

Part 1

Summary and Explanation

- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16).

How the Council operates

The Council is composed of 57 councillors (or members) elected every four years. Councillors are democratically accountable to residents of their ward. Their overriding duty is to the whole Waverley community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises members on the Code of Conduct.

All councillors meet together as the Council around seven times a year. Meetings of the full Council are usually open to the public but may consider certain items in exempt sessions. Here councillors decide the Council's budget and policy framework and set the budget each year.

The role of full Council, comprising all 57 members, is to:-

- elect each year the Mayor and Deputy Mayor;
- ~~elect each year the Leader for a four year period and Deputy Leader;~~
- approve each year the allocation of seats on Committees and Sub-Committees and substitute lists; and
- appoint each year the Council's Executive, Regulatory Committees, Overview and Scrutiny Committees, Joint Committees, Appeals Panel, etc.

The Council is empowered to hold to account the Executive and its Regulatory Committees by the receipt of regular reports and by submitting minutes, from meetings of the Executive and committees, presented in three parts, comprising:-

Part I - matters for decision by the Council, which are subject to debate and discussion concluding with a vote in accordance with the proper procedures on each matter containing a recommendation for decision. Matters for decision will include the policy framework and changes to it, Council Tax levels and budget setting, constitutional issues, rent levels, establishment matters etc.

Part II and Part III - matters for the information of the Council, and subject to no debate. Members may, however, give proper notice of a question or a statement in relation to the matter provided that they do not introduce any new information (see procedure rule 14.14), to which the Chairman of the relevant committee may reply, without further debate.

The Council meeting also provides a forum for:-

- formal questions from any member of the Council on a matter of local concern within the Borough;
- the receipt of petitions from any member of the Council or Local Government elector for Waverley on a matter relating to an issue over which the Council has powers or duties, in accordance with the Council's Petition Scheme; and
- special debates of councillors, to address matters in a less formal manner, but comprising all members of the Council.

HOW DECISIONS ARE MADE

- The Executive is the part of the Council which is responsible for delegated decisions.
- The Executive is made up of the Leader and up to nine councillors appointed by the Council Leader, with the Executive's responsibilities ~~currently~~ divided into areas of responsibility ~~nine~~ (portfolios), each member leading on a specific group of policy issues.
- When major decisions are to be discussed or made, these are published in the Executive's Forward Programme of Key Decisions in so far as they can be anticipated.
- If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open to councillors and ~~for~~ the public to attend except where personal or confidential matters are being discussed.
- The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

OVERVIEW AND SCRUTINY COMMITTEES

The Council appoints ~~three~~ two Overview and Scrutiny Committees of up to 19 Members. The role of the Committees will be to:

- review and scrutinise decisions made by, and the performance of, the Executive, Committees or Council officers;
- review and scrutinise the performance of the Council in relation to its performance objectives, performance targets, or particular service areas;
- review and scrutinise the performance of other public bodies;
- make recommendations to the Executive, Committees or Council arising from the above;
- assist the Council and Executive in the development of its budget and policy framework; and
- conduct research and other consultation on policy issues and possible options.

The Committees will have call-in powers in relation to individual Executive decisions. Call-in can be triggered by a notice signed by any 4 members or substitute members of the Committee. Details are set out in the Overview and Scrutiny Protocol.

The Overview and Scrutiny Committees will be able to make an annual report, or recommendations to the Executive or in exceptional circumstances where a decision by the Executive is outside the Council's budget or policy framework, to the Council.

In the event of a single party Executive, the Chairmen of the two ~~all three~~ Overview and Scrutiny Committees should be nominated from ~~by~~ the larger minority group.

THE COUNCIL'S STAFF

The Council has people working for it as a corporate body (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. There is a Member/Officer Protocol governing the relationship between officers and councillors, which is set out in Part 5.

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:-

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- inspect the Constitution and obtain a copy on payment of a reasonable fee;
- attend meetings of the Council, its Executive, Committees and Sub-Committees, except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- ~~having given the necessary notice in accordance with the Waverley scheme,~~ petition the Council on matters of local concern and ask questions at Overview and Scrutiny and other Committees;
- ask informal questions at meetings

- contribute, by invitation, to matters being considered by the Overview and Scrutiny Committees;
- speak at Area and Joint Planning Committee meetings if the public speaking scheme applies to an application
- find out, from the Executive's Forward Programme of Key Decisions, what major decisions are to be discussed by the Executive and when;
- attend all formal meetings of the Executive where key decisions are being discussed or decided (except where personal or confidential matters are being discussed);
- see public reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council in accordance with its Customer Charter about:-
 - a failure to do something it should have done;
 - something done badly;
 - unfair treatment; or
 - something it should not have done.
- after using the Council's own complaints process, to complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly.
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts at the annual audit and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Chief Executive, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR. Telephone: (01483) 523208. E-mail: mary.orton@waverley.gov.uk.

Article 3 of this Constitution contains a statement of the rights of citizens to inspect agenda and reports and attend meetings.

Part 2

Articles of the Constitution

Article 3 – Citizens and The Council

3.01 Citizens' Rights

Citizens of Waverley Borough are the people registered as electors, together with all other people living or working in the Borough. Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

(a) **Voting and Petitions.** Citizens on the electoral roll for the Borough have the right to:

- vote at elections;
- petition to request a referendum for a Mayoral form of Executive; and,
- petition the Council on matters of local concern.

(b) **Information.** Citizens have the right to:

- (i) attend meetings of the Council, the Executive and Committees where key decisions are being discussed, except where confidential or exempt information is likely to be discussed, and the meeting is therefore held in private;
- (ii) find out from the Executive's Forward Programme of Key Decisions, what major decisions are to be discussed by the Executive and when;
- (iii) see public reports and background papers, and any record of decisions made by the Council, the Executive and its Committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iv) a copy, on making a written request, of all types of recorded information held by the Council, subject to a range of exemptions under the Freedom of Information Act 2000;
- (v) on making a written request and upon payment of a fee, a copy of any personal data held about him or her, under the Data Protection Act 1998;
- (vi) inspect the Council's accounts and make their views known to the external auditor;
- (vii) upon payment of a fee, obtain a copy of the Council's Constitution; and
- (viii) contact their local Councillor about any matters of concern to them.

(c) **Participation.** Citizens have the right to participate in both informal and formal question time at Council and its Committees, subject to the correct procedures being followed as set out in the Council's Constitution. They also have the right to contribute to matters being considered by the Overview and Scrutiny Committees. Rights to submit petitions are set out in Council Procedure Rules [number 10.9]

Article 4 – The Full Council

4.01 Meanings

(a) **Policy Framework.** The policy framework includes the following plans and strategies:-

- the Council's Corporate Plan, 2008 - 2011
- Sustainable Community Strategy
- Corporate Governance Policy
- Civil Emergency Plan
- Waverley Initiative for a Sustainable Environment (WISE) – the Local Agenda 21 Strategy
- Financial Strategy
- Property Strategy and Asset Management Plan
- ICT Strategy
- Waverley Housing Strategy
- Housing Revenue Account Business Plan
- HRA Asset Management Strategy 2008-2011
- Social Inclusion Strategy
- Safeguarding Children and Young People Policy
- Community Safety Strategy 2005 - 2008
- Local Plan 2002 and Local Development Framework
- Economic and Community Development Strategy Framework
- Cultural Strategy 2003-2008
- Waverley Recycling Plan 2001
- Contaminated Land Strategy
- Car Parking Strategy 2000-2005

(b) **Budget.**

The budget includes:-

- the allocation of financial resources to different services and projects,
- proposed contingency funds,
- the council tax base,
- setting the council tax,
- decisions relating to the control of the Council's borrowing requirement,
- the control of its capital expenditure
- the setting of virement limits and deciding variations to the budget, virements over £50,000 and supplementary estimates over £20,000,
- setting council house rent levels.

(c) **Housing Land Transfer.** Housing Land Transfer means

- (a) the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or
- (b) to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 **Functions of the full Council**

Only the Council shall exercise the following functions:-

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the Leader of the Council for a four year term and ~~members of the Executive~~;
- (e) the election of the Mayor and Deputy Mayor;
- (f) agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them;
- (g) decisions relating to Procedure Rules and Contracts Procedure Rules, and to protocols;
- (h) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (i) appointing to joint bodies;
- (j) setting the Council tax;
- (k) agreeing the levels of members' allowances and adopting an allowances scheme under Article 2.05;
- (l) changing the name of the area, conferring the title of honorary alderman or honorary freedom of the borough;
- (m) confirming the appointment of the Head of Paid Service and Strategic Directors;
- (n) adding and deleting posts from the agreed permanent staffing levels;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (p) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;

- (q) major new developments which involve the Council in a broader role than solely Development Control.
- (r) all other matters which, by law, must be reserved to Council including:
 - Functions relating to Health and Safety at Work;
 - Functions in relation to parishes and Parish Councils;
 - Functions relating to local government pensions;
 - Adoption and revision of the Codes of Conduct;
 - Recommendations for delegations to Committees or Officers;
 - Electoral matters;
 - Decisions relating to diversions of rights of way;
 - Decisions to make payments or provide other benefits in cases of maladministration.

4.03 **Council meetings**

There are four types of Council meeting:-

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;
- (d) informal meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 **Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

Article 6 – Overview and Scrutiny Committees

OVERVIEW AND SCRUTINY – GENERAL COMMENTS

Since 2000 most Councils have been managed by an Executive of up to ten elected Councillors. These Councillors are able to take most management decisions within the overall policy framework agreed by full Council which consists of all elected Councillors.

Overview and Scrutiny Committees are a key element of executive arrangements. They are the means by which the Executive is held to account for its decisions on the implementation of Council policy and provide an opportunity for a methodical review of performance and the effectiveness of policies. And act as a check and balance on the powers of the relatively small group of councillors who make up the Executive.

Effective scrutiny is essential to achieve enhanced accountability and transparency of the decision-making process. Overview and Scrutiny Committees also have a key role in the policy development process, in reviewing budgetary and general policies, making recommendations either to the full Council or the Executive on future policy options and providing the framework for accountable, transparent decisions. The Council is committed to establishing a constructive and creative relationship between the Executive and scrutiny roles in Waverley and partner organisations.

The guiding principle of the overview and scrutiny function is that the process should make a positive contribution to the work of the Council.

At Waverley, Overview and Scrutiny Committees are based on particular functions (e.g. housing and community welfare, environment). The membership is politically proportionate. Each Overview and Scrutiny Committee can divide with the approval of the Executive into smaller sub-committees, with appropriate officer support, to study and report back on a particular topic. Currently, a scheduled meeting of each Overview and Scrutiny Committee is held once a cycle, ~~six~~ five times a year, with additional meetings, if necessary, to discuss called-in matters.

6.01 Terms of Reference

Waverley has ~~three~~ two Overview and Scrutiny Committees covering the following areas:

Corporate	To deal with corporate finance and asset management, customer service, human resources, Value for Money and CPA, the corporate and Community Strategies and member communications.
Community	The provision of housing services and community welfare, older people in the community, day centres, community safety, town and village liaison, rural issues and the voluntary sector.
Environment	Dealing with environment, planning and major

& Leisure	developments, economic development, business liaison, cultural and leisure provision and youth.
-----------	---

<u>Services</u>	<u>Corporate</u>
<ul style="list-style-type: none"> • <u>Provision of housing services and community welfare</u> • <u>Older people in the community</u> • <u>Day centres</u> • <u>Community safety</u> • <u>Town and village liaison</u> • <u>Rural issues and the voluntary sector</u> • <u>Environment</u> • <u>Planning and major developments</u> • <u>Economic development</u> • <u>Land drainage</u> • <u>Business liaison</u> • <u>Cultural and leisure provision and youth</u> 	<ul style="list-style-type: none"> • <u>Corporate Finance</u> • <u>Any inspection framework in place</u> • <u>Value for Money</u> • <u>Corporate and Community Strategies</u> • <u>Partnership Working</u> • <u>Member Communications</u> • <u>Asset Management</u> • <u>Information Technology, including telecommunications</u> • <u>HR including Waverley Training Services</u> • <u>Corporate Communications and Public Relations</u> • <u>Customer Service</u> • <u>Co-ordinating and publishing information on service performance</u> • <u>Elections and electoral registration</u> • <u>Locality Offices</u>

- Each Committee covers finance, resource and Value for Money issues for its services.
- Cross cutting issues would be allocated by the co-ordinating panel.
- Major Council projects would be allocated to the appropriate Committee depending on the subject matter.

6.02 General role

Within their terms of reference, Overview and Scrutiny Committees will:-

- (i) review and/or scrutinise decisions made or actions taken in connection with carrying out any of the Council's or partner organisation's functions;
- (ii) make reports and/or recommendations to the full Council and/or the Executive and/or any Committee in connection with any Council functions and the appropriate partner organisation body;
- (iii) consider any matter affecting the area or its inhabitants; and

Article 7 – The Executive

STRONG LEADER WITH CABINET MODEL

7.01 **Role**

The Executive will oversee all of the local authority's functions which are within the policy framework and budget set by the Council and are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 **Form and composition**

(a) Council Appointments to the Executive

The Executive will consist of the Leader together with at least 2, but not more than 9, councillors appointed to the Executive by the Council Leader.

(b) Appointment of Deputy Leader

The Leader will appoint the Deputy Leader, to hold office until the end of the term of his/her office as Leader.

The Leader may, if he/she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his/her place.

(bc) Allocation of Portfolios

The Leader will determine the scope of portfolios and allocate them to members of the Executive.

7.03 **Leader**

The Leader will be a councillor elected to the position of Leader by the Council.

The term of office of Leader starts on the day of his/her election as Leader. The Leader is elected for a four (4) year period, unless his/her term of office as councillor is shorter, in which case the term of office as Leader will be the same as their term of office as councillor.

The Leader will hold office until:-

(a) he/she resigns from the office or is removed from office; or

(b) he/she is no longer a councillor; or

(c) is disqualified from being a councillor;

(e) (i) the following Annual Meeting of the Council; or

(ii) he/she is removed from office by resolution of the Council

or

~~(iii) a review of appointments by the Council following a change in political control of the Council; or~~

~~(d) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension).~~

If the current Leader is re-elected, he/she will remain Leader until the date of the next Annual Council Meeting.

Waverley Borough Council shall have the power to remove the Leader by way of resolution by a simple majority.

7.04 Other Executive members

Other Executive members shall hold office until:-

(a) they resign from office; or

~~(b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~

~~(be) they are no longer councillors; or~~

~~(cd) the end of the Council year, save that the Council may remove them from office, either individually or collectively, at an earlier date the Leader removes them from their position;~~

The Mayor and Deputy Mayor of the Council may not be members of the Executive.

7.05 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution. All decision taking meetings will be generally open to the public in accordance with the Access to Information Procedure Rules.

7.06 Informal Policy Advice – Special Interest Groups (SIGs)

The Executive will be supported in its policy development work by Special Interest Groups (see Special Interest Group Protocol in Part 4 of this Constitution).

Article 9 – The Standards Committee

9.01 Standards Committee

The Council will determine the composition of and the role and function of the Standards Committee.

9.02 Composition

- (a) **Membership.** The Standards Committee will be composed of:-
- six councillors [other than the leader, and with a maximum of one member from the Executive];
 - three independent people who are not councillors or an officer of the Council or any other public body having a Standards Committee, their term of office to be up to four years and be eligible to continue for further terms, for a maximum of two terms (eight years);
 - three members of a Town or Parish Council in the Council's area who cannot also be a District Councillor, to be appointed until the next full Town and Parish Council elections.
- (b) **Independent non-elected members.** Independent non-elected members will be entitled to vote at meetings.
- (c) **Town and Parish members.** One or more Town or Parish member must be present when matters relating to Town or Parish Councils or their members are being considered, except where they have an interest; and
- (d) **Chairing the Committee.** The Chairman of the Committee shall be an Independent Member. The Vice-Chairman will also be an Independent Member. A member of the Executive may not chair the Committee.

9.03 Role and Function

The Standards Committee will have the following roles and functions:-

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;

Article 11 – Joint Arrangements

The Local Government Act 2000 and regulations enable local authorities to make use of joint arrangements with other authorities and delegate to other local authorities.

Waverley works in partnership with Surrey County Council for the purpose of the Waverley Local Committee to which members of this Council are appointed on an annual basis. There are regular liaison meetings with Town and Parish Councils.

Waverley is a member of Surrey First, a Joint Committee of Surrey authorities, details of the governance arrangements for which are attached as 'an Annexe to this Article, subject to the addition of the following paragraph:-

13.2 Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

Article 12 – Officers

TERMINOLOGY

12.01 Management structure

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts:-

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional <u>and legal</u> advice to all parties in the decision making process.</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Planning, including development control, the local plan, regeneration, building control</p>
Director of Resources & Deputy Chief Executive	Finance and performance; revenues and benefits; internal audit ; human resources, <u>customer and office services, estate services</u> ;
Strategic Director, Environment	Environmental services; legal and estate services; customer and office services ;
Strategic Director, Housing	Housing functions; economic development and partnerships; environmental health and community safety; building control , engineering and car parking; leisure and youth services, <u>environmental services</u> .

Chief Executive, Monitoring Officer and Director of Resources

The Council will designate the following posts as shown:-

Post	Designation
Chief Executive	Head of Paid Service
Head of <u>Democratic and Legal Services</u> Internal Audit	Monitoring Officer
Director of Resources	Chief Finance Officer

Such posts will have the functions described in Article 12.02–12.04 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

The list of functions below reflects the statutory duties and powers of monitoring officers:

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Part 3

Responsibility for Functions

Appointments to outside bodies for members and officers	The Executive	Council Members	
---	---------------	-----------------	--

B. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Only the Council shall exercise the following functions:-

1. The election of the Mayor and Deputy Mayor
2. The appointment or removal of the Leader and ~~members of the Executive~~
3. Determination of the allocation of seats on committees and their composition and appointment, and agreeing and/or amending their terms of reference
4. Adopting or amending the Constitution and Code of Conduct
5. Decisions relating to Procedure Rules and to Contract Procedure Rules, and to protocols
6. Setting the Council Tax
7. Approval of the budget and final accounts
8. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget
9. Decisions relating to applications to the Secretary of State to join the annual disposals programmes or to transfer housing land
10. Confirming the appointment of the Head of Paid Service and Directors
11. adding and deleting posts from the agreed permanent staffing levels
12. appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
13. appointing to joint bodies
14. Decisions to make payments or provide other benefits in cases of maladministration
15. Functions relating to elections, including (for example) the duty to appoint an electoral registration officer, returning officer, or division of the Borough into polling districts

16. decisions in relation to parishes and parish councils (with the exception of functions referred to the Standards Committee in respect of parishes and parish councils)
17. decisions relating to the name and status of areas and individuals (e.g. the nomination of honorary freemen)
18. decisions to make, amend, revoke, or re-enact byelaws and relating to diversions of rights of way.
19. decisions to promote or oppose personal bills or local legislation
20. Functions relating to local government pensions
21. Adopting a scheme or schemes for payment of member allowances, travel and subsistence allowances or expenses under Article 2.05
22. Recommendations for delegation to Committees or officers
23. All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive
24. Decisions relating to major new developments which involve the Council in a broader role than solely Development Control;
25. The Council will retain responsibility for the adoption and/or amendment of plans and strategies incorporated in the policy framework including the following:
 - the Council's Corporate Plan
 - Community Strategy
 - Civil Emergency Plan
 - Waverley Initiative for a Sustainable Environment (WISE) – the Local Agenda 21 Strategy
 - Financial Strategy
 - Capital Strategy
 - Property Strategy and Asset Management Plan
 - ICT Strategy and IEG Statement
 - Equal Opportunities in Service Delivery Policy Statement
 - Housing Strategy Statement
 - Housing Revenue Account Business Plan
 - Opportunities for All Strategy (1997)
 - Community Safety Strategy 2005 - 2008
 - Local Plan 2002 and Local Development Framework
 - Economic Opportunities Strategy and Action Plan 1997
 - Cultural Strategy (2003)
 - Waverley Recycling Plan 2001
 - Contaminated Land Strategy
 - Car Parking Strategy 2000-2005

Committee	Membership	Functions	Delegation of functions
Joint Planning Committee	4823 members of the authority,	Relevant functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (Amendment No 2) (England) Regulations 2004 (the Functions Regulations)	<p>Delegation to four Area Planning Committees and to officers in accordance with the delegation scheme</p> <p><i>(n.b. These will be grouped in two pairs, Eastern, comprising of Eastern and Central and Western, comprising Western and Southern.</i></p> <p><i>The grouped Committees will have a common Chairman and Vice Chairman and the two appointees shall be from different areas.)</i></p>

Power	Joint Planning Committee	Area Planning Committees (including Joint Meetings)
To make decisions on the administrative and procedural issues affecting the determination of applications.	Yes	No
Power to determine planning applications	Yes	Yes
Power to determine applications to develop land without compliance with conditions previously attached	Yes	Yes

substances consent and related powers		
Power to determine applications for listed building consent and related powers and duties relating to applications for listed building consent	Yes	Yes
Power to determine applications for Conservation Area Consents and to issue an enforcement notice in relation to demolition of an unlisted building in a Conservation Area	Yes	Yes
Power to serve a Building Preservation Notice and related powers including the power to execute urgent works	Yes	Yes
Powers relating to the preservation of trees and protection of important hedgerows	Yes	Yes

The proposed role of the Joint Planning Committee as distinct from the Area Planning Committees would be to consider applications or issues referred to it for the following reasons:-

4.a. Make decisions on the administrative and procedural matters affecting the processing of applications. E.g. report formats, information specifications etc.

2.1. Most major schemes, which are of strategic importance to the Council. E.g. East Street, which are to be decided by the Chief Executive in consultation with the Head of Planning, after discussion with the Area Planning Committee Chairman.

b. Applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare)

and which, in the judgement of the Chief Executive, after consultation with the Head of Planning and the appropriate Area Planning Committee Chairman, meet the following criteria

- i. have a significant planning impact beyond the Area in which they are situated, and/or
- ii. are of strategic importance, and/or
- iii. involve new planning issues for the Borough; or

- c. Where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the relevant Area Planning Committee and the ward member, request that it be referred to the Joint Planning Committee and put forward relevant grounds as set out in b (i) to (iii) above, the Chief Executive and Head of Planning will normally submit the application to the Joint Planning Committee."

- (d) Subject to the conditions of delegation, to:-
- (i) determine matters concerning rate relief and representations from council tax payers including any residual matters relating to the Community Charge and General Rates;
 - (ii) act as a Review Board for statutory transitional relief appeals, any appeals made against the determination, under delegated powers, of new applications for discretionary rate relief from charities, non-profit making organisations and rural businesses, any exceptional cases that do not conform with the current policy guidelines, and all hardship relief cases.

Leisure Issues

- (a) To advise the Council on major policy issues relating to the following functions:
- (i) countryside, including commons, bridleways and footpaths on borough land;
 - (ii) parks, open spaces and community areas
 - (iii) allotments
 - (iv) sport and recreation (including all matters relating to sports and leisure centres) and children's play
 - (v) arts, museums, cultural and community activities and facilities
 - (vi) tourism
 - (vii) village halls matters
 - (viii) youth matters
 - (ix) grants relating to all these areas.
- (b) To carry out, within the Council's policy and approved capital programmes and revenue budgets, subject to the conditions of delegation, the management of the above mentioned functions.
- (c) To make grants within the approved budgets to voluntary organisations and other outside bodies.

Strategic Planning Issues

To advise the Council on all matters of policy relating to the following functions:-

- (i) ~~the Structure Plan for Surrey~~ strategic planning
- (ii) preparation of the local development framework
- (iii) control of development

3.1 Portfolio Holders

Each individual member of the Executive will oversee a portfolio of corporate functions, responsibilities and interests in the business of the Executive meetings. Except in cases of urgency, in determining any matter the Executive will consult the relevant Portfolio Holder, and such other bodies or individuals (including members of the Council) proposed by the Portfolio Holder and agreed by the Executive.

The Leader will appoint the Deputy Leader and other Members of the Executive and allocate to them determine the scope of their portfolios and ~~allocate them to the Members of the Executive appointed by the Council.~~

The Executive may be required by the Council to reconsider or amend any draft plan or strategy.

The responsibilities for functions and delegations set out in the Constitution are subject to

- The rights of an Overview and Scrutiny Committee to consider a proposal within the policy framework
- The exercise by an Overview and Scrutiny Committee of the power to call in or review Executive functions

3.2 Restrictions

The Executive may not take responsibility for imposing conditions, limitations or other restrictions on any approval, consent, licence, permission or registration granted by the Area Planning or Licensing and Regulatory Committees.

Where a decision is to be made which would normally relate to an Executive function relating to the budget, or borrowing or capital expenditure, and it is proposed to determine the matter contrary to the budget, or financial management plans, or where the proposed decision is contrary to policy in an adopted plan or strategy, the Executive decision-making process will not apply. The proposal must stand as a recommendation to Council, after consultation with the relevant Overview and Scrutiny Committee.

The responsibilities for functions and delegations set out in this Constitution, in Procedure Rules and in the Scheme of Delegation may only be exercised in accordance with:

- Any statutory restrictions
- The Council's constitution
- The Council's policy framework and any other plans and strategies approved by the Executive
- The in-year budget
- The Waverley Code of Local Government Conduct and the Code of Conduct for Staff
- The Code of Practice on Local Authority Publicity

Part 4

Rules of Procedure

CONTENTS

	Page
Council Procedure Rules	
1. Annual meeting of the Council	55
2. Ordinary meetings	56
3. Extraordinary meetings	56
4. Appointment of substitute members of committees and sub-committees	57
5. Time and place of meetings	58
6. Notice of and summons to meetings	58
7. Chairman of meeting	58
8. Quorum	58
9. Adjournment of meeting	58
10. <u>Questions by the public and Presentation of Petitions</u>	59
11. Questions by members	61
12. Notices of Motion	62
13. Motions without notice	63
14. Rules of debate	64
15. Informal Meetings of the Council	69
16. Previous decisions and motions	70
17. Voting	70
18. Minutes	71
19. Record of attendance	72
20. Exclusion of public	72
21. Members' conduct	72
22. Disturbance by public	72
23. Suspension and amendment of Council Procedure Rules	73
24. Application to committees and sub-committees	74

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

Leader and Executive

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:-

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or head of the paid service;
- (vi) elect the Leader for a four year period and Deputy Leader;
- ~~(vii) agree the number of members to be appointed to the Executive and appoint those members of the Executive;~~
- (vii) appoint Overview and Scrutiny Committees, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);
- (viii) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree;
- (ix) approve a programme of ordinary meetings of the Council for the year; and
- (x) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:-

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;

10.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that the written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. The time for asking a question shall be limited to four minutes.

10.8 Reference of question to the Executive

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or the appropriate named Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

PRESENTATION OF PETITIONS

10.9 Members of the public can submit petitions electronically through the Waverley website at <http://petitions.waverley.gov.uk> or in hard copy addressed to the Chief Executive. The petition will be dealt with in accordance with the Waverley Petition Scheme, a copy of which is attached as Annexe 1.

~~10.9 At a meeting of the Council (other than the Annual Meeting) or of an Overview and Scrutiny Committee or the Executive, any member of the Council or a local government elector for the area of the authority may present a petition which is relevant to some matter in relation to which the authority has powers or duties, and which affects the area of the authority, or part of it or the inhabitants of that area, or some of them, but such petition shall not relate to planning policy or planning applications.~~

~~10.10 At least ten clear working days before the meeting at which the petition is to be presented, the person wishing to present it shall give notice of his/her intention to do so to the Chief Executive and shall show the petition to him/her. The notice of intention to present a petition shall not be accepted unless the Chief Executive has satisfied him/herself that the petition is proper to be presented.~~

~~10.11 The presentation of petitions shall take place:-~~

- ~~(a) at Council meetings, in accordance with Procedure Rule 2 (v)~~
- ~~(b) at Overview and Scrutiny Committee meetings or the Executive, immediately after any disclosures of interest have been given.~~

~~10.12 The presentation of a petition shall be limited to not more than four minutes, and shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition.~~

- ~~40.13 The subject matter of any petition presented to the Council of which notice has been duly given shall stand referred without discussion to the Executive for consideration and report.~~
- ~~40.14 The subject matter of any petition presented to a committee of which notice has been duly given shall stand referred to the next ordinary meeting of that committee without discussion. Provided that the Chairman may, if he considers it convenient and conducive to the despatch of business, allow the subject matter of a petition to be dealt with at the meeting at which it is presented.~~
- ~~40.15 Petitions shall be presented in the order in which notice of them is received by the Chief Executive.~~
- ~~40.16 Notwithstanding the provisions of this Procedure Rule, any member of the Council or a local government elector for the area of the Authority may, if he so wishes, present a petition to the Mayor or Chairman of a Committee or the Executive out of meeting.~~
- ~~40.17 For the purposes of this Procedure Rule a petition shall be defined as a written request signed by ten or more local government electors for the area but in special circumstances a request subscribed by fewer than ten signatories may be received at the discretion of the Mayor or Chairman to whom it is addressed.~~

11. QUESTIONS BY MEMBERS

11.1 On reports of the Executive

A member shall not speak more than once on the same motion or amendment, but the mover of any motion may reply to the debate on the motion, or any amendment thereof, and in his reply shall strictly confine himself to answering statements or arguments made in the course of debate and shall not introduce any new matter into the debate.

11.2 Questions on notice at full Council

Subject to Rule 11.4, a member of the Council may ask:-

- the Mayor;
- a member of the Executive;
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

11.3 Questions on notice at Committees and Sub-Committees

Subject to Rule 11.4, a member of a Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the Council

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed four minutes without the consent of the Mayor, except in the case of movers proposers of a motion or an amendment, or those having a right of reply when they may not exceed six minutes. There shall be no time limit for the Leader of the Council in moving the Budget at the Council Tax setting meeting. The Finance Portfolio Holder, the Leader of the Principal Opposition Group and the Leader of any other Opposition Group with 5 or more members should have up to 10 minutes each.

14.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (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 he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

14.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:-
 - (i) to refer the matter to the Executive or a Committee for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, unless in the opinion of the Mayor this would help the Council conduct its business. Where the Mayor so permits this, they may be discussed (but not voted on) together.

22.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

22.3 Photography, video audio or recording meetings

Members of the public are not allowed to take photographs, or video or audio record by any means any meeting of the Council, Executive, Committees or Sub-Committees or other meetings. If a member of the public refuses to comply with a request from the Mayor or Chairman to stop doing this, the Mayor or Chairman will order their removal from the meeting room.

23. RIGHTS OF COUNCILLORS TO ATTEND EXECUTIVE, COMMITTEE AND SUB-COMMITTEE MEETINGS

Any Member of the Council who is not a Member of a Committee or Sub-Committee shall be entitled to attend any meeting of the Executive or that Committee or Sub-Committee, but not to vote, but shall be entitled to speak on any specific item for up to four minutes.

Any Member wishing to do this shall have to give notice specifying the item to the Head of Democratic and Legal Services by noon on the day of the meeting if the meeting begins after 2pm or by 5pm on the previous working day if the meeting commences before 2pm. The Chairman may waive this rule.

Members may seek the consent of the Chairman to present documents or photographs in support of when they speak, but should give the Head of Democratic and Legal Services forty-eight hours notice, but where this has not been possible the Head of Democratic and Legal Services and Chairman may waive the rule.

- 23.1 In the case of Area Planning or Joint Planning meetings, where a Member addresses the committee or sub-committee on a matter affecting their ward, they shall have a right to speak again towards the end of the debate to clarify any matters.

24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

Council Procedure Rule 14.4 (content and length of speeches) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

24.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

- (b) at least 5 clear days have elapsed since the publication of the Forward Programme; and
- (c) where the decision is to be taken at a meeting of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).
- (d) it results from central government guidance of which the Council has been notified in insufficient time.

14. THE FORWARD PLAN

14.1 Forward Programme

The Council's Forward Plan of Key Decisions, to be known as the Forward Programme will be adopted by the Executive. Forward plans and proposals to deal with Key Decisions will be adopted by each meeting of the Executive to cover a period of at least four months, beginning with the day of the Executive meeting.

14.2 Contents of Forward Programme

The Forward Programme will contain matters which the Executive has reason to believe will be subject of a key decision to be taken by the Executive during the period covered by the plan. It will detail the matter in respect of which a decision is to be made and the earliest anticipated date of the decision-making meeting, describe the following particulars in so far as the information is available or might reasonably be obtained:-

- ~~(a) the matter in respect of which a decision is to be made;~~
- ~~(b) where the decision taker is the Executive, details of membership of the Committee;~~

The Executive reports on such decisions may include

- ~~(c) the anticipated date of the decision-making meeting;~~
- (da) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (eb) the means by which any such consultation is proposed to be undertaken;
- (fc) the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (dg) a list of the documents submitted to the decision taker for consideration in relation to the matter.

21.3 **Record of decision**

As soon as reasonably practicable after an Executive decision has been taken, the Head of Democratic and Legal Services will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by the Executive. This does not require the disclosure of exempt or confidential information or advice.

22. **OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS**

22.1 **Rights to copies**

Subject to Rule 22.2 below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a meeting of the Executive.

22.2 **Limit on rights**

An Overview and Scrutiny Committee, or its members, will not be entitled to:-

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

23. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

23.1 **Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Executive unless it contains exempt information ~~falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information upon which the Monitoring Officer will determine whether the document can be made available.~~

23.2 **Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive.

23.3 **Nature of rights**

These rights of a member are additional to any other right he/she may have.

[updated February 2011 ~~March 2009~~]

1.11 Information before taking decisions

Before taking decisions or making recommendations to the Council, the Executive will receive a written report. This will include:-

- (a) whether the report contains information which is confidential or may be exempt information;
- (b) the issue to be decided together with analysis/relevant data, any relevant national or regional guidance etc;
- (c) the justification for the recommendation and any other options;
- (d) whether the matter complies with the Council's policy framework and budget, or any subordinate strategies previously approved by the Executive; or whether the decision recommended would amount to a material departure from any of these policies, budgets or strategies;
- (e) any consultations undertaken with other public, private, voluntary and community sector agencies;
- (f) any resource, value for money, equality and diversity, climate change, opportunities for all, environmental/LA21, crime and disorder, human rights/legal or other implications;
- (g) any collective advice from the Corporate Management Team;
- (h) any comments and advice received from Overview and Scrutiny Committees;
- (i) the ward(s) affected;
- (j) a list of the background papers.

The majority of reports will be commissioned by the Leader and/or the Portfolio Holder, and the responsibility for the content of reports will rest collectively with the Corporate Management Team. In some cases, the Corporate Management Team will initiate a report. In all cases, the Portfolio Holder will be briefed and kept fully informed of the progress of reports at all stages.

The Executive will meet according to a published calendar and the Leader of the Council will be responsible for the overall management and conduct of its business. Together with a Forward Programme covering at least a four month period for the forthcoming business of the Executive, there will be an agenda for meetings of the Executive. This will help to inform the scrutiny process and enable all other members of the Council to be kept up to date on current issues.

Minutes will be kept of each meeting of the Executive. They will be published and made available on the Waverley website ~~committee database~~ and to all members of the Council.

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will establish the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees with the agreement of the Executive.

Currently Waverley has twothree Committees which take the functions of both Overview and Scrutiny.

The Committee membership is politically proportional and each Committee can consist of up to 19 members. In addition, substitute members are also nominated.

The Chairmen and Vice-Chairmen will be nominated annually at the Council's Annual Meeting or at the Council meeting setting them up. In the event of a single party Executive the Chairmen of the two three Overview and Scrutiny Committees shall be elected from nominations put forward by the largest opposition group, with candidates for Vice-Chairmen elected from nominations put forward by the majority group.

2. Who may sit on Overview and Scrutiny Committees?

All councillors except for members of the Executive may be members of an Overview and Scrutiny Committee. The appropriate portfolio holder(s) can attend an Overview and Scrutiny Committee where matters relating to their area are included in the agenda, and shall have a right to address the Committee.

3. Co-optees

External representatives may be co-opted by the Council as non-voting members onto Overview and Scrutiny Committees on an ad hoc basis, up to a maximum of three per committee. Although they have no voting rights, they can request that matters of concern to them be placed on the agenda and discussed at the relevant committee.

4. Meetings of the Overview and Scrutiny Committees

There shall be at least six ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the chairman and vice-chairman together of the relevant Overview and Scrutiny Committee or by the proper officer if they consider it necessary or appropriate.

In addition, meetings to consider called-in items will be held as and when is appropriate, to coincide with the timescale for scrutiny.

All meetings will be held in open session with the press and public able to attend, except for the consideration of exempt or confidential information. Minutes will be taken by officers at each meeting of the Committees and published.

Procedure Rules will apply to the procedures at meetings and the existing scheme for substitutes will continue.

Any member who has a personal or prejudicial interest in any matter on the agenda must disclose the interest and may be required to withdraw from the meeting when appropriate, in accordance with the Waverley Local Code of Conduct.

5. **Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

6. **Who chairs Overview and Scrutiny Committee meetings?**

In the event of a single party Executive, the Chairmen of the two all three Overview and Scrutiny Committees should be nominated by from the largest minority political group on the Council, subject to the total number of all Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to 6 members).

7. **Work programme**

The Overview and Scrutiny Committees/sub-committees will be responsible for setting their own work programme within the overall framework set by the Council and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council. Full Council may wish to decide what policy reviews or key issues should be of priority for a Committee in the coming year.

8. **Agenda items**

The Chairman or any member of the relevant Overview and Scrutiny Committee shall be entitled to give notice to the Head of Democratic and Legal Services that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda. This does not, however, give any rights to an individual member to commission reports.

If a Chairman, or any other member of an Overview and Scrutiny Committee asks for an item to be included on an agenda, the item will be included as a heading only, and the Committee then has to agree that they would like to see the item added to the work programme. Officers can then proceed with producing a detailed report on the issue for the next appropriate meeting of the Committee.

Any Councillor shall be entitled to give notice to the Head of Democratic and Legal Services of a Councillor Call for Action. The detailed procedures for this are set out in Annexe 1 to the Overview and Scrutiny Procedure rules. The member raising the call for action will have the right to attend the meeting to explain their reasons for the call for action. That item will be the subject of an initial report, if accepted by the Chairman and Vice-Chairman

The Overview and Scrutiny Committees shall also respond, at the earliest occasion consistent with due notice, to requests from the Council and the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Overview and Scrutiny Committee at the earliest opportunity.

It is intended that Overview and Scrutiny Committees will be involved from an early stage in the decision-making process, examining issues before decisions are taken by the Executive, rather than only after a decision is taken by operating the call-in procedure. Accordingly, matters relating to the budget or policy framework will normally be considered by the appropriate Overview and Scrutiny Committee before they are submitted to the Executive. In addition, the Overview and Scrutiny Committees may identify any item from the rolling programme for overview. The comments of the appropriate Committee will be reported to the Executive.

The Chairmen and Vice-Chairmen will hold a briefing meeting with the appropriate officers to finalise the committee agenda.

Overview and Scrutiny Committees will be serviced by the Committee Services Team.

9. Policy review and development

- (a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

18. Questions by the Public

Members of the public can ask questions at Overview and Scrutiny Committees in accordance with the provisions in Procedure Rules. The Chairman and/or the Vice-Chairman should be invited to respond to the question.

19. Matters within the remit of more than one Overview and Scrutiny Committee - Invitation of Chairman of other Committee to Participate

Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of the another Overview and Scrutiny Committee, then the Committee conducting the review shall invite the Chairman and Vice-Chairman of the other committee(s) (or his/her nominee (s)) to attend its meetings as observers when the matter is being reviewed.

[updated March 2011]

DRAFT CALENDAR OF MEETINGS 2011/2012 - 2 OVERVIEW AND SCRUTINY COMMITTEES (REVISED)

MAY 2011					10	T	EXECUTIVE
2	M	BANK HOLIDAY	5	M	11	W	
3	T		6	T	12	TH	
4	W		7	W	16	M	O&S 1 - SERVICES
5	TH	WBC ELECTIONS	8	TH	17	T	
9	M		12	M	18	W	[Member Training]
10	T		13	T	19	TH	
11	W		14	W			
12	TH		15	TH	23	M	LANDLORD SERVICES P'SHIP SIG
16	M		19	M	24	T	O&S 2 - CORPORATE
17	T	ANNUAL COUNCIL JOINT PLANNING CTTEE AND LICENSING (Shottlemill)	20	T	25	W	AREA PLANNING (S&W)
18	W	AREA PLANNING (S&W)	21	W	26	TH	
19	TH		22	TH	30	M	(O&S RESERVE)
23	M		26	M	31	T	
24	T	LICENSING	27	T			FEBRUARY 2012
25	W	AREA PLANNING (E&C)	28	W	1	W	AREA PLANNING (E&C)
26	TH		29	TH	2	TH	
30	M	SPRING BANK HOLIDAY			6	M	LICENSING
31	T				7	T	EXECUTIVE
JUNE 2011					8	W	[Member Training]
1	W	EXECUTIVE	10	M	9	TH	
2	TH		11	T	13	M	
6	M	JOINT PLANNING	12	W	14	T	JPC (if required)
7	T		13	TH	15	W	
8	W	AREA PLANNING (S&W)	17	M	16	TH	
9	TH		18	T	20	M	
13	M	O&S 1 - SERVICES	19	W	21	T	COUNCIL
14	T		20	TH	22	W	AREA PLANNING (S&W)
15	W	AREA PLANNING (E&C)	24	M	23	TH	
16	TH		25	T	27	M	MEETING WITH ALL PARISHES (O&S RESERVE)
20	M	O&S 2 - CORPORATE AUDIT [Member Training]	26	W	28	T	
21	T		27	TH	29	W	AREA PLANNING (E&C)
22	W		31	M			MARCH 2012
23	TH				1	TH	
27	M	(O&S RESERVE)			5	M	STANDARDS
28	T	STANDARDS			6	T	EXECUTIVE
29	W	JPC (if required)			7	W	
30	TH				8	TH	
JULY 2011							
4	M	MEETING WITH ALL PARISHES	1	T			
5	T	EXECUTIVE	2	W			
6	W	AREA PLANNING (S&W)	3	TH			
7	TH		7	M			O&S 1 - SERVICES
11	M	LANDLORD SERVICES P'SHIP SIG	8	T			
12	T		9	W			
13	W	AREA PLANNING (E&C)	10	TH			
14	TH		14	M			O&S 2 - CORPORATE AUDIT
18	M		15	T			AREA PLANNING (S&W)
19	T	COUNCIL [Member Training]	16	W			
20	W		17	TH			
21	TH		21	M			LANDLORD SERVICES P'SHIP SIG
25	M	LICENSING (O & S RESERVE)	22	T			EXECUTIVE
26	T	JPC (if required)	23	W			AREA PLANNING (E&C)
27	W		24	TH			
28	TH		28	M			
AUGUST 2011							
1	M		29	T			
2	T		30	W			
3	W	AREA PLANNING (S&W)					APRIL 2012
4	TH				2	M	LICENSING
8	M				3	T	
9	T				4	W	
10	W	AREA PLANNING (E&C)			5	TH	
11	TH				6	F	GOOD FRIDAY
15	M				9	M	EASTER MONDAY
16	T				10	T	
17	W				11	W	[Member Training]
18	TH				12	TH	
23	M				16	M	
24	T				17	T	COUNCIL
25	W				18	W	AREA PLANNING (S&W)
26	TH				19	TH	
29	M	LATE SUMMER HOLIDAY			23	M	(O&S RESERVE)
30	T				24	T	
31	W	AREA PLANNING (S&W)			25	W	AREA PLANNING (E&C)
SEPTEMBER 2011							
1	TH				26	TH	
					30	M	
					MAY 2012		
					1	T	
					2	W	
					3	TH	
					7	M	BANK HOLIDAY
					8	T	
					9	W	
					10	TH	
					JANUARY 2012		
					2	M	BANK HOLIDAY [IN LIEU OF NEW YEAR'S DAY]
					3	T	
					4	W	AREA PLANNING (E&C)
					5	TH	
					9	M	STANDARDS

bs/stanord/088 20112012 O&S revised.

WAVERLEY BOROUGH COUNCIL

DISCHARGE OF FUNCTIONS

SCHEME OF DELEGATION TO OFFICERS

The Council may arrange for the discharge of its functions by the Executive, a Committee, Sub-Committee or Officer of the Council, (as set out in the Responsibility of Functions – Part 3 of the Constitution).

Those matters delegated to the Executive and also matters delegated to other Committees and Sub-Committees are as set out in the Council's Procedure Rules.

The Council has also agreed delegation to the Chief Executive in cases of urgency, after consultation with the Chairman and Vice-Chairman of either the Executive or appropriate Committee. In circumstances where the Chairman or Vice-Chairman of the relevant Committee is not available for consultation or has an interest in a matter, the Leader of the Council shall be consulted.

In the case of the exercise of delegated powers by officers, the Council has agreed that, where appropriate, Ward Members should be consulted. All matters delegated to officers on a permanent basis as at the date shown below are set out in the following pages.

It is in the nature of any scheme of delegation that those to whom responsibility has been delegated for a particular function, action or decision may require the delegating authority to resume responsibility for that function, action or decision.

Note

Where authority to take decisions is given to 'the responsible officer', the decision shall be taken in the name of (but not necessarily personally by) such officer.

In the absence of the Chief Executive, their authority will be exercised by the Deputy Chief Executive.

In the absence of a Head of Service, their authority will be exercised by the appropriate Strategic Director.

March 2011

CONTENTS

	<u>Page</u>
Executive - General Powers	2
Environment	3
Planning	14
Housing	16
Leisure	23
Finance	24
Area Planning and Joint Planning Committees	25
Licensing	35

iii. having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuffs; and any modification or re-enactment of the foregoing.

- | | | |
|-------|--|---|
| 105. | Authority to appoint named and suitably qualified officers to exercise the powers of an Inspector under the Food Safety Act 1990; and any Orders, or Regulations or other instruments made thereunder or having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuffs, and any modification or re-enactment of the foregoing. | Senior Environmental Health Manager, Environmental Health Manager, Team Leader (Food, Health and Safety). |
| 106. | Authority to sign documents in relation to Environmental Health functions (Section 16 Local Government (Miscellaneous Provisions) Act 1976). | Senior Environmental Health Manager, Environmental Health Manager, Team Leader (Food, Health and Safety), Team Leader (Housing), Team Leader (Pollution). |
| 107. | Authority to sign documents (Section 29 Local Government (Miscellaneous Provisions) Act 1982). | Senior Environmental Health Manager, Environmental Health Manager, Team Leader (Food, Health and Safety), Team Leader (Housing), Team Leader (Pollution). |
| 108. | Temporary closure of roads in accordance with Section 21 of the Town Police Clauses Act 1847 (for public processions, street fairs etc.). | Head of Democratic and Legal Services after consultation with appropriate local Ward Members. |
| 108a. | Enforcement of the relevant provisions of the Clean Neighbourhoods and Environment Act 2005 | Officers nominated by the relevant Heads of Service in accordance with the schedule attached at Annexe 1. |

PLANNING MATTERS

- | | | |
|------|---|--|
| 109. | The approval of details required as a condition of the original consent including listed building consent, except where the Committee specifically excludes this. | Head of Planning. |
| 110. | The determination of advertisement applications. | Head of Planning. |
| 111. | The authorisation of Tree Preservation Orders. | Head of Planning. |
| 112. | The determination of applications for consent to fell or lop trees the subject of a Tree Preservation Order. | Head of Planning. |
| 113. | Authority to submit observations to the Forestry Commission in relation to applications for Felling Licences. | Legal Services Manager in consultation with the Chief Executive on the advice of the Head of Planning and after consultation in each case with the Chairman and Vice-Chairman of the Area Planning Committee and at least one local member. |
| 114. | Authority to issue appropriate legal proceedings | Legal Services Manager in consultation |

in the event of a breach of a Tree Preservation Order.

with the Head of Planning after consultation in each case with the Chairman and Vice-Chairman of the appropriate Area Planning Committee.

114a. Authority to issue a formal caution as an alternative to prosecution under legislation related to the Council's role as the Local Planning Authority

Head of Planning after consultation in each case with the Chairman and Vice-Chairman of the appropriate Area Planning Committee

115. Authority to exercise the powers and undertake all matters under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation Orders) Regulations 1969 relating to the following:-

Head of Planning, ~~Principal Planner (Policy Information and Heritage) and Principal Planner (Development Control).~~

- a) the making, confirmation, variation and revocation of Tree Preservation Orders (including those which are provisional/on Crown land);
- b) the determination of applications for consent and issue of consents relating to works to trees (with or without conditions);
- c) the determination of applications for certificates and dispensations and issue of certificates and dispensations relating to trees;
- d) enforcing the duties of owners relating to the replacement and re-planting of trees;
- e) the carrying out of works to trees by the Council and the recovery of expenses from the owner;
- f) the entry onto land for the purpose of planting trees or for surveying the land in connection with: a Tree Preservation Order; a possible offence in connection with trees; or ascertaining if the owner is under a duty with regard to trees;
- g) application to the Justices for a warrant in respect of the above where permission has been refused or a refusal is reasonably apprehended or in a case of emergency; and
- h) been refused or a refusal is reasonably apprehended or in a case of emergency.

116. Authority to undertake the signing and issue of all notices, orders and other documentation relating to Tree Preservation Orders and trees in respect of which powers have been delegated.

Head of Planning, ~~Principal Planner (Policy Information and Heritage), Principal Planner (Development Control).~~

- | | | |
|------|--|--|
| 117. | Institution of any action pursuant to Sections 23 and 24 of Local Government (Miscellaneous Provisions) Act 1976 (Dangerous Trees). | Legal Services Manager in consultation with the Head of Planning. |
| 118. | Power to authorise officers to enter premises pursuant to the Local Government (Miscellaneous Provisions) Act 1976, S.24 insofar as it relates to dangerous trees. | Head of Planning, after consultation with the Legal Services Manager in consultation with the Chief Executive. |
| 119. | Authority to handle High Hedges complaints (under Part 8 of the Anti-Social Behaviour Act 2003), to include deciding a complaint, issuing a remedial notice, powers to enter the land, prosecutions and laying of information. | Head of Planning. |
| 120. | Power to authorise external investigators or consultants to enter land for the purposes of investigating breaches of planning control insofar as it would be lawful to do so. | Head of Planning. |

HOUSING AND COMMUNITY WELFARE ISSUES

- | | | |
|------|---|---|
| 121. | Authority to select, from all applicants wishing to tender for housing contracts exceeding £35,000 both for new dwellings and for repairs and improvements to be let in accordance with Standing Order 104, those companies or firms from which tenders shall be invited. | Head of Housing after consultation with the Leader and relevant Portfolio Holder. |
| 122. | Authority to select tenderers for building maintenance and improvement works from the Standing List of Contractors; and) | Head of Housing after consultation with the Leader and relevant Portfolio Holder.) |
| 123. | Authority to delete and/or include contractors on the Standing List based on performance.) |)) |
| 124. | Authority to make payments in accordance with the approved scale for disturbance to tenants where such tenants are required to move by the Council. | Head of Housing. |
| 125. | Authority to give (or decline) consent under the terms of Section 92 of the Housing Act 1985 as amended by the Local Government and Housing Act 1985 where a secure tenant wishes to exercise his rights under the Act to exchange his Council property with another secure tenant within England or Wales. | Head of Housing. |
| 126. | Approval of exchanges of tenancies within approved policy. | Head of Housing. |
| 127. | Approval of transfers of tenancies within approved policy. | Head of Housing. |
| 128. | Authority to lease properties for housing of the homeless. | Head of Housing. |

to the Executive for approval if it falls outside the approved policy.

149. Authority to determine, in accordance with the Housing Grants, Construction and Regeneration Act 1996, applications for Disabled Facilities Grant up to £20,000.

Private Sector Housing Manager or Head of Housing following consultation with the Building Control Manager, provided that no such officer may determine an application for which he or she is also the case officer.

150. Authority to determine, in accordance with the Housing Grants, Construction and Regeneration Act 1996, applications for Disabled Facilities Grant up to £30,000 (any recommendation for a grant exceeding £30,000 to be referred to the Executive for decision).

~~Senior Environmental Health~~
Manager. Head of Housing

Note:-

Any person aggrieved by a decision not to award a grant, or to award a grant lower than that applied for, may appeal to the Strategic Director (Housing and Community) who may uphold the original decision or raise the level of grant aid if it falls within the approved policy, or refer it to the Executive for approval if it falls outside the approved policy.

150a. Authority to approve payments of up to £5,000 for urgent adaptations and fees associated with disabled adaptations using capital funding for Disabled Facilities Grants.

~~Senior Environmental Health Manager and Environmental Health Manager~~
Private Sector Housing Manager, Head of Housing

150b. Authority to operate the property charge system for Disabled Facilities Grants.

~~Senior Environmental Health Manager and Environmental Health Manager~~
Private Sector Housing Manager, Head of Housing

151. Authority to secure re-housing for homeless applicants in temporary accommodation accepted under the provisions of the Housing Act 1985.

Head of Housing.

152. Service of requisitions for information in respect of action by the Council.

Head of Democratic and Legal Services, Legal Services Manager and Senior Environmental Health Manager and Environmental Health Manager or Head of Planning.

153. Authority to allocate street numbers in respect of Council developments.

Head of Housing.

154. Authority to negotiate on charges to Housing Associations and private developers with regard to the provision of a community alarm system.

Head of Housing.

155. In connection with duties under the Children Act 1989, authority to undertake leasing arrangements to the Surrey Community

Head of Housing.

Development Trust, any action taken under such arrangements to be reported to the Committee on a quarterly basis.

- | | | |
|------|---|---|
| 156. | Provision of staff housing up to a maximum of 20 dwellings. | Head of Housing after consultation with the Deputy Chief Executive. |
| 157. | Authority to sign Notices to Quit and Notices to Terminate Licence. | Head of Housing, Housing Estate Manager, Area Team Leaders. |
| 158. | Authority to allocate Council properties to Council tenants and licensees. | Head of Housing, Client—Services Manager, Housing Estates Manager, Housing Needs Manager, Elderly Services Manager. |
| 159. | Authority to relax Covenants affecting former Council properties disposed of under the Right to Buy provisions restricting the carrying out of alterations or additions without the Council's consent in cases where it is not reasonable to charge a consideration and it is not detrimental to the Council's interests, subject to payment of the Council's reasonable legal costs. | Head of Housing after consultation with the Chief Executive and the Legal Services Manager. |
| 160. | Authority to select tenderers from the Standing List of Contractors. | Head of Housing. |
| 161. | Authority to approve expenditure on emergency and high priority work and to select items from the approved contingency programme where those works can be accommodated from within the contingency funds available at that time. (Any such works would be reported to a subsequent meeting of the Executive). | Head of Housing after consultation with the Leader and relevant Portfolio Holder. |
| 162. | Authority to agree that the Council enter into Mortgage Indemnity Agreements under S.442 of the Housing Act 1985 with building societies and banks approved by the Department of Communities and Local Government subject to the following:- | Legal Services Manager in consultation with the Chief Executive after consultation with the Head of Housing. |
| | (a) the prospective borrower is a Council nominee who would have to be allocated alternative social housing accommodation by the Council if he or she could not purchase a shared-ownership property; | |
| | (b) the present shared-ownership lessee would have to sell on the open market if the Council's nominee could not proceed; | |
| | (c) the prospective purchasers' circumstances have been investigated and the case is considered to be one where the borrower has sufficient income to maintain the mortgage repayments. | |

to elderly and disabled tenants where open flue gas point heaters have been removed (subject to medical evidence of need being supplied by the tenant).

168. Authority to enter into supplementary tenancy agreements with new and existing tenants and appropriate agreements with selected organisations to provide appropriate levels of support to tenants in need, in conjunction with the provision of accommodation, subject to the tenant concerned consenting to the agreement. Head of Housing.
169. Authority to negotiate and enter into short-term leases with selected organisations or appropriate Council dwellings for occupation by individuals nominated by the Council who would otherwise be secure tenants of the Council in order that the individuals concerned might occupy the accommodation as sub-tenants of the organisation and also receive the appropriate level of support services from the organisation
(N.B. the leases to be subject to terms and conditions negotiated by the Director of Housing including payment of a rent to the Council) Head of Housing.
170. Authority for the issuing of Notices of Seeking Possession and Notices to Quit and court proceedings in respect of the Housing Act 1985, or as amended. Head of Housing, Housing Services Manager, Deputy Housing Services Manager, Rent Accounts Manager, Rent Accounts Officers, Court Officer.
171. Authority to make planning applications for any disabled adaptation or parking improvement or provision scheme in accordance with Regulation 3 of the Town and Country Planning (General) Regulations 1992. Head of Housing.
172. Authority to ~~appoint a accept the current proposal from Southern Electric preferred energy supplier in respect of void properties and subsequently to negotiate and agree any further amendments.~~ Head of Housing.

LEISURE ISSUES

173. Power to institute legal proceedings following any breach of the National Trust Byelaws. Legal Services Manager in consultation with the Chief Executive, after consultation with the Head of Community Services.
174. Power to authorise the necessary action to deal with "live" trees in Farnham Park that have become a potential danger. Head of Community Services after consultation with Chief Executive.
175. Power to deal with applications to hold events on public grounds. Head of Community Services.
176. Authority to institute proceedings in respect of Legal Services Manager in consultation

lawfulness of proposed use or development under Section 191 of the Town and Country Planning Act 1990 (as Amended).-

- 194a. The determination of applications for certificates of lawful use or development and certificates of lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990 (as Amended). Head of Planning
- *195. **Renewal of temporary planning permission and unimplemented permissions, including replacement permissions, when there are no material changes in circumstances.** Head of Planning.
196. Responses to consultations by the undertakers/utilities, adjoining local planning authorities or the County Council. Head of Planning.
- *197. **Variation of conditions attached to an existing planning permission.** Head of Planning
198. The extensions of time to complete legal agreements already authorised. Head of Planning after consultation with the Legal Services Manager.
199. ~~Determination of whether prior approval will be required to the siting, design and external appearance of the agricultural proposals of proposals that are "permitted development" and the giving or not of such approval required under the Town and Country Planning (General Permitted Development) Order.~~ Head of Planning.
200. Authority, where applications for renewal of, or amendment to a previously approved application are for a development sufficiently similar to the previously approved development, to grant such applications provided that, in the opinion of the ~~Director of Planning and Development:~~ Head of Planning: Head of Planning.
1. there is no material change in circumstances from that at the time of the original decision;
 2. any variations or amendments contained in the application under consideration are minor or small scale in nature; and
 3. the development is not in conflict with the Council's planning policies.
201. Determination as to whether prior approval is required to the method of demolition in respect of demolition proposals that are "permitted development" and any proposed restoration of the site and the giving or not of such approval. Head of Planning.
202. Determination of whether prior approval is required for the siting and appearance of Head of Planning.

telecommunication proposals that are "permitted development" and the giving or not of such approval.

- *203. The refusal of applications clearly in conflict with the Council's policy. Head of Planning.
- *204. The refusal of applications for planning permission where these are subject to a recommendation from Surrey County Council to refuse permission on highway grounds and where the ~~Director~~Head of Planning and Development concurs with the County Council's views. Head of Planning.
- *205. The refusal of applications where the proposals are identical or essentially similar to applications refused during the previous three years. Head of Planning.
206. (i) the issue of Planning Contravention Notices in accordance with the provisions of section 171C of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted) and to appoint such time and place for a meeting arranged under the provisions of the said section and to consider and determine all offers and representations made thereat; Head of Planning.
- (ii) the issue of notices requiring information as to interests in land in accordance with the provisions of section 330 of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted).
207. Authority to proceed with house numbering schemes where 75% or more of residents have voluntarily accepted the scheme. Head of Planning.
208. Authority, once the annual Environmental Enhancement scheme has been agreed in principle, to decide details of and costs of schemes under £500. Head of Planning.
209. Head of Planning in consultation with the Legal Services Manager.
- (i) the issue of Temporary Stop Notices in accordance with the provisions of section 171E of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted);
- (ii) the issue of Enforcement Notices in accordance with the provisions of section 172 of the Town & Country Planning Act 1990 (or as may be modified amended or re-enacted);

section 36B of the Planning (Hazardous Substances) Act 1990 (or as may be modified amended or re-enacted) to prosecute persons liable for an offence of obstructing entry onto land.

- | | | |
|-----------------|--|---|
| 213. | Formulation of statements required by the Secretary of State under the Town and Country Planning (Compensation and Certificates) Regulations 1974. | Legal Services Manager after consultation with the Head of Planning. |
| 214. | Power to determine applications under the Building Regulations and allied legislation. | Head of Planning. |
| 215. | Authority to take all necessary steps, including the service of statutory notices, to secure the enforcement of and compliance with the Building Regulations. | Head of Planning |
| 216. | To respond on behalf of the Council to notification by the Mineral Planning Authority of proposals to carry out seismic surveys, exploratory boreholes or other excavations to ascertain the presence of minerals. | Head of Planning, after consultation with the Chairman of the Area Planning Committee, members representing the Ward in which the proposed development is situated and the Chairman of the Parish Council. |
| 217. | The determination of the need for an Environmental Assessment to accompany an application or where a request is received (under paragraphs 5(i) or 9(i) respectively of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988. | Head of Planning, after consultation with the Chairman of the Area Planning Committee or, in the absence of the Chairman, with the Vice Chairman of the Area Planning Committee.
<u>[Superseded by 226]</u> |
| 218. | (i) Power to authorise officers to enter land under sections 196A and 214B of the Town & Country Planning Act 1990 (as amended); | Head of Planning. |
| | (ii) Power to authorise officers duly authorised under sections 214B and 196A of the Town & Country Planning Act 1990 (as amended) to seek a warrant authorising entry upon land under sections 196B and 214C of the said Act; | |
| | (iii) Power to authorise officers to enter land under section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990; | |
| | (iv) Power to authorise officers duly authorised under section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to seek a warrant authorising entry upon land under section 88A of the said Act; | |
| | (v) Power to authorise officers to enter land under section 36 of the Planning | |

(Miscellaneous Provisions) Act 1976.

- ~~225.~~ Authority to deal with street naming applications under S.17 to S19 of the Public Health Act 1925, including making any objection considered necessary. Building Control Manager.
[Dealt with under 207]
226. Authority to make 'Screening Opinions' and 'Scoping Opinions', in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Head of Planning.
- *227. The approval of applications for small scale development and other minor proposals for which consent is required which are not in conflict with the Council's planning policies. Head of Planning.
- [Small scale means: all applications for domestic extensions and alterations including outbuildings; the construction or conversion of buildings to form a single dwelling; minor extensions to commercial and institutional buildings. All changes of use except those that are likely to have significant impacts on the environment, e.g. A3 uses, hot food take-aways, public houses and places of entertainment and loss of important town centre, community or village facilities].*
- 227a. Approval of applications to fell or lop trees that are the subject of a Tree Preservation Order. Head of Planning
228. Authority to decide not to take enforcement action for smallscale or other minor development accords with the Council's planning policies in the development:- Head of Planning.
- ~~(i) operational development within the curtilage of existing premises;~~
- ~~(ii) advertisements;~~
- ~~(iii) the construction of walls, fences and other means of enclosure;~~
- ~~(iv) the construction of or alteration to a means of access to a highway;~~
- ~~(v) change of use of a building to a single dwelling.~~
- [Small scale means: all applications for domestic extensions and alterations including outbuildings; the construction or conversion of buildings to form a single dwelling; minor extensions to commercial and institutional buildings. All changes of use except those that are likely to have significant impacts on the environment, e.g. A3 uses, hot food take-aways, public houses and places of entertainment and loss of important town centre, community or village facilities].*
- 228a. Authority to decide not to proceed with prosecution proceedings or further other remedial action in relation to non-compliance with Enforcement or other Notices where original Head of Planning

Notice was issued under delegated authority where it is not expedient to do so.

- | | | |
|-------|---|--|
| 229. | Power pursuant to section 225 of the Town & Country Planning Act 1990 (or as may be amended modified or re-enacted) to remove or obliterate any placard or poster displayed in contravention of regulations made under section 220 of the said Act. | Head of Planning. |
| 230. | Power to authorise execution of urgent works to preserve listed buildings and buildings in conservation areas pursuant to sections 54 and 76 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or as may be modified amended or re-enacted) and the recovery of associated expenses pursuant to section 55 of the said Act. | Head of Planning. |
| 231. | Approval of details required as a condition of the original planning permission, or listed building consent except where the permission or consent specifically excludes this. | Head of Planning. |
| 232. | Determination of applications where there is a requirement for the Council to enter into legal agreements and the power to authorise such agreements, provided no positive obligations are placed on the Council (other than agreements requiring financial contributions required by the Waverley Borough Council Interim Mini Plan for the Thames Basin Heaths Special Protection Area or Avoidance Strategy 2009 | Head of Planning after consultation with the Legal Services Manager. |
| 232a. | Power to vary a legal agreement provided no additional positive obligations are placed on the Council. | Head of Planning. |
| 233. | Determination of 'applications' or consultations submitted under Regulation 4 or 5 for small-scale development where the Borough Council is the applicant or where the application is on Council owned land. | Head of Planning. |
| 234. | Authority to issue Temporary Stop Notices. | Head of Planning in consultation with the Legal Services Manager. |
| 235. | Authority to enter into arrangements with consultants to carry out planning work in relation to <u>Planning Delivery Performance</u> Agreements that developers are willing to fund. | Head of Planning in conjunction with Deputy Chief Executive. |
| 236. | Authority to discharge the functions of the local planning authority in respect of applications for Certificates of Appropriate Alternative Development made pursuant to Section 17 of the Land Compensation Act 1961. | Head of Planning. |

