

Public Document Pack

TANDRIDGE DISTRICT COUNCIL



Council Agenda

MINUTES AND REPORTS
SUBMITTED TO THE ANNUAL COUNCIL MEETING ON
Thursday, 27th May, 2021

JACKIE KING

Acting Chief Executive

TANDRIDGE DISTRICT COUNCIL

Council Offices,
Station Road East,
Oxted,
Surrey RH8 0BT

19th May 2021

Dear Councillor,

You are summoned to attend the meeting of the Council on Thursday, 27th May, 2021 at 7.30 pm at the Barn Theatre, Bluehouse Lane, Oxted RH8 0AA.

Jackie King
Acting Chief Executive

To: All Members of the Tandridge District Council

A G E N D A

1. Apologies for absence

2. Declarations of Interest

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or

- (ii) other interests arising under the Code of Conduct in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or his staff prior to the meeting.

3. Vote of thanks to the retiring Chair

4. Election of the Chair of the Council for 2021/22

5. Election of the Vice-Chair of the Council for 2021/22

- 6. Chair's Announcements**
- 7. To approve the minutes of the Council meeting held on the 22nd April 2021** (Pages 5 - 14)
- 8. To receive the report of the Planning Committee meeting held on the 29th April 2021** (Pages 15 - 18)
- 9. Proposed amendments to Standing Orders to delete references to virtual meetings** (Pages 19 - 36)
- 10. Allocation seats to Committees and Sub-Committees for 2021/22** (Pages 37 - 48)

The proposed memberships of the respective Committees will be circulated prior to the meeting.
- 11. To confirm the timetable of Council and Committee meetings for 2021/22** (Pages 49 - 50)
- 12. To agree appointments of Councillors to outside bodies for 2021/22**

A list of proposed appointments, agreed as far as possible by the Group Leaders, will be circulated prior to the meeting.
- 13. To receive a policy statement from the Leader of the Administration covering the 2021/22 municipal year (Standing Order 6(2))**

One spokesperson from each of the other political groups will have the right of reply.

The Annual Council meeting will be followed by short meetings of the Council's committees to enable each of those committees to appoint a Chair, a Vice-Chair and Sub-Committees where required.

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TANDRIDGE DISTRICT COUNCIL

Minutes of the virtual meeting of the Council held on the 22 April 2021 at 7.30 pm.

PRESENT: Councillors Pursehouse (Chair), Morrow (Vice-Chair), Allen, Black, Blackwell, Bloore, Botten, Bourne, Caulcott, Connolly, Cooley, M.Cooper, Dennis, Duck, Elias, Farr, Fitzgerald, Gray, Jones, Jecks, Mills, Parker, Stamp, Langton, Lee, Lockwood, Ridge, Sayer, Steeds, Swann, Vickers, C.White, N.White and Wren

APOLOGIES FOR ABSENCE: Councillors Mansfield and Rujbally

321. CHAIRMAN'S ANNOUNCEMENTS

(i) HRH The Prince Philip, Duke of Edinburgh and Peter Ainsworth

The Chairman acknowledged that this was the first time the Council had met since the sad passing of HRH The Prince Philip, Duke of Edinburgh on the 9th April 2021. The Chairman also paid tribute to the late Peter Ainsworth, the former MP for East Surrey between 1992 and 2010.

Members observed a one-minute silence as a mark of respect.

(ii) Conduct of the meeting

The Chairman conveyed the Monitoring Officer's advice regarding the need for Members to respect the fact that the Council was in a pre-election period. He asked Members not to say anything which could be construed as electioneering.

322. DECLARATIONS OF INTEREST

The Chairman declared a non-pecuniary interest in 294 of the Housing Committee minutes of the 11th March 2021 (Garage Management Strategy) on the grounds that he was a member of a local community organisation which rented three Council garages.

323. MINUTES OF THE COUNCIL MEETING HELD ON THE 11TH FEBRUARY 2021

These minutes were approved as a correct record.

324. MINUTES OF THE COUNCIL MEETING HELD ON THE 18TH MARCH 2021

These minutes were approved as a correct record.

325. QUESTIONS SUBMITTED UNDER STANDING ORDER 30

Questions were dealt with from the Chairman (for which Councillor Morrow took the Chair) and Councillors Morrow and Caulcott. The questions and responses are set out at Appendix A.

326. REPORTS OF THE FOLLOWING COMMITTEES

The reports of Committee meetings since the 11th February 2021 Council were presented for reception and adoption.

RESOLVED – that the reports of the following meetings be received, and the recommendations therein be adopted:

Planning Committee (4th March 2021)

Community Services Committee (9th March 2021)

Housing Committee (11th March 2021)

Standards Committee (15th March 2021)

Planning Policy Committee (18th March 2021)

Strategy & Resources Committee (25th March 2021)

Audit & Scrutiny Committee (30th March 2021)

Upon moving the reception of the Audit & Scrutiny Committee report, Councillor Bourne informed Members that, in respect of Minute 317, the Council's 2019/20 statement of accounts was still awaiting sign off and that Deloitte's estimated timeframe for completing this task was now the end of May 2021.

327. ANY OTHER BUSINESS - REFUSE & RECYCLING COLLECTION CONTRACT

The Chairman was of the opinion that this matter should be considered as a matter of urgency to provide Members with an opportunity to discuss the difficulties and uncertainties residents were experiencing with the roll out of the new refuse & recycling contract. He stated that the urgency was demonstrated by the number of complaints raised by residents throughout the District with Members in person, in writing and via social media.

The following observations, questions and suggestions were put forward during the debate:

Observations

- Biffa has failed to deliver its contractual obligations ... the Customer Relations Management system hasn't worked;
- the Customer Services Team has borne the brunt of residents' anger, including some abusive calls, and should be thanked for performing this difficult task;

- there may be a misunderstanding about the crews – the personnel delivering the new contract are generally the same as before ... the crews have been doing their utmost, but the IT has let us down;
- the information e-mailed to Members on 21st April about service issues was helpful, but should have been sent earlier;
- there were no reasons why transition to the new contract should be problematic ... the terms of the new contract should have enabled the Council to ensure the key requirements were in place before the service went live ... the contract should have contained transparent 'divorce terms';
- it remains concerning that, come Saturday 24th April, the missed collection catch-up may still be incomplete, and some refuse may remain uncollected for over a month;
- despite the laudable efforts of the crews and the fact that worse problems may have occurred at the start of previous refuse collection contracts, there has been a failure to deliver the most visible of District Council services in recent weeks ... requirements for assisted collections have not been passed on to be dealt with under the new contract;
- hitherto, the Council had been working well with Biffa for over 15 years, including the successful transition to the fortnightly collection of co-mingled recyclables ...but the new contract has presented the greatest operational changes to date and other external pressures (including the pandemic) have been beyond Biffa's control ... residents should be thanked for helping Tandridge achieve one of the most successful recycling rates in the country.

Questions

- it is good to see the new vehicles but why wasn't the software tested ... is there a problem with the interface between Biffa and TDC IT systems?
- what can we do to put things right ... will Biffa be held to account via contractual penalty clauses?
- will the on-line form to report missed bins be reinstated?

Suggestions

- factual explanations about the cause of the problems, and what the Council is doing to deliver a positive outcome, should be communicated to residents;
- a dedicated e-mail account should be created for Members to communicate messages about the service;
- a new communications strategy should be adopted in respect of the service, with messages updated during the day on social media platforms;

- food caddies have been damaged while being emptied and returned to the edge of properties and should be replaced;
- future performance against a recovery plan should be monitored and reviewed on a regular basis;
- only BIFFA can answer the key questions raised during the debate ... Group Leaders need to be able to contact senior BIFFA managers, and the company should be represented at a public forum to explain what went wrong;
- a report, explaining the cause of the problems; the lessons learned for the future; and what can be done to recompense residents, should be produced for Members and made available to the public.

Councillor Connolly concluded the debate by reading a statement from the Managing Director of Biffa Municipal apologising for the inconvenience caused to residents and assuring the Council that the company was working hard to resolve the difficulties. She updated Members about the significant progress made by Biffa during the day to deal with outstanding collections. Councillor Connolly also acknowledged the need to learn from the problems of the last few weeks and a for a future report to be submitted to Members.

328. CHAIRMAN'S CLOSING COMMENTS

The Chairman acknowledged that Councillors Cooley, Jecks and Vickers would not be returning as Members in the new Municipal Year as they were not seeking re-election. He thanked them for their services to the District and wished them well for the future.

Rising 9.16 pm

Full Council 22.04.21 – Questions from Members under Standing Order 30

1. Questions from Councillor Pursehouse

Councillor Morrow took the Chair and presided over the questions and responses below.

“Over the past week, extra rubbish has piled up in bags, incidents of rats and foxes interfering with the refuse have increased, litter from ripped bags is spreading and anger has increased. The anger is amplified by the fact that refuse and recycling is the most visible service the council provides, and residents have just had council tax demands dropping through their doors.

The time for excuses, or even good reasons, has passed. If what you are doing is not working, then you need to do something else.

Residents need to know:

- (i) What is being done to get their refuse collected ASAP?**
- (ii) Exactly when their bins will be collected?**
- (iii) When the collection after that will be?**
- (iv) What is being done to ensure this problem does not reoccur?**
- (v) What will TDC and Biffa be doing to recompense the residents?**
- (vi) How will those responsible be held to account?”**

Response from Councillor Connolly

Officers are working with Biffa to improve the collections across the whole of the District. Refuse collections on Tuesday 20th April were at a 93% completion rate which is an improvement on the previous week. The outstanding refuse collections from Tuesday 20th April were completed within 24 hours. Refuse collections on Wednesday 21st April were at 93% and the outstanding collections are due to be done today.

There were significant disruptions to the collections during the week commencing 12th April 2021 and any outstanding collections from that week will be completed by Saturday 24th April 2021.

Residents will need to present their bins on their scheduled day of collection. Should there be a delay in the collections, the bins need to be left out and available for collection.

The Council website does have details of the roads missed. Currently, the message is saying that any outstanding collections will be made by Saturday 24th April. Normally, the outstanding roads will be collected sooner but we are currently not being more specific as the new contract is bedding down and operational reasons may mean that the specific day cannot be honoured.

The next collection will be on the next scheduled collection which will be one week from residents' previous scheduled one and the opposite material i.e. 'week 1 refuse and food'; 'week 2 recycling and food'.

Officers are working with Biffa to ensure an improvement in the daily completion of work. This work includes improving the communication between Biffa and the Council and work to make sure the new waste CRM system is working correctly and linking into the Council's IT systems. Crews were trained but the problems were caused by unfortunate IT failures.

Both the Council and Biffa has offered their apologies for the disruption to residents. With 80% of the District having a change to their collections there will, unfortunately, be some disruption. Biffa is providing additional resources of 4 vehicles and associated staff at its cost to get the collections back on an even keel. Biffa has also bought staff in from other contracts in the region to provide additional management support during this period of change. Hence, remedial measures are costing Biffa.

The new contract has a comprehensive performance management framework. Once the service is established then the contract will be managed through this framework which includes default payments to the Council for service failures.

Councillor Pursehouse asked a supplementary question, i.e. while not doubting that Officers have been doing their best, residents have suffered, despite having no choice but to pay Council Tax and to rely on Tandridge for the service ... some residents in Warlingham have gone nearly five weeks without a collection ... so could Biffa provide a community grants fund in recompense? The issues raised by questions (v) and (vi) above need investigating further. Councillor Connolly responded by acknowledging residents' grievances and reiterated that Biffa was allocating additional resources at its cost in order to rectify the situation. She emphasised how sorry Biffa were for the service failures and would ask Officers to investigate the possibility of Biffa funding a community grants scheme.

Councillor Pursehouse asked a second supplementary question, i.e. have the difficulties been caused by a lack of good planning rather than bad luck? Councillor Connolly responded by reflecting on unforeseen IT failures which hindered new drivers in new vehicles on unfamiliar routes. She stated that Biffa and Officers were doing their best to get the service back on track and reflected on the fact that the service had delivered some recent successes, e.g. since March 2020, Tandridge crews had worked throughout the pandemic to collect 15% more recycling and green waste; 11% more refuse; and 21% more food waste than normal. Furthermore, Tandridge is the 13th best performing authority in the country for recycling.

2. Question from Councillor Caulcott

**“Pertinent to page 61, Minute 290 of the Council Book:
Please can the Chair of the Housing Committee provide an update on the options appraisal exercise that is to be undertaken regarding the suitability of low carbon heating systems to replace existing gas boilers in Council-owned properties, including the date by which the report of the appraisal will be submitted to the Housing Committee.”**

Response from Councillor Parker

It is envisaged the full options appraisal process will take 3 years to complete with regular updates to Housing Committee along the way. This is heavily dependent on the availability of resources and the implementation of new stock condition software. During the options appraisal period officers will:

- (i) Survey the housing stock to ascertain the work required to make the housing stock carbon neutral by 2030.*
- (ii) Review the different types of low carbon heating systems currently available and their suitability.*
- (iii) Determine, for budgetary purposes, the cost of installing low carbon heating systems in the housing stock.*
- (iv) Ascertain if any additional costs will be incurred e.g. installing extra insulation.*
- (v) Determine running costs for each low carbon heating system.*
- (vi) Determine if low carbon heating systems are easy to operate and affordable to run.*
- (vii) Determine if grants are available to the Council to install low carbon heating systems.*

In conclusion, careful consideration will be required when deciding what type of low carbon heating system(s) to use. Of paramount importance is how much it will cost to install / maintain and, for residents, is it affordable to run. Unfortunately, this will not be a quick and easy process because of the many factors to be taken into consideration.

Councillor Caulcott asked a supplementary question, i.e. three years seems a long time to wait for the options appraisal ... please could she have more justification for such a time-span? Councillor Parker responded by confirming that Councillor Caulcott's concerns would be taken on board.

3. Question from Councillor Caulcott

**“Pertinent to pages 65/66, Minute 294 of the Council Book:
Please can the Chair of the Housing Committee provide the plans and programme of work for the repair and refurbishment of Council-owned garages, which is required in order to support the TDC Garage Management Strategy.”**

Response from Councillor Parker

The garage repair plan, programme and timeline is being pulled together by a lead officer who is, unfortunately, absent at present. This work will be continued shortly. If the absence continues, alternative resources will have to be found.

Councillor Caulcott asked supplementary question, i.e. when will she receive an update regarding the repair plan? Councillor Parker responded by confirming that she will forward the update as soon as she (Councillor Parker) had received it from officers.

4. Question from Councillor Morrow

“In the report of the Audit & Scrutiny Committee of 30th March, it is stated that a peer review by the Planning Advisory Service (PAS) of our Planning Department has been undertaken and was expected to report by 9th April.

I understand from Party colleagues on the Planning Committee that they took part in the review, and that the PAS suggested that our Planning Committee procedures should be changed to exclude those who are also parish councillors from the Planning Committee, and that reasons for refusal against an officer recommendation to permit should not be agreed by a councillor with the department before a meeting but be generated ad hoc during the debate.

Will the Chair of Planning advise / confirm:

- (i) When the findings of the Review will be made available to councillors
- (ii) Why I, as the longest serving member of the Committee was not, as far as I am aware, asked to participate in the Review
- (iii) That under no circumstances will those who are parish councillors be excluded from the Committee
- (iv) That to ensure properly worded and robust reasons for refusal are used when the Committee overturns an officer recommendation to permit, that the current process for agreeing such words before a committee meeting will continue. The same consultation process to agree suitable conditions to support a decision to permit against officer recommendation to refuse be similarly maintained.”

Response from Councillor Black

The PAS review is nearing completion and the report will be available for the Acting Chief Executive in the next 2-3 weeks.

Prior to the review commencing back in February, the Chief Planning Officer wrote to the Group Leaders, the Chairs and Vice Chairs and Planning and Planning Policy Committees, inviting their nominations for participation.

As the report findings and recommendations have not yet been published, it is not advisable to speculate on what specific recommendations may or may not be included at this stage. There will, of course, be a full opportunity for discussion with Members once we know what these are. The issue regarding Parish Councillors is more about those who are members of Parish Council Planning Committees. It was never suggested that Members should be ineligible to serve on TDC's Planning Committee just because they are Parish Councillors.

Councillor Morrow asked a supplementary question, i.e. it's pleasing to note that there is no proposal to exclude Parish Councillors from the Planning Committee, but what about the concern raised in (iv) above regarding the process for agreeing words (to refuse or permit) to overturn an officer recommendation? Councillor Black responded by agreeing with Councillor Morrow's wish that the current process for agreeing such wording before a Planning Committee meeting should continue.

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TANDRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

Minutes and report to Council of the virtual meeting of the Committee held on the 29th April 2021 at 7.30pm.

PRESENT: Councillors Black (Chair), Bloore (Vice-Chair), Blackwell (Vice-Chair), Duck, Farr, Fitzgerald, Gray, Lockwood, Mansfield, Morrow and C.White

ALSO PRESENT: Councillors Bourne, Connolly, M.Cooper, Davies, Mills, Ridge and N.White

329. MINUTES OF THE MEETING HELD ON THE 4TH MARCH 2021

These were approved as a correct record.

330. DECLARATIONS OF INTEREST

Councillor Blackwell declared a non-pecuniary interest for agenda item 5.4 (2020/2160 - Cherrywood, Brassey Road, Limpsfield – Minute 334 below) on the basis that she was acquainted with the applicant. She did not take part in the debate or the vote and turned her video off and muted her microphone for the duration of the item.

Councillors Black and Fitzgerald advised that they had been lobbied in respect of some of the agenda items but would consider the applications afresh with an open mind.

Councillor Gray advised that he had been lobbied by an objector to the planning application under agenda item 5.2 (2020/1404 – Hut 1, Harestone Drive, Caterham – Minute 332 below) but would consider the application afresh with an open mind.

331. 2021/20 - THE CASTLE INN, MILLERS LANE, OUTWOOD RH1 5QB

The Committee considered an application for

- alterations and change of use from 'drinking establishment' to C3 (dwelling house); and
- the provision of associated amenity and parking areas.

The officer recommendation was to permit, subject to conditions.

A recording of representations from Patrick Jenn, an objector, was replayed to the Committee.

A recording of representations from Councillor Jane Howard of Outwood Parish Council, an objector, was replayed to the Committee.

A recording of representations from James Collins, the agent acting on behalf of the applicant, was replayed to the Committee.

Councillor Bourne proposed the following reason for refusal:

“The proposal would result in the loss of a community facility. This is against the principle set out in the NPPF 2019 ‘supporting prosperous rural economies’ (paragraph 83D) where planning policy and decisions should enable the retention of community facilities such as public houses. It has not been demonstrated that there is no longer a demand for the facility and, due to the business ceasing to trade for an extended period, it cannot be demonstrated that it cannot be made financially viable in future under Policy DP18 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014.”

This was moved by Councillor C.White and seconded by Councillor Fitzgerald. Upon being put to the vote, the motion was carried.

RESOLVED – that planning permission be refused.

332. 2020/1404 - HUT, 1 HARESTONE DRIVE, CATERHAM CR3 6YQ

The Committee considered an application for the demolition of office buildings; erection of 5 x two-storey detached dwellings; the construction of an access road from Harestone Drive; and provision of associated parking and landscaping.

The Officer recommendation was to permit, subject to conditions.

A recording of representations from Councillor Jenny Gaffney of Caterham Valley Parish Council, an objector, was replayed to the Committee.

A recording of representations from Peter Morgan, the agent acting on behalf of the applicant, was replayed to the Committee.

RESOLVED – that planning permission be granted, subject to conditions.

333. 2020/2236 - 2 CROMWELL HALL FARM COTTAGES, FELCOURT ROAD, FELCOURT RH19 2JU

The Committee considered an application for the erection of a building for plant and machinery storage.

The Officer recommendation was to permit, subject to conditions.

Councillor Lockwood, seconded by Councillor Duck, proposed the following reasons for refusal:

- (i) *The outbuilding would constitute inappropriate development in the Green Belt for which no very special circumstances exist to clearly outweigh the harm by reason of inappropriateness and harm to openness as previously concluded by the Inspector’s decision. The application has not materially changed and therefore significant weight should be given to the previous dismissed appeal. As such the proposal is contrary to Policies DP10, DP13 and DP14 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and the National Planning Policy Framework (2019).*
- (ii) *The outbuilding, by reason of the design and appearance, would not remain in keeping with the character of the rural locality. Furthermore, the external appearance would not be required for the intended use with limited evidence supplied for the proposed purpose. As such, the proposal is contrary to Policies DP7 or the Tandridge Local Plan: Part 2 – Detailed Policies 2014 , CSP18 and CSP21 of the Core Strategy 2008 and the National Planning Policy Framework(2019).*

Upon being put to separate votes, both motions were lost.

RESOLVED – that planning permission be granted, subject to conditions.

334. 2020/2161 - CHERRYWOOD, BRASSEY ROAD, LIMPSFIELD RH8 0ET

The Committee considered an application for the:

- erection of a part single-storey / part two-storey front extension, incorporating a front and side roof terrace; and
- erection of a single storey rear extension.

The officer recommendation was to permit.

Councillor Lockwood, seconded by Councillor Duck, proposed that determination of the application be deferred, pending a site visit. Upon being put to the vote, the motion was lost.

Councillor Lockwood, seconded by Councillor Duck, proposed that the application be refused for the following reason:

“The proposal, by reason of the siting of the part single-storey / part two-storey extension and ground levels, would cause overlooking of Cherrywood from the adjacent property and driveway, contrary to Policy DP7 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014) and Policy CSP18 of the Tandridge District Core Strategy (2008).”

Upon being put to the vote, the motion was lost.

RESOLVED – that planning permission be granted.

335. 2020/2291 - 9 WOODLANDS DRIVE, SOUTH GODSTONE RH9 8HU

The Committee considered an application for the erection of a single-story side extension.

RESOLVED – that planning permission be granted.

336. 2021/137 - 13 WOLF'S WOOD, HURST GREEN RH8 0HN

This item was withdrawn from the agenda and would be reported to a future meeting.

Rising 10.32 pm

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Proposed Amendments to Standing Orders to delete references to virtual meetings

Full Council Thursday, 27 May 2021

Report of: Head of Legal Services & Monitoring Officer

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

Amendments to Standing Orders (which set out procedures for the conduct of meetings and other governance issues) are required to remove references to the 'Coronavirus Regulations 2020' and associated measures to facilitate virtual meetings. Those Regulations are no longer in force and Councillors must now be present in the Council Chamber or any other physical venues to participate in a meeting.

This report supports the Council's priority of:

Building a better Council

Contact officer Vince Sharp (Democratic Specialist)
vsharp@tandridge.gov.uk

Recommendations to Council:

That:

- A. the Council's Standing Orders for meetings (Part B of the Constitution) be amended in accordance with the track changes at Appendix A; and
 - B. the 'Protocol for Members and Officers attending remote meetings' be removed from Part F of the Constitution.
-

Reason for recommendation:

Standing Orders for meetings form part of the Council's Constitution (Part B). The current version of Standing Orders includes reference to:

- (i) the "*Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*" (hereafter referred to as the 2020 Regulations);
and
- (ii) arrangements for facilitating virtual meetings, as previously permitted by the 2020 Regulations.

The 2020 Regulations permitted Councils to conduct virtual meetings up until 6th May 2021. In the absence of new legislation, Councils must now revert to conducting meetings 'in person' and references to (i) and (ii) above should be deleted from Standing Orders.

Similarly, the '*protocol for Members and Officers attending remote meetings*' should also be removed.

Introduction and background

- 1 The 2020 Regulations came into force on the 4th April 2020 to enable Councils to overcome the restrictions imposed by the coronavirus emergency. The measures included powers to conduct virtual meetings up until the 6th May 2021.
- 2 At its meeting on 6th May 2020, the Council approved amendments to Standing Orders which made arrangements for conducting virtual meetings. A temporary '*Protocol for Members and Officers attending remote meetings*' was also adopted.
- 3 These provisions now need to be removed from the Constitution in so far as Member participation in meetings is concerned. However, it is proposed to retain an option for members of the public to pre-record:
 - questions under Standing Order 30;
 - representations to Committees (including to the Planning Committee in connection with planning applications) under Standing Order 31;
and
 - statements in support of petitions (Standing Order 30).

Other options considered

- 4 As an alternative to deleting all references to virtual meetings, relevant provisions could be retained but made conditional upon future legislation making them permissible. However, as there is no immediate prospect of such legislation being introduced, it is suggested that, subject to the exceptions referred to in 3 above, Standing Orders should revert to the pre-May 2020 position. Should the law change to enable virtual meetings, Standing Orders will again be revised accordingly.

Key implications

Comments of the Chief Finance Officer

There are no financial implications associated with this report.

Comments of the Head of Legal Services

Legal implications are contained within the body of the report. There are no other specific implications which need to be identified.

Equality

There are no equality implications associated with this report.

Climate change

The requirement for Members to attend meetings in person will have a potentially negative (albeit marginal) impact on the Council's carbon footprint if attendees are required to travel to the meeting venue using internal combustion powered transport. However, as the report states, a position contrary to this would require government to pass new legislation, therefore there is little the Council can do with respect to the climate change considerations of this report.

Appendices

Appendix A - proposed amendments to certain Standing Orders, shown with track changes.

Background papers

None

----- end of report -----

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PROPOSED AMENDMENTS TO STANDING ORDERS (Part B of the Constitution)

PROCEDURES FOR COUNCIL MEETINGS

No. 1

MEETINGS OF THE COUNCIL

- (1) ~~The convening of an Annual Meeting during 2020 is at the discretion of the Council by virtue of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (hereafter referred to as the 2020 Regulations). In future years, and, subject to any subsequent legislation to the contrary,~~ the Annual Meeting of the Council shall be held within three weeks of the District or County Council Elections to accord with the provisions of the Local Government Act 1972.
- (2) In addition to the Annual Meeting of the Council and any meetings convened by the Chairman or Members of the Council (SO 1 (3) below refers), meetings for the transaction of general business shall be held in each year on dates to be determined for the ensuing year by the Council.
- (3) Five Members of the Council may call for an extraordinary meeting of the Council in accordance with the requirements of Schedule 12 to the Local Government Act 1972 (Part 1, section 3)¹.
- (4) ~~For as long as the 2020 Regulations remain in force, meetings may be held virtually, either in whole or in part, whereby:~~
- ~~(i) the term 'meeting' is not limited to a meeting of persons all of whom, or any of whom, are present in the same place;~~
- ~~(ii) the 'meeting place' can include reference to more than one place, including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers;~~
- ~~(iii) 'open to the public' includes access to the meeting via remote means, including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means;~~

¹ LGA 1972, Schedule 12, Part 1, Section 3: "An extraordinary meeting of a principal council may be called at any time by the chairman of the council. If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council."

- (iv) ~~Councillors are able to participate from remote locations and are deemed to be in attendance if they can:~~
- ~~• hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,~~
 - ~~• hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and~~
 - ~~• be so heard and, where practicable, be seen by any other members of the public attending the meeting.~~

No. 2

APPOINTMENT OF CHAIRMAN OF THE COUNCIL

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

No. 3

APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL

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

No. 9

MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

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

- (1) Appointment of a Chairman of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) That an item of business specified in the summons has precedence.
- (4) Remission to a Committee
- (5) Appointment of a Committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.
- (6) Adoption of recommendations of Committees or officers and any consequent resolutions.
- (7) That leave be given to withdraw a motion.
- (8) Extending the time limit for speeches.
- (9) That the Council proceed to the next business.

- (10) That the question be now put.
- (11) That the debate be now adjourned.
- (12) That the Council do now adjourn.
- (13) Authorising the sealing of documents.
- (14) Suspending Standing Orders, in accordance with Standing Order No. 48.
- (15) A Motion under Section 100A (2) and (4) of the Local Government Act 1972 to exclude the public ~~(either via exclusion from the physical meeting place, if any, or by terminating remote access services).~~
- (16) That a Member named under Standing Order No. 33(Disorderly Conduct) be not further heard or leave the meeting ~~(either by leaving the meeting place if physically present or by discontinuing remote access services).~~
- (17) Giving consent of the Council where the consent of the Council is required by these Standing Orders.

No. 13

VOTING AT COUNCIL MEETINGS

- (1) Subject to SO 12(6) below, the manner of voting at meetings of the Council shall be at the discretion of the Chairman, to ensure that the outcome of any vote is beyond doubt ~~and depending on whether all or some of the Members are participating remotely via conferencing facilities.~~
- (2) In the event of an equality of votes, the Chairman shall have a casting vote.
- (3) Immediately after a vote is taken, any Member may request that the way in which s/he voted (or abstained) be recorded in the minutes.
- (4) Before a vote on any matter is taken, a Member may request that details be recorded in the minutes to show how each Member voted, or whether they abstained. For this to proceed, five other Members will be required to indicate their support.
- (5) In any event, at any meeting of the full Council at which a budget decision is made, the voting shall be recorded in the minutes. 'Budget decisions' for the purposes of this Standing Order shall mean any decision defined as such under the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2014.
- (6) Recorded votes required under (4) and (5) above shall be conducted by an appropriate Officer calling the name of each Member present who shall thereupon state whether they are voting 'for' 'against' or whether they wish to 'abstain'. The Officer shall record the voting and inform the Chairman of the result.
- (7) Where there are two persons nominated for any position to be filled by the Council, the Chairman shall conduct a vote by:

- asking Members to vote (by a show of hands) for the first nominee according to alphabetical order of surname; and
 - repeating the process for the other nominee, with the individual with the most votes being duly appointed.
- (8) Where there are three or more persons nominated for any position (or positions) to be filled by the Council, an appropriate Officer shall call the name of each Member present who shall thereupon state his / her preferred candidates. The officer shall record the votes cast for each person nominated and shall inform the Chairman of the result who will then confirm which Councillor has been appointed.

COMMITTEE MEETINGS AND PROCEDURES

No. 15

COMMITTEES

- (1) The Policy Committees of the Council are:-
- Community Services Committee
 - Housing Committee
 - Planning Policy Committee
 - Strategy & Resources Committee
- (2) The Regulatory/Statutory/Other Committees of the Council are:
- Audit & Scrutiny Committee
 - Licensing Committee
 - Planning Committee
 - Standards Committee

~~(3) For as long as the 2020 Regulations remain in force, committee and sub-committee meetings may be held virtually, as described in Standing Order 1(4).~~

No. 16

COMMITTEES - CONFIDENTIALITY OF PROCEEDINGS

- (1) Committee or Sub-Committee reports may be exempt from publication and shall be treated as confidential if:
- (i) their content falls within the descriptions of exempt information in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) (reproduced in (3) below); and
 - (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (2) Proceedings at Committee / Sub-Committee meetings shall be conducted in public (including by way of public access to webcasting and/or conferencing facilities) unless a Committee / Sub-Committee passes a resolution to exclude the press and public on the grounds referred to in (1) above (via exclusion from the physical meeting place, ~~if any~~, or by terminating remote access to the meeting).

- (3) The definitions of exempt information detailed in Part 1 of Schedule 12A of the Act (referred to in (1) (i) above are:
1. *Information relating to any individual.*
 2. *Information which is likely to reveal the identity of an individual (including the authority holding that information).*
 3. *Information relating to the financial or business affairs of any particular person (including the authority holding that information).*
 4. *Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.*
 5. *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*
 6. *Information which reveals that the authority proposes -*
 - (a) *to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or*
 - (b) *to make an order or direction under any enactment*
 7. *Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.*

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

 - 7A. *Information which is subject to any obligation of confidentiality.*
 - 7B. *Information which relates in any way to matters concerning national security.*
 - 7C. *Information presented to a Standards Committee, or to a Sub-Committee of a Standards Committee, set up to consider any matter under regulations 13 or 16-20 of the Standards Committee (England) Regulations 2008 or referred under section 58(1)(c) of the Local Government Act 2000.*
- Qualifications:*
8. *Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:*
 - (a) *the Companies Act 1985[3];*
 - (b) *the Friendly Societies Act 1974[4];*
 - (c) *the Friendly Societies Act 1992[5];*
 - (d) *the Industrial and Provident Societies Acts 1965 to 1978[6];*
 - (e) *the Building Societies Act 1986[7]; or*
 - (f) *the Charities Act 1993[8].*
 9. *Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992[9].*

10. *Information which:*

- (a) *falls within any of paragraphs 1 to 7 above; and*
- (b) *is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.*

No. 19

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

- (1) At the conclusion of ~~the an~~ Annual Meeting of the Council, each Committee shall meet to elect a Chairman and appoint a Vice-Chairman (and a second Vice-Chairman if Full Council so requires, in which case the posts shall be designated '1st Vice-Chair' and '2nd Vice-Chair') and any Sub-Committees for the year. For each of these meetings, the Chairman of the Council (or in his / her absence the Vice-Chairman of the Council) shall preside. ~~In the absence (by virtue of the 2020 Regulations) of an Annual Meeting in 2020, the Chairmen and Vice-Chairmen for 2019/20 (subject to their on-going membership of the Council and the Committees / Sub-Committees concerned) may continue in their posts throughout 2020/21.~~
- (2) If other business needs to be transacted at a Committee meeting immediately following Annual Council, the Chairman or Vice-Chairman of the Council shall vacate the Chair in favour of:
 - (i) the newly elected Chairman of the appropriate Committee; or
 - (ii) the Vice-Chairman of the appropriate Committee (if two Vice-Chairmen have been appointed to the appropriate committee, the Member appointed to the '1st Vice-Chair' position shall preside, or, in his/her absence, the Member appointed to the '2nd Vice-Chair' position shall preside)
- (3) No member of the Council shall be Chairman of more than one Committee.
- (4) A Committee may, if required, create a 2nd Vice-Chair position during the course of a Municipal Year.
- (5) At a Committee meeting, in the absence of the Chairman:
 - (i) if one Vice-Chairman has been appointed, he / she shall preside;
 - (ii) if two Vice-Chairmen have been appointed, the holder of the 1st Vice-Chair position shall preside or, in his / her absence, the holder of the 2nd Vice-Chair position
 - (iii) if the Vice-Chairman or both Vice-Chairmen are absent, the Committee shall elect one of its other members to preside

No. 24

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

- (1) Any Councillors may attend meetings ~~(either in person or remotely via conferencing facilities)~~ of any Committee or Sub-Committee of which they are not members. However, in such cases, a Councillor must obtain the consent of the Chairman of the meeting concerned in order to speak.
- (2) In no circumstances shall Councillors vote on any matter before a Committee or Sub-Committee of which they are not members.

No. 25

VOTING AT COMMITTEES AND SUB-COMMITTEES

- (1) The manner of voting at meetings of Committees and Sub-Committees shall be at the discretion of the Chairman, to ensure that the outcome of any vote is beyond doubt, ~~and depending on whether all or some of the Members are participating remotely via conferencing facilities.~~
- (2) In the event of an equality of votes, the Chairman shall have a casting vote.
- (3) Immediately after a vote is taken at a Committee or Sub-Committee meeting, any Member may request that the way in which s/he voted or abstained be recorded in the minutes of that meeting.

PROVISIONS RELATING TO BOTH COUNCIL AND COMMITTEES

No. 27

ATTENDANCES AT MEETINGS

- (1) The clerk of the meeting or other appropriate officer shall record the names of every Member of the Council attending a meeting of the Council, or of any of its Committees or Sub-Committees.
- ~~(2) The conditions for a Member's remote attendance are that s/he is able to:~~
 - ~~(i) hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance;~~
 - ~~(ii) hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and~~
 - ~~(iii) be so heard and, where practicable, be seen by any other members of the public attending the meeting.~~

No. 28

DISCLOSURE OF INTERESTS AND PARTICIPATION AT MEETINGS

Members shall:

- (1) Disclose any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure, at meetings at which they are present and at which associated matters are considered;
- (2) Notify the Monitoring Officer of any interest not already registered but which is disclosed to a meeting under (1) above within 28 days of the disclosure; and
- (3) Not participate in any discussion or vote where they have a disclosable pecuniary interest in a matter and withdraw from the meeting, ~~either by leaving the meeting room if physically present or by remote access being suspended~~, during consideration of the matter unless a dispensation has been granted.

No. 30

QUESTIONS AT MEETINGS

- (1) Subject to (i) to (x) below, a Councillor, or a person resident, working or studying in the District, may put a question to the Leader or a Committee Chairman at any meeting of the Council (other than the Annual Meeting) or to the Chairman presiding at a Committee meeting on any matter in relation to which the Council / Committee has powers or duties or which affects the District:
 - (i) such questions must be received by e-mail or in writing to the Chief Executive or nominated Officer by 5pm on the second working day prior to the day of the meeting;
 - (ii) the Chief Executive may, at her / his discretion, refuse to allow a question to be presented if s/he considers it to be offensive, excessively lengthy, outside the scope of this Standing Order, or on the same subject as another question or upon which a question has been answered in the previous three months;
 - (iii) subject to (ii) above, questions shall be e-mailed to all Members by 6.00pm on the working day prior to the meeting and either:
 - read out at the meeting by the individual concerned from within the meeting room; or,
 - ~~if members of the public are not permitted to attend in person for health & safety reasons~~, the individuals concerned will be given the opportunity to pre-record their questions (such recordings to be facilitated by the Council, limited to the individual speaking to camera, without additional augmentations to promote their views) and for the recordings to be replayed at the meeting. Otherwise, such questions will be read out by the Chief Executive or nominated officer, either from within a physical meeting place or from a remote location;

- (iv) the maximum total time periods allowed for questions shall normally be as follows and can only be extended at the discretion of the Chairman:
 - 1 hour for Council meetings; and
 - 10 minutes for committee meetings
 - (v) the questions shall be taken in the order that they were received by the Chief Executive or nominated Officer, subject to questions from residents and others working or studying in the District being dealt with first, followed by questions from Members;
 - (vi) such questions shall be dealt with at the beginning of the relevant meeting;
 - (vii) at Full Council meetings, the Chairman may request that the answer be given by another Member of the Administration (e.g. if the Member to whom a question is directed is absent or if the Chairman considers that, in any event, it would be more appropriate for another Member to respond);
 - (viii) at Committee meetings, the Chairman may request that the answer be given by another Member of the Administration or an Officer;
 - (ix) at the meeting, subject to the person asking the question being present, the Chairman will ask them if the response answers their concern or if they wish to ask a supplementary question (if a supplementary question is asked, it must arise from the reply given);
 - (x) at Full Council meetings, the person asking the question shall be allowed to ask a second supplementary question (if a second supplementary question is asked, it must arise from the reply given to the original or first supplementary question);
 - (xi) at Full Council meetings Members who respond to original questions may nominate another Member(s) to respond to supplementary questions;
 - (xii) at Committee meetings, those responding to original questions may nominate another Member(s) or Officer(s) to respond to supplementary questions;
 - (xiii) answers to both original and supplementary questions may take the form of:-
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication.
- (2) A Member of the Council may ask the Chairman of a Committee any question regarding a Committee minute which is under consideration by the Council.

No. 31

REPRESENTATIONS AT MEETINGS (other than petitions – Standing Order 32 refers)

(1) Representations at meetings of the Planning Committee

~~In the case of virtual meetings when members of the public are not permitted to attend in person for health & safety reasons:~~

~~an objector;
a representative of the relevant parish or village council; and
the applicant or agent~~

~~... will be given the opportunity to pre-record their representations (such recordings to be facilitated by the Council, limited to the individual speaking to camera, without additional augmentations to promote his or her views) and for the recordings to be replayed at the meeting. Otherwise, such representations must be submitted in writing (including via e-mail) and read out at the meeting by the Chief Executive or nominated representative, either from within a physical meeting place or from a remote location. In either case, the deadline for the receipt of such submissions shall be by noon on the working day before the meeting. The maximum time allowed for replaying or reading out each representation shall be three minutes. Such representations shall be tested for compliance with the three-minute rule and individuals will be asked to curtail their recordings if necessary.~~

~~1.2 In the case of non-virtual or part virtual meetings when members of the public are permitted to attend in person:~~

- 1.1
- an objector;
 - a representative of the relevant parish or village council; and
 - the applicant or agent

...may speak about a planning application from within the meeting room for up to three minutes each.

1.2 Alternatively, such speakers will be given the opportunity to pre-record their representations (such recordings to be facilitated by the Council, limited to the individual speaking to camera, without additional augmentations to promote his or her views) and for the recordings to be replayed at the meeting. Otherwise, such representations must be submitted in writing (including via e-mail) and read out at the meeting by the Chief Executive or nominated representative, either from within a physical meeting place or from a remote location. In either case, the deadline for the receipt of such submissions shall be by noon on the working day before the meeting. The maximum time allowed for replaying or reading out each representation shall be three minutes. Such representations shall be tested for compliance with the three-minute rule and individuals will be asked to curtail their recordings if necessary.

1.3—**In either case**, if more than one objector wishes to speak or have their representation recorded or read out, a single representative will normally be asked to speak or submit representations on behalf of fellow objectors. Professional agents may act on behalf of objectors. Supplementary written submissions, visual aids, hand-outs or other material will not be allowed. Representations should not seek to introduce new information or material not previously submitted with the application. This may result in the application being deferred for further consideration or public comment.

- 1.4 Where there is considerable public interest in an application and several objectors want to speak on particular and different aspects, the Chairman may allow additional speakers. In such circumstances, the applicant may be granted more time to respond at the Chairman's discretion.
- 1.5 All public speaking at the meeting is at the Chairman's discretion.
- 1.6 The provisions of this Standing Order shall take precedence over the Planning Protocol.

(2) Representations at other Committee meetings

2.1 Members of the public and other interested parties can make representations at meetings of any Policy Committee (or Sub-Committee thereof) or the Audit & Scrutiny Committee in connection with a particular agenda item. The maximum time allowed shall be three minutes per person. Unless the agenda already makes special provision for members of the public to participate at a particular meeting, such requests must be sent by email, or submitted in writing to the Chief Executive or nominated Officer at least two working days prior to the Committee meeting in question. Acceptance of such requests, together with those received after the aforementioned deadline or at the meeting, shall be at the discretion of the Chairman of the relevant meeting, having due regard to the number of contributions, the potential for repetition of the subject matter and the likely length of the meeting. Members of the public or interested parties can either:

- read out their representations at the meeting from within the meeting room; or
- ~~when members of the public are not permitted to attend in person for health & safety reasons,~~ they will be given the opportunity to pre-record their representations (such recordings to be facilitated by the council, limited to an individual speaking to camera, without additional augmentations to promote his or her views) and for the recordings to be played at the meeting. Otherwise, such representations will be read out by the Chief Executive or nominated representative, either from within a physical meeting place or from a remote location. Such representations shall be tested for compliance with the three-minute rule and individuals will be asked to curtail their submissions if necessary.

No. 32

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

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

- (2) Such petitions must be:
- (i) confined to matters which fall under the Authority's powers or duties or which specifically affect the whole or part of the District, but must not concern individual planning applications / enforcement matters / licensing decisions, or other matters where there is a statutory right of review or appeal. (Whilst members of the public may wish to organise petitions in respect of planning and licensing issues, these will be taken into account as part of the Council's separate decision making processes. For example, petitions about planning applications can be referred to by residents when addressing the Planning Committee as part of the public speaking arrangements specifically tailored for that Committee);
 - (ii) signed by at least ten persons living, working or studying in the area;
 - (iii) submitted at least ten clear working days before the relevant meeting to the Chief Executive or nominated Officer, either via email, the Council's website (on-line format), or the delivery of a paper copy, together with notice of the intention to present it.
- (3) The Chief Executive must be satisfied that it would be appropriate for the petition to be presented (i.e. that the prayer of the petition does not exceed 300 words; does not contain offensive language; and that it otherwise complies with the requirements of this Standing Order).
- (4) Subject to (3) above, the presentation of petitions shall take place:-
- (i) at Council meetings (other than the Annual Meeting), in accordance with Standing Order 6; or
 - (ii) at Committee meetings specified in 1 (ii) above, immediately after the submission of questions by members of the public.
- (5) The presentation of a petition (to be by any one of the ten or more signatories specified in 2(ii) above or a Member of the Council) shall be in the form of a statement, limited to not more than three minutes, and shall be confined to the subject matter of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition. Spokespersons can either:
- read out their statements from within the meeting room; or
 - ~~when members of the public are not permitted to attend in person for health & safety reasons, they will~~ be given the opportunity to pre-record their statements and for the recordings (such recordings to be facilitated by the Council, limited to an individual speaking to camera, without additional augmentations to promote his or her views) to be replayed at the meeting. Otherwise, such statements will be read out by the Chief Executive or nominated officer on behalf of the spokesperson, either from within a physical meeting place or from a remote location.
- (6) Regarding petitions presented to the Council itself, the Chairman of the Council:-
- (i) may, if s/he considers it convenient and conducive to the despatch of business, allow the subject matter to be dealt with at the meeting at which it is presented; or otherwise
 - (ii) shall refer the subject matter, without discussion, to the relevant Committee or Sub-Committee for consideration.

- (7) Regarding petitions presented to a Committee:-
- (i) the Chairman of the Committee may, if s/he considers it convenient and conducive to the despatch of business, allow the subject matter to be dealt with at the meeting at which it is presented; or otherwise
 - (ii) the subject matter shall stand referred, without discussion, either to the next ordinary meeting of the Committee or appropriate Sub-Committee.
- (8) Petitions shall be presented in the order in which notice of them is received by the Chief Executive or nominated Officer.
- (9) Notwithstanding the provisions of this Standing Order, it is acknowledged that any person may, if s/he so wishes, present a petition to the Council out of meeting.

No. 33

DISORDERLY CONDUCT - MEMBERS

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

Continuing misconduct by a named Member

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

EITHER

Move "That the Member named do leave the meeting" in which case the motion shall be put and determined without seconding or discussion (if carried, the named Member shall be asked to leave the meeting ~~place if physically present or, in the case of virtual participation, the Chairman shall order the termination of the Member's on-line access~~).

OR

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

General disturbance

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

No. 34

DISTURBANCE BY THE PUBLIC

- (1) The Chairman shall warn any member of the public who interrupts the proceedings at any meeting. If the individual continues the interruption, the Chairman may order his / her removal from the ~~Council Chamber meeting venue, or, in the case of virtual participation, the termination of his / her on-line access.~~ In the event of general disturbance in any part of the meeting venue Chamber open to the public, the Chairman shall order that part to be cleared. Similarly, in event of general disturbance from members of the public participating remotely, the Chairman may order all such public access to be terminated.
- (2) The Chairman may adjourn the meeting as per SO 33(3) above.

Allocation of seats to Committees and Sub-Committees for 2021/22

Full Council Thursday, 27 May 2021

Report of: Head of Legal Services & Monitoring Officer

Purpose: For decision

Publication status: Open

Wards affected: All

Executive summary:

This report has been prepared to enable the Council to appoint its Committees and Sub-Committees for the forthcoming municipal year, including the allocation of seats in accordance with political balance requirements.

The report also proposes two associated amendments to the Constitution, namely adjustments to the call-in process (given the suggested increase in the size of the Audit & Scrutiny Committee) and Standing Order 46 concerning the requirement for officers to consult with political groups on certain matters.

This report supports the Council's priority of: Building a better Council

Contact officer Vince Sharp (Democratic Specialist)

vsharp@tandridge.gov.uk

Recommendations to Council:

- A. the Council's Committees for 2021/22, and the number of seats allocated to each Committee, be as per the tables in paragraphs 3.4 (ordinary committees) and 3.6 (Licensing Committee);
- B. the Council's Sub-Committees for 2021/22, and the number of seats allocated to each Sub-Committee, be as per the table in paragraph 4.1;
- C. one chair and vice-chair be appointed by each Committee and Sub-Committee for 2021/22;

- D. the number of Councillors on the Audit & Scrutiny Committee who can, collectively, trigger the call-in process be increased from three to five Councillors and that paragraph 4.1 of the Council's call-in procedure be amended accordingly; and
- E. Standing Order 46 (Requirements for Officers to consult with Members) be amended to require officers to undertake relevant consultation with political groups comprising eight (as opposed to ten) or more Councillors, i.e.:

“Throughout Financial Regulations, the Scheme of Delegation and the Planning Protocol (parts C, E and F of the Constitution) requirements for officers having to consult Members shall be interpreted as follows:

- (i) *if the Council is in a state of no overall control (i.e. where no single political group or a coalition of groups has an absolute majority of seats) such consultation shall be with the Leaders, or their nominated representatives, of political groups comprising ~~ten~~ **eight** or more Councillors; or*
- (ii) *if a single political group or a coalition of groups forming the Administration has an absolute majority of seats, such consultation shall be solely with the Leader(s) of the Council or his / her / their nominated representative(s).*

Reason for recommendations:

The Council is required to determine its Committees and Sub-Committees for the forthcoming municipal year, together with the allocation of seats to political groups in accordance with relevant legislation.

Following consultation with Group Leaders, it is not deemed necessary to continue last year's practice of appointing a second vice-chair for each committee.

The change to the Council's call-in procedure is being recommended so that no single political group can trigger the process.

Given the current political balance of the Council, it is considered appropriate to require officers to consult the three largest political groups on key matters referred to within the constitution. The process for such consultation is governed by Standing Order 46 which currently identifies political groups comprising ten or more Councillors as those having to be consulted (when, as at present, the Council is in a state of no overall control).

Introduction and background

- 1 The Council is required to review its political composition and how this relates to appointments to Committees and Sub-Committees. Standing Order 14 states that, *“the Council shall, at the Annual Meeting, appoint Committees which it is deemed necessary to appoint”*.

- 2 The Council currently has eight Committees and four Sub-Committees, identified within the Constitution as follows:

Policy Committees:

- Community Services
 - Regulatory Sub-Committee
- Housing
- Planning Policy
- Strategy & Resources
 - Chief Officer Sub-Committee
 - Investment Sub-Committee

Regulatory / Statutory / Other Committees:

- Licensing
 - Licensing Sub-Committee
- Planning
- Standards
- Audit & Scrutiny

3. Political balance requirements of the Local Government & Housing Act 1989

- 3.1 As a result of the 2021 District elections, the political composition of the Council is as follows:

Political Groups	No of Councillors	% of available Committee seats which the Council should aim to allocate (No. of Cllrs in previous col. ÷ 41) x 100 ... rounded to nearest percentage point
Independents and OLRG Alliance	16	39%
Conservatives	14	34%
Liberal Democrats	9	22%
Independent Group	2	5%

- 3.2 There is one vacant seat for the Felbridge Ward, to be filled following a by-election on the 17th June 2021.

3.3 Section 15 of the Act deals with the duty to allocate seats on Committees to political groups. Such allocations, so far as is reasonably practicable, must be made in accordance with the following four principles:

- (a) not all the seats on an ordinary Committee should be allocated to the same political group;
- (b) a political group with an overall council majority should receive a majority of the allocated seats;
- (c) subject to (a) and (b) above, the number of seats on the total of all the ordinary Committees allocated to each political group should bear the same proportion as that for the full Council; and
- (d) subject to (a) to (c) above, the number of seats on each ordinary Committee allocated to each political group should bear the same proportion as that for the full Council.

3.4 The statutory duty to allocate seats to political groups applies to so called 'ordinary committees' as defined by the Local Government & Housing Act 1989 (the Licensing Committees does not fall within this category – paragraph 3.6 refers). Applying these rules, and following consultation with Group Leaders, the table below sets out a proposed allocation of seats:

'Ordinary' Committees:	Political Groups:				Total membership:
	Independents and OLRG Alliance	Conservatives	Liberal Democrats	Independent Group	
Community Services	4	4	3	1	12
Housing	5	4	2	1	12
Planning Policy	4	4	3	0	11
Strategy & Resources	5	4	2	1	12
Planning	5	4	3	0	12
Standards	3	3	1	0	7
Audit & Scrutiny	4	3	2	1	10
Total seats on 'Ordinary' Committees	30	26	16	4	76

3.5 The 'target' and 'actual' percentage distribution of the 76 committee seats is shown below:

Target distribution:			
IOLRGA	Con	Lib Dem	IG
39%	34.1%	22%	4.9%

Actual distribution:			
IOLRGA	Con	Lib Dem	IG
39.5%	34.2%	21.1%	5.3%

3.6 Pursuant to Section 6 of the Licensing Act 2003, the Licensing Committee must have at least ten, but no more than fifteen, members. Although there is no statutory obligation for this Committee to be politically balanced, this principle has voluntarily been applied in allocating the seats at the annual Council meetings. The proposed allocation of seats to this Committees is as follows:

Licensing Committee seats		
IOLRGA	Con	Lib Dem
4	4	2

4. Sub-Committees

4.1 Sub-Committees have not formed part of the calculations referred to in 3.3 above and the following allocation of seats is proposed:

Sub-Committees	Political Groups				Total membership
	IOLRGA	Con	Lib Dem	Independent Group	
Chief Officer	2	2	1	0	5
Investment	2	2	1	0	5
Licensing*	1	1	1	0	3
Regulatory**	1	1	1	0	3
Totals	6	6	4	0	16

**Licensing Sub-Committees conduct hearings regarding proposals to grant, vary or revoke licenses for alcohol & entertainment or gambling activities. By convention, they comprise three principal members. In the event of one or more of the three principal members being unable to attend a hearing, their places shall be filled by selecting substitutes from the main Licensing Committee.*

***Regulatory Sub-Committees conduct hearings regarding proposals to grant or revoke licenses for purposes other than alcohol, entertainment or gambling. By convention, they comprise three principal members. In the event of one or more of the three principal members being unable to attend a hearing, their places shall be filled by selecting substitutes from the Community Services Committee.*

5. Substitutes

5.1 Standing Order 22 states that, "Every Political Group may appoint a substitute Member for each Committee and Sub-Committee..."

5.2 Group Leaders are therefore asked to make such appointments. The nominees can be replaced for specific meetings if necessary, subject to democratic services staff being notified at least 7 clear working days in advance.

6. Membership of Committees and Sub-Committees

Group Leaders have been contacted and have been asked to provide the names of members that they wish to nominate to sit on the Council's Committees and Sub-Committees in accordance with their allocations. This information will be circulated prior to the meeting.

7. Vice Chairs

Following consultation with Group Leaders, it is proposed that each Committee should appoint a Chair and just one Vice-Chair (as opposed to appointing two Vice-Chairs which was adopted part way through the previous municipal year).

8. Call-in process

8.1 At present, any three members of the Audit & Scrutiny Committee can ask for a recent decision made by a Policy Committee / Sub-Committee (which has not been implemented) to be 'called-in' for further consideration. The process is detailed within Part F of the constitution and a copy is provided at Appendix A.

8.2 The 'three Member' requirement has always been in the context of the Audit & Scrutiny Committee (and its predecessor 'Overview & Scrutiny Committee) being limited to seven or fewer Councillors and the fact that no single opposition group could trigger the process. Given the proposed increase in the size of the Committee to nine, it is now considered

appropriate to increase the number of Councillors required to exercise call-in to five.

9. Standing Order 46 – requirements for Officers to consult with Members

9.1 As referred to in Recommendation E above, it is proposed that, given the current political balance of the Council, Officers should now be required to consult with political groups comprising eight or more (as opposed to ten or more) Councillors.

10. Felbridge by-election on 17th June 2021 / political balance

10.1 A further review of the allocation of committee seats (to political groups) will be undertaken following this by-election and a report on that matter will be submitted to the Full Council meeting on 22nd July 2021.

Key implications

Comments of the Chief Finance Officer

There are no financial implications associated with this report.

Comments of the Head of Legal Services

Section 15 of the Local Government and Housing Act 1989('the Act') places a duty on the Council to review the representation of political groups on its committee where the members of the Committees are split into different political groups.

The Act requires that the Council should allocate seats on committees in accordance with the principles set out in section 3 of this report.

Once political group allocations have been determined, it is the duty of the Council to exercise the power to make appointments to Committees to give effect to the nominations of the political groups concerned.

There is no legal requirement for the Chairs or Vice Chairs of any committee to be reserved for Members of any particular group.

Failure to allocate seats in line with these principles would be in breach of statutory requirements and may result in error or legal challenge.

Equality

There are no equality implications associated with this report.

Climate change

There are no climate change implications associated with this report.

Appendices

Appendix A – current procedure for the call-in of Policy Committee decisions by the Audit & Scrutiny Committee (contained within Part F of the Constitution).

Background papers

None

----- end of report -----

PROCEDURE FOR CALL- IN OF POLICY COMMITTEE DECISIONS FOR SCRUTINY BY THE AUDIT & SCRUTINY COMMITTEE

1. What is call-in?

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

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

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

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

3. What can't be called in?

- 3.1 A call-in request shall not be effective if the policy committee (or a sub-committee thereof) has determined that the interests of the Council or the District would be prejudiced by a delay in implementing the decision. Any officer seeking to rely on this provision must contact the Chair of the A&S Committee (or in the Chair's absence the Vice-Chair) and the Leader of the Council (or in the Leader's absence the Deputy Leader) to obtain their agreement and explain in the relevant report the justification for such a decision.
- 3.2 If, in exceptional circumstances which could not have reasonably been foreseen, a matter becomes urgent after the date of the committee meeting in question, the Chair of the A&S Committee (or in the Chair's absence the Vice-Chair) and the Leader of the Council (or in the Leader's absence the Deputy Leader) may agree to waive the operation of the call-in procedure and may do so even if the procedure has already been triggered.
- 3.3 Those decisions which constitute recommendations to Council shall not be subject to the call-in procedure; this is because effective scrutiny can take place at Council before such decisions are implemented. Council would have the opportunity of

accepting the recommendation from the committee; amending or rejecting it; or referring it back to the committee.

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

4 How does call-in work?

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

- (a) policy committee meeting (day 1);
- (b) by the following Tuesday, notification of the committee resolutions would be e-mailed (day 6);
- (c) Members would then have until 12 noon on the Monday following the notification of resolutions to inform the Chief Executive and the Chair of the A&S Committee (or in the Chair's absence the Vice-Chair) that they wish to have a matter called-in (day 12); the matter would then be reported to the next meeting of the A&S Committee or, if considered more expedient by the Chair, a special meeting of the A&S Committee shall be convened for the purpose;
- (d) if the decision of the A&S Committee was to accept the committee decision, then immediate action would be taken to implement it;
- (e) otherwise, the A&S Committee shall either:
 - (i) refer the matter back to the policy committee or sub-committee in question and ask that committee or sub-committee to reconsider its decision; or
 - (ii) refer the matter to Full Council in which case the effect of such a referral will be to change the status of the decision in question from one which the relevant policy committee had resolved be taken to one which it is recommending to Full Council be taken. The subsequent consideration of that recommendation by Full Council shall be subject to the normal rules of debate. For the avoidance of doubt, the Chair of the relevant committee shall be the mover of the recommendation in question; and
 - (iii) in either case, the A&S Committee may make recommendations as to an alternative course of action to be pursued;

- (f) the matter will then be reconsidered at the next ordinary meeting of the policy committee (or sub-committee), or via a report to the next Full Council, as the case may be, unless the matter is sufficiently urgent to require a special or extraordinary meeting;
- (g) the Chair or Vice Chair of the A&S Committee shall have the right to address the relevant meeting of the policy committee / sub-committee or Full Council with reference to (f) above;
- (h) if the matter is subsequently considered by Full Council, either as a result of a reference pursuant to clause e(ii) or otherwise, the power contained in Standing Order 8(4) to move a motion to remit back to policy committee / sub-committee shall not apply;
- (i) the subsequent decision of the policy committee / sub-committee or the Council upon the matter will not be subject to further call-in or be the subject of a motion to remit under Standing Order 8(4) when being considered within the minutes of the relevant meeting at a subsequent Council meeting.

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TIMETABLE OF MEETINGS FOR 2021/22

MAY 2021	JUNE 2021	JULY 2021	AUGUST 2021	SEPT 2021	OCT 2021	NOV 2021	DEC 2021
1 Sat	1 Tues	1 Thurs P	1 Sun	1 Weds	1 Fri	1 Mon	1 Weds
2 Sun	2 Weds	2 Fri	2 Mon	2 Thurs P	2 Sat	2 Tues A&S⁵	2 Thurs S&R⁷
3 Mon BH	3 Thurs	3 Sat	3 Tues	3 Fri	3 Sun	3 Weds	3 Fri
4 Tues	4 Fri	4 Sun	4 Weds	4 Sat	4 Mon	4 Thurs P	4 Sat
5 Weds	5 Sat	5 Mon	5 Thurs	5 Sun	5 Tues S&R	5 Fri ISC10am⁶	5 Sun
6 Thurs elections	6 Sun	6 Tues S&R	6 Fri	6 Mon	6 Weds	6 Sat	6 Mon
7 Fri	7 Mon	7 Weds	7 Sat	7 Tues	7 Thurs P	7 Sun	7 Tues
8 Sat	8 Tues S&R¹	8 Thurs A&S	8 Sun	8 Weds	8 Fri	8 Mon	8 Weds
9 Sun	9 Weds	9 Fri	9 Mon	9 Thurs	9 Sat	9 Tues	9 Thurs P
10 Mon	10 Thurs P	10 Sat	10 Tues	10 Fri	10 Sun	10 Weds	10 Fri
11 Tues	11 Fri ISC 10am²	11 Sun	11 Weds	11 Sat	11 Mon	11 Thurs	11 Sat
12 Weds	12 Sat	12 Mon	12 Thurs	12 Sun	12 Tues A&S⁴	12 Fri	12 Sun
13 Thurs	13 Sun	13 Tues	13 Fri	13 Mon	13 Weds	13 Sat	13 Mon
14 Fri	14 Mon	14 Weds	14 Sat	14 Tues	14 Thurs	14 Sun	14 Tues
15 Sar	15 Tues	15 Thurs	15 Sun	15 Weds	15 Fri	15 Mon	15 Weds
16 Sun	16 Weds	16 Fri	16 Mon	16 Thurs	16 Sat	16 Tues	16 Thurs C
17 Mon	17 Thurs	17 Sat	17 Tues	17 Fri	17 Sun	17 Weds JCC	17 Fri
18 Tues	18 Fri	18 Sun	18 Weds	18 Sat	18 Mon	18 Thurs	18 Sat
19 Weds	19 Sat	19 Mon	19 Thurs	19 Sun	19 Tues	19 Fri	19 Sun
20 Thurs	20 Sun	20 Tues	20 Fri	20 Mon	20 Weds	20 Sat	20 Mon
21 Fri	21 Mon	21 Weds JCC	21 Sat	21 Tues CS	21 Thurs C	21 Sun	21 Tues
22 Sat	22 Tues CS	22 Thurs C	22 Sun	22 Weds	22 Fri	22 Mon	22 Weds
23 Sun	23 Weds	23 Fri	23 Mon	23 Thurs PP	23 Sat	23 Tues CS	23 Thurs
24 Mon	24 Thurs PP	24 Sat	24 Tues	24 Fri	24 Sun	24 Weds	24 Fri
25 Tues	25 Fri	25 Sun	25 Weds	25 Sat	25 Mon	25 Thurs PP	25 Sat
26 Weds	26 Sat	26 Mon	26 Thurs	26 Sun	26 Tues	26 Fri	26 Sun
27 Thurs AC	27 Sun	27 Tues	27 Fri	27 Mon	27 Weds	27 Sat	27 Mon BH
28 Fri	28 Mon	28 Weds	28 Sat	28 Tues H	28 Thurs	28 Sun	28 Tues BH
29 Sat	29 Tues H	29 Thurs P	29 Sun	29 Weds	29 Fri	29 Mon	29 Weds
30 Sun	30 Weds	30 Fri	30 Mon BH	30 Thurs A&S³	30 Sat	30 Tues H	30 Thurs
31 Mon BH		31 Sat	31 Tues		31 Sun		31 Fri

JAN 2022	FEB 2022	MAR 2022	APR 2022	MAY 2022
1 Sat	1 Tues S&R ¹¹	1 Tues	1 Fri	1 Sun
2 Sun	2 Weds	2 Weds	2 Sat	2 Mon BH
3 Mon BH	3 Thurs P	3 Thurs P	3 Sun	3 Tues
4 Tues	4 Fri	4 Fri	4 Mon	4 Weds
5 Weds	5 Sat	5 Sat	5 Tues	5 Thurs elections
6 Thurs	6 Sun	6 Sun	6 Weds	6 Fri
7 Fri	7 Mon	7 Mon	7 Thurs	7 Sat
8 Sat	8 Tues	8 Tues	8 Fri	8 Sun
9 Sun	9 Weds	9 Weds	9 Sat	9 Mon
10 Mon	10 Thurs C ¹²	10 Thurs	10 Sun	10 Tues
11 Tues	11 Fri	11 Fri	11 Mon	11 Weds
12 Weds	12 Sat	12 Sat	12 Tues	12 Thurs
13 Thurs P	13 Sun	13 Sun	13 Weds	13 Fri
14 Fri	14 Mon	14 Mon	14 Thurs	14 Sat
15 Sat	15 Tues	15 Tues JCC	15 Fri BH	15 Sun
16 Sun	16 Weds	16 Weds	16 Sat	16 Mon
17 Mon	17 Thurs C ¹³	17 Thurs A&S	17 Sun	17 Tues
18 Tues CS ⁸	18 Fri	18 Fri	18 Mon BH	18 Weds
19 Weds	19 Sat	19 Sat	19 Tues P	19 Thurs
20 Thurs PP ⁸	20 Sun	20 Sun	20 Weds	20 Fri
21 Fri ISC 10am ⁹	21 Mon	21 Mon	21 Thurs C	21 Sat
22 Sat	22 Tues	22 Tues CS	22 Fri	22 Sun
23 Sun	23 Weds	23 Weds	23 Sat	23 Mon
24 Mon	24 Thurs	24 Thurs PP	24 Sun	24 Tues
25 Tues H ⁸	25 Fri	25 Fri	25 Mon	25 Weds
26 Weds	26 Sat	26 Sat	26 Tues	26 Thurs AC
27 Thurs A&S ¹⁰	27 Sun	27 Sun	27 Weds	27 Fri
28 Fri	28 Mon	28 Mon	28 Thurs	28 Sat
29 Sat		29 Tues H	29 Fri	29 Sun
30 Sun		30 Weds	30 Sat	30 Mon
31 Mon		31 Thurs S&R		31 Tues P

KEY TO CODING

AC	Annual Council
A&S	Audit & Scrutiny Committee
BH	Bank Holiday
C	Council
CS	Community Services Committee
H	Housing Committee
ISC	Investment Sub-Committee (dates to follow)
JCC	Joint Consultative Committee
P	Planning Committee
PP	Planning Policy Committee
S	Standards Committee (dates to follow)
S&R	Strategy & Resources Committee

School holidays

1= 21/22 budget outturn

2 = treasury investment outturn

3= to approve final accounts for 21/22 and receive the external audit of the final accounts

4= as above if needed (if not ready for 30/9)

5 = budget setting process

6= mid-year treasury investment review

7 = draft Council budget for 22/23

8 = 22/23 budget setting meetings

9 = capital & investment strategy

10 = community safety review

11= to agree the S&R budget envelope and recommend Council Tax & council wide budget for 22/23

12= to set the Council Tax & budget for 22/23

13= contingency date for 12 above if the budget etc can't be determined on 10th Feb