

To: All Members of the EXECUTIVE

When calling please ask for:

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Calls may be recorded for training or monitoring

Date: 24 March 2017

Membership of the Executive

Cllr Julia Potts (Chairman)
Cllr Tom Martin (Vice Chairman)
Cllr Brian Adams
Cllr Andrew Bolton
Cllr Kevin Deanus

Cllr Jim Edwards
Cllr Jenny Else
Cllr Carole King
Cllr Ged Hall

Dear Councillors

A meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 4 APRIL 2017

TIME: 6.45 PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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NOTES FOR MEMBERS

Contact Officers are shown at the end of each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES**

To confirm the Minutes of the Meeting held on 7 March 2017 (to be laid on the table half-an-hour prior to the meeting).

2. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

3. **DECLARATIONS OF INTERESTS**

To receive from members, declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

To answer any questions from members of the public, received in accordance with Procedure Rule 10.

The deadline for receipt of questions for this meeting is 5pm on Tuesday 28 March 2017.

5. **FORWARD PROGRAMME** (Pages 11 - 16)

To approve the forward programme of decisions for Waverley Borough Council, attached.

6. **OVERVIEW AND SCRUTINY - CHANGES TO THE CONSTITUTION** (Pages 17 - 68)

[Portfolio Holder: Councillor Julia Potts]
[Wards Affected: All Waverley Wards]

The Council meeting on 21 February 2017 gave approval to the new Overview

and Scrutiny arrangements which will be coming into effect from the start of the 2017/18 Council year. The Constitution SIG met on 14 March and reviewed the amendments that are required to the Constitution and Procedure Rules to reflect the revised ways of working. These are set out at Annexe 1 (only extracts from the Constitution where changes are proposed have been included).

In addition to the revised wording, there are also two proposed protocol documents which will form additional annexes:-

- i. Terms of Reference of the Co-ordinating Board (Annexe 1A)
- ii. Protocol for Informal Working Groups (Annexe 1B)

Once the amendments to the Constitution have been adopted, the various documents will be formatted and published in accordance with the Council's brand guidelines.

Recommendation

It is recommended to the Council that the amendments to the Constitution, as attached as Annexe 1, be approved, to include the addition of the Terms of Reference of the O and S Co-ordinating Board and the Protocol for Informal Working Groups.

7. REVIEW OF SCHEME OF DELEGATION (Pages 69 - 100)

[Portfolio Holder: Councillor Julia Potts]
[Wards Affected: All Waverley Wards]

The purpose of the report is to consider a revised Scheme of Delegation to officers in respect of the functions of the Council.

Recommendation

It is recommended to the Executive and Council that

- 1. the revised Scheme of Delegation to officers, as set out at Annexe 2, be adopted;**
- 2. the Strategic Director for Finance and Resources be authorised to amend the Financial Regulations and Contract Procedure Rules to bring them into line with the new Scheme of Delegation; and**
- 3. a review of the effectiveness of the new Scheme be undertaken after 12 months of operation, or earlier if required, and any adjustments necessary be recommended to the Council at that time.**

8. AMENDMENT TO THE CONSTITUTION AND SCHEME OF DELEGATION
(Pages 101 - 104)

[Portfolio Holder: Councillor Brian Adams]
[Wards Affected: All Waverley Wards]

The purpose of the report is to seek an amendment to the Council's constitution and the current Scheme of Delegation to Officers in respect of planning enforcement related matters.

Recommendation

That the Executive recommends to the Council that the Constitution and Scheme of Delegation be amended as follows:

1. To insert into the Constitution at Part 3 and into the table of functions for Joint Planning Committee at the row "*Power to enter into or vary or discharge agreements relating to development or use of land*" the following underlined addition: "*Power to enter into or vary or discharge agreements relating to development or use of land. Including the enforcement of a restriction or requirement imposed by an agreement*"; and
2. To insert into the Scheme of Delegation a new "100A" and the authority as follows: "*Authority to seek injunctions pursuant to section 106(5) of the Town and Country Planning Act 1990 (or as may be amended, modified or re-enacted) in respect of actual or apprehended breaches of a restriction or requirement imposed by an agreement.*"

9. CALL-IN OF DUNSFOLD PARK PLANNING APPLICATION - REQUEST FOR SUPPLEMENTARY ESTIMATE (Pages 105 - 108)

[Wards Affected: All Waverley Wards]

On 14 December 2016, the Joint Planning Committee resolved to approve hybrid planning application WA/2015/2395 from Dunsfold Airport Ltd and Rutland Ltd for a new settlement with residential development comprising 1,800 new homes, space for new businesses, amenity space and supporting infrastructure.

On 8 March 2017, the Secretary of State called in the application for planning permission for his own determination. A Planning Inspector will hold a Local Inquiry and report their recommendation to the Secretary of State. The Planning Inspectorate will decide the date and location of the inquiry.

The purpose of the report is to request approval for a supplementary estimate of up to £200,000 to hold the Inquiry and pay for legal representation, including Counsel and planning and/or technical consultants required in order to defend the Council's resolution to grant planning permission for the scheme.

Recommendation

That the Executive recommends to the Council that a supplementary estimate of up to £200,000 be approved from the revenue reserve fund, to meet the costs of the Council defending its resolution to grant planning permission for the proposal at Dunsfold Park following the Secretary of State call-in.

10. PERFORMANCE MANAGEMENT REPORT - QUARTER 3 - OCTOBER - DECEMBER 2016/17 (Pages 109 - 138)

[Portfolio Holder: Councillor Julia Potts]

[Wards Affected: All Waverley Wards]

The Council's Performance Management Framework (PMF) contains a number of indicators that assist Members and officers in identifying current improvement priorities and progress against targets. The indicators are reviewed quarterly by the Executive and are aligned to the Council's Corporate Plan priorities.

The report gives an analysis of the Council's performance in the third quarter of 2016/17. Annexe 1 contains the list of indicators used for reporting performance and includes targets, graphs and comments. Annexe 2 provides further 'void progress report' information.

Recommendation

It is recommended that the Executive:

1. **examines the performance figures for quarter three as set out in Annexe 1;**
2. **endorses inclusion of the following new statutory planning indicators for the new financial year 2017-2018:**
 - ***'Processing of planning applications: Non-major applications - % determined within 8 weeks'*** (90% target / new statutory);
 - ***'Non-major appeals allowed as a % of all non-major decisions made (cumulative)'*** (10% target / statutory);
3. **agrees the inclusion of the following new local planning indicators and targets for the new financial year 2017-2018:**
 - ***'Speed of processing for all other applications'*** (90% target);
 - ***'All other appeals (cumulative to date)'*** (20% target);
4. **agrees the discontinuance of the following planning indicators:**
 - ***'Processing of planning applications: Minor applications - % determined within 8 weeks'*** [NI 157b];
 - ***'Processing of planning applications: Other applications - % determined within 8 weeks'*** [NI 157c];
 - ***'Planning appeals allowed (cumulative year to date)'*** [P2];
5. **approves the following target changes:**
 - a) **Amendment of the wording and criteria for the [F3] indicator to**

'percentage of invoices paid within 30 days or within supplier payment terms'.

- b) Increasing the target for the responsive repairs overall service rating [H7] from 87% to 93% and to amend the wording of indicators H7, H8 and H9 to clearly specify that these scores reflect tenants' view of the service.
- c) Reduction by 10% to the P3 indicator (*'Major planning appeals allowed as a % of Major Application decisions made (cumulative)'*).
- d) Increase of the target from 92,000 to 105,000 for the number of visits for both Haslemere [CS4] and Godalming [CS6] Leisure Centres; and

6. thanks the Overview and Scrutiny Committees for their observations and recommendations.

11. DEVELOPING AN AIR QUALITY IMPROVEMENT FRAMEWORK FOR WAVERLEY (Pages 139 - 144)

[Portfolio Holder: Councillor James Edwards]
[Wards Affected: All Waverley Wards]

The report puts forward recommendations from the Community Overview & Scrutiny Committee to reinvigorate Waverley's work to progress the measures in the Air Quality Action Plan. The recommendations were developed in response to the Committee's discussion of air quality issues in Waverley, and frustration at the lack of real engagement with partners to develop solutions and improve air quality.

The recommendations propose the establishment of a multi-agency stakeholder Air Quality Steering Group and development of an Air Quality Strategy for Waverley, in line with the latest DEFRA Local Air Quality Management Policy and Technical Guidance.

Recommendation

The Community Overview and Scrutiny Committee therefore recommends to the Portfolio Holder for Environment and the Executive that in order for the Council to proactively and constructively take forward its local Air Quality Management responsibilities:

1. **Waverley Borough Council establishes a multi-agency/stakeholder Air Quality Steering Group to contribute to the development of an Air Quality Strategy for Waverley and a refreshed Air Quality Action Plan, and to progress the measures in the Air Quality Action Plan thereafter.**
2. **Membership of the Waverley Air Quality Steering Group to follow the recommendations of LAQM.PG16 in terms of seniority of representation, as set out in paragraph 10, above; and to seek to involve Waverley's local Members of Parliament.**

3. **The Waverley Air Quality Steering Group should include scope to establish working groups that can engage with local stakeholders to monitor progress locally and develop practical solutions to address air quality issues.**
4. **The new Environment Overview & Scrutiny Committee to critically review the development of a new Waverley Air Quality Strategy and Air Quality Action Plan, informed by the contribution of the Air Quality Steering Group, and in line with the requirements of LAQM.TG16.**
5. **Waverley's Air Quality webpages to be updated and simplified, so that interested parties are able to find relevant information.**
6. **The new Environment Overview & Scrutiny Committee to include in its rolling work programme the scrutiny of the Council's annual report to DEFRA (in accordance with whatever reporting regime is in place at the time).**

12. HOUSING MAINTENANCE CONTRACTS RENEWAL (Pages 145 - 160)

[Portfolio Holder: Councillor Carole King]

[Wards Affected: All Waverley Wards]

The report presents the findings of the Corporate Overview and Scrutiny Housing Maintenance Contracts Renewal Sub-Committee which has carried out a review into the nine housing maintenance contracts held by Waverley Borough Council and considered whether they either need to be extended or terminated in early 2019. The proposed approach to be taken regarding the procurement and on-going monitoring of the process is set out within the report.

Recommendation

It is recommended that the Executive, after considering the report and recommendations of the Corporate Overview and Scrutiny Housing Maintenance Contracts Renewal Sub-Committee,

1. **agrees the recommended approach to the future delivery of Waverley's housing maintenance services, as set out in Section 6 of (Exempt) Annexe 1;**
2. **recommends that authority be delegated to the Head of Housing Operations to**
 - **appoint consultants to provide advice and undertake such work as required to achieve the recommendations set out in the (Exempt) Annexe, within agreed budgets and in accordance with the Council's Contract Procedure Rules;**
 - **procure and appoint contractors for those services identified in the (Exempt) Annexe as requiring re-procurement, within**

agreed budgets and in accordance with the Council's Contract Procedure Rules and in consultation with the Portfolio Holder for Housing and the Strategic Director for Finance and Resources;

•extend the contracts for those services identified in the (Exempt) Annexe as requiring extension; and

•take all other reasonable actions in order to facilitate the recommendations identified within the (Exempt) Annexe; and

3. asks the Overview and Scrutiny Co-ordinating Board to add the on-going monitoring of the procurement process to the Overview and Scrutiny work programme.

13. EXECUTIVE DIRECTOR'S ACTIONS

To note any urgent action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting. The Register of Decisions will be laid on the table half an hour before the meeting.

14. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item(s) on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

15. PROPERTY MATTER (Pages 161 - 166)

To consider the (Exempt) report, attached.

16. ROWLEY'S CENTRE FOR THE COMMUNITY (Pages 167 - 174)

To consider the (Exempt) report, attached.

17. GODALMING MUSEUM (Pages 175 - 178)

To consider the (Exempt) report, attached.

18. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please telephone
Emma McQuillan, Democratic Services Manager, on 01483 523351 or
by email at emma.mcquillan@waverley.gov.uk**

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Waverley Borough Council Key Decisions and Forward Programme

This Forward Programme sets out the decisions which the Executive expects to take over forthcoming months and identifies those which are key decisions.

A key decision is a decision to be taken by the Executive which (1) is likely to result in the local authority incurring expenditure or making savings of above £20,000 and/or (2) is significant in terms of its effects on communities living or working in an area comprising two or more wards.

Please direct any enquiries about the Forward Programme to the Democratic Services Manager, Emma McQuillan, at the Council Offices on 01483 523351 or email committees@waverley.gov.uk.

Executive Forward Programme for the period 5 April 2017 onwards

TOPIC	DECISION	DECISION TAKER	KEY	ANTICIPATED EARLIEST (OR NEXT) DATE FOR DECISION	CONTACT OFFICER	O AND S
POLICY AND GOVERNANCE, HUMAN RESOURCES, BRIGHTWELLS AND LEP CLLR JULIA POTTS (LEADER)						
1. Brightwells	To bring forward matters when necessary	Executive (and potentially Council)		Potentially each Executive meeting	Kelvin Mills	ENVT
2. Performance Management	Quarterly combined performance report	Executive		June 2017	Louise Norie	ALL
CUSTOMER AND CORPORATE SERVICES – CLLR TOM MARTIN (DEPUTY LEADER)						
1. Property Acquisitions	To bring forward opportunities for approval as they arise	Executive (and potentially Council)		Potentially each Executive meeting	David Allum	CS AND VFM
2. Age Concern Farncombe	To agree new lease arrangements	Executive		June 2017	David Allum	CS AND VFM

TOPIC	DECISION	DECISION TAKER	KEY	ANTICIPATED EARLIEST (OR NEXT) DATE FOR DECISION	CONTACT OFFICER	O AND S
3. Customer Services Review	To review and agree the way forward for Customer Services	Executive and Council	√	July 2017	David Allum	CS AND VFM
PLANNING – CLLR BRIAN ADAMS						
1. Local Plan Part II – Issues and Options	To seek agreement for consultation	Executive	√	May 2017	Graham Parrott	ENV T
2. CIL Preliminary Draft Charging Schedule	To agree for the purposes of consultation	Executive	√	May 2017	Graham Parrott	ENV T
3. Building Control Options Appraisal/Business Plan	To agree the way forward	Executive and possibly Council		June 2017	Elizabeth Sims	ENV T
4. CIL Preliminary Draft Charging Schedule	To agree the next stage	Executive	√	July 2017	Graham Parrott	ENV T
5. Local Plan Part II – Approval for Regulation 18 Consultation	For approval	Executive and possibly Council		November 2017	Graham Parrott	ENV T
ECONOMIC DEVELOPMENT – CLLR ANDREW BOLTON						
1. Economic Development Strategy	For approval	Executive and Council		July 2017	Damian Roberts	CS AND VFM

TOPIC	DECISION	DECISION TAKER	KEY	ANTICIPATED EARLIEST (OR NEXT) DATE FOR DECISION	CONTACT OFFICER	O AND S
COMMUNITY SERVICES AND COMMUNITY SAFETY – CLLR KEVIN DEANUS						
1. 'Prevent' Counter-Terrorism Strategy	To agree a Strategy and Action Plan	Executive		June 2017	Katie Webb	COMM WELL
2. Safeguarding Policy	To review and adopt the policy	Executive		June 2017	Kelvin Mills	COMM WELL
3. Joint Enforcement Team (JET) Initiative	To agree next steps	Executive		June 2017	Richard Homewood	ENVT
ENVIRONMENT – CLLR JIM EDWARDS						
HEALTH, WELLBEING AND CULTURE – CLLR JENNY ELSE						
FINANCE – CLLR GED HALL						
1. Budget Management [E3]	Potential for seeking approval for budget variations	Executive (and possibly Council)	√	Potentially every Executive meeting	Peter Vickers	CS AND VFM
HOUSING – CLLR CAROLE KING						
1. Housing Delivery Board [E3]	Potential to approve and adopt policies and make decisions to assist in the delivery of affordable homes in the Borough	Executive (and possibly Council)	√	Potentially every Executive meeting	Andrew Smith	HOUSING

TOPIC	DECISION	DECISION TAKER	KEY	ANTICIPATED EARLIEST (OR NEXT) DATE FOR DECISION	CONTACT OFFICER	O AND S
2.Partnership with Developers or Housing Associations for new Affordable Homes	Give consideration to matters as they arise to assist in the delivery of affordable homes in the Borough	Executive (and possibly Council)		Potentially every Executive meeting	Andrew Smith	HOUSING
3. Implementing requirements of the Housing and Planning Act 2016	Decisions to implement changes resulting from the Act	Executive (and possibly Council)	√	June 2017	Andrew Smith	HOUSING
4. Homelessness Reduction Bill	To agree a response and budget/grant allocations	Executive		September 2017	Andrew Smith	HOUSING
5. HRA Business Plan Review	To review the business plan as part of the budget process	Executive (and possibly Council)		November 2017	Hugh Wagstaff	HOUSING
6. Review Tenancy Agreements	To agree amendments and the consultation process	Executive		December 2017	Hugh Wagstaff	HOUSING
7. Housing Maintenance Contract Procurement [E3]	To report back on the progress of the project	Executive		January 2018	Hugh Wagstaff	HOUSING
8. Approve Housing Strategy	To adopt the strategy	Executive and Council		February 2018	Andrew Smith	HOUSING
9. Asset Management Strategy [E3]	To adopt the strategy	Executive and Council		February 2018	Hugh Wagstaff	HOUSING

Background Information

The agenda for each Executive meeting will be published at least 5 working days before the meeting and will be available for inspection at the Council Offices and on the Council's

Website (www.waverley.gov.uk). This programme gives at least 28 days notice of items before they are considered at a meeting of the Executive and consultation will be undertaken with relevant interested parties and stakeholders where necessary.

Exempt Information - whilst the majority of the Executive's business at the meetings listed in this Plan will be open to the public and press, there will inevitably be some business to be considered which contains confidential, commercially sensitive or personal information which will be discussed in exempt session, i.e. with the press and public excluded. These matters are most commonly human resource decisions relating to individuals such as requests for early or flexible retirements and property matters relating to individual transactions. These may relate to key and non-key decisions. If they are not key decisions, 28 days notice of the likely intention to consider the item in exempt needs to be given.

This is formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of any of the Executive meetings listed below may be held in private because the agenda and reports or annexes for that meeting contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), and that the public interest in withholding the information outweighs the public interest in disclosing it. Where this applies, the letter [E] will appear after the name of the topic, along with an indication of which exempt paragraph(s) applies, most commonly:

[E1 – Information relating to any individual; E2 – Information which is likely to reveal the identity of an individual; E3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information); E5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings; E7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime].

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Part 1

Summary and Explanation

PART 1 : Summary and Explanation

The Council's Constitution

Waverley Borough Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What is in the Constitution?

Article 1 of the Constitution commits the Council to:-

- (i) providing efficient, transparent and accountable decision – making, whilst maximising the involvement of the community to ensure that the Council delivers excellent and effective services, maintained by a commitment to continuous improvement;
- (ii) providing clear, comprehensive and robust guidance on how the constitution works, to ensure that the Council's procedures are effective and that it is clear how to challenge them; and
- (iii) clear criteria providing the opportunity for the review of governance arrangements should the Council wish to revise or reform its constitution in the future.

Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:-

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny of decisions (Article 6)
- The Executive (Article 7)
- Regulatory, Quasi-Judicial and Other Committees (Article 8)
- The Standards Panel (Article 9)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision-making (Article 13)

- 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 Monitoring Officer trains and advises members on the Code of Conduct.

All councillors meet together as the Council around six 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 the Leader for a four year period;
- approve each year the allocation of seats on Committees and Sub-Committees and substitute lists; and
- appoint each year the Council's Regulatory Committees, Overview and Scrutiny Committees, Joint Committees, Standards and Appeals Panels, 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 two 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 matters for the information of the Council, and subject to no debate. Members 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 Leader, with the Executive's responsibilities divided into areas of responsibility (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 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 ~~two~~ four Overview and Scrutiny Committees each of ~~up to 199~~ non-Executive Members^[a1]. 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, including in-depth review

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~~ Procedure Rules.

The Overview and Scrutiny Committees will be able to make an annual report, or recommendations to the Executive or in exceptional circumstances where a

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decision by the Executive is outside the Council's budget or policy framework, to the Council.

In the event of a single party Executive and subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to 6 members), the Chairmen of the ~~two~~ Overview and Scrutiny Committees should be nominated ~~from~~ by the largest ~~rst~~ minority group on the Council (this can include non-members of the largest minority group or members of the majority group). The Vice-Chairman of the Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman.

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 on our website or 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;
- in accordance with the Waverley scheme, petition the Council on matters of local concern and ask questions at Overview and Scrutiny and other Committees;
- 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

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- 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 or the Local Government Housing 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 Executive Director, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR. Telephone: (01483) 523237. E-mail: paul.wenham@waverley.gov.uk.

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

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 paper copy of the Council's Constitution or access it on our website free of charge; and
 - (viii) contact their local Councillor about any matters of concern to them.
- (c) **Participation.** Citizens have the right to ~~participate in question time~~ ask formal questions at Council, the Executive and ~~its~~ some 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

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considered by the Overview and Scrutiny Committees. Rights to submit petitions are set out in Council Procedure Rules [number 10.9]

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. They also 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 Council's Corporate Priorities. The membership is politically proportionate. Each Overview and Scrutiny Committee can carry out investigatory and research work as informal working groups, divide with the approval of the Executive into smaller sub-committees, with appropriate officer support, to study and report back to the main Committee on a particular topic. Currently, a scheduled meeting of each Overview and Scrutiny Committee is held ~~once a cycle, five six~~ six times a year, with additional meetings, if necessary, ~~to discuss called-in matters~~ subject to the agreement of the Chairman and Vice-Chairman.

6.01 Terms of Reference

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

Community	Corporate
<ul style="list-style-type: none">Community welfareOlder people in the community	<ul style="list-style-type: none">Corporate FinanceProvision of Housing Services

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<ul style="list-style-type: none"> • Day centres • Community safety • Town and village liaison • Rural issues and the voluntary sector • Environment • Planning and major developments • Economic development • Land drainage • Business liaison • Cultural and leisure provision and youth 	<ul style="list-style-type: none"> • Any inspection framework in place • Value for Money • Corporate and Community Strategies • Partnership Working • Member Communications • Asset Management • Information Technology, including telecommunications • HR including Waverley Training Services • Corporate Communications and Public Relations • Customer Service • Co-ordinating and publishing information on service performance • Elections and electoral registration • Locality Offices
<p><u>Overview and Scrutiny Committee</u></p>	<p><u>Services and Areas of Responsibility Covered</u></p>
<p><u>1. Customer Service and Value for Money</u></p> <p><u>To provide effective scrutiny of the achievement of the Council's Corporate Priorities 1 and 4</u></p>	<ul style="list-style-type: none"> ➤ <u>Corporate Plan</u> ➤ <u>Customer Services</u> ➤ <u>Communications and Public Relations</u> ➤ <u>Democratic Services</u> ➤ <u>Elections</u> ➤ <u>Complaints</u> ➤ <u>Corporate Finance</u> ➤ <u>Revenues and Benefits</u> ➤ <u>Economic Development</u> ➤ <u>Business Liaison</u> ➤ <u>Property</u> ➤ <u>IT</u> ➤ <u>Procurement and Commissioning</u> ➤ <u>HR and Recruitment</u>
<p><u>2. Community Wellbeing</u></p> <p><u>To provide effective scrutiny of the achievement of the Council's Corporate Priority 2</u></p>	<ul style="list-style-type: none"> ➤ <u>Health and Wellbeing</u> ➤ <u>Leisure and Sport</u> ➤ <u>Arts, Culture and Museums</u> ➤ <u>Youth and Young People</u> ➤ <u>Waverley Training Services</u> ➤ <u>Community Services</u> ➤ <u>Day Centres</u>

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	<ul style="list-style-type: none"> ➤ <u>Provision for Older People in the Community</u> ➤ <u>Community Safety</u> ➤ <u>Grants</u> ➤ <u>Licensing</u> <p><u>This Committee will act as the designated Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.</u></p>
<p><u>3. Environment</u></p> <p><u>To provide effective scrutiny of the achievement of the Council's Corporate Priority 3</u></p>	<ul style="list-style-type: none"> ➤ <u>Planning and Major Developments</u> ➤ <u>Building Control</u> ➤ <u>Refuse, Recycling, Food Waste Collection</u> ➤ <u>Car Parking</u> ➤ <u>Street Cleaning</u> ➤ <u>Parks, Countryside and Open Spaces</u> ➤ <u>Rural Issues</u> ➤ <u>Land Drainage and Flooding</u> ➤ <u>Sustainability</u> ➤ <u>Environmental Health</u>
<p><u>4. Housing</u></p> <p><u>To provide effective scrutiny of the Council's housing function</u></p>	<ul style="list-style-type: none"> ➤ <u>HRA Business Plan</u> ➤ <u>Housing Development</u> ➤ <u>Provision of Housing Services</u> ➤ <u>HRA Asset Management</u> ➤ <u>Homelessness</u> ➤ <u>Housing Allocation</u> ➤ <u>Sheltered Housing</u> ➤ <u>Tenancy and Estates</u>

The Overview and Scrutiny Committees may meet jointly, in any combination, to consider matters of mutual interest. The appointment of the Chairman and Vice-Chairman of any Joint Committee will be decided by the Co-ordinating Board.

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;

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- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees.

6.03 **Specific functions**

- (a) **Policy development and review.** Overview and Scrutiny Committees may:-
 - (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) question members of the Executive and Directors about their views on issues and proposals affecting the area; and
 - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** Overview and Scrutiny Committees may carry out their scrutiny role in a variety of modes:-

Select Committee Mode

- (i) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (ii) question members of the Executive and Directors about decisions or matters within their portfolio or area of responsibility, whether generally or in relation to particular decisions, initiatives or projects;
- (iii) make recommendations to the Executive and/or Council arising from the outcome of the scrutiny process;

Call-In Mode

- (iv) review and scrutinise the decisions made by the Executive and council officers in relation to individual decisions;

Broader Community Role

- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
 - (vi) question and gather evidence from any person (with their consent).
 - (vii) Exercise an oversight of the activities of partner organisations including Surrey Police and the Surrey PCT.
- (c) **Community Call for Action.** Exercise the functions relating to Community Calls for Action
- (d) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.
- (e) **Annual report.** Overview and Scrutiny Committees shall report annually to full Council on their workings and make recommendations for future work programmes and amended working methods, if appropriate. This will be discussed at a designated meeting in the year.
- (f) **Officers.** Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the officers allocated to support their work.

6.04 **Proceedings of Overview and Scrutiny Committees**

The guiding principle of the overview and scrutiny function is that the process should make a positive contribution to the work of the Council. Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution. Overview and Scrutiny Committees may authorise Waverley media releases on their work, the content of which is to be jointly agreed by the appropriate Overview and Scrutiny Committee Chairman and Vice-Chairman.

6.05 **Co-ordinating Board**

A Co-ordinating Board, which consists of the Chairmen and Vice-Chairmen of the four Overview and Scrutiny Committees, will meet regularly to facilitate work programming and the allocation of in-depth reviews in accordance with the Terms of Reference attached.

Article 7 – The Executive

STRONG LEADER WITH CABINET MODEL

7.01 **Role**

[Updated March 2017]

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) **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 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.

(c) **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 office or is removed from office; or
- (b) he/she is no longer a councillor; or
- (c) is disqualified from being a councillor;

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**

| [\[Updated March 2017\]](#)

Other Executive members shall hold office until:-

- (a) they resign from office; or
- (b) they are no longer councillors; or
- (c) the Leader removes them from their position, either temporarily by suspending them or permanently.

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 8 – Regulatory and other Committees

8.01 Regulatory Committees

The Council will appoint the Committees set out in the left hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table.

Currently the Regulatory Committees are:

- Joint Planning Committee
- Area Planning Committees (Central, Eastern, Southern and Western)
- Licensing and Regulatory Committee.

8.02 Audit Committee

The Audit Committee is the means of bringing independent, effective assurance into the Council's corporate governance arrangements. This covers:-

- Risk management framework
- Control environment and arrangements
- Financial performance
- Non-financial performance (processes and controls)
- Financial reporting.

An Audit Committee Charter was adopted in September 2013.

8.03 Terms of Reference

The Terms of Reference are as follows:

1. Corporate Governance

- 1.1 To consider the Council's arrangements for corporate governance and recommend necessary actions to ensure compliance with best practice as set out in the current CIPFA/SOLACE Framework "Delivering Good Governance in Local Government" and any revision thereof.
- 1.2 To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- 1.3 To consider the Council's compliance with its own and other published regulations, standards and controls.
- 1.4 To monitor Council policies in "Whistleblowing" and the anti-fraud and anti-corruption strategy and the Council's complaints-handling process.
- 1.5 To monitor the effective development and operation of internal control in the Council with particular reference to risk management.
- 1.6 To approve the Council's Annual Governance Statement.
- 1.7 To consider any reports published by bodies, other than the external auditor, charged with inspecting the Council's performance or arrangements for corporate governance.

- 1.8 To review any issue referred to it by the Head of Paid Service or a director or any Council body.
- 1.9 To request a report from any Head of Service relating to an outstanding internal audit recommendation issue.

2. External scrutiny

- 2.1 To consider whether appropriate accounting policies have been followed in the preparation of the annual statement of accounts.
- 2.2 To consider all communications from the external auditor to the Audit Committee, including:
 - 2.2.1 the audit letter;
 - 2.2.2 the report on issues arising from the audit of the accounts; and
 - 2.2.3 any other reports requested by the Audit Committee from the external auditor.
- 2.3 To consider whether there are concerns that need to be brought to the attention of the Council that arise from:
 - 2.3.1 the audit; or
 - 2.3.2 the accounts.
- 2.4 To consider and, if thought fit, approve the annual statement of accounts.
- 2.5 To comment on the scope and depth of external audit work and to ensure that it gives value for money, especially with regard to reports dealing with [risk] management and performance matters.

3. Internal audit

- 3.1 To consider the Annual Review of the system of Internal Audit.
- 3.2 To consider the Internal Audit Client Manager's Annual Report.
- 3.3 To approve the annual Internal Audit Service Plan.
- 3.4 To consider the current Internal Audit Plan and summaries of internal audit activity by department and consider the level of assurance this can give concerning the effectiveness of the Council's corporate governance arrangements.
- 3.5 To consider internal audit reports detailing recommendations not implemented within the specified timescale.
- 3.6 To consider proposed internal audit activity and the range of service areas to be covered and the level of assurance this can give concerning the effectiveness of the Council's corporate governance arrangements.
- 3.7 To commission work from the Internal Audit Service.
- 3.8 To consider any specific internal audit reports requested by the Audit Committee.
- 3.9 To monitor the progress of any specific internal audit projects.
- 3.10 To consider reports dealing with the management and performance of the providers of internal audit services.
- 3.11 To comment on the scope and depth of internal audit work and to ensure that it gives value for money, especially with regard to reports dealing with [risk] management and performance matters.

8.04 Composition of Audit Committee

(a) Membership and Meetings

The Audit Committee will

- be composed of seven councillors, with no members from the Executive;
- meet four times per year, as set out in the Calendar of Meetings, and on an ad hoc basis when necessary.

(b) Quorum

The quorum for meetings will be three Councillors.

Article 9 – The Standards Panel

9.01 Standards Panel

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

9.02 Composition

(a) **Membership.** The Standards Panel will be composed of:-

- nine councillors [other than the leader, and with a maximum of one member from the Executive];
- two 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) **Town and Parish members.** At least one 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

(c) **Chairing the Panel.** The Chairman of the Panel shall be appointed by Council. A member of the Executive may not chair the Panel.

9.03 Role and Function

The Standards Panel 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;
- (e) advising on training for councillors and Independent persons on matters relating to the Members' Code of Conduct;
- (f) Where the Monitoring Officer decides a hearing is necessary, complaints received concerning the conduct of Waverley Borough members and determination as appropriate;
- (g) the exercise of (a) to (f) above in relation to the town and parish councils in Waverley Borough and the members of those town and parish councils;
- (h) in the event of a dispute arising from a breach of the Council's Local Protocols, the Standards Panel should use the same processes as breaches of the Code.
- (i) Appointment of a Panel: the Monitoring Officer in consultation with the Chairman of the Standards Panel will appoint Panels of no less than 3 members for the process of hearing and determination of complaints received regarding member conduct that may have breached the Waverley Code of Conduct or that of the relevant Town or Parish Council.—The Panels will have the power to determine complaints where these have been referred by the Monitoring Officer.

(j) Review and propose revisions to the Constitution as set out in Article 15.

Article 9A – The Appeals Panel

The Appeals Panel will consist of 12 members of the Council and will operate as a pool from which 4 members can be drawn when it is necessary to convene the Panel. The membership of the Panel of 12 will be politically proportionate.

The role of the Appeals Panel is to determine an appeal against any decision made by or on behalf of the authority. When selecting 4 members to convene the Panel, this shall exclude any member who was originally involved in the decision which is now being appealed.

Article 9B – Independent Panel (for Disciplinary Matters relating to Statutory Officers only)

In the event that a Panel needs to be convened to advise on matters relating to the dismissal of a statutory officer (namely the Head of Paid Service, Chief Finance Officer or Monitoring Officer), two of the Council's Independent Persons will be called

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upon to sit on the Panel, alongside five elected members from the Council's Appeals Panel.

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Article 10 – Area Committees and Forums

10.01 Area committees

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Council has appointed four area based Planning Committees with membership proportional to political group representation within these areas to give Local Members a larger say in planning decisions for their areas.

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

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 has agreed to the establishment of a Joint Committee of Surrey authorities to act as the Police and Crime Panel and will appoint one representative to the Panel.

Article 15 – Review and Revision of the Constitution

15.01 Duty to monitor and review the Constitution

The ~~Constitution Special Interest Group~~Standards Panel will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The appointed Town and Parish Council representatives will not participate in any discussions at the Standards Panel relating to the Waverley constitution.

Protocol for monitoring and review of constitution by monitoring officer

A key role for the ~~Constitution Special Interest Group~~Standards Panel is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Group may:-

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

Changes to the constitution will ~~only~~ be approved by the full Council after consideration of the proposal by the ~~Constitution Special Interest Group~~Standards Panel; and Executive, as necessary. ~~and, if necessary, Standards Panel.~~

The Terms of Reference for the Overview and Scrutiny Committees set out in Article 6 shall be kept under regular review by the Overview and Scrutiny Co-ordinating board, with delegated authority to revise the Terms of Reference when necessary, subject to an annual report from each Committee to the Council to endorse any changes and amend the constitution accordingly.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1, with a maximum of the duration of that meeting.
- (c) **Rules capable of suspension.** The following Council Procedure Rule may be suspended in accordance with Article 16.01:

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 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.

16.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a) The Head of Policy and Governance will ~~give a printed~~ make available a copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Head of Policy and Governance will ensure that copies are available for inspection at Council Offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee. The Constitution will also be available to view on the Waverley website.
- (c) The Head of Policy and Governance will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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[Part 3 – Responsibility for Functions]

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 the scope of their portfolios.

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 [Joint Planning](#), 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 Member/Officer Protocol ~~Code of Conduct for Staff~~
- The Code of Practice on Local Authority Publicity

Adoption of the Constitution

The Council, in adopting this Constitution, delegates the functions referred to in this constitution to be discharged by the bodies or persons and subject to the limitations referred to above at Sections 1 and 2. Any amendment to this Constitution, to the associated Procedure Rules or to the Scheme of Delegation may only be approved by Council.

Part 4

Rules of Procedure

[ADVISORY NOTE: All of the Council Rules of Procedure apply to meetings of full Council. They shall apply, where appropriate and with any necessary modification, to the business of and conduct of meetings of the Executive, Committees, Sub-Committees and Panels, with the exception of Rule 14.5 (when a member may speak again).]

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~~any member of the Council may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the Borough and which falls within the terms of reference of that Committee or Sub-Committee.

Any question put under this rule shall be read out by the member without comment or elaboration and shall be answered without discussion or further

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question, but the person to whom a question has been put, if for any reason he is unable to answer at the meeting, may undertake to send a written answer to the member asking the question and to any other member on request.

11.4 **Notice of questions**

A member may only ask a question under Rule 11.2 or 11.3 if either:-

- (a) they have given at least **74** clear working days notice in writing of the question to the Head of Policy and Governance; or
- (b) the question relates to urgent matters **that are not already included on the agenda**, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Head of Policy and Governance by noon on the day of the meeting.

11.5 **Response**

An answer may take the form of:-

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (d) A record of all questions asked and answers given in accordance with this rule shall be included in the minutes of the proceedings of the Council.

Access to Information Procedure Rules

16. REPORT TO COUNCIL

16.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:-

- (a) included in the Forward Programme; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Overview and Scrutiny Committee Chairman, or the Mayor or Deputy Mayor, under Rule 15;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Overview and Scrutiny Chairman or any 5 members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee or by the Co-ordinating Board.

Executive Procedure Rules

LEADER AND EXECUTIVE

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

- (i) the Executive as a whole;
- (ii) an officer with identified delegated powers to act on the Council's behalf;
- (iii) nominated members of the Executive acting under joint arrangements with another local authority.

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

1.3 Delegation of Executive Functions

- (a) Where the Executive is responsible for an Executive function, it may delegate further to joint arrangements with another local authority or to an officer of the Council.
- (b) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the Executive, should the occasion arise.

1.4 The Council's Scheme of Delegation and Executive Functions

The Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Waverley Code of Conduct for Members in Part 5 of this Constitution.
- (b) If any member of the Executive has a conflict of interest this should be dealt with as set out in the Waverley Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an Executive function has been delegated and should a conflict of interest arise, the function will be exercised in the first instance by the Executive and otherwise as set out in the Waverley Code of Conduct for Members in Part 5 of this Constitution.

1.6 **Executive Meetings – When and Where?**

The Executive will meet for decision making at least 10 times per year and meetings shall commence at 6.45 p.m., or in special circumstances at such hours as the Executive may fix from time to time. Meetings of the Executive should normally finish by 10.00 p.m. but at a convenient time before then, the Chairman may put to the meeting the options of extending the meeting until 10.30 p.m., continuing until its conclusion or adjourning the meeting. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader. Special meetings may be convened to consider specific matters and will be called by the Head of Policy and Governance.

1.7 **Public or Private meetings of the Executive?**

The Executive will conduct all its decision-making business in compliance with the Local Government Acts and Access to Information legislation and all decisions will be taken by the Executive at meetings open to the public. This means, amongst other things, that the requirements of the Access to Information legislation will apply to its decision-making meetings. Public notice of meetings will be given and the agenda and reports will be on deposit for public inspection at least five clear working days before each meeting. Meetings will be open to the public and press, but they may be excluded when confidential or exempt business, as defined in the legislation, is to be transacted. All decisions will be recorded and published, together with the reasons and relevant background papers.

All meetings of the Executive that take any decisions will be held in public, except for those parts of the agenda which are exempt. The Access to Information rules set out in Part 4 will be followed. Any members of the Council may receive briefings from officers which will not be open to the public and press.

1.8 **Quorum**

The quorum for a meeting of the Executive shall be three members.

1.9 **How are decisions to be taken by the Executive?**

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution and Council Procedure Rules in Part 4.
- (b)
 - (i) Voting at a meeting of the Executive shall be by vocal consent provided that if one or more members shall indicate dissent then the vote shall be retaken on a show of hands.
 - (ii) In the case of an equality of votes at a meeting of the Executive, the Chairman presiding shall have a second or casting vote.

- (iii) If three members of the Executive request it, the names of those voting for, against and abstaining will be recorded.
- (iv) If any member so desires he may request that it be recorded as to how his vote has been given.

1.10 Principles of Decision-Making

The following conditions should apply to decisions taken by or on the Council's behalf, both in the general public interest and in the interests of ensuring that the Council is able to defend its actions against legal challenge:-

- (a) That members are fully and effectively supported and advised by officers in exercising both executive and non-executive functions;
- (b) That decisions are only taken after the proper consideration of written reports which comply with the principles of the Access to Information legislation;
- (c) That relevant matters are fully taken into account in decision making;
- (d) That nothing irrelevant is taken into account;
- (e) That the Council's constitution is fully complied with including in particular:-
 - Procedure Rules
 - Contract Procedure Rules
 - Financial Procedure Rules
 - Scheme of Delegation
 - Waverley Local Code of Conduct and the Members' Planning Code of Good Practice
 - Members should make any appropriate declarations of interests
 - Member/Officer Protocol
- (f) That decisions are recorded by officers and published, together with the reasons and relevant background papers.

This means that a clear audit trail of decision-making must be maintained and kept available for future reference. This applies not only to decisions taken by the full Council, the Executive and Committees or Sub-Committees, but also to those taken by officers acting under delegated powers. The Monitoring Officer will be responsible for ensuring that the Council's decision-making

processes meet the requirements of the law and comply with principles of good governance.

The Council recognises the need to have an inclusive approach to member decision-making. Accordingly, reports 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 Committee may identify any item from the Forward Programme for overview. The comments of the Overview and Scrutiny Committee will be included in the report to the Executive.

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, legal or other implications;
- (g) any collective advice from the Management Board;
- (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 Management Board. In some cases, the Management Board 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 and to all members of the Council.

As with decisions taken by the Executive, any decisions taken by officers must be properly documented and should generally follow the principles set out in these procedure rules.

~~1.12 Policy Development – Special Interest Groups (SIGs)~~

~~The Executive may, on the recommendation of the Portfolio Holder, appoint Special Interest Groups to assist it in developing policy, examining specific proposals in depth or progressing major projects.~~

~~These bodies are not decision making and have an advisory role only. A detailed protocol is included in Part 4 of the Constitution.~~

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. In the absence of both, a person appointed to do so by those present shall preside.

2.2 Who may attend?

Details are set out in the Access to Information Rules in Part 4 of this Constitution. All meetings of the Executive shall be open to the press and public although they may be excluded from a meeting of the Executive, according to law, whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present, exempt information would be disclosed to them. In the case of the limited category of confidential information, the public must be excluded from the meeting.

2.3 What business?

At each meeting of the Executive the following business will be conducted:-

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;

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- (iii) matters referred to the Executive (whether by ~~a Special Interest Group~~, an Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the ~~SIG Protocol~~, Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Overview and Scrutiny Committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

Special meetings convened to consider specific matters will not include public questions or the minutes of the last meeting.

2.4 Consultation

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation, as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Executive agenda?

1. The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive or any officer in respect of that matter. The Executive Director will comply with the Leader's requests in this respect.
2. The Monitoring Officer and/or the Head of Policy and Governance may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Executive Director, Head of Policy and Governance and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Who can attend and speak at Executive Meetings?

Any member of the Council who is not a member of the Executive shall be entitled to attend any meeting of the Executive but not to vote, but he shall be entitled to speak on any specific item for up to four minutes. Any member wishing to do this shall give notice to the Head of Policy and Governance by noon on the day of the meeting.

2.7 Dispute Resolution

Any dispute about the jurisdiction of the Executive, for example whether or not a matter is delegated to the Executive or contrary to the policy framework or budget, will be referred to the Monitoring Officer and/or the Head of Policy and Governance for advice as appropriate. If it is resolved not to accept such advice, the final decision as to whether the Executive can take a decision is for the Council to decide.

2.8 Urgent Decisions

Any urgent executive or non-executive decisions may be taken by the Executive Director after consultation with the Leader, Deputy Leader and appropriate portfolio holder under the existing provisions in the Scheme of Delegation. Any such decisions will be reported to the next appropriate Committee or Executive meeting.

2.9 Questions by the Public

Members of the public can ask questions at the Executive in accordance with the provisions in Procedure Rules. The Chairman/Leader and/or the Vice-Chairman/Deputy Leader or appropriate portfolio holder should be invited to respond to the question.

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 ~~two~~ four Committees which take the functions of both Overview and Scrutiny.

The Committee membership is politically proportional and each Committee ~~can~~ will consist of up to 9 members. In addition, substitute members are also nominated and a list of substitute members to be called will be lodged with the Democratic Services Team. ~~This includes the Tenants' Panel representatives.~~

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 and subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to 6 members), the Chairmen of the four Overview and Scrutiny Committees should be nominated by the largest minority group on the Council (this can include non-members of the largest minority group or members of the majority group). The Vice-Chairman of the Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman.

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. A protocol setting out the rights of attendance is attached as an Annexe.

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~~ two 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 Ccommittee. There will be two Tenants' Panel co-optees appointed to the Overview and Scrutiny Committee with Housing within its remit.

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4. **Meetings of the Overview and Scrutiny Committees**

There shall be at least ~~five~~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~~Co-ordinating Board 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 and subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to 6 members), the Chairmen of the Overview and Scrutiny Committees should be nominated by the largest minority group on the Council (this can include non-members of the largest minority group or members of the majority group). The Vice-Chairman of the Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman.

Without the consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.

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~~The Co-ordinating Board will play a proactive role in

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~~may wish to decide~~ing 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 Policy and Governance 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 or the request can be considered by the Co-ordinating Board.

Any Councillor shall be entitled to give notice to the Head of Policy and Governance of a Councillor Call for Action. The detailed procedures for this are set out in Annexe 3 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 Democratic Services Team. In-depth review, research and work programming of the

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Committees will be carried out by the Scrutiny Officer in consultation with the Co-ordinating Board.

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.

~~10. Appointment of Sub-Committees~~

~~Overview and Scrutiny Committees may seek the approval of the Executive to appoint Sub-Committees where they feel a smaller group of members is better suited to carry out a particular task.~~

10. Working Groups

Overview and Scrutiny Committees are able to appoint small informal working groups from within their own membership to research subject areas and report back to the main Committee. These working groups will be supported by a member of the Democratic Services Team and officers from the relevant service area will also be involved to provide information and professional advice/expertise. Attached as an Annexe is a protocol to inform the working practices for informal working groups.

11. Reports from Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the proper officer for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework) and to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

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- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Executive, and if one third of the members present request it, then one minority report may be prepared and submitted for consideration by the Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Overview and Scrutiny Committee as quickly as the rules permit.

12. Making sure that Overview and Scrutiny reports are considered by the Executive

All Overview and Scrutiny reports shall be considered by the Executive as expeditiously as possible and at the very maximum, within two months of the work being completed.

13. Rights of Overview and Scrutiny Committee members to documents

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.
- (c) Overview and Scrutiny Committees shall have access to all relevant background papers and documents. In the case of any dispute, the Monitoring Officer will adjudicate and if the documents are of a confidential nature, members must respect their confidentiality and use them only in relation to the work of that Committee.
- (d) Co-opted members can have access to papers relevant to the work of their Committee, but excluding any matter relating to an individual, either client or tenant or member of staff.

14. Members and officers giving account – “Select Committee” mode

- (a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, the Chairman and Vice-Chairman acting jointly may require any member of the Executive, the Executive Director and/or any senior officer to appear before it to explain in relation to matters within their remit:-
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or

(iii) their performance

and it is the duty of those persons to attend if so required.

(b) ~~Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the chairman of that committee will inform the Head of Policy and Governance. Head of Policy and Governance shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend.^[a2] Attendance by a member of the Executive is now set out in the attached protocol.~~

~~The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.~~

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer, arrange an alternative date for attendance as soon as possible.

15. Attendance by others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is optional.

16. Call-in

Call-in should only be used as a last resort. This can be where members of the appropriate Overview and Scrutiny Committee have evidence which suggests that the ~~Cabinet Executive~~ did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

- (a) When a decision is made by the Executive, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, including by electronic means, and shall be available at the main offices of the Council normally within 1 day of being made. Copies of the decision bulletin will be sent to all members of the Council within the same timescale, by the Head of Policy and Governance.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless four members (including Substitute Members) of an Overview and Scrutiny Committee object to it and call it in.
- (c) During that period, the Head of Policy and Governance shall call-in a decision for scrutiny by the committee if so requested by any ~~four~~ three members (including Substitute Members) of the ~~C~~committee where reasons as stated in the call-in form attached at Annexe 2, are valid in the context of Article 13 of the Constitution. Should any Substitute Member be one of those proposing a call-in, he shall have a right to attend the Committee and speak, but not to vote unless he is substituting at that meeting for another Member. The Head of Policy and Governance shall call a meeting of the relevant Overview and Scrutiny Committee on such date as he/she may determine or as reserved in the calendar of meetings, where possible after consultation with the chair of the committee, and in any case within 5 working days of the decision to call-in.

A call-in can only be withdrawn unanimously by those members who requested it.

- (d) As well as reviewing the report submitted to the Executive in fulfilling the scrutiny role, the Chairman and Vice-Chairman acting jointly may require any member of the Executive, the head of paid service and/or any senior officer to appear before it to explain the particular decision or series of decisions, and it is the duty of those persons to attend if so required. The Chairman will notify the people required to attend immediately after the expiry of the call-in deadline.

- (e) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Executive for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council if outside the policy framework. If referred to the decision maker they shall then amend the decision or not, before adopting a final decision.
- (f) If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the Executive, the decision shall take effect on the date of the Overview and Scrutiny meeting.
- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the Executive, together with the Council's views on the decision. The Executive shall choose whether to amend the decision or not before reaching a final decision and implementing it and a meeting will be convened to reconsider the Council request.

“Call-In” Process

The process is proposed as follows:-

Step 1 A list of Executive decisions will be published and notice given that the decisions will be implemented after five working days from date of publication unless called-in under this procedure.

Step 2 Within the period of five working days, ~~four~~ three members of the appropriate Overview and Scrutiny Committee (including Substitute Members) may call a meeting of the Committee to review a decision, by notifying the Head of Policy and Governance by telephone, fax, e-mail or letter. The call-in form attached at Annexe 2 must be completed setting out the reason for the Call-in, Members involved and witnesses to be called and sent to the Head of Policy and Governance.

Step 3 The Overview and Scrutiny Committee will then meet and may resolve by majority vote to:-

- a) propose an alternative course of action, or
- b) request that it be considered and debated by the full Council if the Committee is advised by the Monitoring Officer that the decision is contrary to the Council's policy framework or is unlawful.

Step 4 If the matter is referred back to the Executive, it must reconsider the decision in the light of the reference from the Overview and Scrutiny Committee's decision and would decide whether to change it before adopting a final decision. The Chairman (or Vice-Chairman in their

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absence) of the Overview and Scrutiny Committee is able to attend and address the Executive meeting during discussion of the matter.

Exceptions

- (h) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-
 - (i) that four elected members (including substitute members) of an Overview and Scrutiny Committee are needed for a decision to be called in and the protocol and form attached at Annexe 2 must be followed and completed;
 - (ii) An Executive decision may only be called-in by an Overview and Scrutiny Committee once.

Call-in and Urgency

- (i) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Executive, the decision is an urgent one, and therefore not subject to call-in. The Mayor, in conjunction with the Monitoring Officer, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required, in conjunction with the Monitoring Officer. In the absence of both, the head of paid service or his/her nominee's consent shall be required, again in conjunction with the Monitoring Officer. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. Procedure at Overview and Scrutiny Committee meetings

- (a) Overview and Scrutiny Committees ~~(and sub-committees)~~ shall consider the following business:-
 - (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) responses of the Executive to reports of the Overview and Scrutiny Committee;

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- (iv) the business otherwise set out on the agenda for the meeting, with overview items identified and taken first, then select committee mode matters;
 - (v) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision; and
 - (vi) questions by the public.
- (b) Where the Overview and Scrutiny Committee conducts investigations in select committee mode (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-
- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee ~~(or Sub-Committee)~~ shall prepare a report, for submission to the Executive and shall make its report and findings public.

18. Questions by the Public

Unless a special meeting of the Overview and Scrutiny Committee is called, Members of the public can ask formal questions at Overview and Scrutiny Committees in accordance with the provisions in the 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 wishes to conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of the other Overview and Scrutiny Committee, then the Co-ordinating Board will agree the arrangements in advance of the matter being reviewed. ~~Committee conducting the review shall invite the Chairman and Vice-Chairman of the other committee (or his/her nominee (s)) to attend its meetings when the matter is being reviewed.~~

~~[updated July 2016]~~

[Updated March 2017]

ANNEXES

WAVERLEY'S PETITIONS SCHEME

CALL-IN PROTOCOL FOR OVERVIEW AND SCRUTINY COMMITTEES

[Terms of Reference of Co-ordinating Board](#)

[Protocol for Attendance at the Executive and Overview and Scrutiny Committees.](#)

[Protocol for Informal Working Group Arrangements.](#)

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Overview and Scrutiny Co-ordinating Board Terms of Reference

1. To co-ordinate the overall Overview and Scrutiny work plan to avoid duplication and ensure joint working, or other suitable arrangements where overlaps occur;
2. To consider the overall workload of the Overview and Scrutiny committees and to agree the allocation of resources to each committee according to need on a fair and equal basis;
3. To agree the appointment of a Chairman and Vice Chairman when more than one Overview and Scrutiny Committee meet together as a Joint Committee;
4. To meet on a regular basis with the Executive and Directors to further the development of a productive working relationship;
5. To review arrangements for involving councillors or external parties in the Overview and Scrutiny process, such as by co-option, or setting up Task and Finish groups which include outside representatives and be responsible for agreeing appointments of external parties to relevant groups; and
6. To review the training needs of Overview and Scrutiny committee members, as well as councillors and officers generally, in relation to the Overview and Scrutiny process; and to consider the development of operational styles and techniques to aid the usefulness and effectiveness of the Overview and Scrutiny process.
7. To keep the Terms of Reference of the Overview and Scrutiny Committees under regular review, with delegated authority to revise them when necessary, subject to submitting an annual report to Council to endorse any changes and amend the constitution accordingly.

Membership

The regular membership of the Board will consist of the Chairman and Vice-Chairman of each of the four Overview and Scrutiny Committees (maximum of 8 in total).

The Board will appoint a Chairman at the first meeting of each Council year, and subject to the total number of opposition members on the Council reaching 10%, the Chairman of the Board will be nominated by the Leader of the Principal Opposition Group.

The Board may also meet on a regular basis with the Leader, Deputy Leader or relevant Portfolio Holder and members of the Management Board.

The Chairman and Vice-Chairman of the Audit Committee may be invited to attend the Board on an ad hoc basis when the subject matter is such that their contribution would assist with the allocation of items under the future work programme.

Informal Working Group Protocol

Overview and Scrutiny Committees may appoint smaller informal working groups where they feel a smaller group of members is better suited to carry out a particular task.

Meetings

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. The Council will make copies of the **agenda** and reports open to the public available for inspection at the Council Offices, at least five clear working days before the meeting, and also on the Waverley website.

Overview and Scrutiny Committees and Sub-Committees will be serviced by the **Democratic Services Team** and supported by the Scrutiny Officer. **Minutes** will be taken by the Democratic Services Officer present at each meeting of the Committee or Sub-Committee, and published.

Membership of the Informal Working Group

The membership of an Informal Working Group will be selected from the members and substitute members of the main Committee, selecting those with the best skills and knowledge of the subject matter to contribute. Other members are able to attend meetings as an observer, or to speak if notice has been given by 12 noon on the day of the meeting (or 5pm on the day before in the event of a morning meeting). There is no provision for substitutes of Informal Working Groups.

The **Chairman** will be appointed at the first meeting from amongst the membership of the Informal Working Group.

External Representatives may be **co-opted** by the Council as non-voting members onto O and S Committees and invited to attend Informal Working Groups.

Business of the Meeting

Where the Overview and Scrutiny Committee (or Informal Working Group) conducts investigations in Select Committee mode (eg with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

- i. that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii. that those assisting the committee by giving evidence be treated with respect and courtesy; and
- iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Outcome of Review

Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and shall make its report and findings public. This report will be drafted by the impartial Democratic Services/Scrutiny Officer who has been supporting the review. The Chairman of the Informal Working Group will be invited to prepare a foreword which will preface the final concluding report of the work of the Committee.

Can Informal Working Groups meet flexibly?

Within the overall framework of Waverley's Procedure Rules and Financial Regulations, Informal Working Groups will be able to develop flexible working arrangements best suited to their task. This may mean that published agendas are not required. Such meetings will be supported by a Democratic Services/Scrutiny Officer along with key relevant Officers, and will report back on a regular basis into the formal Sub-Committee process.

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 4 APRIL 2017

Title:

REVIEW OF SCHEME OF DELEGATION

[Portfolio Holder: Cllr Julia Potts]

[Wards Affected: All]

Summary and purpose:

The purpose of this report is to consider a revised Scheme of Delegation to officers in respect of the functions of the Council.

How this report relates to the Council's Corporate Priorities:

The Council's Constitution and Scheme of Delegation relate to the full spectrum of the Council's activities so changes to it are likely to relate to all of the Council's Corporate Priorities. However, the aim of streamlining and simplifying the decision-making processes by fundamentally reviewing both documents will aim, in particular, to progress the Council's objectives of providing excellent **customer service** and achieving **value for money**.

Financial Implications:

There will be savings in officer and member time in amending the scheme to ensure it is kept up to date, as well as efficiency savings from officers being able to proceed with actions more quickly.

Legal Implications:

In order to function effectively, the Council (as a 'creature of statute') must ensure that its statutory powers and functions are effectively delegated down through its Executive and Committee structure and to officers, with functions and responsibilities lying at the appropriate level of delegation. It is unlawful for officers to act without correctly delegated powers. Therefore any failure to have in place an appropriate and accurate scheme of delegation means that any actions relating to undelegated or improperly delegated matters must be approved by the full Council. Such a situation is entirely impractical. Further, where action is taken and appropriate delegations are not in place, the Council could incur substantial legal costs.

The existing Scheme of Delegation, while never having rendered the Council with a legal claim or costs in respect of inappropriate delegations, is an old Scheme which has been adapted and revised over many years. The Scheme is also specific in nature, meaning that anything that is not included would need to be specifically authorised by full Council. This is, as set out above, impractical. Over the years the Scheme has become lengthy and unwieldy, and its specific nature means that Officers often find that they do not have authority to act without Council approval.

The revised Scheme of Delegation attached to this report turns this approach on its head and sets up an 'exception scheme', wherein all powers and functions are delegated down to Officers with the exception of any powers and functions that either must remain with a specific committee (or with full Council), or which the Council has previously decided must rest with Members. This approach to delegation is entirely lawful and has been adopted by local authorities across the country.

Introduction

1. The Scheme of Delegation to officers has been in existence for many years and has been added to and amended in an ad hoc manner, usually to reflect new or changing legislation. Despite these many revisions, the scheme has never been subject to a complete overhaul.
2. The current scheme, because it is detailed and specific, requires constant revision to keep it up to date and inevitably there are gaps in provision where it does not always cover every eventuality.
3. With the increasing speed of change, both external and internal, the Strategic Review identified a need for a flexible, generic and user-friendly Scheme of Delegation that can meet the needs of a modern local authority. As a result, the Scheme of Delegation has been re-written with a view to achieving these aims.
4. As the approach to the new scheme is very different to the existing scheme, it is not possible to show tracked changes to the original document. However, an audit trail of the migration of the existing delegations into the new scheme will be maintained for members to view.
5. Officers took a report to the Executive on 7 February 2017 setting out the principles of the review, recommending that the revised constitution and scheme of delegation should:
 - Be shorter
 - Be simpler
 - Be easier to understand
 - Facilitate quicker decision-making
 - More easily accommodate future national legislative and local policy changes without always necessitating the addition of further specific points
 - At least increase and not at all decrease the quality, integrity, accountability, transparency of the Council's democratic processes.
 - Be endorsed by both officers and members.

Research

6. In order to identify the best way forward for Waverley, officers undertook research into the format of the Schemes of Delegation at other and neighbouring authorities and whether they had recently undertaken any form of review. The findings are summarised at [Annexe 1](#).
7. As a result of the findings, officers all agreed that the scheme recently introduced at Surrey Heath was consistent with the approach that was trying to be achieved at Waverley, and largely the proposed scheme set out at [Annexe 2](#), reflects that of

Surrey Heath. Having spoken to their Democratic Services Manager, feedback on the transition to a revised scheme and its operation was positive from both the officer and member perspective, recognising the culture change that was needed. In the two years since it has been operating, the new scheme has been reported to be working much more effectively than the old style scheme, particularly in relation to Planning and Licensing matters.

The New Approach

8. The new approach to the Scheme provides for:
 - i. the migration of delegations from outdated function area headings, to the Statutory Officers and service areas to make the scheme more accessible;
 - ii. many of the delegations will be dealt with on an exceptions basis, with officers authorised to take all actions relating to a function with the exception of certain decisions that are reserved to a specific Committee or the Council;
 - iii. the removal of day to day management and administrative actions to include only actual decisions to be taken; and
 - iv. the removal of outdated and redundant delegations and where legislation has been superceded.

Other Matters

9. There have been some areas identified which have in the past incurred an unnecessary delay in decision-making and it was hoped that the revised Scheme of Delegation would be able to address these. In fact, as a result of checking the constitutional requirements, no specific action is required:-

- i. Planning Applications for Council-Owned Property

In the event that a service area of Waverley Borough Council wishes to take action relating to Council-owned land, property or premises that requires planning permission, historically common practice has been that approval to submit a planning application has been sought by a report to the Executive. However, there is no requirement to do this and so in future, officers can proceed with submitting planning applications without the need to seek Executive approval to do so.

- ii. Financial Virements

There is often uncertainty about the procedure to be followed when wishing to vire money between budgets. However, the Financial Regulations already set out both the procedure and the financial levels for officers to take action in terms of budget virements, and again officers can operate with more flexibility than they have perhaps been aware of in the past.

In view of the need for the Financial Regulations to be consistent with the provisions of the Scheme of Delegation, it is proposed that the Strategic Director – Finance and Resources, be authorised to review the Financial

Regulations and ensure their consistency with new principles agreed by the Council on 21 February 2017 and within this report. Similarly, the Contract Procedure Rules are also in the process of being reviewed and updated, and it is essential that these three constitutional documents are all cross-referenced.

Constitution SIG

10. The Constitution SIG met on 14 March 2017 to give consideration to the proposed Scheme of Delegation and was supportive, recognising that it was the right approach to take in order to underpin an efficient system where decisions are taken quickly. It was, however, noted that safeguards for operating such a scheme were important, and officers gave assurances that the scheme still allowed for matters to be referred to the Council, Executive and Committees at the request of officers or councillors, if appropriate. Identifying that the new way of working would bring with it additional responsibility for officers, the need for awareness raising and training was emphasised, in order to ensure the cultural change of the organisation could be driven forward effectively. Improved communication with ward councillors and portfolio holders in advance of decisions being taken would be fundamental to reassure councillors and address any issues of transparency.

Recommendation

It is recommended to the Executive and Council that

1. the revised Scheme of Delegation to officers, as set out at Annexe 2, be adopted;
2. the Strategic Director for Finance and Resources be authorised to amend the Financial Regulations and Contract Procedure Rules to bring them into line with the new Scheme of Delegation; and
3. a review of the effectiveness of the new Scheme be undertaken after 12 months of operation, or earlier if required, and any adjustments necessary be recommended to the Council at that time.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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ANNEXE 1

Authority	No. Pages	Layout	Comments
Waverley	46	Arranged by service area	<ul style="list-style-type: none"> • High level of detail, each individual provision with the legislation is listed.
Surrey Heath	29	<p>Arranged in two parts – (1) schedule of authorisations (e.g. authorisation to institute legal proceedings); and (2) delegations arranged by officer title.</p> <p>Set out as a table with clear separation between sections.</p>	<ul style="list-style-type: none"> • Schedule of Authorisations is very broad and covers all actions under a specific function (e.g. legal proceedings). • Minimal references to individual sections of legislation (except where probably required to by law e.g. s28 RIPA) • Broad powers of delegations with specific exceptions identified e.g. ‘To make all decisions in relation to Human Resources functions in accordance with the Council’s Policies and within budgetary provision, except (a), (b), (c), (d), and (e) below which are reserved to Full Council and (f) which is reserved to the Appointments Committee.’ • Some provisions require consultation with relevant party and this is explicitly included in the table (use of coloured headings also helps).
Runnymede	22	Structured scheme in three parts setting out (1) matters reserved to council or committee; (2) division of officer responsibilities for each area (e.g. delegated powers under housing and council tax benefit are the responsibility of the Corporate Head of Resources); and then (3) the list of functions delegated to officers.	<ul style="list-style-type: none"> • Some areas of detail, but others on exception basis e.g. ‘All planning decisions except for those listed in Scheme of Delegation on page 46 of the Constitution’. • Preamble contains a section entitled ‘To avoid any doubt, provided budgetary provision is available, Officers are instructed and authorised to:’ and includes provisions such as to ‘Do all things necessary to manage the Council’s finances and property in accordance with the law and Council policy (including Financial Regulations)’ and ‘Serve notices exercising statutory powers or duties, in accordance with any relevant Council policy, as the need may arise (unless listed below for a Committee)’ – this is a useful cover-all for day to day actions. • Statement in preamble that ‘Officers must bear in mind the possible need to inform or consult Members, as described in Annexe 3 [guidance on informing and consulting members]’ • Frequent use of abbreviations for officer titles makes it a little confusing to read.
Mole Valley	17	Arranged by function/ service area. Includes ‘Proper Officer Appointment’ as a separate schedule.	<ul style="list-style-type: none"> • Some provisions on an exception basis e.g. ‘To take all actions and make all decisions not reserved to the Council and the Executive in respect of waste management and recycling; sustainability, streets and highways; abandoned or unauthorised vehicles; fly tipping; graffiti and litter, including all powers under the

			<p>Anti-Social Behaviour, Crime and Policing Act 2014 in respect of anti-social behaviour</p> <p>EXCEPT:</p> <ul style="list-style-type: none"> ○ Street naming ○ Drainage' <ul style="list-style-type: none"> ● Consultation covered by following paragraph in preamble. 'All decisions and actions in pursuance of a delegation in the Scheme of Delegation must be taken (with the exception of 9 below) in accordance with statutory requirements, the Council's Constitution, policies and procedures, within budget and in compliance with the Contract Procedure Rules and Financial Procedure Rules and after consultation with the appropriate Executive Member or Committee Chairman or Ward Member, where appropriate.'
Guildford	44	Arranged by Directorate (including section on general delegations to all Directors and heads of service). Includes separate Schedule of Proper Officers	<ul style="list-style-type: none"> ● Quite lengthy preamble setting out notes on how the delegations should be applied. Includes useful clause stating: 'Where the exercise of powers is subject to prior consultation with another officer, that officer may give his or her views in general terms in advance to apply to any circumstances, to remove the need for consultation for each proposal, which should be in writing.' There are additional paragraphs (9-11) which set out what must be taken into consideration when using delegated powers (e.g. routine notification, and consultation where appropriate, of local ward councillors.) ● Relatively high level of detail for each provision.
Elmbridge	26	Arranged by Director/ Officer and then sub-divided by function or relevant legislation.	<ul style="list-style-type: none"> ● High level of detail (individual sections of statutes listed). ● Includes 'Protocol for operating the system set out in the Scheme of Officer Delegations' in relation to planning decisions.
Woking	28	Arranged by Director/ Officer and then sub-divided by service area or relevant legislation	<ul style="list-style-type: none"> ● Relatively high level of detail although some broad statements e.g. 'Authority to take enforcement action under Parts 1, 2, 3, 4 and 7 of the Housing Act 2004 as described in, but not limited to, the table below...' ● No reference to consultation for each individual provision but cover-all statement in the preamble stating 'The exercise of powers, duties or functions delegated to Officers under this Scheme shall be subject to consultation by the Officer with the appropriate Portfolio Holder or Committee Chairman where the decision is known to have a significant policy, service or operational implication, or is known to be politically sensitive.'

Spelthorne	23	Arranged by function/service area	<ul style="list-style-type: none"> Relatively high level of detail although generally all provisions of one statute listed together rather than listing each individual section, also authority to instigate legal proceedings doesn't list all the relevant legislation, it simply states 'legislation which gives the Council a right or duty to prosecute' etc.
East Hants	54	Divided into scheme of delegation to Designated Proper Officers (listing all legislative provisions) and then longer list of specific delegations to staff (Arranged by responsibilities of statutory officers, general areas of responsibility for all directors and heads of service, then specific delegations by each service area).	<ul style="list-style-type: none"> Quite lengthy, but very accessible due to layout by service area. All delegations are listed, but are prefixed with an explanatory paragraph e.g. 'The Head of Finance & Assets is delegated the power to discharge all of the Council's functions relating to the provision of the full range of financial payroll as necessary to enable the proper and efficient operations of EHDC (but excluding: decisions contrary to financial regulations, contract standing orders or the Treasury Management Policy) to include:' [and then followed by a more detailed list of delegated provisions].
Mix Sussex	15	Arranged by service area	<ul style="list-style-type: none"> Concise with all matters delegated subject to certain exceptions e.g. 'To take all actions and make all decisions relating to the Council's function as local planning authority under the Town and Country Planning Acts including work for the South Downs National Park and ancillary or other legislation including High Hedges and Street Naming EXCEPT THAT The following matters should be referred to Committee for decision:' [list of matters that should be decided by committee] Includes a separate section setting out the 'Proper Officer' appointments – these include full details of the relevant legislation.
Rushmoor		Arranged by portfolio in separate documents. Separate section for Proper Officer functions.	<ul style="list-style-type: none"> Relatively high level of detail, but see delegation in regard to planning which delegates all authority but with certain exceptions.

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SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

- 1. General Principles**
- 2. Statutory Officers**
 - 2.1 Head of Paid Service
 - 2.2 Returning Officer and Electoral Registration Officer
 - 2.3 Monitoring Officer
 - 2.4 Chief Finance Officer – ‘Section 151 Officer’
- 3. Executive Director**
- 4. Head of Community Services and Major Projects**
- 5. Head of Customer and Corporate Services**
- 6. Head of Environmental Services**
- 7. Head of Finance**
- 8. Head of Housing Operations**
- 9. Head of Planning Services**
- 10. Head of Policy and Governance**
- 11. Head of Strategic Housing and Delivery**
- 12. Borough Solicitor**

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

General Principles

1. Powers

- 1.1 This Scheme of Delegation is made pursuant to the Local Government Act 1972 Section 101 and by reference to Section 100G and the Local Government Act 2000 Section 15 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers.
- 1.2 The powers in this Scheme of Delegation are only exercisable within the limitations in the Scheme and are subject to the provisions of the Council's Constitution, including Financial Regulations and Contract Procedure Rules.
- 1.3 Where the Council, a Committee, Sub-Committee, the Leader, the Executive, Portfolio Holder or this Scheme of Delegation gives authority for any action, the officer designated shall be entitled to take all necessary steps to do so.
- 1.4 In the event that a Strategic Director or a Head of Service's post ceases to exist or his or her responsibilities are transferred to another officer (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.5 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.
- 1.6 Any Head of Service may seek permission to submit a planning application for development to be carried out by the Council (Regulation 4) and for development to be carried out by other parties on land vested in the Council (Regulation 5).

2. Exercise of Functions

- 2.1 All decisions by officers made under this Scheme of Delegation, may only be exercised provided they are within budgetary provision and in accordance with proper authorities, in particular Financial Regulations.
- 2.2 The Executive Director may appoint one or more deputies to exercise his or her functions owing to absence or illness.
- 2.3 The Executive Director may exercise the powers delegated to any Strategic Director or Head of Service except in relation to those functions allocated to the Chief Finance Officer (within the meaning of Section 151 of the Local Government Act 1972 and Section 112-114A of the Local Government

Finance Act 1988) and to the Monitoring Officer (within the meaning of Sections 5, 5A of the Local Government and Housing Act 1989).

3. Sub-Delegation Scheme

- 3.1 Where the Executive Director, Strategic Director or Head of Service are authorised to take decisions, action to implement such decisions will be taken.
- 3.1.1 in the name of (but not necessarily personally by) the Executive Director, Strategic Director or Head of Service; or
- 3.1.2 by any other officer authorised by Executive Director, Strategic Director or Head of Service to take such action in their name or the sub-delegate's own name.
- 3.2 The Executive Director, Strategic Director, each Head of Service and the Borough Solicitor must prepare and maintain a Sub-Delegation Scheme setting out which officers have been authorised to make decisions under their delegated powers and subject to which terms and conditions. Sub-delegation Schemes must be lodged with the Democratic Services Manager.
- 3.3 Where delegations are to be exercised after consultation with the Leader, Portfolio Holder or nominated officers, the authorised officer will carry out the consultation and ensure that a record is made.
- 3.4 Where delegations are to be exercised after consultation with a Portfolio Holder and that Portfolio Holder is unavailable, consultation shall take place with the Leader.
- 3.5 Where delegations are to be exercised after consultation with other officers, if agreement between officers cannot be reached, the matter must be referred to the Executive Director for consideration.

4. Executive Director's Urgent Action

- 4.1 The Executive Director is authorised to determine matters of an urgent nature within the remit of the Executive and which cannot wait for the next meeting of the Executive, which are not key decisions and which do not contravene established policies or budgets, after consultation with the Leader and relevant Portfolio Holder.
- 4.2 Any matters will be reported to the next meeting of the Executive.

5. Schedule of Authorisations

- 5.1 A schedule of authorisations is attached at Appendix 1.

6. Amendments

- 6.1 Amendments to this Scheme will be approved by the Council with the following exceptions

6.1.1 in respect of the officers designated to exercise delegated authorities where changes in the management structure and post titles have resulted from organisational restructures – by the Monitoring Officer.

6.1.2 updates to reflect new legislation where there is no extension to the limit of the existing delegation – the Monitoring Officer.

7. Interpretation

7.1 Any reference to a statute or statutory instrument should be taken to include any subsequent statute or statutory instrument that replaces, amends or extends it, or contains related provisions.

7.2 The terms “officer”, “staff” or “employee” include any person employed by the Council irrespective of the particular terms and conditions under which they are employed.

7.3 Where a delegation is shown as being both an Executive and Non-Executive Function, advice should be sought from the Monitoring Officer regarding the individual circumstances.

Schedule of Authorisations

1. Legal Proceedings

- 1.1 In accordance with Article 14 of the Constitution the Borough Solicitor is authorised to institute, defend or participate in legal proceedings in respect of all functions of the Council.

2. Representing the Council in Legal Proceedings

- 2.1 The Borough Solicitor is authorised to appoint any appropriate officer to appear on behalf of the Council and to conduct legal proceedings or complete formal proof in court or tribunal. A record of those officers so appointed will be kept by the Borough Solicitor in accordance with the Sub-Delegation Scheme.

3. Land, premises, samples, records, articles, equipment or information

- 3.1 The Executive Director, Strategic Director, Head of Service, and any other officer authorised by those officers, are authorised to
- 3.1.1 enter, visit or inspect premises,
 - 3.1.2 procure samples,
 - 3.1.3 inspect, seize, detain or destroy any goods, articles or equipment;
 - 3.1.4 inspect, seize and detain any records, including records held in electronic form;
 - 3.1.5 demand or require information in accordance with and as provided for by any legislation covering any Council function.
- 3.2 The Executive Director, Strategic Director, Head of Service, Borough Solicitor and any other officer authorised by those officers, may apply to the Justices of the Peace to obtain warrants to enter premises as provided for by any legislation covering any Council function.
- 3.3 A record of any other officers authorised as set out above, will be kept by the Executive Director, Strategic Director, Head of Service or Borough Solicitor as appropriate in accordance with the Sub-Delegation Scheme referred to in the General Principles.

4. Instruments of Appointment

- 4.1 The Executive Director is authorised to issue Instruments of Appointment to the Head of Environmental Services as an inspector under the Health & Safety at Work Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable, having regard to that inspector's qualifications and duties.

- 4.2 The Head of Environmental Services is authorised to issue Instruments of Appointment to an inspector under the Health & Safety at Work etc Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable having regard to that inspector's qualifications and duties.

5. Serving of Notices

- 5.1 The Executive Director, Strategic Director, Head of Service or Borough Solicitor and any other authorised officer employed by the Council are authorised to serve any statutory notices as provided for by any legislation covering any Council function. A record of any other officers so authorised will be kept by the Executive Director, Strategic Director, Head of Service or Borough Solicitor as appropriate in accordance with the Sub-Delegation Scheme referred to in the General Principles.

6. Cautions

- 6.1 The Executive Director, Strategic Director, Head of Service and any other officer authorised by those officers, are authorised to act as Cautioning Officer in order to issue cautions to persons making a clear and reliable admission of an offence, where it is considered that the use of a formal caution is appropriate. A record of any other officers so authorised will be kept by the Executive Director, Strategic Director or Head of Service as appropriate, in accordance with the Sub-Delegation Scheme referred to in the General Principles.

7. Appeals

- 7.1 Unless otherwise reserved to the Council, the Executive, a Committee or Sub-Committee, as set out in their Terms of Reference, the Executive Director, Strategic Director, Head of Service and any other officer authorised by those officers, are authorised to hear appeals as provided for by any legislation covering any Council function and in accordance with Council Policies. A record of any other officers so authorised will be kept by the Executive Director, Strategic Director or Head of Service as appropriate in accordance with the Sub-Delegation Scheme referred to in the General Principles.

8. Consultant in Communicable Diseases Control

- 8.1 The Consultant in Communicable Diseases Control is authorised by the Council to carry out the following actions:
- 8.1.1 To apply to Justices for orders and certificates with a view to preventing spread of disease.
 - 8.1.2 To apply to Justices for orders and certificates for the removal of aged or infirm persons to hospital, after consultation with the patient's General Practitioner and the Head of Environmental Services.
 - 8.1.3 To serve notices relating to infected food and control of notifiable diseases.

The Council operates an 'Executive and Leader' model. Therefore the majority of the Council's functions (decision-making) lie with the Executive. However, a range of the Council's functions are 'non-Executive' meaning that those matters are determined either by full Council or by another Committee of the Council in accordance with the Council's Constitution. Where a Function is referred to below as 'Non-Executive', that function cannot be determined by the Executive and would, in the absence of delegation to an officer(s), be decided by full Council or the relevant Committee.

This Scheme of Delegation to Officers must therefore be read in conjunction with the Council's Constitution.

STATUTORY OFFICERS

HEAD OF PAID SERVICE

	Authority	Function
1.	<p>To make all decisions in relation to Human Resources functions in accordance with the Council's Policies and within budgetary provision, except (a), (b), (c), (d), and (e) below which are reserved to Full Council:</p> <p>(a) the appointment of the Executive Director or Strategic Directors and the statutory posts;</p> <p>(b) amendments to Terms and Conditions of Employment for Staff and Human Resources Policies where there are additional budget implications;</p> <p>(c) the adoption of the annual Pay Policy Statement;</p> <p>(d) the approval of and amendments to the Pension Policy Statement;</p> <p>(e) the settlement of any staff pay award.</p>	Non-executive

THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

	Authority	After Consultation with	Function
1.	Within the approved budget, to approve scales of remuneration of persons employed on Borough and Parish Council elections.	Other local authorities in Surrey.	Non-executive

2.	To amend the designation of a Polling Place, where within six months of an election, (a) a designated polling place unexpectedly becomes unavailable; and (b) it is impractical to report to Council.	Ward councillors, local party agents and, if applicable, official candidates	Non-executive
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THE MONITORING OFFICER

	Authority	Function
1.	The general delegations and authorisations for the Monitoring Officer are as set out in the Constitution at Article 12, the Members' Code of Conduct Part 5 Section A, and the Monitoring Officer Protocol at Part 5, Section J.	Non-executive
2.	To appoint members to the Hearing Sub-Committee from the membership of the Standards Panel.	Non-executive

THE SECTION 151 OFFICER

	Authority	Function
1.	The delegations and authorisations for the Section 151 Officer are as set out in the Constitution at Article 12, and Financial Regulations at Part 4, Section H.	Executive

EXECUTIVE DIRECTOR

Meetings, Members and the Constitution

	Authority	After Consultation with	Function
1.	To appoint members to the Independent Remuneration Panel.	Party Group Leaders. All decisions to be reported to all Members by email.	Non-executive
2.	In respect of ad hoc appointments during the year, to appoint or nominate members and representatives on outside bodies; to appoint trustees; and to identify the meetings of outside bodies which are an approved duty for paying allowances.	The party group leaders. All decisions to be reported to all Members by email.	Non-executive
3.	To make changes to the membership of any of the Council's Committees as necessary during the Council year in accordance with the wishes of the respective group leaders. Any changes made to be reported to the next meeting of the Council.	The party group leaders.	Non-executive

	Authority	Function
4.	To include properties in the List of Assets of Community Value, and make decisions in relation to claims for compensation.	Executive

HEAD OF COMMUNITY SERVICES AND MAJOR PROJECTS

1.	To make all day to day management decisions relating to the Council's Leisure and Green Space functions.	Executive

Community Safety

	Authority	Function
1.	To carry out the Council's functions and any actions authorised by the Community Incident Action Group, relating to anti-social behaviour, in accordance with the Anti-Social Behaviour Crime and Policing Act or subsequent legislation	Executive

Voluntary Organisations and Community Grants

	Authority	After Consultation with	Function
1.	To agree Service Level Agreements with voluntary organisations	The relevant Portfolio Holder	Executive

HEAD OF CUSTOMER AND CORPORATE SERVICES

	Authority	Function
1.	To make all day to day management decisions relating to the Council's functions as they relate to customer services.	Executive

Estate Management

	Authority	After Consultation with	Function
1.	To agree, with Laser, or any other supplier as agreed by the Council, changes to the cost of supplying gas and electricity services at different times within the contract period in accordance with the terms of the contract	The relevant Portfolio Holder	Executive
2.	To approve expenditure from the Repairs and Maintenance Fund on individual or related items up to £20,000.	The Leader or the appropriate Portfolio Holder	Non-executive or Executive as appropriate to the function being exercised

	Authority	Function
1.	To undertake all actions in relation to the administration of the Council's estate and property portfolio except the following matters which are reserved to the Executive: (a) Acquisitions or disposal of land or property with a value in excess of £50,000; (b) the grant of all leases in excess of 15 years; (c) the renewal of existing leases not subject to the provisions of the Landlord and Tenant Act 1954.	Executive

HEAD OF ENVIRONMENTAL SERVICES

Licensing

	Authority	After Consultation with	Function
1.	On behalf of the Council, to submit objections, and pursue such objections at a public inquiry if needed, to: (a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and (b) reviews undertaken of existing licences.	The appropriate ward councillors.	Non-executive

	Authority	Function
3.	To make all decisions in accordance the Council's adopted policies under the following Acts (i) the Public Health Act 1936 and 1961 (ii) The Pet Animals Act 1951 (iii) Caravan Sites and Control of Development Act 1960 (iv) Animal Boarding Establishments Act 1963 (v) Riding Establishments Acts 1964 and 1970 (vi) Dangerous Wild Animals Act 1976 (vii) the Local Government (Miscellaneous Provisions) Act 1982, (viii) Breeding and Sale of Dogs (Welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973 (i) the Scrap Metal Dealers Act 2013 and any subsequent legislation to take all actions relating to the Council's licensing functions, including but not limited to the following: <i>D. Street trading</i> <i>G. Scrap metal dealers</i> <i>H. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals</i> <i>I. Caravan, camping sites and gypsy sites [Simon Brisk?]</i> <i>J. Game dealers</i> <i>K. Tattooing, acupuncture, ear piercing, body</i>	Non-executive

	<i>piercing and electrolysis</i> except for (b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing Committee;	
4.	On behalf of the Council as the Responsible Authority for Environmental Health, the Responsible Authority for Health and Safety, under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations: (a) to make a relevant representation (b) to apply for a review of a premises licence (c) to apply for a review of a club premises certificate	Non-executive
5.	On behalf of the Council as the Responsible Authority for Licensing under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations: (a) to make a relevant representation (b) to apply for a review of a premises licence (c) to apply for a review of a club premises certificate	Non-executive

Environmental Protection

	Authority	Function
1.	To make all decisions in accordance the Council's adopted policies under the following Acts (i) the Control of Pollution Act 1974 (ii) the Environmental Protection Act 1990 (iii) Dangerous Dogs Act 1991 (iv) Noise & Statutory Nuisance Act 1993 (v) the Environment Act 1995 (vi) the Noise Act 1996 (vii) the Dog (Fouling of Land) Act 1996 (viii) The Anti-Social Behaviour Crime and Policing Act 2014 Clean Neighbourhoods and Environment Act 2005 (ix) the Health Act 2006 (x) the Refuse Disposal (Amenity) Act 1978 and any subsequent legislation to take all actions relating to the Council's functions, including but not limited to the following: <i>A. Pollution control</i> <i>B. air pollution control and clean air;</i> <i>C. smoke free premises</i> <i>D. Waste collection</i>	Executive

	<p><i>E. Recycling</i></p> <p><i>F. Controlled waste</i></p> <p><i>G. Contaminated land</i></p> <p><i>H. Statutory nuisance</i></p> <p><i>I. Litter</i></p> <p><i>J. Dangerous and Out of Control dogs</i></p> <p><i>K. Dog fouling</i></p> <p><i>L. Authorisations in relation to controlled processes</i></p> <p><i>M. High Hedges complaint</i></p> <p><i>N. graffiti removal</i></p> <p><i>O. noise nuisance</i></p> <p><i>P. abandoned vehicles and other refuse</i></p> <p><i>Q. prevention of crime and disorder</i></p> <p><i>R. Drug and alcohol abuse/misuse of substances</i></p> <p>except for the award of the Waste Collection and Recycling Contract which is reserved to the Executive.</p>	
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Environmental Health

	Authority	Function
1.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) the Local Government Act 1972</p> <p>(ii) the Local Government (Miscellaneous Provisions) Act 1976</p> <p>(iii) the Public Health Act 1961</p> <p>(iv) the Clean Neighbourhoods</p> <p>(v) the Environment Act 2005</p> <p>and any subsequent legislation to take all actions relating to the Council's functions, including but not limited to the following:</p> <p><i>(a) drains, private sewers, water closets or soil pipes</i></p> <p><i>(b) a satisfactory supply of wholesome water</i></p> <p><i>(c) the control rats and mice</i></p> <p><i>(d) filthy or verminous premises, articles or persons</i></p> <p><i>(e) the prevention and suppression of nuisances</i></p> <p><i>(f) emergency situations arising outside normal working hours.</i></p>	Executive

Food and Safety

	Authority	Function
1.	To make all decisions in accordance the Council's adopted policies under the following Acts	Non-executive/Executive

<p>(i) the European Communities Act 1972 (ii) the Food and Environmental Protection Act 1985 (iii) the Food Safety Act 1990, (iv) the Health & Safety at Work etc Act 1974 and any associated regulations and any subsequent legislation, to take all actions relating to the Council's functions in respect of food and health & safety and pesticides.</p>	
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Land Drainage

	Authority	Function
1.	<p>To take all actions to alleviate flooding under the Water Management Acts relating to the Council's land drainage functions, except the following which are reserved to the Executive:</p> <p>(i) approval of the annual Drainage Works Programme; (ii) authority to submit funding bids for projects requiring external funding for drainage works on third party land where this would require the Council to part fund from the Drainage Reserve</p>	Executive

Car Parks

	Authority	Function
1.	<p>To make all day to day management decisions relating to the management and use of the Council's car parks, except for the following which are reserved to the Council:</p> <p>(a) The adoption of and amendments to the Council's Car Parking Strategy; (b) The setting of off-street car parking charges.</p>	Non-executive

HEAD OF FINANCE

Financial Management

	Authority	After Consultation with	Function
1.	To set the Council Tax Base.	The relevant Portfolio Holder	Executive
2.	To monitor and manage the revenue reserves and provisions of the Council, including the release of such funds within agreed policy guidelines.	The Executive Director and the relevant Portfolio Holder.	Executive

	Authority	Function
1.	To determine areas and levels of cover for insurance.	Executive
2.	To approve spending from the Insurance Fund in individual projects or a group of related projects or a group of related items up to a maximum of £20,000.	Executive
3.	To determine rates of interest payable under: (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council) (b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).	Non-executive

Council Tax and NNDR

	Authority	Function
1.	To apportion rates under Section 44A of the Local Government Finance Act 1988, and any subsequent legislation, on premises partially unoccupied for short periods.	Executive
2.	To grant applications for discretionary rate relief which meet the adopted criteria and can be funded within the approved budget	Executive
3.	To execute warrants of arrest for Council Tax and Non-Domestic Rate debts	Executive

HEAD OF HOUSING OPERATIONS

Housing and Homelessness

	Authority	After Consultation with	Function
1.	To review decisions taken under the Personal Files (Housing) Regulations Act 1989 concerning access to, or correction or erasure of information held in housing records of which a tenant (or member of his family) is aggrieved.	The relevant Portfolio Holder	Executive

	Authority	Function
1.	To make decisions under Access to Personal Files (Housing) Regulations 1989.	Executive
2.	To make decisions under the Rent Deposit Guarantee Scheme.	Executive

HEAD OF PLANNING

Development Control

	Authority	After Consultation with	Function
1.	To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where: (a) the application is not materially different from the original application; (b) the material considerations affecting the decision have not changed; (c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.	The Chairman of the Joint Planning Committee and Ward Councillors	Non-executive
2.	To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Area Planning Committees and Joint Planning Committee	The Chairman of the Joint Planning Committee and Ward Councillors	Non-executive

	Authority	Function
3.	<p>(A) to determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices and certificates of lawfulness;</p> <p>(B) to determine applications for listed building consent and to take action in relation to listed buildings and Conservation Areas; and</p> <p>(C) to respond to consultations and notifications from other local authorities, public bodies etc;</p> <p>(D) to determine the need for an environmental impact assessment;</p> <p>(E) to take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and remedying the condition of land;</p> <p>(F) to serve notices (including enforcement notices, breaches of condition notices, temporary stop notices, stop notices planning contravention notices); under the Town and Country Planning Acts and any Regulations made in relation to this legislation or any amendments, except:</p> <p>(a) planning applications that must be referred to the Joint Planning Committee in accordance with Part 3 of the Constitution;</p> <p>(b) any planning application, where within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a requests to the Head of Planning (or an officer(s) nominated by them), supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination.</p> <p>(c) any planning application, where within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a requests to the Head of Planning (or an officer(s) nominated by them),</p>	Non-executive

	<p>putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination.</p> <p>(For (b) and (c)) Where the three-week call-in period has expired, but the Head of Planning is satisfied that the circumstances are so exceptional and the application has not been determined, they may, after consultation with the Chairman of the relevant Committee, arrange for that application to be referred to the Committee;</p> <p>(d) any planning application submitted by or on behalf of a serving Councillor or employee of the Council, or the spouse or partner of any of the above persons;</p> <p>(e) any planning application where an objection from a statutory consultee remains unresolved and the officer's recommendation is to approve the application;</p> <p>(f) any planning application where the Council is the applicant;</p> <p>(g) any planning application which is required to be referred to the Secretary of State.</p>	
4.	<p>To take action, make decisions, serve notices and carry out works relating to trees pursuant to the Town and Country Planning Act 1990, the Hedgerow Regulations 1997 and Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, and any Regulations made in relation to this legislation or any amendments, except the confirmation or revocation of a tree preservation order where objections have been received which is reserved for decision by the Area Planning Committee.</p>	Non-executive
5.	<p>To agree the terms of, and variations to, Section 106 Legal Agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission under delegated powers and Section 106 agreements following a refusal on appeal</p>	Non-executive

Licensing

	Authority	Function
1.	Under the Licensing Act 2003 (a) to respond to the licensing authority in connection with consultations on applications on behalf of the local planning authority; (b) to apply for a review of a premises licence or a club premises certificate.	Non-executive

Street Naming and Numbering

	Authority	After Consultation with	Function
1.	To determine the names of highways under the Public Health Act 1925.	The appropriate Portfolio Holder and appropriate ward councillors	Executive

	Authority	Function
1.	To exercise the street numbering function under the Public Health Act 1925	Executive

Building Control

	Authority	After Consultation with	Function
1.	To adjust Building Control charges appropriately to ensure income will cover the cost of the chargeable service	The relevant Portfolio Holder	Executive

	Authority	Function
1.	To exercise the Council's powers in relation to Building Control legislation, including, but without prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and service of all Notices, the making of requirements and the decision to carry out works in default.	Executive
2.	To exercise the powers and duties of the Council, including the recovery of costs, relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings	Executive

HEAD OF POLICY AND GOVERNANCE

Members Meetings and the Constitution

	Authority	After Consultation with	Function
1.	To approve the annual timetable of meetings of the Council and Standing Committees.	The Leader	Non-executive
2.	The determination of applications for street collections to provide funding to meet a major local/national/international disaster.	The Chairman of the Licensing and Regulatory Committee.	Non-executive

	Authority	Function
1.	<p>To make all decisions in accordance with the Council's adopted policies under the following Acts</p> <p>(i) the Local Government (Miscellaneous Provisions) Act 1976</p> <p>(ii) the Town Police Clauses Act 1847</p> <p>(vii) the Local Government (Miscellaneous Provisions) Act 1982</p> <p>(ix) The Regulatory Reform Act 2001</p> <p>(x) Licensing Act 2003,</p> <p>(xi) the Gambling Act 2005</p> <p>and any subsequent legislation to take all actions relating to the Council's licensing functions, including but not limited to the following:</p> <p><i>A. Personal, premises, club premises licences and Temporary Event Notices</i></p> <p><i>B. Hackney carriage drivers and vehicles, and private hire drivers, vehicles and operators (except any applications that reveal convictions for offences that might affect the suitability of a person to hold a licence)</i></p> <p><i>C. House to house and street collections</i></p> <p><i>D. Club gaming/club machine permits and small society lotteries</i></p> <p><i>E. Sexual Entertainment Venues</i></p> <p>except for</p> <p>(a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;</p> <p>(b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing Committee;</p> <p>(c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees,</p>	Non-Executive

	<p>which is reserved to the Licensing and Regulatory Committee;</p> <p>(d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing and Regulatory Committee;</p> <p>(e) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing and Regulatory Committee;</p> <p>(f) all applications and appeals reserved to the Licensing Sub Committee as set out in its Terms of Reference at Part 3, Section E of the Constitution.</p>	
2.	To make all day to day management decisions relating to the Council's functions as they relate to communications and public relations.	Executive

Closure of Streets (suggest reallocation)

	Authority	Function
1.	To make and issue temporary street closures orders in connection with special events in accordance with Section 21 of the Town Police Clauses Act 1847.	Executive

HEAD OF STRATEGIC HOUSING AND DELIVERY

Private Sector Housing

	Authority	After Consultation with	Function
1.	To determine the charges for default works undertaken pursuant to the Public Health and Housing Acts and the clearance of private drains and private sewers, all in respect of Environmental Protection legislation.	The relevant Portfolio Holder	Executive

	Authority	Function
1.	To undertake all actions relating to the Council's functions under the Housing Grants, Regeneration and Construction Act 1996 and any subsequent legislation, including but not limited to the following:	Executive

	(a) Disabled facilities grants (b) Renovation grants (c) common parts grants, (d) house in multiple occupation grants (e) major repair grants	
2.	To undertake all actions relating to the Council's functions under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 for the securing of loans given for the improvement or repair of dwellings as a formal Land Charge.	Executive
3	To undertake all actions relating to the Council's functions under the Housing Acts and any subsequent legislation regard to unfit housing and houses in multiple occupation.	Executive
4.	To administer and approve loans under the Flexible Improvement Loans Scheme.	Executive

Housing and Homelessness

	Authority	Function
1.	To make decisions to depart from the Council's Allocations Policy in special needs circumstances.	Executive
2.	To review decisions under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999.	Executive

Burial or Cremation

	Authority	Function
1.	To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their remains have been made (under Section 46 of the Public Health (Control of Disease) Act 1984) and any necessary administration of the deceased's estate in liaison with the Treasury Solicitor.	Executive

BOROUGH SOLICITOR

Data Protection Act 1998

	Authority	Function
1.	To waive in cases of hardship the subject access fee allowed for under the Data Protection Act 1998.	Executive

Regulation of Investigatory Powers Act 2000

	Authority	After Consultation with	Function
1.	To amend the Council's Regulation of Investigatory Powers Act 2000 Policy and Procedure, to reflect changes to the legislation or for better performance of the Policy	The relevant Portfolio Holder and the Leader	Executive
2.	To add to, or delete from, the list of authorised officers in the Council's Policy and Procedure pursuant to the Regulation of Investigatory Powers Act 2000.	The relevant Portfolio Holder and the Leader	Executive

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 4 APRIL 2017

Title:

**AMENDMENT TO THE CONSTITUTION AND SCHEME OF DELEGATION
PLANNING ENFORCEMENT MATTERS**

**[Portfolio Holder: Cllr Brian Adams]
[Wards Affected: All]**

Summary and purpose:

The purpose of this report is to seek an amendment to the Council's Constitution and the current Scheme of Delegation to Officers in respect of planning enforcement related matters.

How this report relates to the Council's Corporate Priorities:

This report relates in particular to the Corporate Priority of 'Environment', in that planning enforcement and the monitoring of and compliance with planning obligations will help to protect and enhance rural and urban communities.

Financial Implications: There are no financial implications associated with this report.

Legal Implications:

Permanent delegation to officers will ensure that the Council's decision-making is expedient without undue bureaucracy. The Scheme of Delegation provides a mechanism at an appropriate level to give efficacy to the Council's policies and procedures.

The Constitution provides the originating powers and functions for the day-to-day running of the Council. In lieu of any provision for the enforcement of planning obligations, the Constitution and the Scheme of Delegation needs amendment.

The Executive should note that should the separate report and recommendations to this meeting regarding the new Scheme of Delegation to Officers subsequently be approved by full Council, Recommendation 2 in this report will fall away as the proposed new delegation would no longer be required under the new Scheme.

Introduction

1. The Constitution and Scheme of Delegation is kept under regular review and this report brings to the attention of the Council that the Constitution and Scheme of Delegation requires amendment. The proposed amendment will provide the addition of a key delegation in the Planning Service, specifically in relation to planning enforcement.

Planning Enforcement

2. The Scheme of Delegation allows for the Head of Planning, after consultation with the Borough Solicitor, to determine planning applications where there is a

requirement for a planning obligation (Section 106 agreement). This delegation only exists when no positive obligations are placed on the Council save for contributions required to offset planning harm to the Thames Basin Heath Special Protection Area (July 2016 version: Delegation 98).

3. The Scheme also allows for the Head of Planning to vary a legal agreement provided no positive obligations are placed on the Council and to discharge a legal agreement where there is no longer a valid planning purpose for the agreement (July 2016 version: Delegations 99/100).
4. It has come to the attention of Planning Enforcement and legal officers that no such authority in the Scheme allows for the enforcement of a planning obligation. This is a crucial omission given that the Town and Country Planning Act 1990 (as amended) provides a statutory power for the Council to enforce planning obligations as and when necessary:

“106 Planning obligations.

(1)Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106B as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

...

(3)Subject to subsection (4) a planning obligation is enforceable by the authority identified in accordance with subsection (9)(d)—

(a)against the person entering into the obligation; and

(b)against any person deriving title from that person

...

(5)A restriction or requirement imposed under a planning obligation is enforceable by injunction.

5. The Scheme of Delegation authorises the Borough Solicitor to seek injunctions upon the request of the Head of Planning but only in very specific situations. These are contained at Delegations 84 and 85 of the July 2016 version. Specifically named are actual and/or apprehended breaches of planning control for unauthorised development; listed building or conservation area control; hazard substances control; and protected trees control. Nowhere is the equivalent authorisation found for enforcing a planning obligation via section 106(5) of the Town and Country Planning Act 1990.
6. Planning Enforcement and legal officers are mindful, given the volume of planning obligations and the associated requirements contained in such agreements, that, going forward, a delegation is required. This shall allow for sound section 106 management and monitoring and effective and expedient enforcement.

The Council’s Constitution

7. The Scheme of Delegation allows for effective decision-making to be taken by the named officers. However, the delegations must arise from the authorising provisions from within the Council’s Constitution.

8. Part 3 of the Council's Constitution "*Responsibility for Functions*" details what business is reserved to Full Council, the Executive or other committees of the Council. It is here "Joint Planning Committee" ("JPC") is created with 23 councillors appointed. Its functions are highlighted as being "*relevant functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities)(Amendment No2)(England) Regulations.*" These Regulations are silent about the enforcement of planning obligations via an injunction. Other powers of JPC are then also listed ranging from powers to determine planning applications, through to powers to issue various notices for enforcement purposes. Here the power to "*enter into or vary or discharge agreements relating to development or use of land*" is a function of the JPC and exercised via delegations to the four Area Planning Committees ("APC") and the Scheme of Delegation to officers.
9. Again, the power to enforce a planning agreement pursuant to the statutory provisions of section 106(5) of the Act is omitted. As such, JPC is devoid of any ability to allow the enforcement of a planning obligation and, by extension, the Council.
10. To allow for the effective enforcement of planning obligations, the amendments proposed are required. The amendment to the Constitution shall require the proposal to be considered by the Constitution Special Interest Group, the Executive and, if necessary, the Standards Panel, in line with the requirements of the Constitution Part 1: 15.02.

Recommendation

That the Executive recommends to the Council that the Constitution and Scheme of Delegation be amended as follows:

1. To insert into the Constitution at Part 3 and into the table of functions for Joint Planning Committee at the row "*Power to enter into or vary or discharge agreements relating to development or use of land*" the following underlined addition: "*Power to enter into or vary or discharge agreements relating to development or use of land. Including the enforcement of a restriction or requirement imposed by an agreement*"; and
2. To insert into the Scheme of Delegation a new "100A" and the authority as follows: "*Authority to seek injunctions pursuant to section 106(5) of the Town and Country Planning Act 1990 (or as may be amended, modified or re-enacted) in respect of actual or apprehended breaches of a restriction or requirement imposed by an agreement.*"

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 4 APRIL 2017

Title:

CALL IN OF DUNSFOLD PARK PLANNING APPLICATION – REQUEST FOR A SUPPLEMENTARY ESTIMATE

**[Portfolio Holder: Brian Adams]
[Wards Affected: All]**

Summary and purpose:

On 14 December 2016, the Joint Planning Committee resolved to approve hybrid planning application WA/2015/2395 from Dunsfold Airport Ltd and Rutland Ltd for a new settlement with residential development comprising 1,800 new homes, space for new businesses, amenity space and supporting infrastructure.

On 8 March 2017, the Secretary of State called in the application for planning permission for his own determination. A Planning Inspector will hold a Local Inquiry and report their recommendation to the Secretary of State. The Planning Inspectorate will decide the date and location of the inquiry.

The purpose of this report is to request approval for a supplementary estimate of up to £200,000 to hold the Inquiry and pay for legal representation, including Counsel and planning and / or technical consultants required in order to defend the Council's resolution to grant planning permission for the scheme.

How this report relates to the Council's Corporate Priorities:

Community Wellbeing

The Council's priority is to secure the wellbeing of its communities through the provision of affordable housing, leisure and recreational facilities, support for older people and vulnerable families as well as support for local businesses.

Environment

Through the planning service, the Council can influence and support the aspirations for development in its towns and villages.

Equality and Diversity Implications:

There are no equality and diversity implications.

Resource/Value for Money Implications:

The cost to the Council of holding the Inquiry and defending its position to the Secretary of State is expected to be between £160,000 and £200,000. There is no budget provision for this work; a supplementary estimate up to £200,000 is requested. This cost is not recoverable and will need to be met from Waverley's council taxpayers' funds which will redirect resources from other priority service spending.

Legal Implications:

The general criterion for calling in applications for determination by the Secretary of State must concern planning issues of more than local importance. The applicant's application for planning permission will be scrutinised before an independent Inspector at a Public Inquiry and then decided at the highest level in the planning system.

A bespoke timetable for the Inquiry will be agreed by all parties, and failure to keep to this timetable which has caused another party unnecessary or wasted expense, could result in a claim for costs against the party being upheld.

Considering the scale and importance of the site both locally and nationally, experienced counsel and consultants are therefore recommended.

Introduction/Background

1. On 14 December 2016, under WA/2015/2395, the Joint Planning Committee resolved to grant planning permission, in outline, for a new settlement comprising 1,800 dwellings; care accommodation; a local centre for retail, financial and professional, cafes/restaurant/takeaway and/or public house uses; new business uses for offices, research and development industry, light and general industry, storage and distribution and flexible commercial space; health centre; relocation of Jigsaw School; new community centre; two-form entry primary school; open space including water bodies, outdoor sports, recreational facilities, a canal basin and nature conservation areas; public transport routes, footpaths and cycleways; landscaping, removal of three runways; and all related infrastructure.
2. Under the same planning application, there was a resolution to grant permission, in full, for the demolition of a certain number of buildings and the retention of others for specified uses and the temporary use of one building as construction headquarters.
3. On 8 March 2017, the Secretary of State called in the application for planning permission for his own determination. A Planning Inspector will hold a Local Inquiry and report their recommendation to the Secretary of State. The Planning Inspectorate will decide the date and location of the inquiry.

4. Advice received from the Planning Inspectorate so far is that the Secretary of State is particularly interested in matters relating to the location and the sustainability of the proposal. The Council will be informed if further matters are raised as being relevant by the Inspector.
5. In defending its position at the inquiry, the Council will require Counsel for advice during the preparation of the case and to represent the Council throughout the course of the Inquiry. Clearly, the Council will be in the strongest possible position with the benefit a highly qualified and experienced planning barrister in place to robustly defend the Council's resolution to grant planning permission. It is likely that the inquiry will last in excess of a week.
6. As well as requiring a barrister, officers are proposing to employ the services of a private planning consultant to represent the Council throughout the inquiry in order to support the demand on staffing capacity that this major public Inquiry will cause. In addition, it is considered that securing the services of a consultant with experience of high level and complex planning inquiries will be beneficial and appropriate to defend this important and strategically significant development.

Recommendation

The Executive recommends to the Council that a supplementary estimate of up to £200,000 be approved from the revenue reserve fund, to meet the costs of the Council defending its resolution to grant planning permission for the proposal at Dunsfold Park following the Secretary of State call-in.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 4 APRIL 2017

Title:

**PERFORMANCE MANAGEMENT REPORT
QUARTER 3, 2016/17
(OCTOBER - DECEMBER 2016)**

**[Portfolio Holder: Cllr Julia Potts]
[Wards Affected: All]**

Summary and purpose:

The Council's Performance Management Framework (PMF) contains a number of indicators that assist Members and officers in identifying current improvement priorities and progress against targets. The indicators are reviewed quarterly by the Executive and are aligned to the Council's Corporate Plan priorities.

This report gives an analysis of the Council's performance in the third quarter of 2016/17. Annexe 1 contains the list of indicators used for reporting performance and includes targets, graphs and comments. Annexe 2 provides further 'void progress report' information.

How this report relates to the Council's Corporate Priorities:

Waverley's Performance Management Framework and the active management of performance information help to ensure that Waverley delivers its Corporate Priorities.

Equality and Diversity Implications:

There are no direct equality and diversity implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

Resource/Value for Money implications:

There are no resource implications in this report. Active review of Waverley's performance information is an integral part of the corporate performance management process, enabling the Council to improve Value for Money across its services.

Legal Implications:

Some indicators are based on statutory returns which the Council must make to Central Government.

Background

1. The Performance Indicators for Finance, Strategic HR, Complaints, Housing and Planning, Environmental Services and Community Services are set out at Annexe 1.
2. The majority of services have performed well with improvements in a number of areas over the previous quarter. Only five performance indicators out of a total of 36 were

outside their target for the quarter by more than 5% and five were within 5% of their target.

Corporate (Finance, Strategic , Complaints, Housing)

Finance

1. Quarter 3 has seen a very strong performance from Finance with 5 out of 6 indicators meeting their targets.
2. Performance in both the '*time taken to process new housing benefit claims*' [NI 181a] and '*change events*' [NI 181b] remains steady in the third quarter and continues the improvement over the preceding year.
3. Whilst the performance for the '*percentage of invoices paid within 30 days*' [F3] experienced a small dip of 1.9% taking it below target, the '*percentage of invoices from small/local businesses paid within 10 days*' [F4] has improved significantly by over 19% from the previous quarter, exceeding the target by 8.2%.

Resources

4. Strategic HR is currently working on a report, as requested by Members at the last O&S meeting, which will show the staffing resilience of each service area. This will be presented to the Members at the next O&S meeting in June.
5. *Staff turnover* [HR1] in this quarter is at the lowest rate since 2013. This data includes all leavers including retirees, voluntary and non-voluntary leavers, but does not include agency staff. No target is set for this indicator. In the recent staff survey 88% of staff stated they were proud to work for Waverley, 89% said that their line manager supported their career development and 98% of staff said they felt personally responsible for delivering a good standard of customer service.

The Council's staff turnover decreased to 2.26% in the third quarter, a reduction from a staff turnover of 5.18% in quarter 2, and this is the lowest rate since the start of 2013 and represents 10 members of staff leaving employment at Waverley.

NB: 29 members of staff were successfully recruited during the same period.

Staff breakdown:

New recruits	29
Overall leavers	10
Resignations	10
Retirements	-
Completed temporary contracts	-
TUPE	-

6. The average number of days lost due to sickness absence per person [HR2] has increased from 1.45 days in Quarter 2 to 1.94 days in Quarter 3 (Oct – Dec). Whilst this takes it outside the challenging target of 1.38 days (5.52 days per annum), it is recommended that the target is reviewed at the next O&S meeting in June to reflect the comparative data in the table below, which illustrates the annual sickness absence data across different employment sectors. Waverley attendance is excellent compared with the national average and other local authorities.

Sickness Benchmarking 2016 (CIPD Absence Management Survey)

Indicator	Days lost per employee (annual 2016)
CIPD (all sectors)	6.3 days
CIPD (Local Government data)	9.9 days
Waverley Borough Council	6.22 days

Complaints

7. The number of *Level 3 (Executive Director) and Ombudsman complaints* [M1] has reduced from the last quarter from 12 to 8 and is at its lowest since 2013. There was also a reduction in the *total number of complaints received* [M2] from 119 in Q2 to 112 in Q3.
8. The *% of complaints responded to within target times of 10 days Level 1 & 15 days for Level 2 and 3* [M3] decreased to 83% and continues to be outside the target of 95%. The lowest performance was at Level 2 (84% in Q2 and 63% in Q3) which reflects the increased complexity of some of the issues raised, which required more time to resolve.

Housing

9. All but two of the Housing targets have been met in the third quarter, continuing consistently good performance from the previous quarter.
10. The *time taken to re-let homes* [H2] has lengthened by 4 working days from the previous quarter taking this into amber. A small number of difficult cases impacted the performance figure and the team are taking steps to improve performance in this area. Further details are included in the 'void progress report' attached at Annexe 2. The performance on the prevention of homelessness cases and households living in temporary accommodation has remained steady with no *households living in temporary accommodation* [H4], at the end of the third quarter.
11. All *annual boiler services and gas safety checks* [H6] were undertaken on time owing to the Property Service Team's proactive approach.

Comments from Housing Improvement Sub-Committee

12. The Housing Improvement Sub-Committee reviewed the Housing Service performance indicators at their meeting on 9 January.

The Sub-Committee was very pleased to see the continued improvement in the performance of responsive repairs relating to overall satisfaction [H7] and keeping appointments [H9] which remain on target. However the number of repairs completed right first time [H8] was below target as reported by tenants. The property service team and responsive repairs contractor monitor this performance weekly.

Community (Planning, Environmental Services and Community Services)

Planning

13. Only one of the 11 Planning performance indicators was outside its target in this third quarter. The performance on processing major and minor applications was well within target and the 'other' category remained just within target. Whilst performance on major

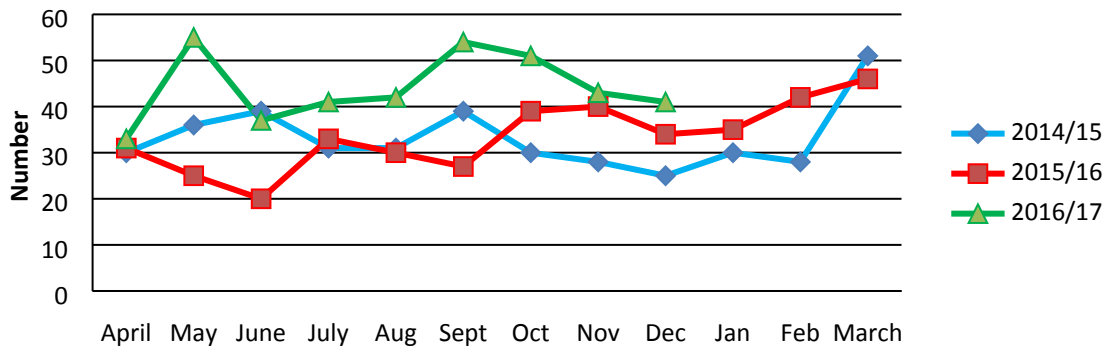
appeals stayed well within its target, the number of 'planning *appeals allowed (cumulative year to date)*' [P2] increased in Q3 to 37.90% making this performance 7.90% off target. There was also an increase in the number of appeals determined overall, 29, up from 22 in the previous quarter.

14. Performance on '*enforcement cases actioned within 12 weeks of receipt*' [P4] has continued to improve and is now at 98.71% which is the best performance since record started in 2009/10.
15. The '*number of affordable homes permitted (homes granted planning permission)*' [P7] is the highest since records started in 2014/15 due to extensive development at Dunsfold Park with 540 affordable new homes permissions granted and 17 at Nugents Close also in Dunsfold.
16. In this quarter 86 out of 88 Building Control Applications [P8] were checked within the given target of 10 days. This shows a performance improvement of 2.83% from Q2 and is the highest since records started in 2011.

Environmental Services

17. Environmental Services performance has been mixed across the areas with 4 out of 8 indicators meeting targets, 2 being up to 5% off target and the remaining 2 falling behind the target in excess of 5%. Performance improvement plans are being put in place with the contractors.
18. The '*residual household waste per household (kg)*' [NI191] has increased slightly from the previous quarter by 0.69% and it is now at its highest level since Q2 2014/15 (lower is better). High residual waste figures in December, with more waste being collected over the Christmas period, are likely to be the reason. Despite the very challenging target of 85kg when compared against other Surrey Boroughs' performance, we remain the third lowest tonnage for the household waste in the area. Officers are working with the Surrey Waste Partnership (SWP) on several publicity initiatives to promote recycling. We have also received funding from WRAP to deliver a food waste promotional campaign which should drive an improvement in the figures.
19. The '*percentage of household waste sent for reuse, recycling and composting*' [NI 192] dropped slightly by 0.92% to 54.44%, but performance is still within the new target set in Q1 2016/17 at 54%.
20. The '*MRF Reject Rate*' [E1] has slightly improved since Q2 by 0.34% and has now remained within target for the last year.
21. The '*average number of days to remove fly-tips*' [E2] was brought back on target and has fallen from 5 days in Q2 to 2 days in Q3. The improvement for this indicator can be linked to efforts in closely monitoring the performance through meetings with the contractors to ensure the targets are being met.

Number of Fly Tipping Incidents 2014/15 - 2016/17



The table shows the number of fly tipping incidents over the last three years on a monthly basis. It shows a spike in the numbers this year in May and September, but since then has shown a downward trend.

22. The *'percentage of compliance for litter and detritus'* [E3] showed a small dip in performance over the previous quarters, but nevertheless remained within the target at 92%.
23. The *'average number of missed bins per 104,000 bin collections each week'* [E4], whilst still above the challenging target set, has shown an outstanding improvement in performance with over a 55% reduction in weekly missed collections. The number fell from 83 in Q2 to only 37 in Q3. The success can be attributed to the increase in the frequency of performance meetings with the contractors from quarterly to monthly.
24. The *'percentage of higher risk food premises inspections carried out within 28 days'* [E5] has fallen slightly in Q3 due to 1 out of 31 premises having access issues. However it has now been successfully inspected. The recent survey shows that the business satisfaction with Local Authority regulation [NI 182] has fallen by 4% since Q2 and is now performing slightly below the target at 81% against a target of 85%.

Community Services

25. The community performance has been very good in Q3 with only 1 indicator missing its target by up to 5%.
26. The number of visits to Leisure Centres in Q3 has dropped slightly for Farnham, Haslemere and Godalming Centres [CS2 , CS4, CS6]. This is likely to be due to the Christmas holiday period linked to decreased attendance. Despite the small drop in numbers, all leisure centres are performing well above their set targets.
27. The *'total users of learning activities'* [CS8] in museums has significantly increased due to the popularity of the loan boxes scheme, which allows schools to rent a small collection of historical artefacts for a limited period of time and exhibit them to the students at the school premises and to access a wider audience.

Yearly Review of Targets for 2017/18

28. Following a review of all performance indicators at the end of 2015, it was agreed that targets would be reviewed on an annual basis in March each year.

29. **Finance** – It is proposed to amend the criteria for the indicator ‘percentage of invoices paid within 30 days’ [F3] as it no longer aligns with the Council’s Financial Strategy of cash flow investment. Currently this indicator monitors payment promptness within the term of 30 days for larger suppliers most of whom are not locally based, and whose standard payment term is longer than 30 days (typically in a range of 40-90 days). It is proposed that the indicator criteria be amended to ‘percentage of invoices paid within 30 days or **within supplier payment terms**’ [F3]. The proposed modification will still assess the promptness of invoice payment but it will be within the given terms of the supplier rather than a blanket 30 days. The other indicator [F4] designed to assist the payment of small and/or local businesses would remain.
30. **Strategic HR** – the HR indicators are currently under review and it is proposed that a revised target for ‘average working days lost due to sickness absence per employee’ [HR2] be presented at the next O&S meeting in June, acknowledging that any agreed performance information could be collected from 1 April.
31. **Complaints** – It is proposed that there are no changes to the targets for the Complaints Services on the basis that there is sufficient challenge in the targets as they currently stand.
32. **Housing** – All Housing indicators have been reviewed and it is proposed that there be an increase of the target from 87% to 93% for the responsive repairs overall service rating [H7] making it more challenging. It is also proposed that wording be added to the indicators H7, H8 and H9 to clearly indicate that these scores reflect tenants’ view of the service.
33. **Planning** - New targets have been set by the Government in relation to both speed and quality for determining major and non-major planning applications. The proposed changes are summarised in the following table. It is not proposed to change the targets for the remaining Planning Performance Indicators relating to Enforcement, Trees and Building Control.

PI Code	Description	2016-17 Targets	2017-18 Proposed Targets	Remarks
NI 157a	Processing of planning applications: Major applications - % determined within 13 weeks	80%	80%	No change
NI 157b	Processing of planning applications: Minor applications - % determined within 8 weeks	80%		Discontinue
NI 157c	Processing of planning applications: Other applications - % determined within 8 weeks	90%		Discontinue
P1	Percentage of planning applications determined within 26 weeks	100%	100%	No change
New PI	Processing of planning applications: Non-major applications - % determined within 8 weeks	New	90%	New statutory indicator
New PI	Speed of processing for all other applications	New	90%	New local indicator
P2	Planning appeals allowed (cumulative year to date)	30%		Discontinue
P3	Major planning appeals allowed as a % of Major Application decisions made (cumulative)	20%	10%	Reduction by 10%
New PI	Non-major appeals allowed as a % of all non-major decisions made (cumulative)	New	10%	New statutory indicator
New PI	All other appeals (cumulative to date)	New	20%	New local indicator

34. **Environmental Services** – It is proposed that there are no changes to the targets for Environmental Services on the basis that there is sufficient challenge in the targets as they currently stand.
35. **Community Services** – All Community Services indicators have been reviewed and it is proposed that there be an increase of the target from 92,000 to 105,000 for the number of visits for both Haslemere and Godalming Leisure Centres (indicators CS4 & CS6), making them more challenging.

Comments from the Community and Corporate O&S Committees

36. The Community Overview and Scrutiny Committee considered the report at its meeting on 14 March 2017 and the Corporate Overview and Scrutiny Committee considered their report on 20 March 2017 and their observations and comments are set out below.
37. Community Overview and Scrutiny Committee:
 - i) Community O&S Committee considered a detailed report on the Government's new performance indicators and targets for Development Control, and the implications of failing to achieve the new targets/thresholds. The Committee was pleased to see the good performance by Planning, and congratulated the Head of Planning and her team for their work in maintaining a high high standard on the speed and quality of decision-making. Members recognised that they, too, had to be professional in carrying out their role in Waverley's Planning Committees, and had to come to the Chamber prepared to make a decision based on planning merits, whilst also reflecting local issues.
 - ii) The Committee endorsed the proposed changes to the Planning service targets, from 2017/18, and noted that these would be discussed further at the Planning refresher training in the new Council year.
 - iii) The Committee noted that the performance across other services had been generally good. The Committee discussed what would be achieved by increasing the targets for use of Haslemere and Godalming Leisure Centres: whilst there were some reservations that this was putting additional strain on the Leisure Centres, it was noted that the new targets only reflected better the current usage level and were not especially stretching. The Committee noted that Farnham Leisure Centre was competing against a number of new private-sector gyms in the area, and Cranleigh needed further investment, and for these reasons no increase in their respective targets for use had been proposed. The Committee therefore agreed to endorse the proposed increased targets for Haslemere and Godalming Leisure Centres.
38. Corporate Overview and Scrutiny Committee:
 - i) Corporate O&S Committee noted that the Housing Service indicators had been reviewed by the Housing Improvement Sub-Committee, which had been generally satisfied with the level of performance. Whilst it had been disappointing that the performance on Void re-lets had drifted off-target in Q3, action was being taken to bring performance back on track. The Sub-Committee had previously discussed how the Council might be more proactive in discussing with tenants who had given notice what they needed to do to leave the property in an acceptable state and in accordance with the Tenancy Agreement.

- ii) The Committee reviewed the proposed changes to targets, and were content to endorse the recommendations in relation to F3, and Housing customer satisfaction with the Responsive Repairs service [H7].

Recommendation

The recommendations from the Community and Corporate O&S Committee meeting on the 14 March and 20 March are listed below. It is recommended that the Executive:

1. examines the performance figures for quarter three as set out in Annexe 1;
2. endorses inclusion of the following new statutory planning indicators for the new financial year 2017-2018:
 - *'Processing of planning applications: Non-major applications - % determined within 8 weeks'* (90% target / new statutory);
 - *'Non-major appeals allowed as a % of all non-major decisions made (cumulative)'* (10% target / statutory);
3. agrees the inclusion of the following new local planning indicators and targets for the new financial year 2017-2018:
 - *'Speed of processing for all other applications'* (90% target);
 - *'All other appeals (cumulative to date)'* (20% target);
4. agrees the discontinuance of the following planning indicators:
 - *'Processing of planning applications: Minor applications - % determined within 8 weeks'* [NI 157b];
 - *'Processing of planning applications: Other applications - % determined within 8 weeks'* [NI 157c];
 - *'Planning appeals allowed (cumulative year to date)'* [P2];
5. approves the following target changes:
 - a) Amendment of the wording and criteria for the [F3] indicator to *'percentage of invoices paid within 30 days or **within supplier payment terms**'*.
 - b) Increasing the target for the responsive repairs overall service rating [H7] from 87% to 93% and to amend the wording of indicators H7, H8 and H9 to clearly specify that these scores reflect tenants' view of the service.
 - c) Reduction by 10% to the P3 indicator (*'Major planning appeals allowed as a % of Major Application decisions made (cumulative)'*).
 - d) Increase of the target from 92,000 to 105,000 for the number of visits for both Haslemere [CS4] and Godalming [CS6] Leisure Centres; and
6. thanks the Overview and Scrutiny Committees for their observations and recommendations.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.




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Executive Quarter 3 Performance Report 2016/17 (October - December 2016)

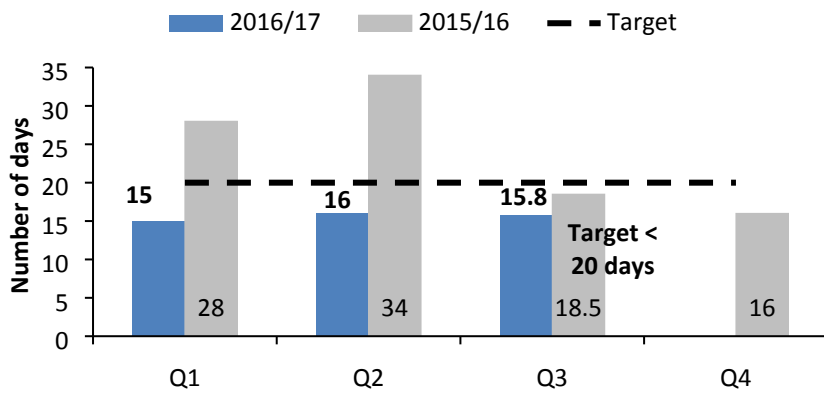
RAG Legend		Graph Lines Legend	
On target	Green	Waverley 2016/17 (current year outturn)	
Up to 5% off target	Amber	Waverley Outturn 2015/16 prior year	
More than 5% off target	Red	Waverley Target	
Data not available	Not available		
Data only/ no target/ not due	No target		

FINANCE

NI 181a Time taken to process Housing Benefit support new claims

GREEN

Time taken to process Housing Benefit (lower outturn is better)



Quarter	2016/17	2015/16	Target
Q1	15	28	20
Q2	16	34	20
Q3	15.8	18.5	20
Q4	-	16	20

Comments

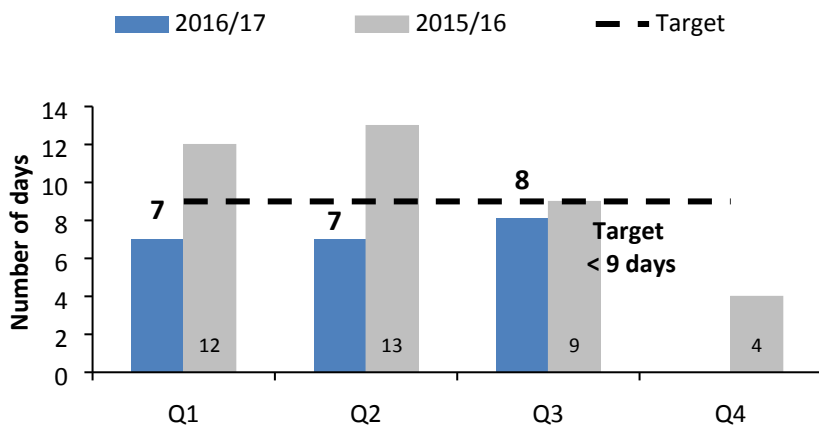
Third quarter performance remains well within target and continues the improving trend from last year.

FINANCE

NI 181b Time taken to process Housing Benefit change events

GREEN

Time taken to process HB support change events (lower outturn is better)



Quarter	2016/17	2015/16	Target
Q1	7	12	9
Q2	7	13	9
Q3	8	9	9
Q4	-	4	9

Comments

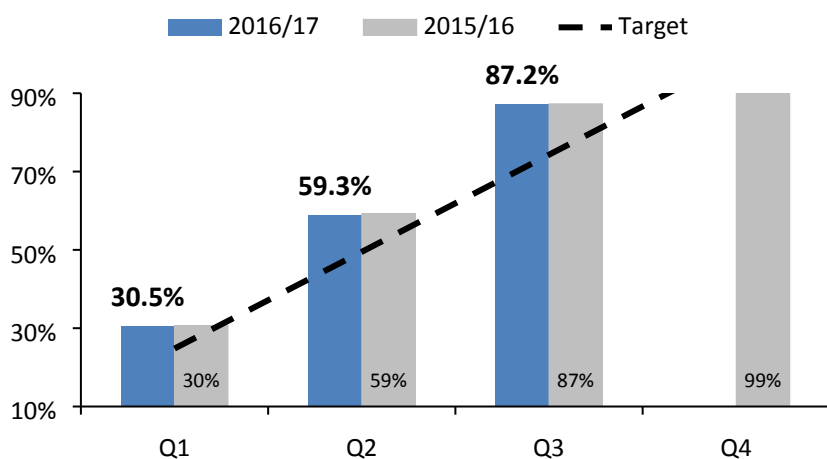
Third quarter performance has dipped slightly by 1 day in the number of days to process change events, but it is still within the target by 10%.

FINANCE

F1: Percentage of Council Tax collected

GREEN

% of Council Tax collected (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	30.5%	30.7%	24.8%
Q2	59.0%	59.3%	49.5%
Q3	87.2%	87.3%	74.3%
Q4	-	99.1%	99.0%

Comments

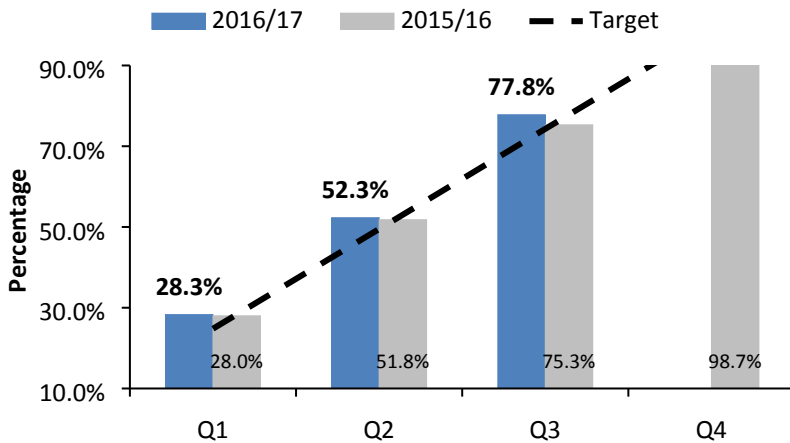
Council Tax collection for the third quarter is well within the target by 17.5% and is similar to the corresponding quarter last year.

FINANCE

F2: Percentage of non-domestic rates collected

GREEN

% of non domestic rates collected (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	28.3%	28.0%	24.8%
Q2	52.3%	51.8%	49.5%
Q3	77.8%	75.3%	74.3%
Q4	98.7%	98.7%	99.0%

Comments

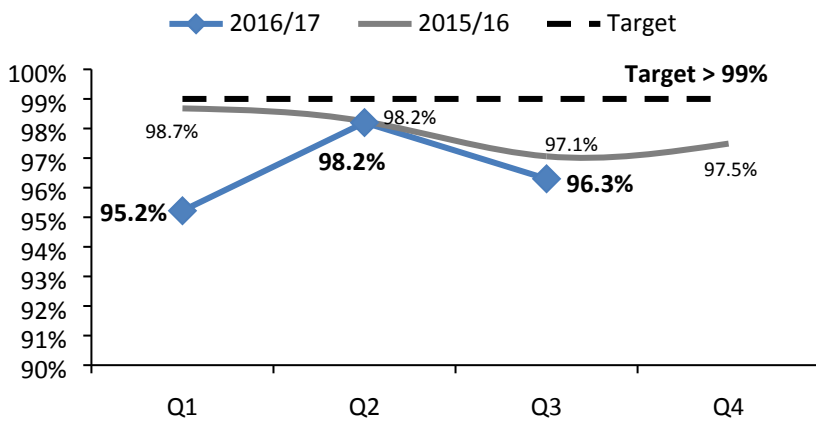
Third quarter rates are well within target and slightly higher than the corresponding quarter last year.

FINANCE

F3: Percentage of invoices paid within 30 days

AMBER

% of invoices paid within 30 days (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	95.2%	98.7%	99%
Q2	98.2%	98.2%	99%
Q3	96.3%	97.1%	99%
Q4	97.5%	97.5%	99%

Comments

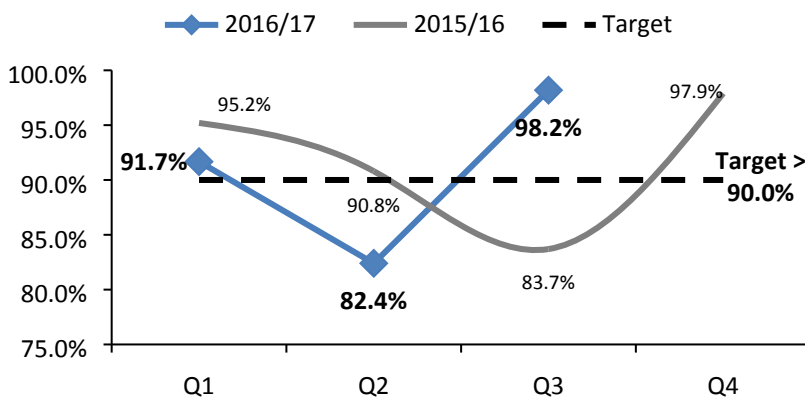
The overall performance in Q3 has dropped slightly by 1.9% as a result of the holiday period at Christmas. It still remains slightly outside the target.

FINANCE

F4: Percentage of invoices from small/local businesses paid within 10 days

GREEN

% of invoices from small/ local businesses paid within 10 days (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	91.7%	95.2%	90.0%
Q2	82.4%	90.8%	90.0%
Q3	98.2%	83.7%	90.0%
Q4	97.9%	97.9%	90.0%

Comments

Of the 441 invoices in this category only 8 missed the target. The performance shows an excellent improvement by over 19% from the previous quarter.

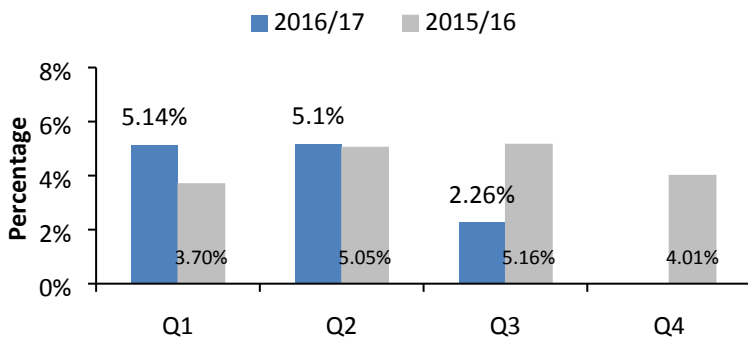
STRATEGIC HR

RESOURCES

HR1: Staff turnover – all leavers as a percentage of the average number of staff in period

No target

Staff turnover - all leavers as a percentage of the average number of staff in a period



Quarter	2016/17	2015/16
Q1	5.14%	3.7%
Q2	5.18%	5.05%
Q3	2.26%	5.16%
Q4		4.01%

Comments

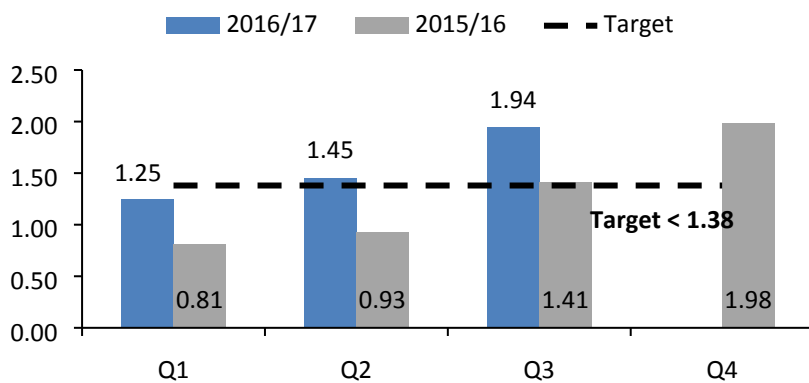
The Council's staff turnover decreased to 2.26% in the third quarter, a reduction of 5.18% in quarter 2, and it is at the lowest rate since the start of 2013

RESOURCES

HR2: Average working days lost due to sickness absence per employee

RED

Working days lost due to sickness absence (lower outturn is better)



Quarter	2016/17	2015/16	Target
Q1	1.25	0.81	1.38
Q2	1.45	0.93	1.38
Q3	1.94	1.41	1.38
Q4		1.98	1.38

Comments

The average number of days lost due to sickness absence per person has increased from 1.45 days in Quarter 2 to 1.94 days in Quarter 3. Whilst this takes it outside the challenging target of 1.38 days (5.52 days per annum), target revision is recommended at the next O&S meeting to reflect comparative data which indicates that the national average is 6.3 days per annum.

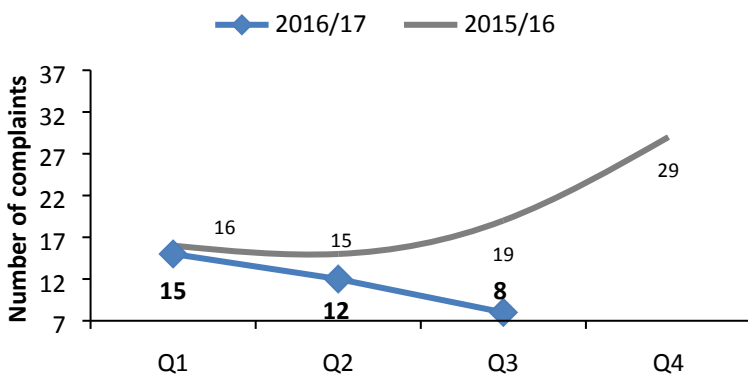
COMPLAINTS

COMPLAINTS

M1: Number of Level 3 (Exec Dir) and Ombudsman Complaints received

No target

Number of Level 3 (CEX) and Ombudsman complaints received



Quarter	2016/17	2015/16
Q1	15	16
Q2	12	15
Q3	8	19
Q4		29

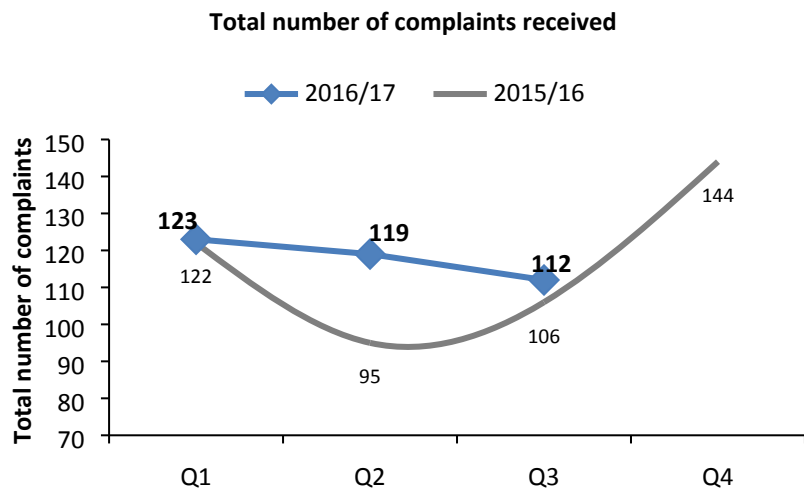
Comments

The number of the Level 3 complaints in Q3 is the lowest since 2013 with an excellent improvement of 33.33% from the previous quarter.

COMPLAINTS

M2: Total number of complaints received

No target



Quarter	2016/17	2015/16
Q1	123	122
Q2	119	95
Q3	112	106
Q4		144

Comments

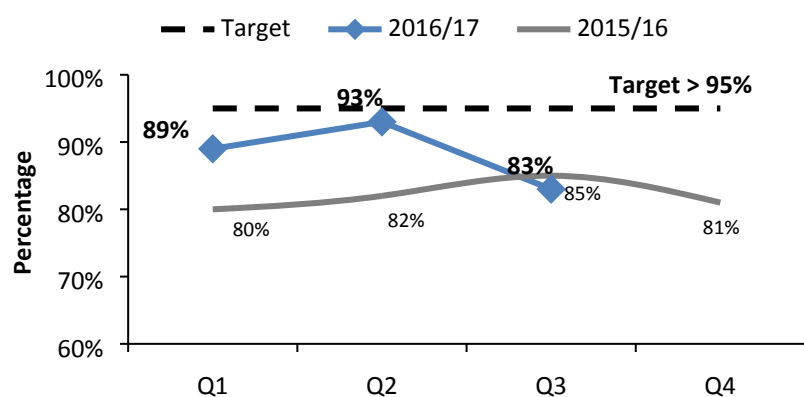
The number of complaints has decreased but remains higher than the corresponding quarter last year.

COMPLAINTS

M3: % of complaints responded to within target times of 10 days Level 1 & 15 days for Level 2 and 3

RED

% of complaints responded to within WBC target times of Level 1 (10 days) and Level 2,3 (15 days) (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	89%	80%	95%
Q2	93%	82%	95%
Q3	83%	85%	95%
Q4		81%	95%

Comments

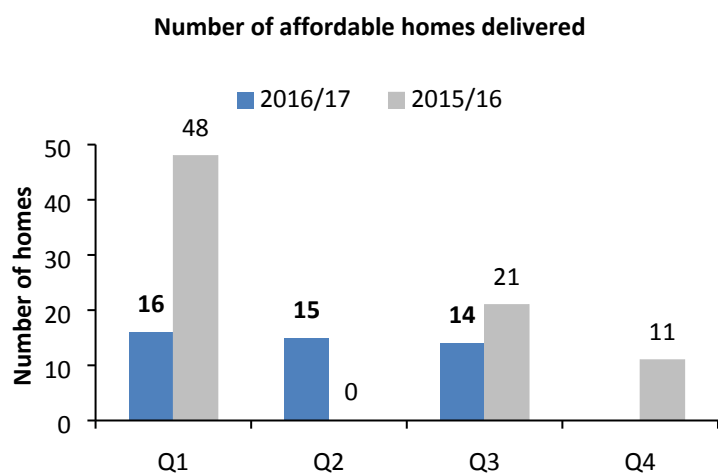
The performance has dropped by 10% from previous quarter due to the increased complexity of Level 2 issues raised, taking more time to resolve.

HOUSING

HOUSING

H1: Number of affordable homes delivered by all housing providers

No target



Time period	2016/17	2015/16
Q1	16	48
Q2	15	0
Q3	14	21
Q4		11

Comments

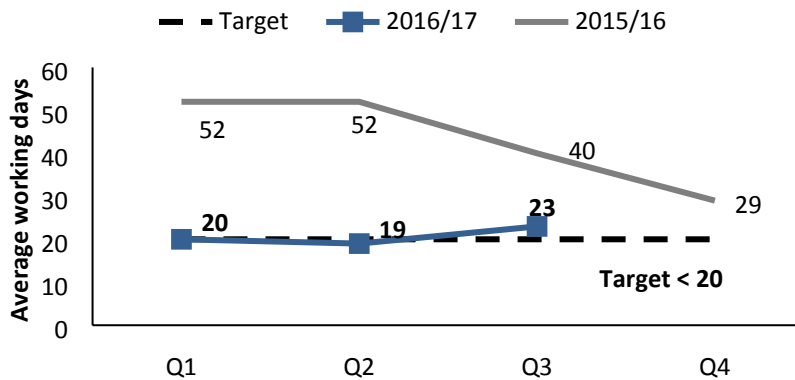
14 affordable homes were completed in Q3. All homes were delivered at Church View, Waverley's Station Road development in Godalming, for rent. 10 two bedroom homes (2 maisonettes, 6 flats and 2 houses) and 4 three bedroom houses.

HOUSING

H2: Average number of working days taken to re-let

RED

Average number of working days taken to re-let
(lower outturn is better)



Quarter	Target	2016/17	2015/16
Q1	20	20	52
Q2	20	19	52
Q3	20	23	40
Q4	20		29

Comments

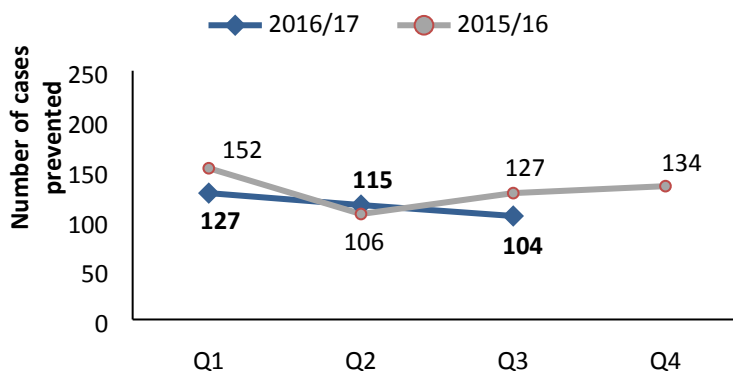
56 homes were relet in Q3. The average time taken from tenancy end to tenancy start was 23 working days, missing the target by 3 days. Problems with the return condition and harder to let homes impacted performance this quarter. Further details provided in Annexe 2
(Void progress report Q3 2016/17)

HOUSING

H3: Housing advice service – homelessness cases prevented

No target

Number of homelessness cases prevented
(higher outturn is better)



Quarter	2016/17	2015/16
Q1	127	152
Q2	115	106
Q3	104	127
Q4		134

Comments

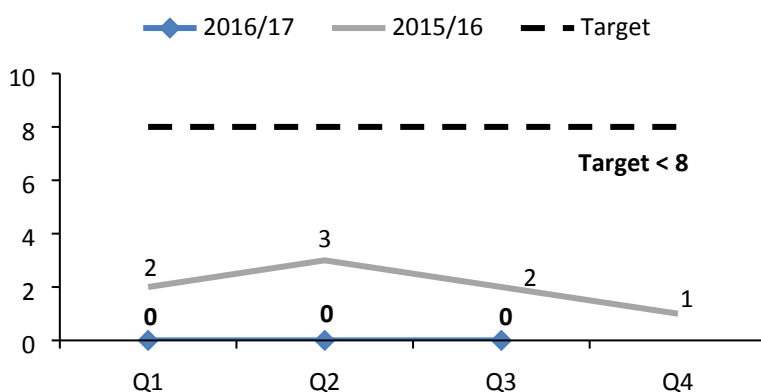
The data includes results from all housing teams and Waverley CAB. This indicator uses the P1E definition, which is that prevention is to be as a result of casework and the solution to last for six months.

HOUSING

H4: Number of households living in temporary accommodation

GREEN

Number of Households living in temporary accommodation
(lower outturn is better)



Quarter	Target	2016/17	2015/16
Q1	<8	0	2
Q2	<8	0	3
Q3	<8		2
Q4	<8		1

Comments

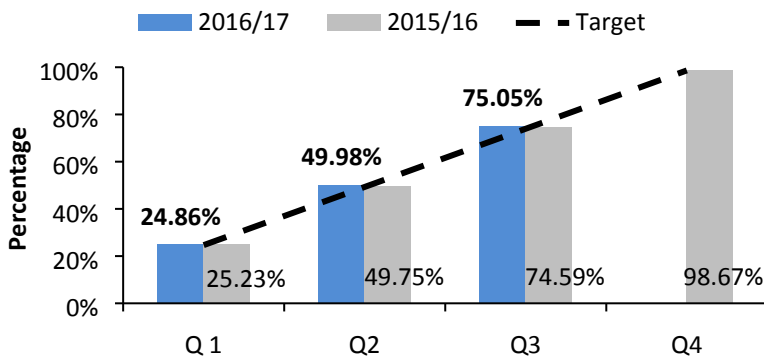
There were no households in temporary accommodation at the end of December. There have been five households in temporary accommodation so far this year (maximum period seven days).

HOUSING

H5: Percentage of estimated annual rent debit collected

GREEN

% of estimated annual rent debit collected (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q 1	24.86%	25.23%	24.65%
Q 2	49.98%	49.75%	49.30%
Q 3	75.05%	74.59%	73.95%
Q 4		98.67%	98.65%

Comments

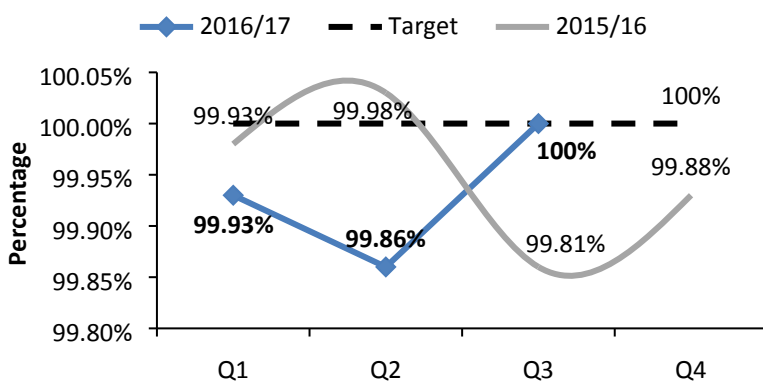
The team performed above target and above last years performance collecting some £7.7m rent due in Q3. In total £23.2m has been collected of the estimated annual rent of £31m

HOUSING

H6: % of annual boiler services and gas safety checks undertaken on time

GREEN

% of annual boiler services and gas safety checks undertaken on time (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	99.93%	99.93%	100%
Q2	99.86%	99.98%	100%
Q3	100.00%	99.81%	100%
Q4		99.88%	100%

Comments

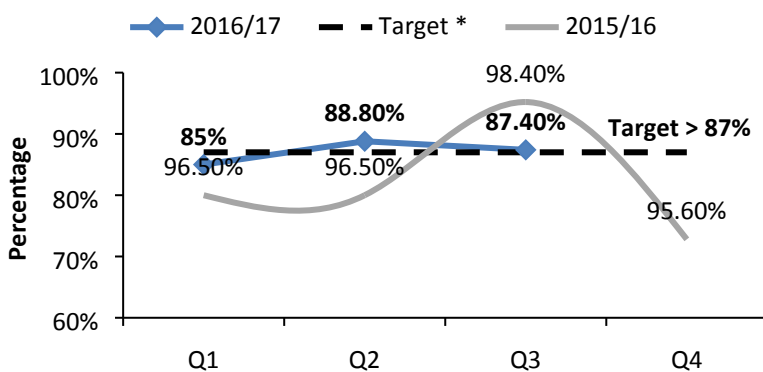
All checks were completed at the end of December which reflects the team's proactive approach.

HOUSING

H7: Responsive Repairs: how would you rate the overall service you have received

GREEN

Responsive Repairs: how would you rate the overall service you have received (higher outturn is better)



Quarter	2016/17	2015/16	Target *
Q1	85.00%	96.50%	87%
Q2	88.80%	96.50%	87%
Q3	87.40%	98.40%	87%
Q4		95.60%	87%

Comments

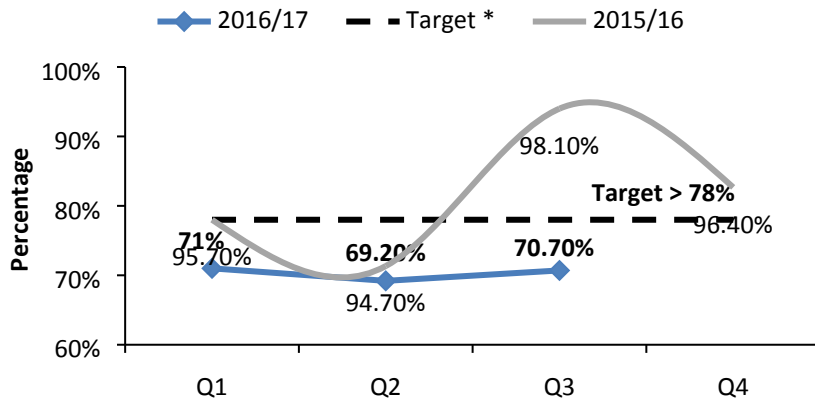
The responsive repairs data is not truly comparable due to new means of collection. In 2015/16 data was collected through operatives handheld devices. For 2016/17 tenants views are collected by an independent telephone survey.

HOUSING

H8: Responsive Repairs: Was the repair fixed right the first time

No target agreed

Responsive Repairs: Was the repair completed right the first time (higher outturn is better)



Quarter	2016/17	2015/16	Target *
Q1	71.00%	95.70%	78%
Q2	69.20%	94.70%	78%
Q3	70.70%	98.10%	78%
Q4	-	96.40%	78%

Comments

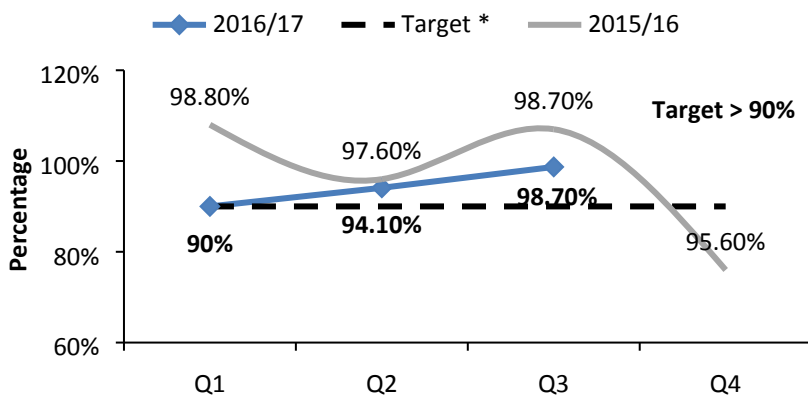
The responsive repairs data is not truly comparable due to new means of collection. In 2015/16 data was collected through operatives handheld devices. For 2016/17 tenants views are collected by an independent telephone survey.

HOUSING

H9: Did the tradesperson arrive within the appointment slot

No target agreed

Responsive Repairs: Did the tradesperson arrive within the appointment slot (higher outturn is better)



Quarter	2016/17	2015/16	Target *
Q1	90.00%	98.80%	90%
Q2	94.10%	97.60%	90%
Q3	98.70%	98.70%	90%
Q4	-	95.60%	90%

Comments

The responsive repairs data is not truly comparable due to new means of collection. In 2015/16 data was collected through operatives handheld devices. For 2016/17 tenants views are collected by an independent telephone survey.

* The targets have been set using past performance data and the market research company’s benchmarking data. The targets have been set to deliver realistic service improvements. These targets are **not** contractual KPIs, the team are currently negotiating the contract targets.

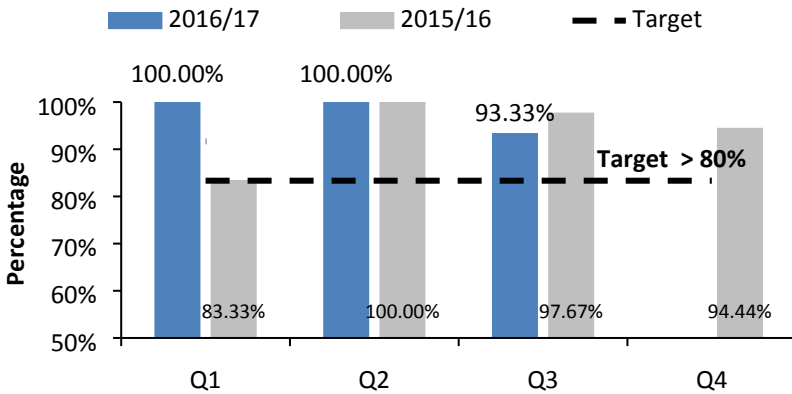
PLANNING

PLANNING

NI157a: Processing of planning applications: Major applications - % determined within 13 weeks

GREEN

Major applications: % determined in 13 weeks (national indicator) (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	100.00%	83.33%	80%
Q2	100.00%	100.00%	80%
Q3	93.33%	97.67%	80%
Q4	-	94.44%	80%

Comments

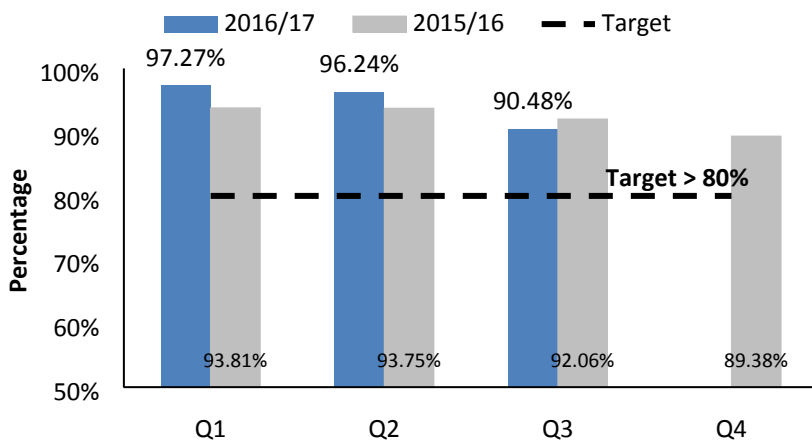
The target for this indicator was increased from 75% to 80% for 2016/2017. Performance continues to exceed target, the third quarter saw 14 out of 15 applications determined within 13 weeks.

PLANNING:

NI157b: Processing of planning applications: Minor applications - % determined within 8 weeks

GREEN

Minor applications: % determined in 8 weeks (national indicator) (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	97.27%	93.81%	80%
Q2	96.24%	93.75%	80%
Q3	90.48%	92.06%	80%
Q4	-	89.38%	80%

Comments

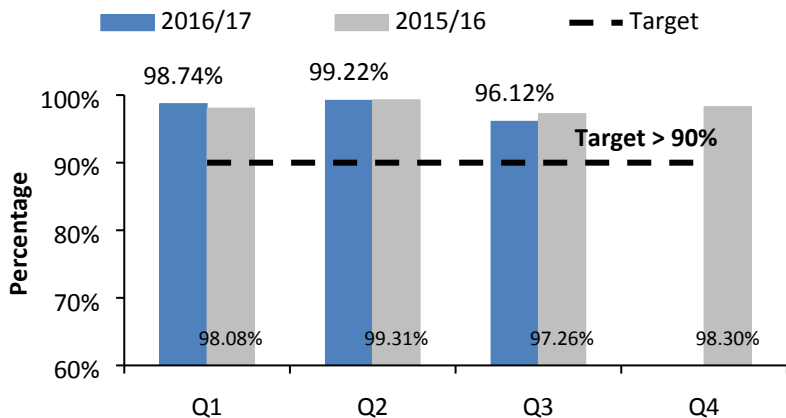
In the third quarter 114 out of 126 minor applications were determined within the given timescale of 8 weeks. Performance has slightly decreased, yet it is still over 10% above the target of 80%.

PLANNING

NI157c: Processing of planning applications: Other applications - % determined within 8 weeks

GREEN

Other applications: % determined within 8 weeks (national indicator) (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	98.74%	98.08%	90%
Q2	99.22%	99.31%	90%
Q3	96.12%	97.26%	90%
Q4	-	98.30%	90%

Comments

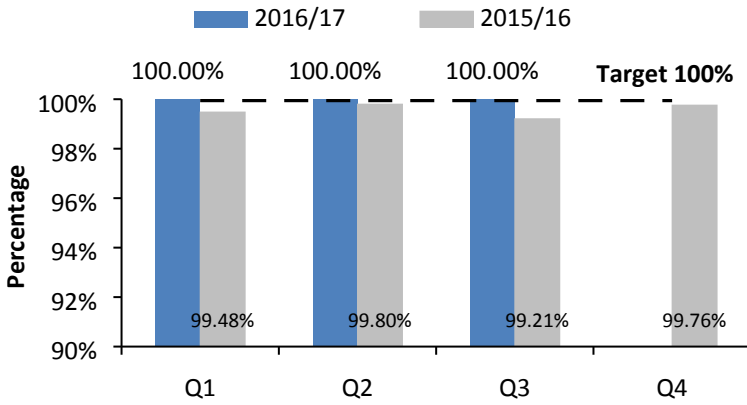
Quarter 3 performance continues to remain steadily above the target, continuing the excellent performance since the beginning of 2015. 347 out of 361 applications were determined within the expected 8 weeks time frame.

PLANNING:

P1: All planning applications - % determined within 26 weeks

GREEN

All applications: % determined in 26 weeks (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	100%	99.48%	100%
Q2	100%	99.80%	100%
Q3	100%	99.21%	100%
Q4	-	99.76%	100%

Comments

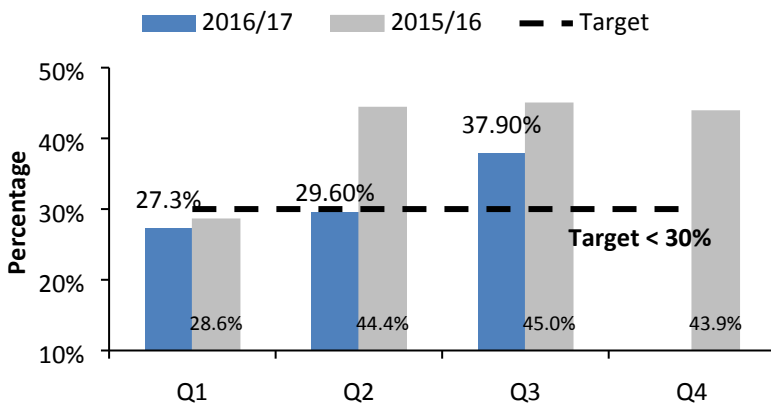
All 503 applications were successfully determined within the 26 weeks target in this quarter, maintaining the excellent performance for this year.

PLANNING:

P2: Planning appeals allowed (cumulative year to date)

RED

Planning appeals allowed (lower outturn is better)



Quarter	2016/17	2015/16	Target
Q1	27.3%	28.6%	30%
Q2	29.6%	44.4%	30%
Q3	37.90%	45.0%	30%
Q4	-	43.9%	30%

Comments

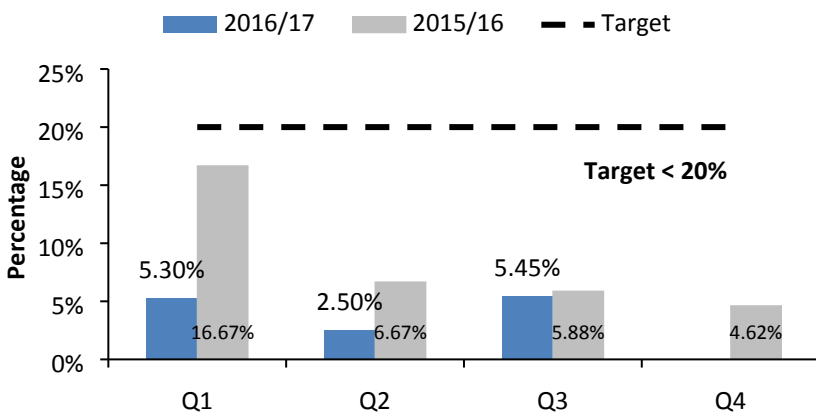
11 out of 29 appeals were allowed in the third quarter. The overall number of appeals has increased from 22 in quarter 2 to 29 this quarter, which shows the indicator performance slightly below target.

PLANNING

P3: Major planning appeals allowed as % of major application decisions made (cumulative)

GREEN

Major planning appeals allowed as % of Major Application decisions made (lower outturn is better)



Quarter	2016/17	2015/16	Target
Q1	5.26%	16.67%	20%
Q2	2.50%	6.67%	20%
Q3	5.45%	5.88%	20%
Q4	-	4.62%	20%

Comments

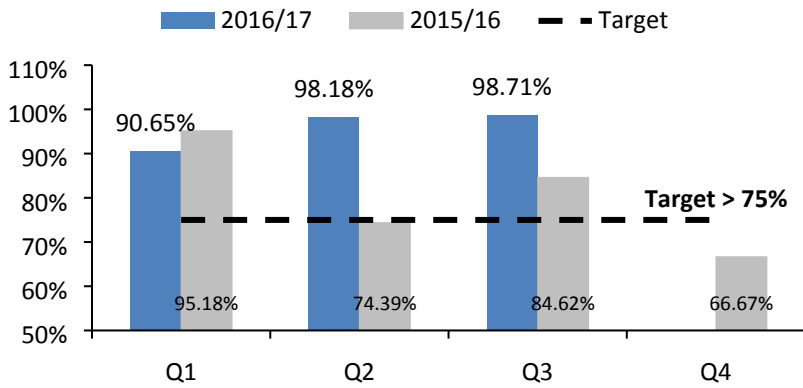
Since April 2016, a total of 3 major appeals have been allowed out of 55 major applications determined year to date. 1 appeal in the first quarter and 2 appeals in quarter 3.

PLANNING:

P4: Percentage of enforcement cases actioned within 12 weeks of receipt

GREEN

% of enforcement cases actioned within 12 weeks of receipt (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	90.65%	95.18%	75%
Q2	98.18%	74.39%	75%
Q3	98.71%	84.62%	75%
Q4	-	66.67%	75%

Comments

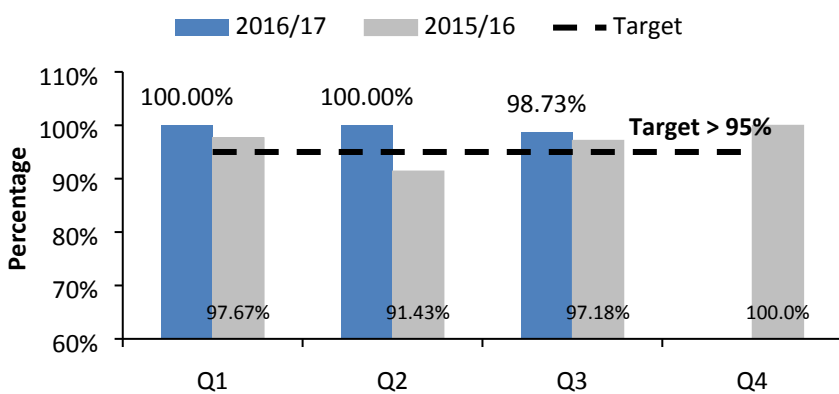
In quarter 3, 77 out of 78 enforcement cases were actioned within 12 weeks of receipt. This is the best quarterly performance since records started in 2009/10.

PLANNING:

P5: Percentage of Tree applications determined within 8 weeks

GREEN

% of tree applications determined within 8 weeks (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	100%	97.67%	95%
Q2	100%	91.43%	95%
Q3	98.73%	97.18%	95%
Q4	-	100%	95%

Comments

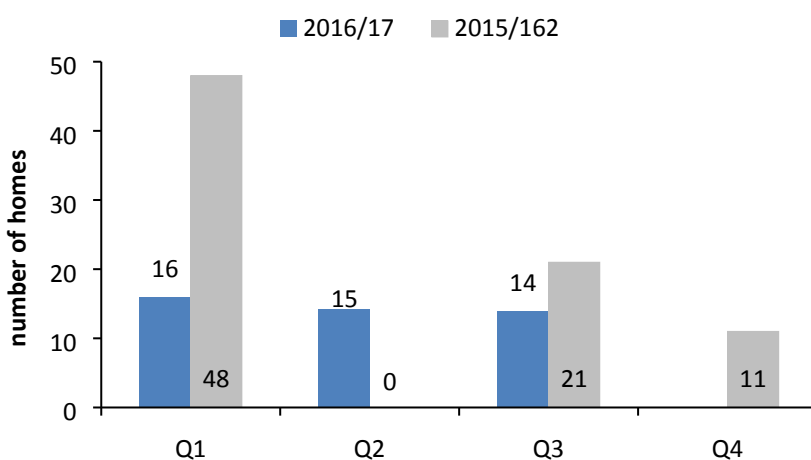
In the third quarter 78 out of 79 tree applications were determined within target. Although performance dipped slightly, it still exceeds the target by 3.73%.

PLANNING

P6: Number of Affordable homes delivered by all housing providers

No target

Number of affordable homes delivered (gross)



Quarter	2016/17	2015/16
Q1	16	48
Q2	15	0
Q3	14	21
Q4	-	11

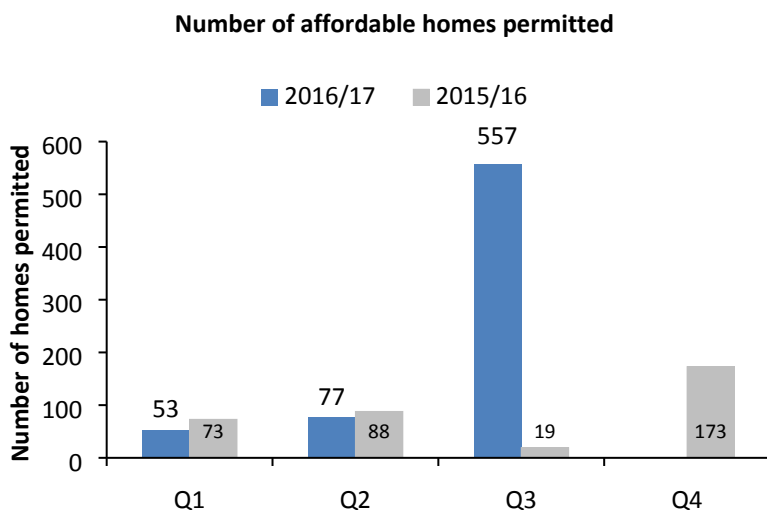
Comments

14 homes for affordable rent were completed in the third quarter at Station Road in Godalming.

PLANNING:

P7: Number of affordable homes permitted (homes granted planning permission)

No target



Quarter	2016/17	2015/16
Q1	53	73
Q2	77	88
Q3	557	19
Q4		173

Comments

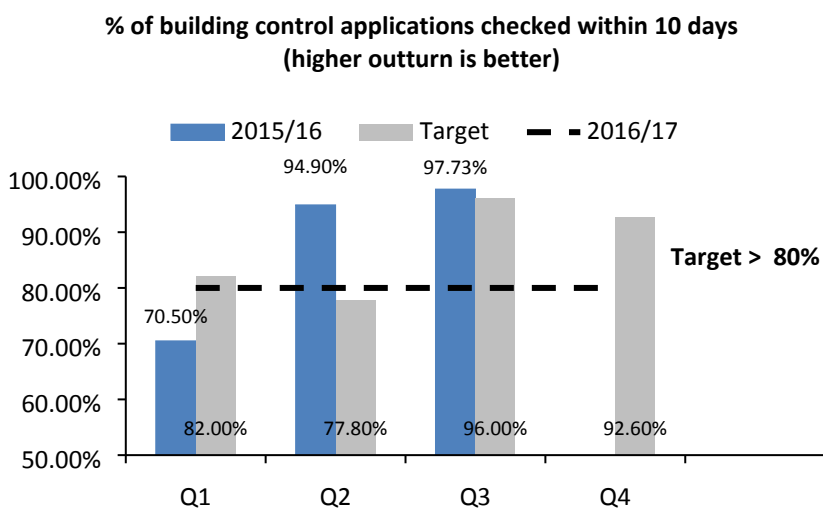
A total of 557 affordable new homes were granted permission in quarter 3:

- 540 affordable homes at Dunsfold Park, Stovolds Hill;
- 17 affordable homes at Nugents Close, Dunsfold ;

PLANNING:

P8: Percentage of complete Building Control applications checked within 10 days

GREEN



Quarter	2016/17	2015/16	Target
Q1	70.54%	82%	80%
Q2	94.90%	77.8%	80%
Q3	97.73%	96%	80%
Q4		92.6%	80%

Comments

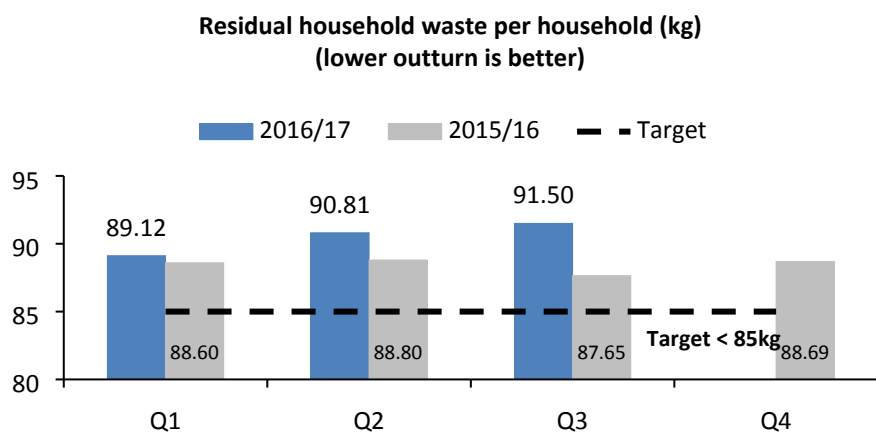
The target for this indicator has been changed for 2016/17 and will require at least 80% of applications to be checked within 10 instead of 15 days. In this quarter 86 out of 88 Building Control Applications were checked within the given target. This is the best performance since records started in 2011.

ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES

NI 191: Residual household waste per household (kg)

RED



Quarter	2016/17	2015/16	Target
Q1	89.12	88.6	85
Q2	90.81	88.8	85
Q3	91.50	87.65	85
Q4		88.69	85

Comments

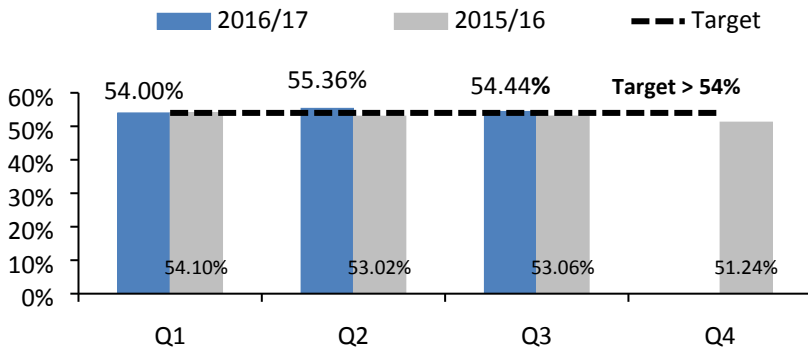
The Q3 level has continued to rise, and it is now at its highest since Q3 in 2014/15. The contributing factor was the high level of residual waste number in December, most likely due to seasonal trends with more waste collected over Christmas period.

ENVIRONMENTAL SERVICES

NI192: Percentage of household waste sent for reuse, recycling and composting

GREEN

% of household waste sent for reuse, recycling and composting (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	54.21%	54.1%	54%
Q2	55.36%	53.02%	54%
Q3	54.44%	53.06%	54%
Q4	-	51.24%	54%

Comments

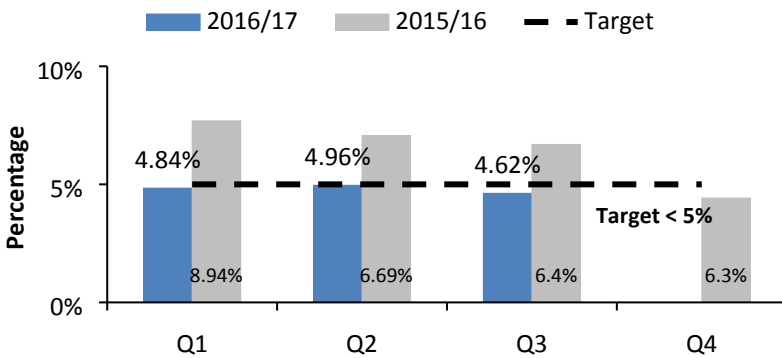
The third quarter performance dropped slightly from Q2, but it still continues to be just within the target.

ENVIRONMENTAL SERVICES

E1: MRF (materials recycling facility) reject rate

GREEN

MRF Reject Rate (lower outturn is better)



Quarter	2016/17	2015/16	Target
Q1	4.84%	7.69%	5%
Q2	4.96%	7.07%	5%
Q3	4.62%	6.69%	5%
Q4	-	4.42%	5%

Comments

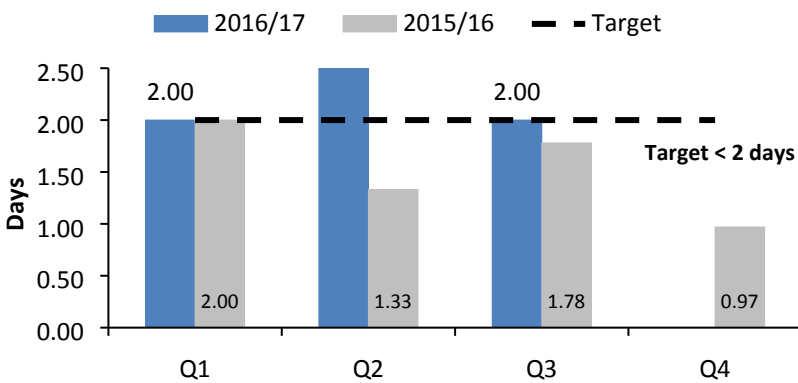
The reject rate has slightly improved since last quarter by 0.34% and the performance remains within the given target.

ENVIRONMENTAL SERVICES

E2: Average number of days to remove fly-tips

GREEN

Average number of days to remove fly-tips (lower outturn is better)



Quarter	2016/17	2015/16	Target
Q1	2	2	2
Q2	5	1.33	2
Q3	2	1.78	2
Q4	-	0.97	2

Comments

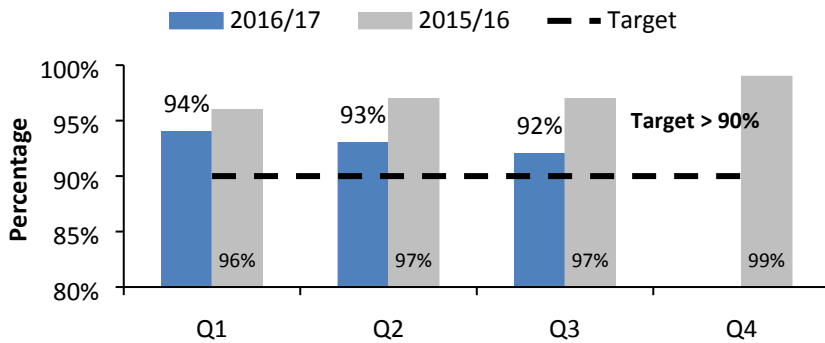
The third quarter saw a good improvement in the number of days needed to remove fly-tips, dropping from 5 days in Q2 to 2 days in Q3. Meetings with the contractors were held to ensure that the target is being met.

ENVIRONMENTAL SERVICES

E3: Percentage of compliance for litter and detritus

GREEN

**Percentage of compliance for litter and detritus
(higher outturn is better)**



Quarter	2016/17	2015/16	Target
Q1	94%	96%	90%
Q2	93%	97%	90%
Q3	92%	97%	90%
Q4	-	99%	90%

Comments

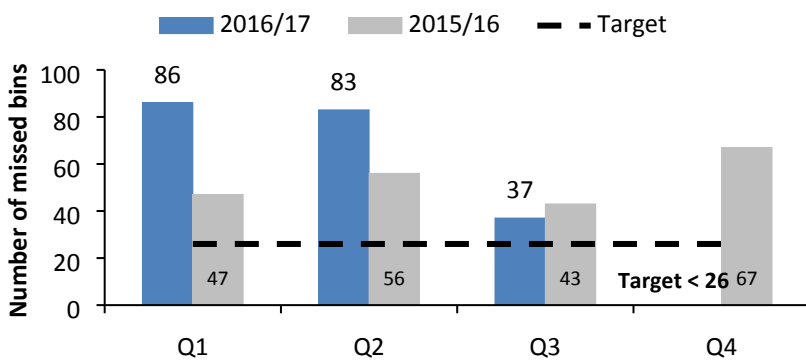
Quarter three figures are still within target, but have slightly dipped since the previous quarter by 1%.

ENVIRONMENTAL SERVICES

E4: Average number of missed bins per 104,000 bin collections each week

RED

**Average number of missed bins per 104,000 bin collections each week
(lower outturn is better)**



Quarter	2016/17	2015/16	Target
Q1	86	47	26
Q2	83	56	26
Q3	37	43	26
Q4	-	67	26

Comments

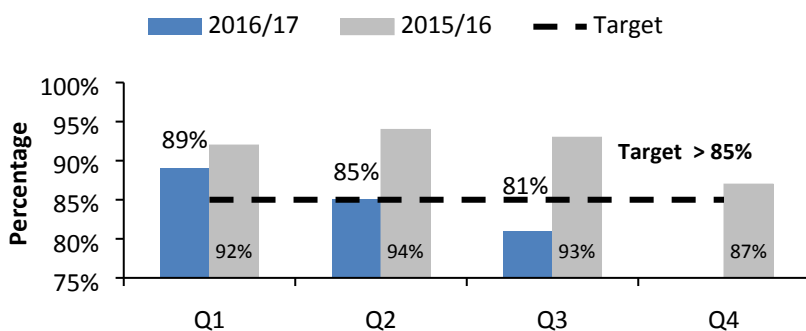
The number of missed bins is still above the challenging target set, however the third quarter figure shows an outstanding improvement in performance, with over a 55% reduction in weekly missed collections, and the number falling from 83 in Q2 to only 37 in Q3. The success can be attributed to the increase in meeting frequency with contractors from quarterly to monthly performance follow-ups.

ENVIRONMENTAL SERVICES

NI 182: Satisfaction of Business with local authority regulation services

AMBER

**% of businesses satisfied with LA regulation services
(higher outturn is better)**



Quarter	2016/17	2015/16	Target
Q1	89%	92%	85%
Q2	85%	94%	85%
Q3	81%	93%	85%
Q4	-	87%	85%

Comments

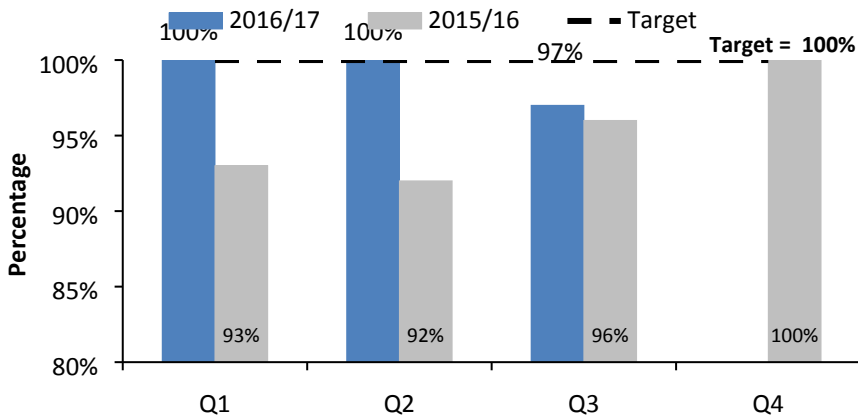
A monthly survey of business customers of Environmental Health shows a slight drop in satisfaction of 4% from the previous quarter which takes it below target.

ENVIRONMENTAL SERVICES

E5: Percentage of higher risk food premises inspections (category A&B) carried out within 28 days of being due

AMBER

Percentage of higher risk food premises inspections (category A&B) carried out within 28 days of being due (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	100%	93%	100%
Q2	100%	92%	100%
Q3	97%	96%	100%
Q4		100%	100%

Comments

31 programmed inspections for category A/ B (High Risk) Food premises have been carried out, 30 within the targeted timescale of 28 days, and 1 outside of the timescale due to access issues. This has now been inspected.

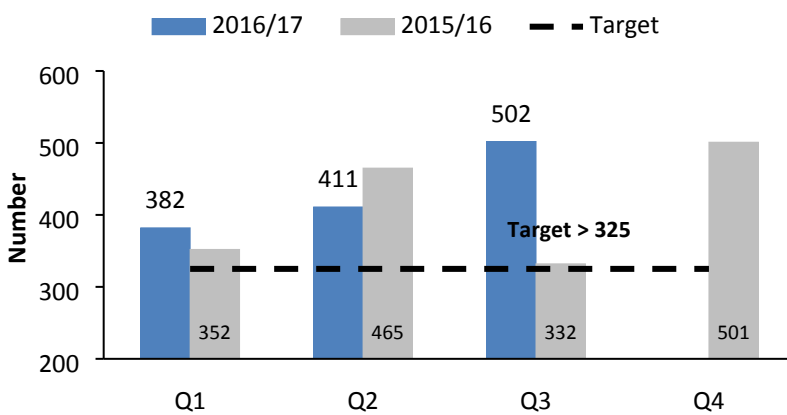
COMMUNITY SERVICES

COMMUNITY SERVICES

CS1: Number of Access to Leisure Cards issued

GREEN

Number of Access to Leisure Cards issued (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	382	352	325
Q2	411	465	325
Q3	502	332	325
Q4		501	325

Comments

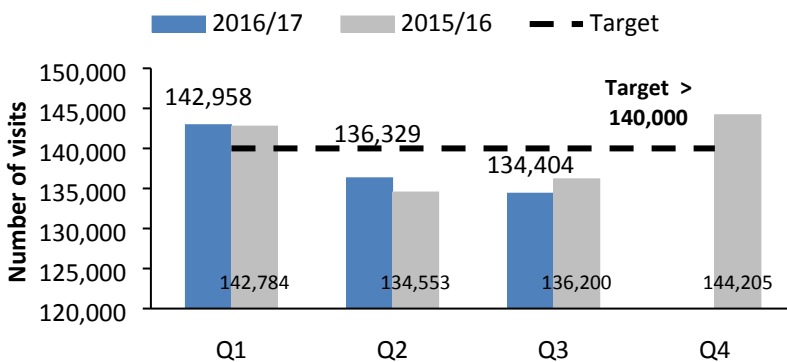
The third quarter figure shows an increase since the previous quarter, with the performance exceeding the target by over 54%.

COMMUNITY SERVICES

CS2: Number of Visits to Farnham Leisure Centre

AMBER

Number of visits to Farnham Leisure Centre (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	142,958	142,784	140,000
Q2	136,329	134,553	140,000
Q3	134,404	136,200	140,000
Q4		144,205	140,000

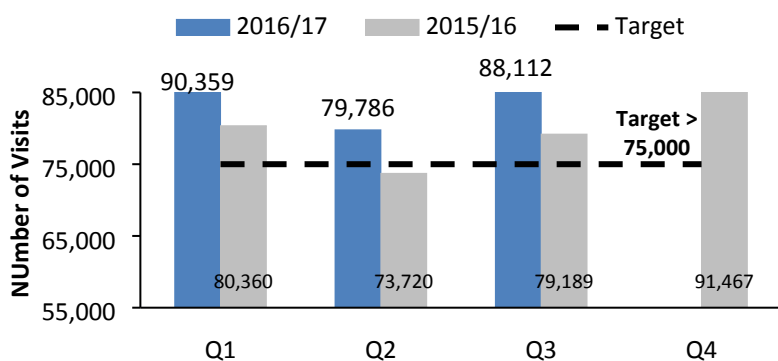
Comments

Q3 figures show a small drop in performance which might have been caused by a lower attendance during the holiday season in December.

COMMUNITY SERVICES
CS3: Number of Visits to Cranleigh Leisure Centre

GREEN

**Number of visits to Cranleigh Leisure Centre
 (higher outturn is better)**



Quarter	2016/17	2015/16	Target
Q1	90,359	80,360	75,000
Q2	79,786	73,720	75,000
Q3	88,112	79,189	75,000
Q4		91,467	75,000

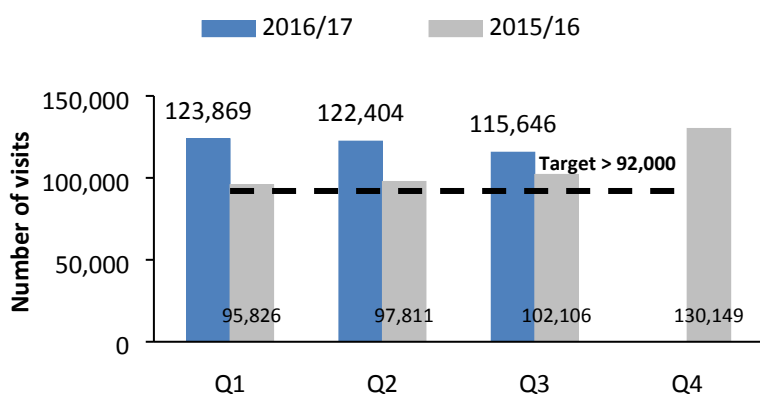
Comments

Performance in the third quarter has improved from Q2 by 8326 visits and exceeds the given target by over 17%.

COMMUNITY SERVICES
CS4: Number of visits to Haslemere Leisure Centre

GREEN

**Number of visits to Haslemere Leisure Centre
 (higher outturn is better)**



Quarter	2016/17	2015/16	Target
Q1	123,869	95,826	92,000
Q2	122,404	97,811	92,000
Q3	115,646	102,106	92,000
Q4		130,149	92,000

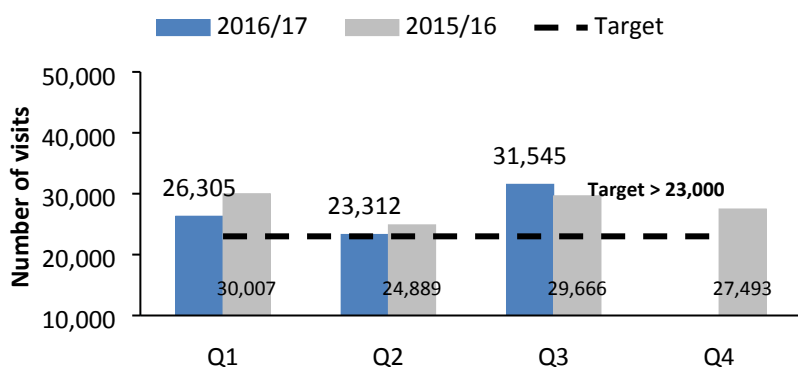
Comments

Performance continues to exceed the target (in Q3 by 25.7%) but it has slightly decreased in comparison to the previous quarter. This might be due to the holiday season.

COMMUNITY SERVICES
CS5: Number of Visits to The Edge Leisure Centre

GREEN

**Number of visits to the Edge Leisure Centre
 (higher outturn is better)**



Quarter	2016/17	2015/16	Target
Q1	26,305	30,007	23,000
Q2	23,312	24,889	23,000
Q3	31,545	29,666	23,000
Q4		27,493	23,000

Comments

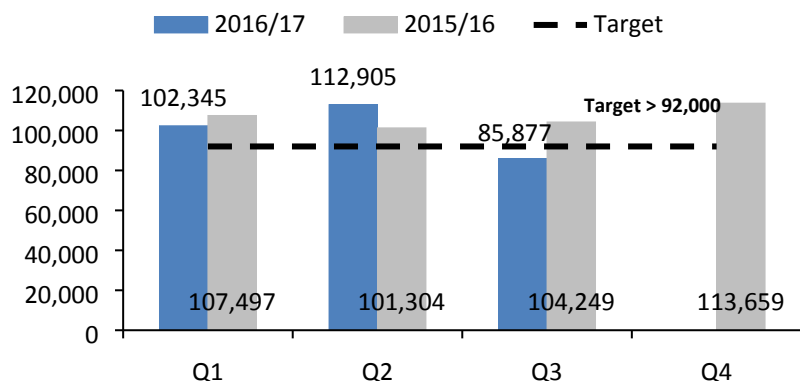
Performance in the third quarter has improved by 8233 visits from the quarter before, and exceeds the given target by over 25%.

COMMUNITY SERVICES

CS6: Number of Visits to Godalming Leisure Centre

GREEN

Number of visits to Godalming Leisure Centre (higher outturn is better)



Quarter	2016/17	2015/16	Target
Q1	114,759	107,497	92,000
Q2	112,911	101,304	92,000
Q3	110,253	104,249	92,000
Q4		113,659	92,000

Comments

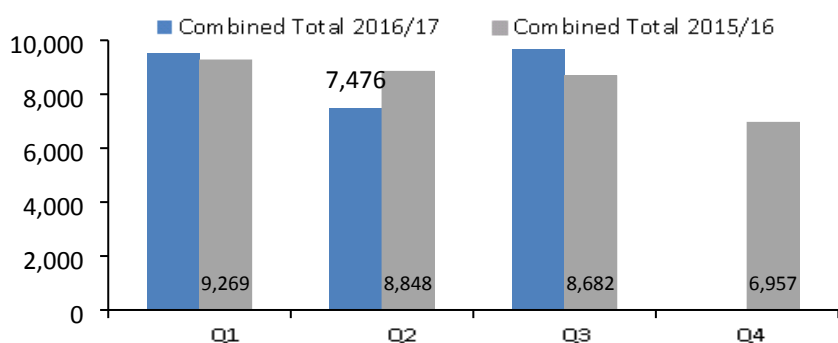
Performance in the third quarter has slightly dropped from Q2 but still exceeds the target by over 19%. It is possible that the holiday season might have affected the performance.

COMMUNITY SERVICES

CS7: Total number of visits to and use of museums

No target

Total number of visits to and use Museums



Comments

The figures for quarter 3 show a significant improvement with an increase of 2190 visits from Q2, and a return to the Q1 2016-17 level of performance.

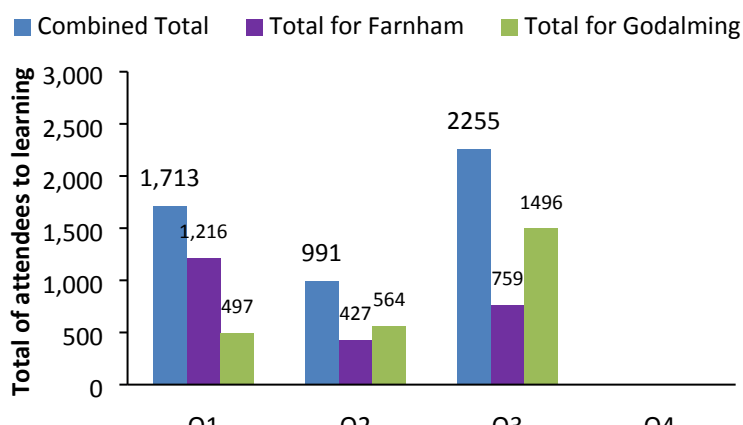
Quarter	Combined Total 2016/17	Total for Farnham 2016/17	Total for Godalming 2016/17	Combined Total 2015/16	Total for Farnham 2015/16	Total for Godalming 2015/16
Q1	9,496	5,997	3,499	9,269	5,697	3,582
Q2	7,476	3,345	4,131	8,848	4,715	4,133
Q3	9,666	4,893	4,773	8,682	4,362	4,320
Q4				6,957	4,260	2,697

COMMUNITY SERVICES

CS8: Total users of learning activities (number of attendees to on-site and off-site learning activities)

No target

Total attendees to on-site/off-site learning activities



Quarter	Combined Total 2016/17	Total for Farnham 2016/17	Total for Godalming 2016/17
Q1	1,713	1,216	497
Q2	991	427	564
Q3	2,255	759	1,496
Q4			

Comments

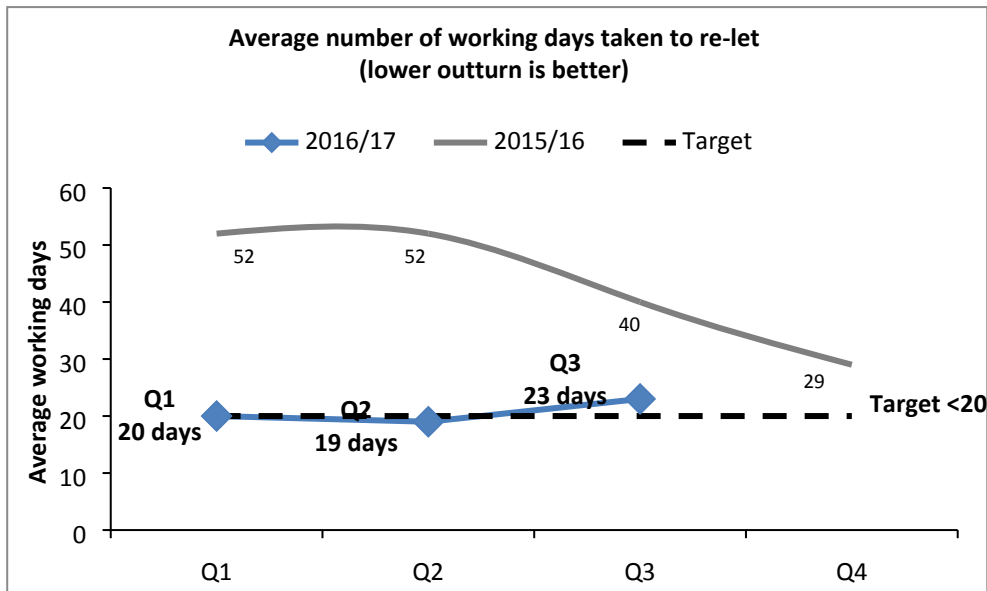
The total number of learning activities has significantly increased, due to the popularity of the loan boxes scheme with schools.

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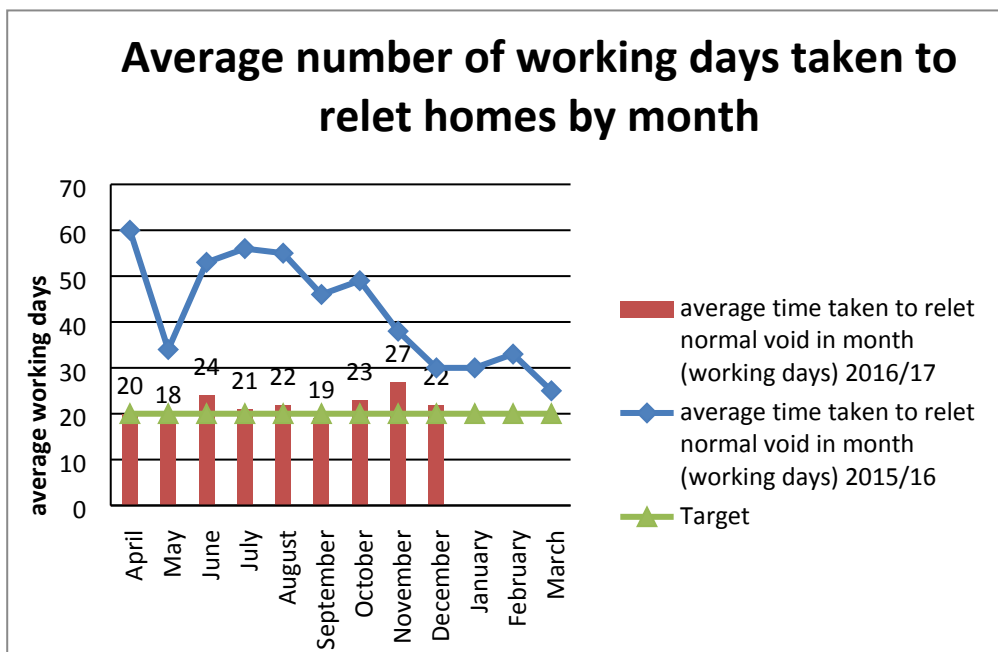
VOID PROGRESS REPORT - QUARTER THREE 2016/17

Overall Re-let time

1. The Council re-let 56 homes through the normal voids process in Quarter Three. It took an average of 23 days to re-let the homes classed as normal voids.
2. This performance does not meet the target of 20 days and shows a dip in the ongoing improvements built upon the 2015/16 performance.

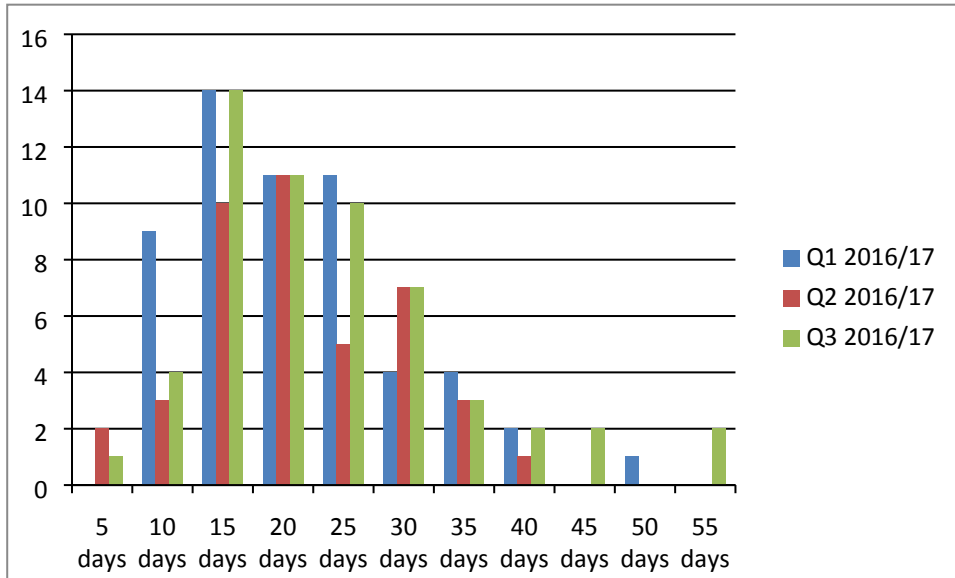


3. The monthly monitoring illustrates the variations and trends in performance over the financial year to date.



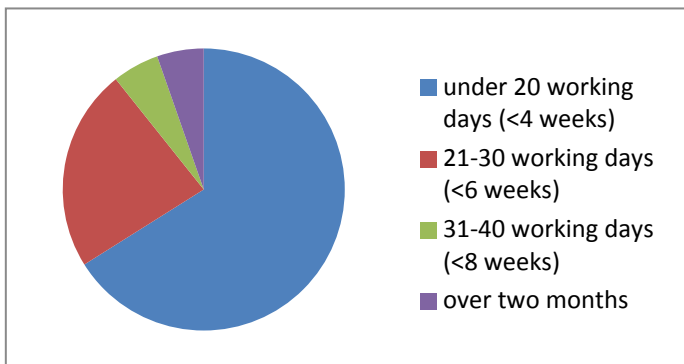
Normal Void relet performance by mode

4. The chart below shows the modal average (most frequent) number of days taken to re-let normal void homes in Q1 (15 days), Q2 (20 days) and Q3 (15 days). Four homes took over two months to relet in Q3 which impacted the overall average



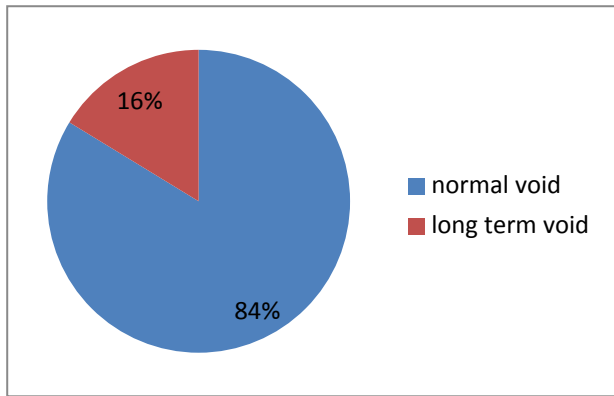
Time taken to complete void works

- 5. Of the 56 normal voids re-let in Quarter Three 2016/17, it took on average 12 days for works to be completed.
- 6. The majority of homes (66%) had the works completed within 20 days, 13 took between four to six weeks, three homes between six and eight weeks and a further three over two months. All homes had works completed within three months.



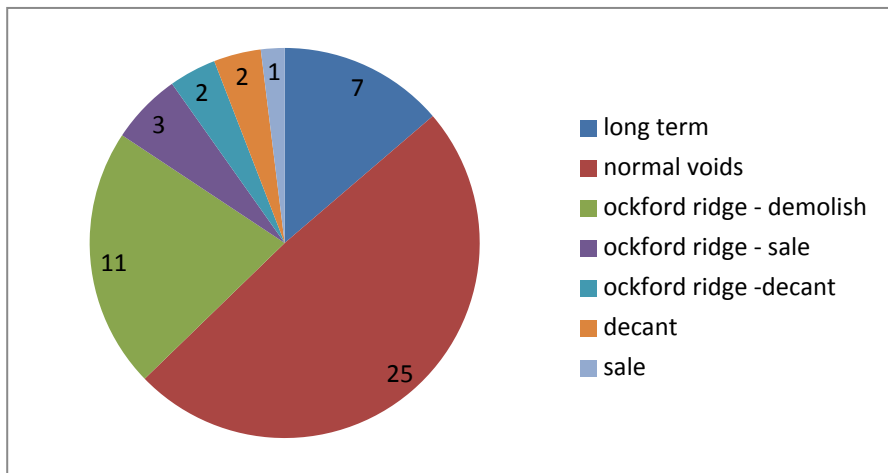
Ratio of normal and long term voids

7. The classification of voids continues to be on target with the majority of voids classified a “normal”.



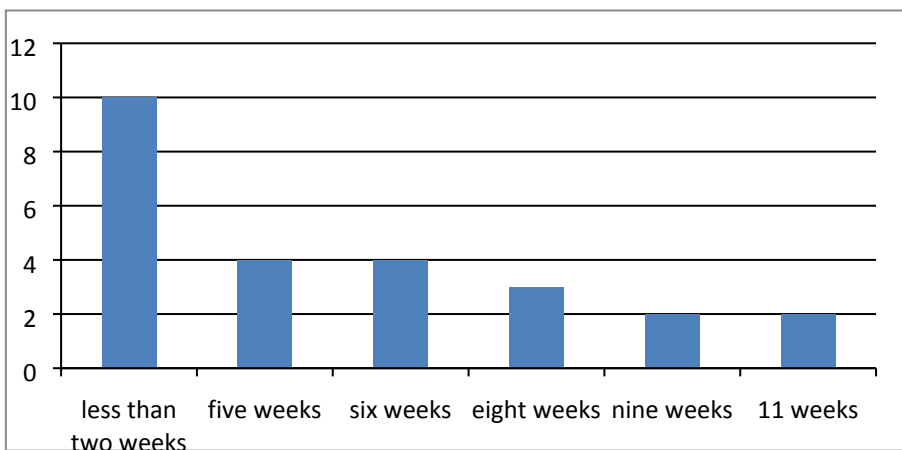
Volume of voids

8. As at 31 December there were 51 empty homes, including 25 normal voids and seven requiring major works.



9. There were 16 empty homes at Ockford Ridge. Eleven to be demolished, three to be sold and two to provide temporary homes while work is completed through the regeneration programme.

10. Of the 25 normal voids 15 have been empty for over four weeks. 13 of which had the works completed by 31 December and 11 were let in the first three weeks of January.



Reasons for fall in performance and actions taken

11. The fall in performance can be attributed to changes in staffing, the poor condition of a small number of homes and more difficult to let homes.
12. For example in November three homes were delayed to problems with the works:
 - a deep clean and full clearance was required following the death of the tenant with no next of kin
 - a second needle sweep following an initial needle sweep and full clearance was required
 - data entry error caused miscommunication on ready to let dates
13. A further three homes were delayed due to problems with lettings in November. It took over ten days from an applicant viewing to accepting in these cases. In December one home was offered four times before being accepted.

Action taken

14. A range of actions have been taken to support the current process and address issues:
 - The New HomeChoice Officer has received training and one to one support
 - An additional database permission was added to prevent incorrect “works completed” dates been entered.
 - Tenancy and Estates team are piloting viewings to be more flexible with viewing times
 - Ongoing weekly monitoring by Void Technical Officers
 - Monthly monitoring by Service Improvement Manager and Corporate Management Team

Conclusion

15. The re-let performance for “normal voids” has not met the target of 20 working days. The team are disappointed with this downturn in performance but believe a small number of issues had a detrimental impact on overall performance.
16. It should be noted that the majority of works were completed on time and the HomeChoice team are focusing on training after a period of unprecedented staff turnover.

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 4 APRIL 2017

Title:

DEVELOPING AN AIR QUALITY IMPROVEMENT FRAMEWORK FOR WAVERLEY

[Portfolio Holder: Cllr Jim Edwards]

[Wards Affected: All]

Summary and purpose:

This report puts forward recommendations from the Community Overview & Scrutiny Committee to reinvigorate Waverley's work to progress the measures in the Air Quality Action Plan. The recommendations were developed in response to the Committee's discussion of air quality issues in Waverley, and frustration at the lack of real engagement with partners to develop solutions and improve air quality.

The recommendations propose the establishment of a multi-agency stakeholder Air Quality Steering Group and development of an Air Quality Strategy for Waverley, in line with the latest DEFRA Local Air Quality Management Policy and Technical Guidance.

How this report relates to the Council's Corporate Priorities:

Community Wellbeing – providing community leadership to champion local issues that affect our residents; providing high quality public protection services through the air quality monitoring work undertaken by Environmental Health.

Environment – air quality is key to the health of humans and ecosystems. Road traffic is one of the major contributors to air pollution in Surrey. Air pollution is the presence of contaminant or pollutant substances in the air at a concentration that interferes with human health or welfare, or produces other harmful environmental effects.

Financial Implications:

There are no financial implications to this report but should the Council's local Air Quality Management responsibilities identify a financial impact budgetary provision will be requested at the appropriate time.

Legal Implications:

There are no direct legal implications arising from this report.

Background

1. The Community Overview & Scrutiny Committee raised concerns about the lack of progress on improving air quality in Waverley. Farnham Councillors were primarily concerned about the designated Air Quality Management Area (AQMA) in central Farnham, but the Committee recognised that there is also a Godalming AQMA; and there was also concern in some local communities about the adverse impact on air quality and health during short-term peaks of traffic congestion, and the potential

impact on air quality as a result of increased traffic arising from new housing developments.

2. On 17 January 2017, Community Overview & Scrutiny Committee received an update on air quality issues in Waverley, and agreed in principle that this was an issue that it wished to take forward, with the aim of making progress on the measures contained in Waverley's Air Quality Action Plan (AQAP 2008) to alleviate air pollution in the AQMAs. A sub-group of Councillors was identified to meet with officers to discuss the scope of this work, and to bring proposals back to the Community Overview & Scrutiny Committee (or the new Environment Overview & Scrutiny Committee) for consideration.

Scoping Review

3. Councillors (Cllrs Andy MacLeod, John Fraser, Jerry Hyman, Wyatt Ramsdale, Richard Seaborne, and Nick Williams) met with the Head of Environmental Services and the Environmental Health Manager on Tuesday 21 February 2017. Councillors were satisfied that Waverley was carrying out its air quality monitoring and reporting responsibilities, and had been taken advantage of the availability of DEFRA grants to obtain funding for feasibility studies. However, there had been a lack of engagement with Surrey County Council in relation to the potential to develop solutions through traffic engineering.
4. It was clear from the discussion that there is not one single piece of work to be undertaken to achieve the aims of the Community Overview & Scrutiny Committee. It was also clear that the long-term nature of the work did not fit within the generally time-limited scope of an Overview and Scrutiny review. Instead,
 - for the two AQMAs, the problem of poor air quality (NO₂) has been identified, the health risks are well known, and there is an AQAP in place. The issue is how Waverley can engage better with partners to move forward the identified actions with the aim of improving air quality.
 - other than in the two AQMAs, air quality monitoring does not provide evidence to indicate that there is a potential health risk from air pollution. However, there are concerns about the level of understanding around short-term peaks of pollutions in particular locations, and the public health impact that these may pose. Work is needed to understand if peak measures do exceed thresholds, and if so whether there is a health risk arising from short-term exposure.
5. Cllr Ramsdale emphasised the importance of taking a partnership approach in seeking solutions, and suggested that a similar approach could be followed for air quality as was taken following the floods in Waverley in 2013: a multi-stakeholder group (Waverley Infrastructure Resilience Group) was established to bring to the same table all the organisations who needed to contribute to the actions that would reduce the risk of similar flooding in future.
6. Officers agreed to explore this option, and to consider how the concerns in relation to air quality at locations outside of the AQMAs could be investigated.

Revised Policy Guidance (2016)

7. In April 2016, DEFRA published new Local Air Quality Management (LAQM) Policy Guidance (PG16) and Technical Guidance (TG16). LAQM.PG16 has been designed to maximise the public health benefits of local authority action on air quality, and is statutory for both district and county councils. LAQM.TG16 is designed to support local authorities in carrying out their duties under the Environment Act 1995.
8. In addition to setting out revised, more stream-lined, reporting requirements for Local Authorities, LAQM.PG16 encourages Local Authorities to
 - draw up an Air Quality Strategy (paragraph 2.12 and 2.13); and
 - establish a multi-agency/stakeholder Air Quality Steering Group (paragraphs 2.14 – 2.15)
9. It is particularly recommended that the Air Quality Strategy takes account of areas at risk of exceedance of Air Quality thresholds in the future, as well as designated AQMAs; and highlights the need for Local Authorities to consider how they will address PM_{2.5} pollution.
10. LAQM.PG16 makes clear recommendations relating to the make-up of the Steering Group in terms of the stakeholders and level of seniority of representatives required for the outputs of the group to be taken forward:

2.14 As soon as an air quality issue has been identified it is recommended that a steering group is formed to include all the main parties involved in developing either Action Plans or Air Quality Strategies. It is recommended that the Chair is of sufficient seniority to ensure that the outputs from the group are being taken forward. Where significant action is required from a county council to resolve the air quality issues, it would be beneficial to have a senior county council representative as co-chair. Membership of the group could include the Environment Agency, Highways England and local businesses and interest groups. Once the strategies and Plans have been published, the steering group can be retained to monitor progress and troubleshoot if necessary should difficulties in implementation arise.

2.15 The public health impacts of poor air quality are well documented. We would expect the highest level of support from local authorities (e.g. Chief Executive and Council level) to ensure that all parts of a local authority are working effectively together. The public can be given further confidence that the work being taken forward to tackle air quality is supported at the highest level through engagement in and sign-off of Action Plans and annual reports by both the Chief Executive and also the heads of the main departments involved e.g. environmental health, planning, transport and public health.

LAQM.PG16

11. The LAQM.PG16 provides a new framework for the existing AQMAs designated for Farnham and Godalming. The LAQM.TG16 sets out a new structure for Air Quality Action Plans. Waverley's AQAP was published in 2008. Progress against the measures set out in the AQAP 2008 has been reported periodically to DEFRA in accordance with the reporting regime in place at the time, and does not match the layout of the original AQAP2008. The latest published update was contained in the 2014 Air Quality Progress Report.

12. The Council is currently awaiting clearance from DEFRA that the draft 2016 Annual Status Report may be published following validation of monitoring results. This report contains the latest progress report against the Action Plan, in the latest report format required by LAQM.PG16.
13. Given the recommendation in the Guidance to develop an Air Quality Strategy and to establish an Air Quality Steering Group, it would be timely to undertake a comprehensive review of the Action Plan, to refresh the actions, and re-engage with key stakeholders with the objective of implementing the Action Plan. The Air Quality Steering Group has an explicit role in developing the new Action Plan, as set out in LAQM.TG16, paragraph 2.30:

The Steering Group should collaborate to identify:

- If there are existing programmes in other areas that will contribute to emissions reductions (or increases) that should be accounted for within the AQAP.
- What may influence the local pollution situation in the near future (i.e. 5 to 10 years);
- The future trends that are likely to contribute (regional emissions trends as well as local factors);
- If there is sufficient information to clearly define effective measures;
- If an assessment may be required, before proceeding to developing the AQAP;
- If emissions will reduce sufficiently to achieve air quality objectives in the next 5 years, as a result of measures already in place;
- Whether it is appropriate to develop a generic set of measures, or whether locally derived measures targeting local hotspots is a preferred emissions management option – or a combination of both; and
- If traffic management interventions are required.

LAQM.TG16, paragraph 2.30

Conclusions

14. Taking account of Councillors' views and interest in progressing solutions in their local areas, and the 2016 LAQM Policy and Technical Guidance, officers proposed an approach that offered a constructive way of re-engaging with Surrey County Council and other stakeholders with the objective of progressing the Air Quality Action Plan.
15. Community Overview & Scrutiny Committee discussed the suggested approach, and recognised that this was a long-term problem that would not be solved through a short-term scrutiny intervention, although there would be a role for Overview & Scrutiny to monitor progress. The proposed approach benefited from being in accordance with the latest DEFRA guidance, which would add weight to establishment of the Steering Group.

Recommendation

The Community Overview and Scrutiny Committee therefore recommends to the Portfolio Holder for Environment and the Executive that in order for the Council to proactively and constructively take forward its local Air Quality Management responsibilities:

1. Waverley Borough Council establishes a multi-agency/stakeholder Air Quality Steering Group to contribute to the development of an Air Quality Strategy for Waverley and a refreshed Air Quality Action Plan, and to progress the measures in the Air Quality Action Plan thereafter.
2. Membership of the Waverley Air Quality Steering Group to follow the recommendations of LAQM.PG16 in terms of seniority of representation, as set out in paragraph 10, above; and to seek to involve Waverley's local Members of Parliament.
3. The Waverley Air Quality Steering Group should include scope to establish working groups that can engage with local stakeholders to monitor progress locally and develop practical solutions to address air quality issues.
4. The new Environment Overview & Scrutiny Committee to critically review the development of a new Waverley Air Quality Strategy and Air Quality Action Plan, informed by the contribution of the Air Quality Steering Group, and in line with the requirements of LAQM.TG16.
5. Waverley's Air Quality webpages to be updated and simplified, so that interested parties are able to find relevant information.
6. The new Environment Overview & Scrutiny Committee to include in its rolling work programme the scrutiny of the Council's annual report to DEFRA (in accordance with whatever reporting regime is in place at the time).

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 4 APRIL 2017

Title:

HOUSING MAINTENANCE CONTRACTS RENEWAL

[Portfolio Holder: Cllr Carole King]

[Wards Affected: All]

Note pursuant to Section 100B(5) of the Local Government Act 1972

Annexe 1 to this report contains information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, namely:

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

Summary and purpose:

This report presents the findings of the Corporate Overview and Scrutiny Housing Maintenance Contracts Renewal Sub-Committee which has carried out a review into the nine housing maintenance contracts held by Waverley Borough Council and considered whether they either need to be extended or terminated in early 2019. The proposed approach to be taken regarding the procurement and on-going monitoring of the process is set out within the report.

How this report relates to the Council's Corporate Priorities:

The timely review of the arrangements to deliver housing maintenance services beyond early 2019 supports the Council's priorities to continue to invest in Waverley's housing stock to maintain decent homes; to take a sustainable and robust approach to financial planning in order to continue to deliver excellent services and to live within our means; and maximising commissioning opportunities associated with new and renewed contracts to improve working relationships and thus improve services.

Financial Implications:

There are no immediate financial implications. Each re-procurement option will have a financial implication, however will be procured with value for money as a priority and be assessed on a case by case basis.

Costs incurred in the re-procurement will be contained in previously approved budgets.

Legal Implications:

The contracts will be procured in accordance with the Council's Contract Procedure Rules and the Scheme of Delegation.

Introduction

1. Nine housing maintenance contracts held by Waverley Borough Council reach the point where they either need to be extended or terminated in early 2019. Officers from Waverley's Housing Service have been formulating their approach to the management of these contract renewal decisions since 2015, prompted by the long lead times to procure new contracts, operational experience of the current contracts, and anticipated reductions in Waverley's future service demand levels as a consequence of Government imposed budget challenges.
2. In September 2016, Corporate Overview and Scrutiny Committee identified the need for the procurement planning to be carefully scrutinised, and established a Sub-Committee to undertake this work, chaired by Cllr Richard Seaborne.
3. The Sub-Committee presented their report and recommendations on the procurement approach to be taken in respect of the nine housing maintenance contracts to Corporate Overview & Scrutiny Committee on 20 March 2017. That report is attached as (Exempt) Annexe 1, and sets out in detail the options considered for the future delivery of the Council's housing maintenance responsibilities and the justification for the recommended approach.
4. The Corporate Overview and Scrutiny Committee endorsed the recommendations of the Sub-Committee in relation to the approach to be taken in respect of the nine housing maintenance contracts, and agreed that the new Housing Overview and Scrutiny Committee should monitor the progress against the project plan for the procurement of the contracts, and the project risk register.

Conclusion

5. The Corporate Overview and Scrutiny Committee has carried out a robust challenge of the options available to the Council in delivering its housing maintenance services beyond 2019, and (Exempt) Annexe 1 sets out detailed recommendations in relation to the procurement approach.
6. The Executive is asked to endorse the recommended approach to procuring contracts to deliver housing maintenance services beyond 2019, and to agree delegated authority to the Head of Housing Operations to progress the actions necessary to carry out the procurement exercise.

Recommendation

It is recommended that the Executive, after considering the report and recommendations of the Corporate Overview and Scrutiny Housing Maintenance Contracts Renewal Sub-Committee,

1. agrees the recommended approach to the future delivery of Waverley's housing maintenance services, as set out in Section 6 of (Exempt) Annexe 1;
2. recommends that authority be delegated to the Head of Housing Operations to
 - appoint consultants to provide advice and undertake such work as required to achieve the recommendations set out in the (Exempt) Annexe, within

agreed budgets and in accordance with the Council's Contract Procedure Rules;

- procure and appoint contractors for those services identified in the (Exempt) Annexe as requiring re-procurement, within agreed budgets and in accordance with the Council's Contract Procedure Rules and in consultation with the Portfolio Holder for Housing and the Strategic Director for Finance and Resources;
- extend the contracts for those services identified in the (Exempt) Annexe as requiring extension; and
- take all other reasonable actions in order to facilitate the recommendations identified within the (Exempt) Annexe; and

3. asks the Overview and Scrutiny Co-ordinating Board to add the on-going monitoring of the procurement process to the Overview and Scrutiny work programme.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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