision. Details of how to appeal are set out with the decision notice sent out by the Council. There are occasions where amendments to a scheme may make it more acceptable and applicants should explore this route with the case officer informally in the first instance and then via formal pre-application advice.

Those that have commented on an application that is later appealed against will be advised in writing by the Council.

What we aim to do
• Advise applicants of their right of appeal
• Assist applicants in overcoming reasons for refusal when possible
• Notify those who we originally consulted and any others that made comments on applications of an appeal

Performance and Complaints
The Council uses a range of performance indicators to judge the performance of its planning service. These are periodically reported to the Planning Policy Committee for information and agreement of any actions necessary. These reports are available from the Council's web site.

The Development Management Service will deal with complaints in accordance with the Council’s complaints procedure.

What we aim to do
• Report and publish our performance indicators to the Planning Policy Committee
• Deal with complaints in accordance with the Council’s adopted complaints procedure
Conclusions

This Charter provides a clear statement of what can be expected from the Council's development management service. However, it must be recognised that the standards set will only be achieved if the Council is assisted by applicants and their agents. Applications can only be processed expeditiously if the Council's information requirements are adhered to and requests for additional information and/or amendments are attended to quickly. There must be a joint commitment to providing an efficient and effective service by both the Council and applicants.

Throughout the development management process, officers of the Council give advice and information to applicants. Such information and advice is given in good faith. However, it does not prejudice the Council's duty to take final and formal decisions. Care must also be taken by all parties to avoid misunderstandings and in particular, any comments made by officers should not be taken to guarantee what the Council's final decision will be.