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Date: 13 June 2017

## Notice of meeting

### Cabinet

**Date:** Wednesday, 21 June 2017

**Time:** 7.00 pm

**Place:** Goddard Room, Council Offices, Knowle Green, Staines-upon-Thames

<b>The members of the Cabinet</b>	<b>Cabinet member areas of responsibility</b>
I.T.E. Harvey (Leader)	Leader and Council Policy co-ordination
A.C. Harman (Deputy Leader)	Deputy Leader and Towards a Sustainable Future programme (TaSF)
M.M. Attewell	Community Wellbeing
C.B. Barnard	Planning and Economic Development
M.P.C. Francis	Housing
N.J. Gething	Environment and Compliance
A.J. Mitchell	Corporate Management
O. Rybinski	Customer Service, Estates and Transport
H.R.D. Williams	Finance and Customer Service

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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## AGENDA

Page nos.

- 1. Apologies for absence**  
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 16**  
To confirm the minutes of the meeting held on 11 May 2017 and the Extraordinary meeting held on 2 June 2017 as a correct record.
- 3. Disclosures of Interest**  
To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.
- 4. Contaminated Land Inspection Strategy - Key Decision** **17 - 72**  
**Councillor Gething**  
  
To consider the adoption of a new Contaminated Land Inspection Strategy.
- 5. Provisional Capital Outturn Report 2016/17** **73 - 80**  
**Councillor Williams**  
  
To note the provisional Capital outturn for 2016/17.
- 6. Provisional Revenue Outturn 2016/17** **81 - 88**  
**Councillor Williams**  
  
To note the provisional Revenue outturn for 2016/17.
- 7. Treasury Management Strategy Annual report** **89 - 96**  
**Councillor Williams**  
  
To note the Treasury Management Strategy annual report.
- 8. Telecare and SPAN funding** **97 - 102**  
**Councillor Attewell**  
  
To consider changes to the provision of the telecare and Spelthorne Personal Alarm Network (SPAN) service due to changes in funding.
- 9. Adoption of the Spelthorne's Corporate Health and Safety Policy** **103 - 130**  
**Councillor Mitchell**

To consider the adoption of Spelthorne's Corporate Health and Safety Policy.

**10. Appointments to Outside Bodies 2017/18**

**131 - 134**

**Councillor Harvey**

To consider the appointment of representatives to serve on Outside Bodies and Working Groups. The nominations are attached to the report.

**11. Leader's announcements**

To receive any announcements from the Leader.

**12. Urgent items**

To consider any items which the Chairman considers as urgent.

**13. Exempt Business**

To move the exclusion of the Press/Public for the following items, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

**14. Exempt Report - Request for supplementary capital estimate to purchase grounds maintenance equipment - Key Decision**

**To Follow**

**Councillor Gething**

To consider a request for a supplementary capital estimate to purchase grounds maintenance equipment.

This report contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because (a) the report contains details of a proposed procurement, and to publish details of the Council's intentions in advance would prejudice a best value deal for the Council and (b) the report contains confidential details of a negotiated settlement with our supplier and publication of the details of this settlement would prejudice the ability of the Council to conclude this negotiation on the best terms possible.

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**Minutes of Cabinet**

**11 May 2017**

**Present:**

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination  
Councillor A.C. Harman, Deputy Leader and Towards a Sustainable Future  
programme (TaSF)  
Councillor M.M. Attewell, Community Wellbeing  
Councillor C.B. Barnard, Planning and Economic Development  
Councillor N.J. Gething, Environment and Compliance  
Councillor A.J. Mitchell, Corporate Management  
Councillor H.R.D. Williams, Finance and Customer Service

**Apologies:**

Councillor J.M. Pinkerton OBE, Housing

**2367 Minutes**

The minutes of the Cabinet meeting held on 22 March 2017 were agreed as a correct record.

The minutes of the Extraordinary meetings held on 5 April 2017 and the 27 April 2017 were agreed as correct records.

**2368 Disclosures of Interest**

Councillor H.R. Williams declared a non-pecuniary interest in relation to item 12 of the agenda – Knowle Green Estates Ltd - as he is a Director of the Company.

Mr Terry Collier, the Chief Finance Officer, declared an interest in relation to item 12 of the agenda – Knowle Green Estates Ltd - as he is a Director of the Company.

Mr Michael Graham, the Head of Corporate Governance, declared an interest in relation to item 12 of the agenda – Knowle Green Estates Ltd - as he is the Company Secretary.

**2369 \*Recommendation of the Audit Committee**

Cabinet considered the recommendation from the Audit Committee following a review of the Corporate Risk Register.

**Resolved** that Cabinet approves the Corporate Risk Register as submitted.

**Reason for the decision:**

Cabinet noted that the Corporate Risk Register accurately reflected the high level risks affecting the Council as well as the progress made on actions previously proposed by the Audit Committee.

**2370 \*Recommendation of the Members' Code of Conduct Committee**

Cabinet considered the recommendation from the Members' Code of Conduct Committee on a review of the current Petition Scheme.

**Resolved to recommend that Council approves** the proposed changes to the Petition Scheme in relation to options for responses to petitions as follows:

- (a) Take, or support, the action the petition requests; or
- (a) not to take the action requested for reasons put forward in the debate; or
- (b) note the petition and keep the matter under review; or
- (c) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
- (d) the petition be referred to the Cabinet or Overview and Scrutiny Committee for further consideration

**Reason for the decision:**

Providing Council with a wider choice of responses to petitions will allow it to respond in a more appropriate way to the matters that come before it.

**2371 Government Consultation on Draft Airports National Policy Statement**

Cabinet considered a report on the Government Consultation on the Draft Airports National Policy Statement.

The report explained that the Government was consulting on the Draft Airports National Policy Statement and the UK Airspace Policy document. Two exhibition events have been held locally; at Stanwell Moor Village Hall (Tuesday 28 February) and in Egham (Monday 20 February) at which detailed information on both documents was available. The consultation period closes 25 May 2017.

**Alternative options considered and rejected by the Cabinet:**

- Not to respond to the consultation.

**Resolved to:**

1. Respond to the Draft Airports National Policy Statement as per Appendix 1 of the report;
2. Support the proposed formation of an Independent Commission on Civil Aviation Noise, in response to the UK Airspace Policy document.

**Reason for the decision:**

Cabinet supports the expansion of Heathrow subject to noise, air quality and transport issues being resolved. It is therefore important to respond to these consultation documents as they will influence the way in which detailed proposals for expansion are assessed.

**2372 Leader's announcements**

The following are the latest service updates from various Council departments.

Spelthorne's Sustainability team has exchanged contracts with PodPoint for the installation of eight electric vehicle charging points at the Elmsleigh and Tothill multi-storey car parks. The bays will be installed toward the end of May and will be free to use.

Guildford County Court has upheld a planning injunction issued to an Ashford resident. Mr Van Der Beeck challenged the injunction issued by the Council in 2015 which required him to demolish an outbuilding he had constructed in his garden. The Court upheld the injunction and ordered him to remove the building within four months.

Spelthorne's Licensing team took part in a joint enforcement day on 19 April with officers from the Immigration Enforcement and Surrey Police. The purpose of the day was to check that all staff employed in the licensed premises had the correct permission to live and work in the UK and that employers were conducting the appropriate checks. Of the seven premises visited, two people from separate premises were found to not have the correct immigration status.

Licensing officers joined Surrey Police and The Vehicle and Operator Services Agency in a Road Safety Education and Enforcement Day at Notcutts Garden Centre in Staines-upon-Thames on 21 April. Several taxi and private hire drivers, including those from neighbouring boroughs, were pulled-over for spot checks.

Improvements have been made to Hengrove Park in Ashford following reports of anti-social behaviour. In addition to increased patrols by the Council and Police, the park will now be locked overnight and kissing gates have been installed to stop motorcycles gaining entry.

Work is underway for this year's Junior Citizen - a one-day course held in September which teaches year 6 pupils about staying safe and being good citizens. Topics covered include fire safety, first aid, online security, stranger danger and contacting the emergency services.

Improvements have been made to the subway at Sunbury Cross with new signage being installed and repairs made to the wooden fencing. A Designated Public Place Order which prevents street drinking in the area remains in force until October this year.

Team Spelthorne coaching sessions have started for the Surrey Youth Games which takes place on 17 and 18 June. Places are still available for mixed boccia, girls' cricket, girls' junior netball and girls' touch rugby coaching.

The Staines 10K road race is being held at 9am on Sunday 14 May. Registrations for the race are now closed but residents are encouraged to

come along and support the runners. The race starts from Staines Leisure Centre.

Leisure Services has been holding a series of creative writing competitions to mark the centenary of World War 1. Kitty from Riverbridge Primary School and Ryan from Thomas Knyvett College picked up awards for their winning war-time letters at a ceremony held at the Council Offices. A further 20 highly commended students also received certificates of achievement.

The Council has been publicising a scheme which offers subsidised play scheme places for families in receipt of benefits. Parents who receive Housing Benefit, Income Support, Job Seekers Allowance (income based), Council Tax Support, Universal Tax Credit or Working/Child Tax Credit are entitled to apply for the vouchers which are worth up to £60 per child.

From 12 June, new vehicles will be used to collect unwanted textiles and small electrical items weekly with food waste making it easier for residents to recycle. Rubbish and recycling collections will continue to be collected on alternate weeks. For the majority of residents, the day of their bin collection will remain unchanged but letters are being sent to those who will have a new collection day.

**2373 Urgent items**

There were none.

**2374 Exempt Business**

**Resolved** to move the exclusion of the Press and Public for the following item in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

**2375 Exempt Report - Single Allocation Policy and Search Moves Partnership agreement - Key Decision**

Cabinet considered a report on the Single Allocation Policy and Search Moves Partnership agreement.

The Search Moves partnership agreement and the contract with Locata Housing Services both expire in July 2017. Search Moves partners have been in discussion since Autumn 2016 to explore options for ongoing partnership arrangements.

**Alternative options considered and rejected by the Cabinet:**

- Retain the status quo



**Resolved to:**

1. Undertake a public consultation on proposed changes to Spelthorne's Housing Allocations Policy to reflect changes to the Search Moves partnership agreement;
2. Extend and revise the Search Moves Partnership agreement to July 2020;
3. Extend the I.T. contract between Locata Housing Services and the Search Moves partnership to July 2020.

**Reasons for the decision:**

1. To ensure best use of social housing resources within Spelthorne by adopting an independent Allocations Policy which takes into account the local housing situation and legislative and case-law changes.
2. To provide continuity and contractual clarity between the partners and the I.T. provider.

**2376 Exempt Report - Update to Large-Scale Voluntary Transfer agreement - Key Decision**

Cabinet considered a report on an update to the Large-Scale Voluntary Transfer (LSVT) agreement.

**Resolved to:**

1. Delegate authority to the Housing Portfolio Holder and the Joint Heads of Community Wellbeing to commence negotiations with A2D, to vary the 1996 LSVT agreement between the Council and Spelthorne Housing Association (now A2D); and
2. Agree the recommendations in the report.

**Reason for the decision:**

To secure Spelthorne Council's position to ensure the best use of social housing resources as a result of changes to the housing market and to Spelthorne Housing Association since 1996.

**2377 Exempt Report - Knowle Green Estates Ltd**

Cabinet considered a report on Knowle Green Estates Ltd.

The report explained that the Company has been set up in part as a response to the challenge the Council faces to substitute the removal of the Revenue Support Grant by 2017/18 and to address emergency and affordable accommodation pressures both in terms of supply and impact on the Revenue Budget.

**Resolved to:**

1. Note the incorporation and initial activities of Knowle Green Estates Ltd ("the Company"), as described in this report;
2. Note progress towards the first business plan;
3. Exercise the Shareholder function of the Council at Cabinet;
4. Exercise the Council's shareholder rights to pass a special resolution of the Company to adopt the revised Articles of Association;

5. Delegate Reserved Matters under the Shareholder Agreement to the Leader of the Council, and where the Leader deems the matter of controversy or requiring further discussion, he may ask Cabinet to deal with the Reserved Matter;
6. Authorise the Head of Corporate Governance to finalise and document the following arrangements between the Council and the Company:
  - a. The draft Shareholder Agreement
  - b. The draft Loan and Drawdown Agreement
  - c. The draft Resourcing Agreement for the Company to use Council staff and facilities in furtherance of its business

**Reason for the decision:**

To document the relationship between the Council and the Company and to provide a source of funds to the Company so that it can undertake various projects for the Council which will help achieve the Council's Corporate Plan objectives of (a) providing another source of income for the Council and (b) providing more housing in the Borough.

**NOTES:-**

- (1) ***Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule 16, the "call-in" procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [\*] in the above Minutes.***
- (2) ***Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***
- (3) ***Within five working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;***
- (4) ***To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;***
- (5) ***When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-***
  - ***Outline their reasons for requiring a review;***
  - ***Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;***

- ***Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and***
  - ***Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***
- (6) ***The deadline of five working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 22 May 2017.***

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## Minutes of Extraordinary Cabinet

2 June 2017

### Present:

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination  
Councillor A.C. Harman, Deputy Leader and Towards a Sustainable Future programme (TaSF)  
Councillor M.M. Attewell, Community Wellbeing  
Councillor C.B. Barnard, Planning and Economic Development  
Councillor N.J. Gething, Environment and Compliance  
Councillor O. Rybinski, Customer Service, Estates and Transport  
Councillor H.R.D. Williams, Finance and Customer Service

### Apologies:

Councillor M.P.C. Francis, Housing

### 2378 Disclosures of Interest

There were none.

### 2379 Exempt Business

**RESOLVED** to move the exclusion of the Press and Public for the following item in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

### 2380 Exempt report - Investment acquisition C - Key Decision

Cabinet considered an exempt report on an opportunity to acquire an asset capable of generating strong levels of income, and thereby increase the Council's asset base.

Alternative options considered and rejected by the Cabinet:

- Not to submit a bid for the asset.

### Resolved to:

1. Approve the acquisition of the investment asset identified in this report;
2. Formally agree the offer submitted, and authorise the Chief Executive to undertake any necessary subsequent negotiations (including a further bid if required) and complete the acquisition of the asset (in consultation with the Chief Finance Officer, the Leader and the Cabinet Member for Finance);
3. Authorise the Chief Finance Officer to decide (i) the most financially advantageous funding arrangements for the purchase, (ii) the most tax efficient method of holding the asset, and overall to ensure the acquisition is prudentially affordable;

4. Authorise the Head of Corporate Governance to enter into any legal documentation necessary to acquire the asset;
5. Agree to exempt Contract Standing Orders in respect of our advisors.

#### **Reason for Decision**

Acquisition of the asset will bring in a steady income stream for the term of the lease. The income stream will assist in the future long term financial stability of the Council.

#### **NOTES:-**

- (1) ***Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule 16, the "call-in" procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [\*] in the above Minutes.***
- (2) ***Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***
- (3) ***Within five working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;***
- (4) ***To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;***
- (5) ***When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-***
  - ***Outline their reasons for requiring a review;***
  - ***Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;***
  - ***Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and***

- ***Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***
- (6) ***The deadline of five working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 12 June 2017.***

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**Cabinet****21 June 2017**

<b>Title</b>	Contaminated Land Inspection Strategy		
<b>Purpose of the report</b>	To make a Key Decision		
<b>Report Author</b>	Tracey Willmott-French		
<b>Cabinet Member</b>	Councillor Nick Gething	<b>Confidential</b>	No
<b>Corporate Priority</b>	Clean and Safe Environment		
<b>Recommendations</b>	<b>To adopt the Council's new 'Contaminated Land Inspection Strategy'</b>		
<b>Reason for Recommendation</b>	<b>Statutory guidance recommends that local authorities review and update their strategies every five years to take account of changes in legislation and statutory guidance. The proposed new contaminated land inspection strategy takes these changes into account.</b>		

**1. Key issues**

- 1.1 Local authorities have a legal duty to inspect their areas for contaminated land<sup>1</sup>. Where it is found the Council must identify the appropriate persons responsible for cleaning-up the contamination, to specify the works to be done and the periods within which the work has to be carried out.
- 1.2 The land use planning system is the Council's primary means of dealing with land affected by contamination, thereby ensuring that it is fit for its redeveloped use. This is the most cost-effective and sustainable means of dealing with land contamination. This will remain the Council's principal means of dealing with land affected by contamination.
- Table 1 below provides details (dating back to May 2003) on the number of sites in the Borough which through the land redevelopment process have been examined by Environmental Health for the presence of land contamination and where found they have ensured that the contamination has been appropriately dealt with, thereby ensuring that sites are safe and fit for their intended use.
- 1.3 For land not undergoing redevelopment local authorities must take a strategic approach in carrying out its contaminated land duties. In doing so it must follow statutory guidance which explains how these duties are to be carried out. The approach must be rational, ordered and efficient, and reflect local circumstances.

<sup>1</sup> The physical presence of pollution within land does not necessarily mean that that land will be contaminated. For land to be legally classified as 'contaminated land' the pollution must present 'a significant possibility of significant harm to human health or non-human receptors, or a significant possibility of significant pollution of controlled waters'.

- 1.4 The Council must set out its approach in a written strategy, which must be formally adopted and published, and be reviewed and updated periodically.
- 1.5 The Council's existing 'Contaminated Land Inspection Strategy has recently been reviewed and updated. The proposed new strategy document:-
- a) sets out the Council's strategic approach for dealing with contaminated land for the next five years; until 2022.
  - b) sets out the Council's aims, objectives and priorities, taking into account the characteristics of the Borough.
  - c) an outline of the Council's programme of work with timescales for the strategy. Largely, this will involve carrying out a more in-depth review of information held about individual sites in the Borough that have been identified as being the most likely to meet the legal definition of 'contaminated land'.
- 1.6 It is intended that one preliminary risk assessment per year will be carried out of sites falling within the highest risk banding. Achieving this will be dependent on the complexity of the sites, the information available, and any unforeseen significant demands that require priority intervention and redirection of staff resources. Progression to detailed inspection (site investigation and risk assessment) will only be made if there is sufficient evidence to justify further work.

**Table 1 - Land assessed and dealt with for contamination under Planning and Building Control regulations since 2003**

	Building Control consultations	Planning Conditions Recommended	Planning Informatives Recommended
2003/04		64	55
2004/05		96	352
2005/06		131	225
2006/07		152	289
2007/08		166	247
2008/09	396	110	150
2009/10	321	88	174
2010/11	328	167	252
2011/12	316	156	225
2012/13	325	118	209
2013/14	348	75	234
2014/15	366	143	276
2015/16	375	137	276

## 2. Options analysis and proposal

- 2.1 The duties given to local authorities to identify contaminated land are set down in Part 2a of the Environmental Protection Act 1990 and the associated statutory guidance. The method of identifying contaminated land is outlined within the statutory guidance and established best practice.
- 2.2 In carrying out contaminated land duties officers need to adhere to statutory guidance and best practice. In doing so officers carry out their duties in the most effective manner likely to identify contaminated land in a cost effective way.
- 2.3 The proposed Contaminated Land Inspection Strategy has been determined in accordance with statutory guidance, taking into account best practice within the

subject field. Deviation from statutory guidance and best practice opens the Council to greater risk of challenge.

### **3. Financial implications**

- 3.1 As outlined within the proposed strategy, historically the Council has successfully bid for funding against the central Government's 'Contaminated Land Capital Grant Programme' (CLCGP) in order to carry out several of its intrusive contaminated land site investigations, and also for the clean-up of one of these sites where contamination was found.
- 3.2 Central Government's 'Contaminated Land Capital Grant Programme' (CLCGP) closed on the 31 March 2017. Consequently, grant aid will not be given to local authorities to financially assist them in their statutory duties to identify and secure the clean-up land that is found to be 'contaminated land'.
- 3.3 In pursuance of its statutory duties, the Council must continue to identify the sites that need to be legally determined as 'contaminated land'. In doing so officers will ensure they maximise the information available to them thereby increasing their understanding of the site's history and the risks posed by the site. Where this information indicates that a site is likely be 'contaminated land' officers will need to undertake intrusive site investigation to make the determination. The information obtained in the earlier, non-intrusive part of an investigation will be used to fully inform the design of the intrusive investigation so that the cost of the investigation is minimised.

### **4. Other considerations**

- 4.1 The primary means the Council takes in dealing with land affected by contaminated is to proactively ensure that land undergoing redevelopment is assessed for the presence of contamination, and where it is found to ensure that it is dealt with through the planning process so that the site is safe for its proposed new use. This is considered to be the most sustainable way of protecting people and the environment from the impacts of land contamination.
- 4.2 The application of the strategy will be applied equitably to land across the Borough with implementation being prioritised according to risk posed by the land identified.

### **5. Timetable for implementation**

- 5.1 The strategy sets out a five year plan from date of adoption by the Council through to 2021.

**Background papers: None**

#### **Appendices:**

- Appendix 1 – The Contaminated Land Inspection Strategy
- Appendix 2 – Councillor briefing on land contamination

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# **Contaminated Land Inspection Strategy**

**April 2017**

## Executive Summary

The Borough of Spelthorne is located in north-west Surrey bordering Greater London and Heathrow; and is predominantly inside the M25. The main conurbations of the Borough of Spelthorne are the towns of Ashford, Shepperton, Staines-upon-Thames, Stanwell and Sunbury on Thames. Approximately 65% of the Borough is designated as Green Belt, and so the remaining 35% is quite densely populated.

Sand and gravel represents an important mineral resource in the Borough. Almost a quarter of the Borough's area has been subject to sand, gravel and, in the past, brick earth extraction activities, and subsequent landfilling with wastes. Urban development was, and remains, predominantly residential but there were also significant areas developed for commercial purposes, ranging from substantial factory sites to small workshops and yards. Many of these have been extensively redeveloped over the years, both to meet commercial development needs and in some cases for residential use.

Part 2A of the Environmental Protection Act 1990 places a duty on the Council to review land in the Borough that has been historically contaminated. Its main purpose is to provide an improved system for the identification of land that is posing unacceptable risks to health or the environment given the *current use and circumstances of the land*, and for securing remediation where such risks cannot be controlled by other means. Land contamination will also be addressed when land is redeveloped under the planning system, during the building control process, or where action is taken independently by landowners.

Spelthorne Borough Council published its Contaminated Land Inspection Strategy in 2001. The Council has now undertaken a review of the strategy with the aim of bringing the original strategy document up to date by:

- Reporting on amendments to legislation and statutory guidance;
- Reviewing progress being made with the implementation of the 2001 Strategy;
- Reporting on change made to the approach, procedures and methodologies for implementing the Strategy; and
- Revising the review mechanisms.

Only land where unacceptable risks are clearly identified will be meet the Part 2A definition of contaminated land. The statutory definition of Contaminated Land requires that there must be a **significant possibility of significant harm to human health or non-human receptors** or **significant possibility of significant pollution of controlled waters**.

Chapter 2 reports on the regulatory context of the Part 2A regime setting out the legal framework, highlighting modifications in the secondary legislation and Statutory Guidance since the original strategy in 2001. It further explains the legal terms and definitions of the regime, together with the roles and responsibilities of the enforcing authorities, and introducing the key concepts.

The Council and the Environment Agency are enforcing authorities for the Part 2A regime. For most sites, Spelthorne Borough Council will be the lead regulator, and the Council has the sole responsibility for determining whether any land meets the definition of Contaminated Land under Part 2A of the Environmental Protection Act 1990.

Chapter 3 outlines implementation of the 2001 Contaminated Land Inspection Strategy. The original database was not considered to meet the Council's needs for spatial display, management and confidentiality of data. New Part 2A software was purchased in 2006. Progress against the 2001 targets is discussed in depth in Appendix A3.

Between 2005 and 2012, the Council was involved in several complex detailed inspections under Part 2A, which diverted resources at peak periods away from strategic implementation of the Strategy. Information about the history of the inspection sites, contamination encountered, and actions taken and the outcomes of detailed inspections are outlined in Appendix A3. Extensive site investigations were funded, principally by grants awarded by Defra, and two sites were ultimately determined as Contaminated Land in 2001 and 2011.

Chapter 4 looks forward at the next five year period to 2022, setting out the Council's new strategic approach and priorities for action under Part 2A. The Council's approach to identifying and remedying potentially land contamination will principally be via the development control process, but there is still a need to ensure the continued compliance and enforcement of the duties under Part 2A of the Environmental Protection Act 1990 through both desk-based strategic inspection and detailed inspection including intrusive investigation where necessary.

A new work programme and timescales have been developed for the 2017 – 2022 period. The Council is required to take a rational and ordered approach to assessing sites and therefore an initial prioritisation of sites has been developed based on historical and current use. Over 1,100 parcels of land have been identified with the potential to have been impacted by their past or current use. Only a very small number are likely to meet the definitions of Part 2A Contaminated Land. Obviously it is not possible to investigate all these sites at once.

During the 2017-2022 period Stage 1 prioritisation scores will be converted to bandings of High, Medium and Low. Sites in the highest banding will be those most likely to meet the legal definition of Contaminated Land under Part 2A and will start to have a more in-depth review of desk-top information. Sites in the lowest banding will be screened out of the Part 2A regime – landowners may wish to undertake assessments to refine risks and assessment will still be required under the development control system for such sites. The Council aims to produce Preliminary Risk Assessments (desktop studies) between 2019 and 2022 for one site per annum in the High banding. Achieving this target will depend on the complexity of the sites being assessed and the extent of available information. Progression to detailed inspection (site investigation and risk assessment) will only be made if there is sufficient evidence (and secure funding) to justify the further work. This could include where there is strong evidence indicating the possibility of imminent significant harm to health (or significant pollution of controlled waters). Dealing with any urgent unforeseen sites would take priority over the scheduled programme of work for 2017 – 2022.

Chapter 5 summarises how the information arising from implementation of the Strategy will be handled in order to comply with the Data Protection Act 1998, but whilst also giving public access to information in accordance with the Environmental Information Regulations 2004. The Council also recognises the potential for information gathered during the process of inspection to be misinterpreted and to cause blight through its misinterpretation. This chapter also sets out the circumstances and what written outputs the Council is required to prepare following detailed inspection of any land via Part 2A.

To provide a permanent record, and to make information readily available to the public and to those with an interest in land, the Council maintains a register of all regulatory action in respect of the remediation of land determined as Contaminated Land under Part 2A of the Environmental Protection Act. The register is not a list of sites that are or might be contaminated. The register includes specified details about the condition of the land, and the remediation actions carried out. Chapter 5 details what information shall be held on the register and a summary of the register entries at the time of Strategy publication, together with links to the up-to-date online public register summary.

The Council will completely review its inspection strategy every five years, or on receipt of new guidance or advice from the Environment Agency or the Department for Environment, Food and Rural Affairs (Defra). The next review is currently anticipated for 2021/ 22. Review mechanisms for reconsidering the priority assigned to a site and triggers for non-routine inspections are set out in Chapter 5 as well.

The Council is directed by the Statutory Guidance to use its judgement to strike a balance between the risks raised by contamination and the potential burdens of regulation intervention on people affected including cost, health and property blight.

The Council's principal mechanism for dealing with land affected by contamination is to ensure that land is fit for purpose when being redeveloped under the planning system. This is the most cost-effective and sustainable way forward.



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## 1. Introduction

Spelthorne Borough Council published its Contaminated Land Inspection Strategy in 2001, as required under Part 2A of the Environmental Protection Act 1990. The Council has now undertaken a review of the strategy with the aim of bringing the original strategy document up to date by:

- Reporting amendments to legislation and statutory guidance (Chapter 2);
- Reviewing progress being made with the implementation of the 2001 Strategy (Chapter 3 and Appendix A3);
- Reporting on change made to the approach, procedures and methodologies for implementing the Strategy (Chapter 4); and
- Revising the review mechanisms (Chapter 5).

The Council is required to act in accordance with the Statutory Guidance, and that contains much of the detail on how our duties under Part 2A are to be implemented. It is not our intention in this document to reproduce large sections of the published guidance, but instead to signpost to the relevant paragraphs or chapters of that guidance where applicable. There are a number of terms and concepts defined in the legislation and statutory guidance upon which the regime is based, and some of these are explained in more detail in Chapter 2.

The purpose of the Part 2A regime is to help deal with a the legacy of land contamination that has arisen from a wide range of industrial and waste disposal activities and where the land is posing unacceptable risks and is not suitable for its current use. The Council's role in the regime is to **identify land** meeting the definition of Contaminated Land under the Part 2A regime, and then **secure clean up** by the appropriate persons under the 'polluter pays' principle, but only where risks cannot be controlled by other means. The regime does not apply to all land that has been impacted by contamination – only in a minority of cases will there be sufficient risk to health or the environment for such land to meet the Part 2A definition. Under Part 2A, the starting point is that land is not Contaminated Land unless there is sufficient reason to consider otherwise. At each stage of the process the Council is required to consider how likely it is that a piece of land meets the definition and the land must meet thresholds set out in the Statutory Guidance for the process to carry on.

Land contamination will also be addressed when land is redeveloped under the planning system, during the building control process, or where action is taken independently by landowners. The Council's principal mechanism for dealing with land affected by contamination is to ensure that land is fit for purpose when being redeveloped under the planning system.

The statutory definition of Contaminated Land requires that there must be a **significant possibility of significant harm to human health or non-human receptors** or **significant possibility of significant pollution of controlled waters**. The Council recognises that the expectations of some members of the public will not be met by the powers the local authority may exercise under the Part 2A regime. Wherever possible, Council Officers will seek to explain matters in terms that can readily be understood by non-specialists.

Under current central government guidance, decisions about Contaminated Land are not made on a purely technical basis. There will be a variety of regulatory, commercial, financial, legal and societal factors, which also affect how particular land contamination issues should be addressed. The Council is directed by the Statutory Guidance to use its judgement to strike a balance between the risks raised by contamination and the potential burdens of regulation intervention on people

affected including cost, health and property blight. However, decisions about Contaminated Land also need to be scientifically robust, proportionate and transparent.

## 1.1 Aims of the Strategy

The Council's priorities when dealing with land contamination will be to:

Protect	Prevent	Encourage
<ul style="list-style-type: none"><li>• Human Health</li><li>• Controlled Waters</li><li>• Designated Ecosystems</li></ul>	<ul style="list-style-type: none"><li>• Damage to Property</li><li>• Damage to designated Historic Sites</li><li>• Further land contamination</li></ul>	<ul style="list-style-type: none"><li>• Voluntary Remediation</li><li>• Reuse of 'brownfield' land</li></ul>

## 1.2 Objectives of the Strategy

The Council's objectives of the strategy are:

- To follow the overarching objectives of the Contaminated Land Statutory Guidance (April 2012) Section 1;
- To follow the approach, with regard to inspection, contained within Section 2 of the Contaminated Land Statutory Guidance (April 2012);
- To ensure that where development of land takes place within the Borough that the planning process deals effectively with any land contamination such that the land is suitable for its intended use (and could not be subsequently considered as Contaminated Land under the Part 2A regime);
- To ensure that the Strategy is compatible with the Council's Corporate Plan, and the Community Plan
- To share information internally and externally to enable consideration to be given about land contamination during the policy making and planning process
- To avoid any unnecessary blight of land within the Borough

## 2. Regulatory Context

### 2.1 Introduction

Part 2A of the Environmental Protection Act 1990 places certain duties on Local Authorities in a regime to deal with a substantial legacy of land throughout the United Kingdom that has been historically contaminated. The Act came into force in April 2000. Table 2.1 outlines the overarching objectives of the UK Government's policy on land contamination and the Part 2A regime and sets out how the duties on the Council contribute to meeting those objectives.

**Table 2.1 UK Government Part 2A Objectives**

UK Government Policy Objectives	Spelthorne Borough Council Involvement
(a) To identify and remove unacceptable risks to human health and the environment	<ul style="list-style-type: none"><li>To identify land posing unacceptable risks to human health and the environment</li></ul>
(b) To seek to ensure that Contaminated Land is made suitable for its current use	<ul style="list-style-type: none"><li>To identify appropriate persons, specify the work to be done and the periods within which the work has to be carried out</li></ul>
(c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development	<ul style="list-style-type: none"><li>To avoid any unnecessary blight of land within the Borough.</li><li>To ensure that it's decisions about land contamination are scientifically robust and proportionate, taking into account relevant financial, legal and societal factors, to strike a balance between the risks raised by contamination and potential burdens of intervention</li></ul>

Contaminated Land (under Part 2A) is that land that poses an unacceptable risk to human health or the environment through its current use, including,

- likely future use which would not require a new or amended grant of planning permission;
- temporary use from time to time within the bounds of current planning permission; and
- likely informal use and agricultural land where crops or animals are habitually reared.

Spelthorne Borough Council assumes all the land within the Borough is not Contaminated Land under Part 2A of the Environmental Protection Act unless there is reason to consider otherwise in accordance with the outcome of detailed risk assessments. Only land where unacceptable risks are clearly identified will be considered as meeting the Part 2A definition of Contaminated Land.

Enforcing authorities are directed to only use Part 2A where no appropriate alternative solution exists. Land contamination will also be addressed when land is redeveloped under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues such as the regimes for waste, water and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations 2009. Further details are provided in Appendix A1.

The Council's principal mechanism for dealing with land affected by contamination is to ensure that land is fit for purpose when being redeveloped under the planning system. This is the most cost-effective and sustainable way forward.

## 2.2 Legal Framework

The Contaminated Land legal framework consists of three main legislative/ statutory elements, as set out in Table 2.2.

**Table 2.2 Legal Framework**

Primary Legislation
Environmental Protection Act 1990 (by section 57 of the Environment Act 1995)
Secondary Legislation
The Contaminated Land (England) Regulations (SI 2006/1380)
Statutory Guidance
DEFRA (April 2012) Environmental Protection Act 1990: Part 2A. Contaminated Land Statutory Guidance

The 1990 Act sets the main structure of the regime. It designates the Council and the Environment Agency as regulators and defines their responsibilities (see section 2.4). Part 2A creates a risk-based definition of “contaminated land”, which hinges on whether the Council considers it poses a “significant” risk to human health or the environment (see section 2.3). The regime also sets out rules for who should pay for remediation, with the person who caused the pollution being first in line, followed in some cases by the landowner if the polluter cannot be made to bear the costs, followed by the Council (or the Environment Agency, for “special sites”) if no other party can be made to bear the costs. Polluter and owner liability are subject to “hardship” rules. The regime also provides for retrospective liability – i.e. polluters and landowners can be held liable for the costs of remediating land that was contaminated in the past, even if causing the contamination was not unlawful at the time it was caused (see Sections 2.9 & 2.10).

The Contaminated Land (England) Regulations (SI 2006/1380) consolidate the provisions of the previous regulations of 2000 and 2001, containing mainly administrative aspects such as procedures on serving remediation notices, definition of special sites and rules on appeals

Since the introduction of the regime in 2000 there have been some modifications to the definitions of Contaminated Land in respect of controlled waters and radioactivity – see section 2.3.1.

Part 2A makes specific provision for “Statutory Guidance” to be issued by the Secretary of State to deal with the extended regime for the identification and remediation of Contaminated Land. The Statutory Guidance was first introduced in 2000, was updated in 2006 to include radioactively contaminated land, and revised in April 2012 (see Table 2.3).

The main role of the Statutory Guidance is to:

- To explain the legal tests on how the regulator decides what is, and is not Contaminated Land;
- To elaborate on how the Council should implement the regime;

- To elaborate on how regulators ensure appropriate remediation happens; and
- To elaborate on liability arrangements

The scope of the guidance has not changed but DEFRA sought to simplify the guidance whilst removing uncertainty on some aspects that had in their opinion caused poor performance of the regime. Key changes within the Statutory Guidance are highlighted in Table 2.3.

**Table 2.3 Key Features and Changes of Revised Statutory Guidance**

<i>Key Features and Changes of Revised Statutory Guidance (April 2012)</i>
<ul style="list-style-type: none"> <li>• Inclusion of objectives of the Part 2A regime to give greater legal weight. Plus a previous objective of ensuring ‘regulatory consistency’ has been dropped.</li> <li>• Terminology changes – e.g. contaminant, receptor, pathway and contaminant linkage</li> <li>• More definition of ‘current use’ of land</li> <li>• Exclusion of ‘normal’ or background contamination from scope of regime</li> <li>• Introduction of ‘cost benefit’ test into determination</li> <li>• New Section 3 on Risk Assessment, with direction to stop if no evidence that land might pose unacceptable risks; need for timely completion of inspections; and the Council is required to produce a non-technical ‘risk summary’ before final determination</li> <li>• In consideration of Significant Possibility of Significant Harm (SPOSH) Council is required to use a categorisation (Category 1 to Category 4) system</li> <li>• In considering the possibility of Significant Harm (SH) for human health, Council is required to take into account the number of people likely to be exposed</li> <li>• In pollution of controlled waters, the Council and Environment Agency are required to focus on ‘significant pollution’</li> <li>• New obligation to explicitly exclude land (where appropriate) from further consideration under the regime and issue a written statement to that effect</li> <li>• Council/ EA can give appropriate persons (APs) a chance to suggest an approach that might avoid the need for formal determination</li> <li>• Council/ EA can postpone determination if a party undertakes to deal with the problem in an appropriate timescale to an appropriate standard.</li> <li>• Removal of provisions on radioactive contamination – to be in separate guidance</li> <li>• Strategies to be reviewed at least every 5 years</li> </ul>

### **2.3 The Definition of Contaminated Land**

Section 78A (2) of Part 2A of the Environmental Protection Act 1990 defines Contaminated Land as:

“Any land which appears to the local authority, in whose area it is situated, to be in such a condition, by reason of substances in, on or under the land that:

- (a) Significant harm is being caused or there is a significant possibility of such harm being caused, or
- (b) Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.”

Section 78A (4) of Part 2A of the Environmental Protection Act 1990 defines 'Harm' to include harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property. Tables 1 and 2 in the Statutory Guidance (April 2012) detail how the Council should go about deciding harm for ecological system and property effects.

### **2.3.1 Radioactivity**

Where *harm* is attributable to radioactivity, the definition of *Contaminated Land* has been modified by regulation 4(a) of the modification regulations as:

*"...any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –*

*(a) harm is being caused, or*

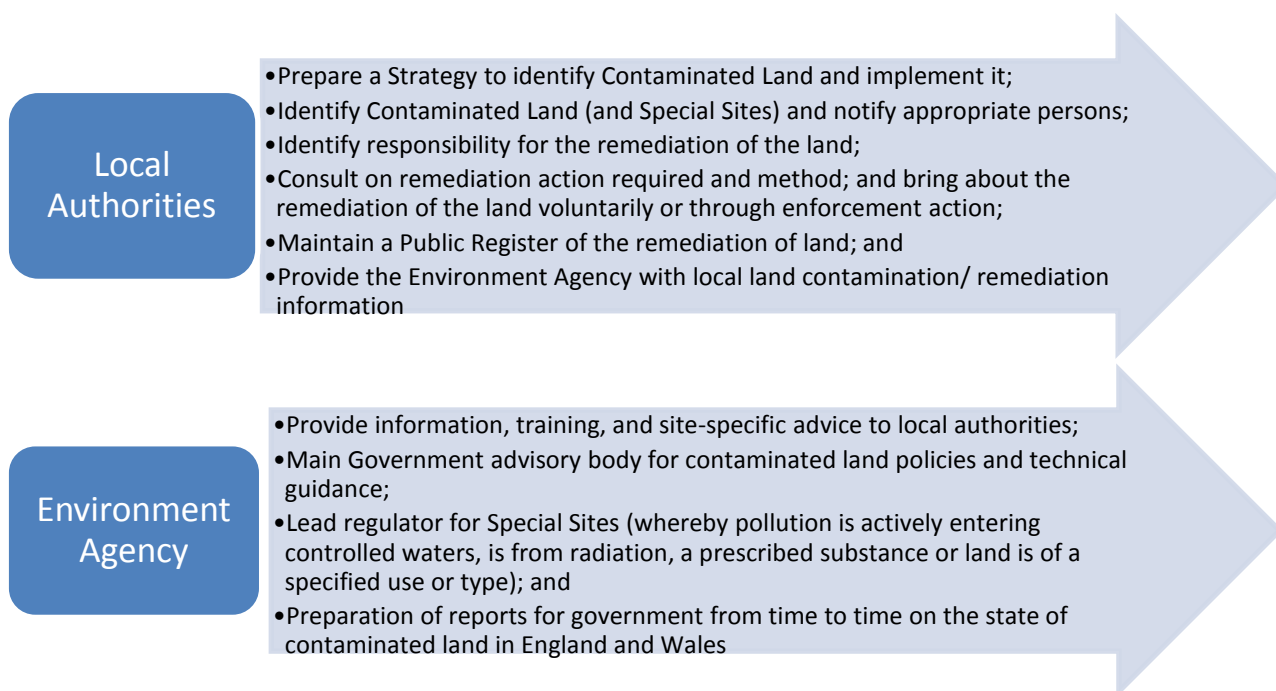
*(b) there is a significant possibility of such harm being caused."*

## **2.4 The Role of Enforcing Authorities**

The enforcing authorities are the local authority, i.e. Spelthorne Borough Council; and the Environment Agency. The respective roles and responsibilities of the enforcing authorities are summarised in Figure 2.1. Local authorities have been given the primary regulatory role under the Part 2A regime and therefore for most sites Spelthorne Borough Council will be the lead regulator:

- Spelthorne Borough Council has the sole responsibility for determining whether any land meets the definition of Contaminated Land under Part 2A of the Environmental Protection Act 1990.
- If Spelthorne Borough Council determined a site as Contaminated Land and which would be likely to meet one or more of the descriptions of a special site, it should consult the Environment Agency and, subject to the Agency's advice and agreement, arrange for the Agency to carry out any intrusive inspection of the land on behalf of the Authority.
- Where the Agency carries out an inspection on behalf of the Council, the inspection duty and the decision as to whether land is Contaminated Land, remain the sole responsibility of the Council.
- Spelthorne Borough Council is required to have regard to the Agency's advice wherever contamination of controlled waters or aquifers is likely.

### **Figure 2.1 Roles and Responsibilities**



In some cases the decision as to whether the land meets the legal definition of Contaminated Land may not be straightforward. In complex cases it may be necessary to bring in external expertise from specialist consultants to ensure the robustness of the risk assessment in line with paragraphs 3.18 – 3.20 of the Statutory Guidance. External experts may provide advice to the Council, but the regulatory decisions to be taken remain the sole responsibility of the Council. It is possible that different suitably qualified people could come to different conclusions when presented with the same information. It is for the local authority to use its judgement to form a reasonable view of what it considers the risks to be on the basis of a robust assessment of available evidence in line with the Statutory Guidance.

There may also be some unavoidable uncertainty underlying the facts of the case. Spelthorne Borough Council is directed to use its judgement to strike a reasonable balance between:

- a) Dealing with risks raised by contaminants in land and the benefits of remediating land to remove or reduce those risks; and
- b) The potential impacts of regulatory intervention including financial costs to whoever will pay for remediation, health and environmental impacts of taking action, property blight, and burdens on affected people.

Whilst taking a precautionary approach to the risks raised by contamination, it is the objective of the Council to ensure that the regime produces net benefits, taking account of local circumstances.

## 2.5 Principles of Contaminant Linkages

The definition of Contaminated Land for the purposes of Part 2A is based upon the principles of risk assessment providing a systematic, objective and consistent basis for considering uncertainties, discussing options and making decisions.

Risk is defined as the combination of:

- the probability, or frequency, of a defined hazard (for example, likelihood of exposure to a property of a substance with the potential to cause harm); and
- the magnitude (including the seriousness) of the consequences

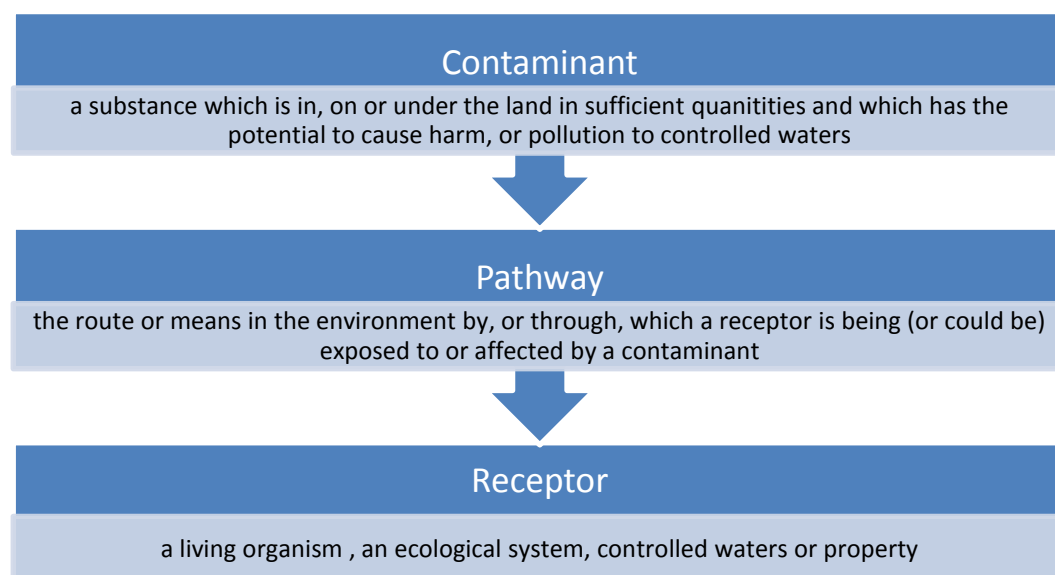


This risk must be assessed in terms of a contaminant – pathway – receptor relationship (see Figure 2.2). The identification of each of these three elements is linked to the identification of the others. A pathway can only be identified if it is capable of exposing an identified receptor to an identified contaminant. That particular contaminant should likewise be capable of harming or, in the case of controlled waters, be capable of polluting that particular receptor.

Where a contaminant, pathway and receptor are present a “contaminant linkage” is said to exist. A contaminant linkage relates to a single contaminant and therefore there may be more than one linkage on a piece of land. Any contaminant linkage which forms the basis that the land is determined as contaminated is a “significant contaminant linkage.” Land is presumed to not be contaminated unless there is a reasonable possibility that a significant contaminant linkage may exist on the land.

Assessments must be based on risks that are reasonably likely to exist. In the course of risk assessment the Council may consider possible exposure scenarios or situations which are very unlikely to occur. However, regulatory decisions should be based on what is reasonably likely, not what is hypothetically possible.

**Figure 2.2 Contaminant Linkage Terms**



## 2.6 Key Concepts of the Revised Statutory Guidance

### 2.6.1 Categories 1 to 4

The Statutory Guidance has introduced the categorisation of sites investigated and risk assessed under Part 2A for use by Councils. Table 2.4 provides a summary of the 4 categories. In brief, Categories 1 and 2 encompass land which is capable of being determined as Contaminated Land under Part 2A and Categories 3 and 4 would encompass land which is not on the basis of currently available information considered to meet the legal definition of Contaminated Land (see Figure 2.3).

**Table 2.4 Categories 1 to 4**

Categories	Human Health	Controlled Waters
1	There is an unacceptably high	Strong and compelling case that a

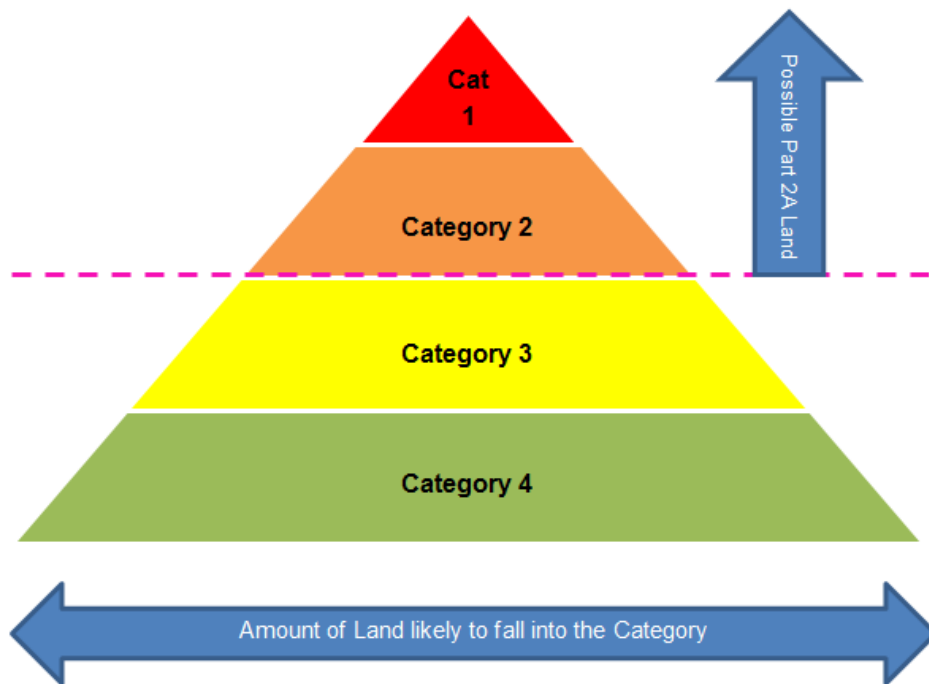
	probability supported by robust evidence of the significant possibility of significant harm occurring if no action is taken to stop it. Significant harm may have already been caused.	significant possibility of significant pollution of controlled waters exists. This would include cases where there is strong science-based evidence for considering that it is likely that high impact pollution would occur if nothing were done to stop it.
<b>2</b>	There is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm. Includes land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but available evidence suggests that there is a strong case for taking action under Part 2A on a precautionary basis.	The strength of evidence would not place the land into Category 1; however, there is sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis. This may include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.
<b>3</b>	The risks are not low, but regulatory intervention under Part 2A is not warranted. Owners or occupiers of the land could take action to reduce risks outside of the Part 2A regime if they choose.	Risks are such that the local authority might prefer that they did not exist but regulatory intervention under Part 2A is not warranted. This includes land where it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.
<b>4</b>	There is no risk, or that the level of risk posed is low. For example there are no relevant contaminant linkages; contaminant levels do not exceed the proposed Category 4 Screening Levels.	There is no risk, or that the level of risk posed is low. For example there are no relevant contaminant linkages or the water pollution is similar to that which might be caused by background contamination.

The most difficult decision will be between category 2 and 3 sites where the Council would have to decide whether or not there is a “significant possibility of significant harm”. The Statutory Guidance states that where all factors are taken into account, if the Council cannot decide whether or not a significant possibility of significant harm exists, it should conclude that the legal test has not been met and the land should be placed in Category 3.

The boundary between Categories 2 and 3 is also the line where regulatory intervention will be drawn – for sites in Category 3 risks are not low but regulatory intervention under Part 2A is not warranted. The Council may be able to offer advice to a landowner on how they might pursue their own investigation of their land in Category 3, but the Council would not ordinarily itself undertake, or fund, any investigation of a Category 3 site.

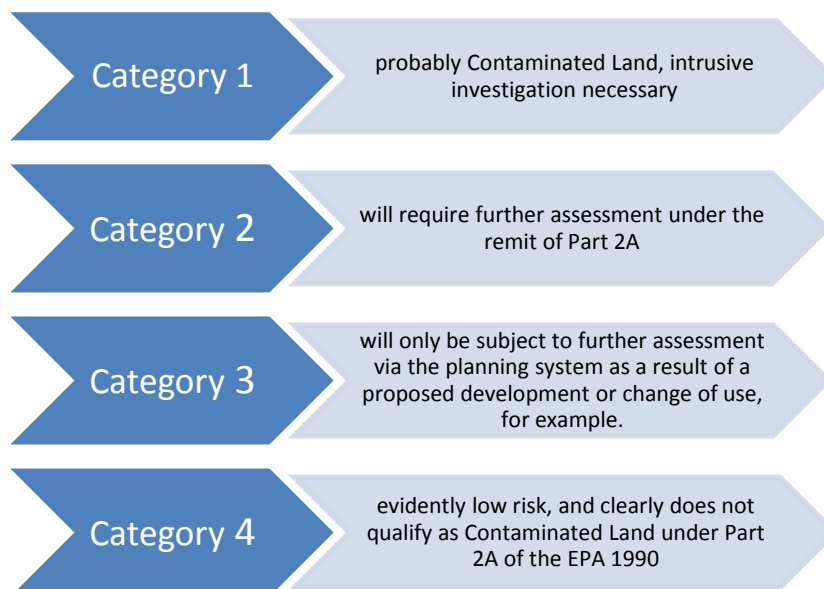
In March 2014, CL:AIRE published the output for the research project commissioned by Defra on Development of Category 4 Screening Levels (C4SLs) for assessment of land affected by contamination. This includes a methodology for deriving C4SLs for four generic land-uses comprising residential, commercial, allotments and public open space. The project also derived C4SLs for six substances – arsenic, benzene, benzo(a)pyrene, cadmium, chromium (VI) and lead. The C4SLs are “relevant technical tools” to help the Council when deciding to stop further assessment of a site, on the grounds that it falls within Category 4 (Human Health).

**Figure 2.2 Categories 1 to 4**



The Council may also be able to place some sites within Category 4 where no relevant contaminant linkage exists. Further risk assessment may be necessary for other sites to place them into Categories 1-3. The Council has considered the guidance and will be adopting a practical approach to the categories as shown in Figure 2.3:

**Figure 2.3 Local Approach to Categories 1 to 4**



### 2.6.2 Background Contamination

The Statutory Guidance states that normal levels of contaminants should not be considered to cause land to qualify as Contaminated Land, unless there is a particular reason to consider otherwise. "Normal" levels of contaminants in soil may be the result of the natural presence of

contaminants or the presence of contaminants caused by low level diffuse pollution, and common human activities other than past industrial uses.

In October 2012, Defra published a report and technical guidance sheets, produced by The British Geological Survey (BGS), on normal background concentrations for a number of contaminants in English soils. Unfortunately the dataset is not particularly strong for this local area, but where available, data on normal background concentrations will be used to support the decision of whether land within Spelthorne is Contaminated Land under Part 2A.

### **2.6.3 Risk Summaries**

Prior to formal determination of Contaminated Land, the Council will produce an easily understandable risk summary for any land where, on the basis of its risk assessment, it considers it likely that the land in question may be determined as Contaminated Land.

Risk summaries should be targeted towards the land owners and members of the public who may be affected by the decision. Risk summaries are not required: -

- (a) For land which will not be determined as Contaminated Land (land in Categories 3 and 4).
- (b) For land which has been prioritised for detailed inspection but which has not yet been subject to risk assessment.
- (c) For land determined as Contaminated Land before the revised Statutory Guidance came into force.

Full details of what should be included in a risk summary are in the Statutory Guidance (paragraphs 3.33 – 3.36). In short, a risk summary will include:

- Summary of the Council's understanding of the risks
- Description of the Council's understanding of the uncertainties behind its assessment
- Description of the risks in context
- Description of the Council's initial views on possible remediation

### **2.6.4 Written Statements**

The revised Statutory Guidance has introduced Written Statements for that land which is inspected by the Council and then considered not to be contaminated under Part 2A. In such cases, the Council will issue a Written Statement to that effect (rather than coming to no formal conclusion) to minimise unwarranted blight. The Written Statement will make clear that on the basis of the risk assessment, the Council has concluded that the land does not meet the definition of Contaminated Land under Part 2A.

Spelthorne Borough Council will therefore inform the owners of the land of its conclusion and give them a copy of the Written Statement and keep a record of all Written Statements itself. The Council will look to publish Written Statements on its website wherever possible (subject to any data protection and commercial confidentiality restrictions, for example).

## **2.7 Determining Contaminated Land under Part 2A**

Where one or more significant contaminant linkages exist between any sources of contamination and relevant receptors under Part 2A, the Council will follow the procedure for determining that land as Contaminated Land, as set out in Section 78A(2) of the Environmental Protection Act 1990 and Section 5 of the revised Statutory Guidance and the land will be placed in either Category 1 or Category 2. The Council is required to act in accordance with the directions provided in the Statutory Guidance.

The Council may postpone the determination of Contaminated Land following informing the interested parties, should the landowner or other interested person(s) choose to undertake the remediation to an appropriate standard and timescale agreed with the Council.

The determination may also be postponed should one or more significant contaminant linkages only exist if the circumstances of the land were to change in the future within the bounds of the current use of the land (e.g. if a more sensitive receptor were to move onto the land or a temporarily interrupted pathway were to be reactivated). Alternatively, in this situation the Council could determine the land as Contaminated Land but postpone the remediation.

The Council may reconsider a determination if new information comes to light, which is significant enough to alter the original decision. In such cases it will decide whether to retain, vary or revoke the determination.

### **2.7.1 Record of determination**

The Council will prepare a publicly available and easily understandable written record of determination that land is Contaminated Land, which will clearly and accurately identify the location, boundaries and area of the land. The record will explain why the determination has been made and will summarise the relevant assessment of evidence.

## **2.8 Remediation of Contaminated Land**

Once any land has been determined as Contaminated Land, the Council [or the Environment Agency for Special Sites] must consider how it should be remediated. Section 6 of the Statutory Guidance sets out the relevant provisions of Part 2A.

The Council will have regard to the Statutory Guidance when it is:

- (a) Deciding what remediation it should specify in a remediation notice as being required to be carried out;
- (b) Satisfying itself that appropriate remediation is being, or will be, carried out without the service of a notice; or
- (c) Deciding what remediation action it should carry out itself.

In selecting the appropriate detailed technical procedures or working methods the Council may consult relevant technical documents. It may also act on the advice of a suitably qualified experienced practitioner.

## **2.9 Liability**

The main provisions for the establishment of liability are set out in Part 2A (of the Environmental Protection Act 1990). The Council (and anyone else interested in liability) will need to refer directly to Part 2A. Section 7 of the Statutory Guidance should be read in conjunction with the Act.

In simplified terms, liability is settled on the basis of the “polluter pays” principle, identifying in succession those who have caused or knowingly permitted the contamination, then those who may have contributed to the problems which may have made the land Contaminated Land under Part 2A and finally onto the owners or occupiers of the land.

## **2.10 Recovery of Costs of Remediation**

Section 8 of the Statutory Guidance sets out the principles and approaches to be considered by the Council on the extent to which the Council should seek to recover the costs of remediation which it has carried out.

The Council has previously considered a hardship policy, but has chosen not to adopt an overarching cost recovery policy at this time. Instead the Council will have regard to the

circumstances of each individual case. The Council will also have regard to balancing any hardship which the recovery may cause to the person from whom the cost is recoverable with achieving an overall result which is as fair and equitable as possible to all who may have to meet the costs of remediation, including national and local taxpayers.

A review of this decision has been included within the next five year work programme. The Council may at that time choose to adopt and make available a policy statement about the overall approach it intends to take in making cost recovery decisions. In general the Council should seek to recover all its reasonable costs as directed by the Statutory Guidance. Costs may be waived or reduced where appropriate or reasonable to reduce undue hardship or in certain circumstances outlined in sub-sections 8(b), 8(c) and 8(d) of the Statutory Guidance. Recovery of costs is not necessarily an "all or nothing" matter – appropriate persons can be made to pay part of the authority's costs even if they cannot reasonably be made to pay all of the costs, and costs may be deferred and or secured by a charge on the land.

### 3.0 Implementation of the Contaminated Land Strategy

The original draft Contaminated Land Inspection Strategy was approved by Spelthorne Borough Council Executive and adopted on behalf of the Council on 8 May 2001. Initial consultation was completed in early July 2001 (see Table 3.1). Work on identification of areas of potentially contaminated land within the Borough had already started, with the review of pre-War Ordnance Survey maps having been completed by April 2001 and one site having been determined as Contaminated Land in October 2000.

**Table 3.1 Consultees for 2001 Strategy**

Statutory Consultees	Other Stakeholders
<ul style="list-style-type: none"> <li>• Environment Agency;</li> <li>• English Nature;</li> <li>• English Heritage;</li> <li>• DEFRA; and</li> <li>• Surrey County Council</li> </ul>	<p>Neighbouring Local Authorities:</p> <ul style="list-style-type: none"> <li>• London Boroughs of Hillingdon, Hounslow and Richmond,</li> <li>• Boroughs of Elmbridge and Runnymede,</li> <li>• Unitary authorities of Windsor and Maidenhead, and Slough</li> </ul> <p>Utility and transport network companies:</p> <ul style="list-style-type: none"> <li>• British Gas,</li> <li>• Railtrack,</li> <li>• Southern Electric, and</li> <li>• Thames Water</li> </ul>

This review of the Strategy is a complete overhaul and rewrite to reflect the changes to regime’s legislation and guidance, and a revised strategic approach which has developed from greater understanding of the regime and of land quality within the Borough. This Strategy also includes progress to date in the identification and management of land contamination.

#### 3.1 Sites Inspected

As outlined in section 2.1 and Appendix A1, the primary mechanism for dealing with historic contamination will be by making sure land is suitable for use during redevelopment via the planning system. This will gradually reduce the residual number of sites requiring inspection under the Part 2A regime. Appendix A3.1.5 provides information on the numbers of applications under Building Control and Planning being assessed per annum for potential impacts of land contamination.

##### 3.1.1 Strategic Inspection

Under the 2001 Strategy, the Council made a broad assessment, known as Strategic Inspection, of all land within its Borough through review of historical maps and selected other information sources. This identified over 1,100 potentially contaminated sites within the Borough of Spelthorne. These are sites where a historic or current land use is known to be/ have been present which may have impacted on land quality. Only in a minority of cases, if at all, might there be contamination of sufficient risk to health or the environment for such land to be considered Contaminated Land under Part 2A. In other words there is potential for contamination to be present though not necessarily evidence of actual contamination.

However, additional sites are still being encountered as new information resources, such as additional dates of maps or aerial photographs, are acquired by the Council. Similarly new information about existing identified sites can arise from review of more in-depth records such as

historic planning files or site investigations. The number of potentially contaminated land sites and their priority may therefore be subject to change as new information becomes available and or records are updated.

Sites are initially considered and prioritised using the GeoEnviron Risk Assessment Software Tool. An initial prioritisation has produced a Stage 1 Risk Assessment Score and Site Prioritisation Inspection List, based on cross referencing the current use of the site with the past historical use.

The 2001 Strategy implemented a timescale of the end of June 2003 to complete a programme of risk prioritisation of potentially contaminated land and this was achieved using the CAPS Uniform Contaminated Land Module. However, this database was not considered to meet the Council's needs for spatial display, management, and confidentiality of data. In 2006 the Council purchased the GeoEnviron Contaminated Land Management System from STM Environmental Ltd. This made the original 2001 targets obsolete. A revised Stage 1 Site Prioritisation Inspection List was created using GeoEnviron to reflect changes in the statutory guidance. Further information about progress against the 2001 Strategy Targets and development of the Strategy is provided in Appendix A3.

### **3.1.2 Detailed Inspection**

Since the publication of the 2001 Strategy, several sites have undergone detailed inspection (see Section A3.1.4). Extensive site investigation works were funded by capital grants from Defra and work was undertaken between 2001 and 2011. Two sites were determined as Contaminated Land in October 2000 and May 2011. Further details about these sites and their subsequent remediation is also provided in Appendix A3.



## 4.0 Priority Actions and Timescales for 2017 – 2022

Having regard to the latest Statutory Guidance, experience of dealing with land contamination issues over the past decade and the resources available to the Council, a different strategic approach is now considered appropriate.

Spelthorne's priority actions will be:

1. To ensure that the redevelopment of contaminated sites under the development control system (outside of Part 2A) is adequately controlled and results in land which is suitable for the proposed use, and could not be considered as Part 2A Contaminated Land in the future;
2. To maintain the database, adjust risk scoring as new information is gathered, and keep an accurate record of areas affected by potential contamination issues; and
3. To carry out detailed inspection where information is received that suggests a problem of land contamination is of current urgent concern to one or more sensitive receptors.

The Council's approach to identifying and remedying potentially land contamination will principally be via the development control process, but there is still a need to ensure the continued compliance and enforcement of the duties under Part 2A of the Environmental Protection Act 1990 through both desk-based strategic inspection and detailed inspection including intrusive investigation where necessary.

The Council's approach to dealing with land contamination outside of the Part 2A of the Environmental Protection Act 1990, including via the planning regime, is set out in Appendix A1.

### 4.1 Strategic Inspection

Spelthorne Borough Council will investigate its potentially contaminated land sites under Part 2A in accordance with the procedure outlined in Figure 4.1 below. The work programme and timescales are summarised in Table 4.2 (Section 4.5). In adopting this strategic approach to dealing with Contaminated Land under Part 2A, the Council has taken into account the characteristics of the Spelthorne area as described in Appendix A2.

#### 4.1.1 Stage 1 Site Prioritisation Inspection list

The Stage 1 Site Prioritisation Inspection List produced in GeoEnviron provides a list of sites ranked by score based on historical use and current use. To develop this further the initial focus in 2017 and 2018 will be on two areas of work:

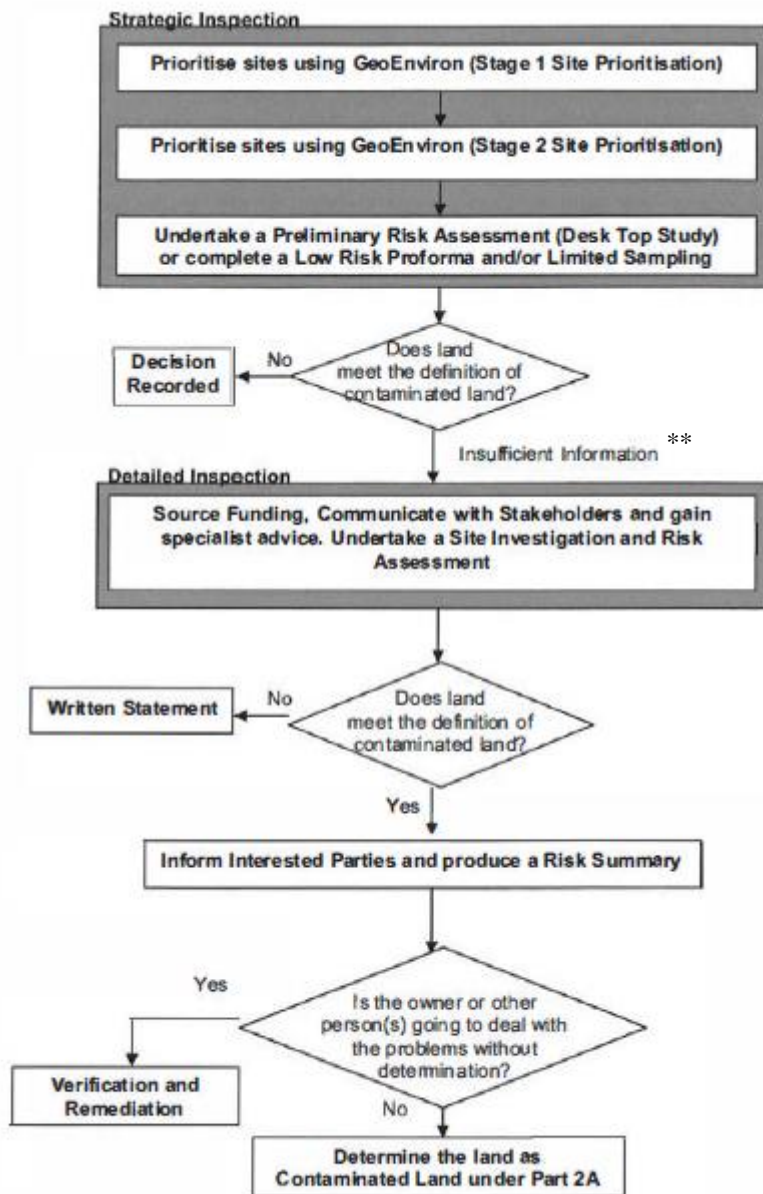
- (1) To capture and import site investigation and remediation report data (and update the Stage1 Site Prioritisation scores); and
- (2) Convert Stage 1 Prioritisation scores into High, Medium and Low bandings (see Table 4.1)

Throughout this five year period there will also be a number of ongoing tasks, as follows:

- (1) To review newly acquired data including 1953, 1961 and 2015 aerial photography and current Ordnance Survey mapping; and
- (2) To add any new sites, discovered from the above sources or planning records for example, to the database and generate a Stage 1 Site Prioritisation score and banding

This work will be carried out in parallel with other strategic and detailed inspection tasks throughout 2017 to 2022.

**Figure 4.1 Contaminated Land Inspection Procedure**



\*\* "insufficient information" – for inspection to proceed there must be evidence that an unacceptable risk is reasonably likely to exist

Sites within the High banding will be subject to Stage 2 Prioritisation and selected sites may have a Preliminary Risk Assessment (desktop study) undertaken during this five year period. Sites in the High Banding are probable Category 1 or Category 2 sites where detailed inspection is likely to be required to resolve potential risks. This could include intrusive investigation where sufficient justification exists following completion of desk top studies and preliminary risk assessments. Equally though after review of available desk top information or intrusive investigation sites in the High banding may be considered to be in Category 3 where risks are not low, but there is not a strong case for considering that the risks from the land are of sufficient concern to justify intervention under Part 2A. While about 10% of identified sites are anticipated to be taken forward

in the High banding, it is likely that only a much smaller percentage would meet Category 1 or Category 2 criteria.

**Table 4.1 Stage 1 Banding**

Banding (% of sites)	Stage 1 Score	Description	Probable Category	
<b>High</b> (~10%)	To be confirmed	Detailed Inspection required to resolve potential risks  Initially to comprise Stage 2 Prioritisation and Preliminary Risk Assessments (as per 4.1.2 and 4.2.1, respectively).	1	Very High Risk
			2	High to Moderate Risk
<b>Medium</b> (~20%)	To be confirmed	Stage 2 Prioritisation to be undertaken.  Detailed Inspection may be required to resolve potential risks. This is likely to be limited to desk top research and site walkover. Some intrusive investigation may be warranted to resolve potential risks, especially if a site is borderline with Category 2.  Owners/ occupiers may wish to undertake their own investigations and risk assessments to refine risks.	3	Moderate Risk
<b>Low</b> (~70%)	To be confirmed	Stage 1 Site Prioritisation Completed  No further action under Part 2A can reasonably be justified.  Further assessment will remain appropriate via the development control system.  Owners/ occupiers may wish to undertake their own investigations and risk assessments to refine risks.	4	Low to Very Low Risk

Sites within the Medium banding are scheduled for Stage 2 Prioritisation in a future Strategy period, i.e. beyond 2022. These sites are considered on the basis of professional judgement, from experience of dealing with sites of similar historical land uses, to be likely to be Category 3 or even Category 4 sites. In the intervening period owners/ occupiers may wish to undertake their own investigations and risk assessments to refine risks. Where this is the case the Council may be able to offer advice on how this may be pursued and review those assessments to see if a formal conclusion can be reached on whether the land does or does not meet the definition of Contaminated Land. Sites will also be dealt with under the development control process where any change of use or new development is proposed. Examples of typical sites within the Medium banding may include petrol filling stations/ garages, engineering works and factories still in commercial/ industrial or other non-sensitive use; and inert landfill sites and other filled land not in current residential or other sensitive land use. Site specific circumstances may exist where sites of similar historical use are in the High or Low banding.

Sites within the Low banding are those where the historical activities and current land uses mean that the likelihood of contamination is considered to be low and any harm would normally be mild. As such, no further action under Part 2A can reasonably be justified. Further assessment will remain appropriate under the development control system, and again land owners may wish to

undertake their own investigations as liabilities may remain for landowners outside of the Part 2A regime for any damage.

Previous Statutory Guidance placed all its emphasis on enforcing authorities concentrating resources on the areas where Contaminated Land was most likely to be found, locking low risk sites into the Part 2A process with no formal action likely in the short or medium term. The current Statutory Guidance makes it clear that, at any stage, for land to progress to the next phase of the process there should be evidence that an unacceptable risk could reasonably exist, and where the authority considers that there is little reason to consider that the land might pose an unacceptable risk, inspection activities should stop at that point. This enables a high proportion, estimated at 60-70%, of sites identified in Strategic Inspection to be screened out of any further consideration under Part 2A. This approach is compatible with the objective to ensure that burdens are proportionate and property blight is minimised. Examples of typical sites that may be within the Low banding include electricity substations, small former pits and ponds, modern industrial estates, warehouses and similar uses still in commercial/ industrial use, cemeteries/ burial grounds, commercial garden nurseries, and sites of any historical use that have been subject to site investigation and or remediation and found to be suitable for use.

#### **4.1.2 Stage 2 Site Prioritisation Inspection List**

The Stage 2 site prioritisation process allows an assessment of individual sites in more detail and could involve desk top research and a site walkover where appropriate and possible. Examples of information that may be reviewed for each site include:

- (1) Planning and building control files to obtain more detailed land use details and history
- (2) Aerial photographs to supplement available map editions
- (3) Other historical archives such as the trade directory database, Council Minute Books, and local history books
- (4) Other attributes to refine ranking such as number of residential properties on-site, area of site, and duration of use.

The Council aims to carry out Stage 2 prioritisation on 10 sites in the High banding per year from 2019 to the end of 2022. This work will be carried out in parallel with other strategic and detailed inspection tasks throughout 2017 – 2022.

## **4.2 Detailed Inspection**

### **4.2.1 Preliminary Risk Assessment (Desk Top Studies)**

Following on from the Stage 2 Prioritisation, the Council aims to produce one Preliminary Risk Assessment (desktop study) per annum between 2019 and the end of 2022. Achieving this target will depend on the complexity of the sites being assessed and the extent of available information.

Preliminary Risk Assessments will be produced in accordance with the risk assessment principles of the Statutory Guidance (paragraphs 3.12 – 3.32) based on the contaminant-pathway-receptor approach. The studies will normally be carried out by a Pollution Control Officer under supervision of the Principal Pollution Control Officer. For more complex sites, external expertise may be sought depending on the circumstances of the land and the internal expertise available at the time of the assessment, and subject to funding.

### **4.2.2 Site Investigation and Risk Assessment)**

Detailed inspection may be progressed through additional review of desk top information, site walkover(s), one or more phases of intrusive site investigation and or risk assessment. Depending

on the amount of available information about site condition and the Council's level of uncertainty, intrusive investigation by the Council may not be warranted for a decision to be made on determination of land as contaminated. This will depend on individual site circumstances.

The decision to progress to further with detailed inspection will only be made if there is sufficient evidence to justify the further work, based on risks that are reasonably likely to exist. This decision will be taken by a Deputy Chief Executive on the advice and evidence presented by the Senior Environmental Health Manager and Principal Pollution Control Officer.

The decision to progress will also need to consider how any works will be funded, and whether the funding source is secure to enable the project to be completed in a timely fashion. The Council has to ensure a sufficiently robust assessment while seeking to avoid or minimise the impacts of long inspections on affected persons, particularly in the case of inspections involving residential land.

Historically the Defra Capital Grants Programme was introduced for sites requiring intrusive investigation and risk assessment by local authorities. This funding stream is no longer available for new sites. Where appropriate, the Council will seek to negotiate with current land owners, occupiers and knowing permittees of contamination to fund investigation works. For Category 1 and 2 land the Council may choose to carry out site investigation and risk assessment works (or manage specialist subcontractors) itself, depending on the level of expertise in the Pollution Team at the time.

Regardless of who carries out any intrusive works or risk assessment, the final decision as to whether the land constitutes Contaminated Land lies with Spelthorne Borough Council.

#### **4.3 Dealing with Unforeseen Urgent Sites**

Where information is received indicating the possibility of imminent significant harm to health (or significant pollution of controlled waters) being caused (see also Sections 5.5.1 and 5.5.2), a strategic preliminary site assessment (desk top study) will be carried out to determine the likelihood of such an event occurring and the estimated impact of the significant harm did occur.

Where significant harm is being caused, the harm should be directly attributable to the effects of contaminants in, on or under the land on the receptor concerned. The Council will consider the strength of evidence and must be satisfied on the balance of probabilities that significant harm is being caused (i.e. that it is more likely than not that such harm is being caused) by a significant contaminant(s).

Where it is identified that a significant contaminant linkage is likely to exist, urgent action to carry out further investigation will be necessary and an action plan will be drawn up and implemented.

This work would take priority over the scheduled programme of work for 2017 – 2022.

#### **4.4 Work Programme and Timescales for 2017 to 2022**

The work programme and anticipated timescales for implementation of this Contaminated Land Inspection Strategy is outlined in Table 4.2.

Completion of the tasks and achievement of the target dates will depend on the complexity of the sites being considered, the amount of information available and the level of resources taken in dealing with any unforeseen sites.

**Table 4.2 Work Programme and Timescales for 2017-2022**

<b>Task</b>	<b>Work</b>	<b>Target Date</b>
To act as consultee to the Local Planning Authority on land contamination matters	As specified in Appendix A1	Ongoing until end of 2022
Stage 1 Site Prioritisation List (i) Stage 1 bandings (ii) Maintaining Stage 1 List	As specified in Section 4.1.1	(i) End of 2018 (ii) Ongoing to end of 2022
Stage 2 Prioritisation –of 10 highest priority sites per annum	As specified in Section 4.1.2	Ongoing until end of 2022
Produce five Strategic Preliminary Assessment (desktop study) reports	As specified in Section 4.2	2019 until end of 2022
Carry out intrusive investigation & risk assessment (Detailed Inspection)	As specified in Section 4.3	If sufficient justification & funding exists
Deal with unforeseen urgent sites	As specified in Section 4.4	As they arise
Cost Recovery Policy Review	As specific in Section 2.10	2019

#### **4.5 Land Contamination Outside of Part 2A**

Spelthorne Borough Council is mindful that the Part 2A regime should only be used where no appropriate alternative solution exists and that other legislative regimes may provide a means of dealing with land contamination issues.

The Council's principal mechanism for dealing with land affected by contamination is to ensure that land is fit for purpose when being redeveloped under the planning system. This is the most cost-effective and sustainable way forward.

Appendix A1 summarises situations where the regime does not apply and how the Council will action land contamination in those circumstances.

## **5.0 Information Management**

### **5.1 Information and Complaints**

Where possible, the Council operates on a presumption of sharing relevant information with the public.

The Council is committed to giving services that are excellent value for money and to providing the best possible service in a friendly, efficient and courteous manner. As part of this commitment a complaints procedure exists to address instances where things go wrong or expectations cannot be met. Details of the complaints procedure are available from reception at the Council Offices, the Council's website (<http://www.spelthorne.gov.uk> , search for Comments, Complaints, and Compliments) or on request from the Pollution team.

### **5.2 Maintaining Appropriate Confidentiality**

The Council takes care to ensure that it complies with all the requirements of the Data Protection Act 1998.

The Council also recognises the potential for information gathered during the process of inspection to be misinterpreted and to cause blight through its misinterpretation. To prevent the possibility of blighting of land the Council will maintain information gathered in a confidential manner where possible. Environmental information about land will be provided in accordance with the Environmental Information Regulations 2004. However, requests for access to the Council's GeoEnviron Contaminated Land Management System database and other related information will not be permitted whilst work is still in progress. See section 5.3 for further information.

The Council is required to maintain a public register of all regulatory action taken in respect of the remediation of Contaminated Land. In accordance with the Statutory Guidance, the Council will consider confidentiality of information kept on the register. The Council must not, without the permission of the relevant person, include any information on its register which:

- a) relates to the affairs of any individual or business; and
- b) is commercially confidential to that individual or the person carrying on that business.

Information cannot, however, be excluded from the register solely on the basis that its inclusion might, by providing information to a prospective buyer, affect the sale or the sale price.

The Council will give any person concerned 21 days to make a representation requesting exclusion of information which the Council believes may be commercially confidential. Where information is excluded on the grounds of commercial confidentiality the Council will include on the register a statement indicating that material has been excluded on those grounds.

A right of appeal to the Secretary of State exists where information is included on a public register which the person believes is confidential.

### **5.3 Public Access to Information**

The Environmental Information Regulations (EIR) give the general public a right to environmental information held by a public authority. There is a presumption under the regulations that environmental information must be released, unless there are reasons to withhold it.

Regulation 12 lists the exceptions under which a public authority can refuse to disclose information. All the exceptions are subject to a public interest test. Those weighing the public

interest of whether to release or withhold information will interpret the exceptions very carefully, seeking legal advice where appropriate.

A request for information can be refused (or part of the information withheld) if:

- Information is not held (then there is a duty to refer the request on);
- The request is manifestly unreasonable;
- The request is too general (after fulfilling the duty to advise and assist);
- The request is for unfinished documents or data (in which case estimated time for completion must be given); or
- The request is for internal communications.

A public authority may also refuse to disclose information or withhold part of it in order to protect the following:

- Confidentiality of proceedings;
- International relations/ public security/ defence;
- The course of justice and the right to a fair trial;
- Commercial confidentiality;
- Intellectual property rights;
- Personal/ voluntary data; or
- Environmental protection.

If information relates to emissions, a public authority cannot refuse to disclose it on grounds of confidentiality of proceedings, commercial confidentiality, personal/ voluntary data or environmental protection.

### **5.3.1 Written outputs to Detailed Inspection**

For land that has been subject to detailed inspection by the Council, and a risk assessment completed, there will be either a:

- Written Statement (see section 2.6.4) – for land which the Council has decided is not Contaminated Land; or a
- Risk Summary (see section 2.6.3) – to summarise understanding of risks for land prior to determination as Contaminated Land.

These documents will be provided automatically to the landowners and members of the public affected by the decision. The Council will also as a rule publish these documents subject to considerations such as confidentiality and public interest (as per sections 5.2 and 5.3).

## **5.4 Part 2A Remediation Public Register**

To provide a permanent record, and to make information readily available to the public and to those with an interest in land, the Council maintains a register of all regulatory action in respect of the remediation of land determined as Contaminated Land under Part 2A of the Environmental Protection Act. The register includes specified details about the condition of the land, and the remediation actions carried out. The following information shall be held on the register: -

- Site information
- Remediation notices
- Appeals against remediation notices



- Remediation declarations
- Remediation statements
- Appeals against charging notices
- Designation of special sites
- Notification of claimed remediation
- Convictions for offences under section 78m of the act
- Guidance issued under section 78v(1) of the act
- Other matters prescribed by regulations

At publication of this document, two pieces of land have been determined by Spelthorne Borough Council as Contaminated Land under the definition contained in Part 2A of the Environmental Protection Act 1990:

**Table 5.1 Public Register Summary**

Reference	Address	Determination
<b>SBC/D/1</b>	56 Station Crescent, Ashford, Middlesex, TW15 3HJ	27 October 2000
<b>SBC/D/2</b>	Public Open Space, Denman Drive, Ashford, Middlesex	27 May 2011

An up-to-date copy of the Public Register Summary can be found on the Council's website ([www.spelthorne.gov.uk](http://www.spelthorne.gov.uk)). Copies of the register entries together with further information about the investigation and clean up of these sites is also available on the Pollution web pages.

The absence of an entry on the register does not guarantee that

- the land is free from contamination, as it may not have been fully assessed
- any contamination present does not pose significant risk
- contamination present is not polluting controlled waters.

The public register may also be viewed Monday to Friday during normal office hours at the Council Offices, Knowle Green, Staines-upon-Thames, TW18 1XB. There is no charge for accessing the public register. However, a small charge may be made for the photocopying of information.

## 5.5 Review Mechanisms

### 5.5.1 Prioritisation Review

In certain circumstances the Council will need to reconsider the priority it has assigned to a site or the findings of its inspection of a site. The following events may be such as to trigger a review of a sites prioritisation or review of the findings of an inspection:

- Proposed changes in the use of the land;
- Unplanned changes in the use of the land (e.g. persistent, unauthorised use of the land by children or travellers);
- Unplanned events, e.g. localised flooding/landslides; accidents/fires/ spillages where consequences cannot be addressed through other relevant environmental protection legislation;
- Reports of localised health effects which appear to relate to a particular area of land;
- Verifiable reports of unusual or abnormal site conditions received from business, members of the public or voluntary organisations;

- Responding to information from other statutory bodies; or
- Responding to information from owners or occupiers of land and other relevant parties.

### **5.5.2 Triggers for undertaking non-routine inspections**

The Strategy recognises that there may be occasions where inspections have to be undertaken outside of the general strategic framework. Triggers for undertaking non-routine inspection will include:

- Unplanned events – for example, where an incident, such as a spill, has occurred;
- Introduction of new receptors – for example, where a new protected ecosystem is designated, or there is persistent trespass on a site which otherwise does not have a sensitive receptor;
- Identification of localised health effects – which appear to relate to a particular area of land; and/ or
- Responding to information – from other statutory bodies, stakeholders, or other interested parties, which reveal that the site may require urgent action.

Where these occurrences trigger non-routine inspections, due to constraint on resources, there may be a subsequent knock on impact on the milestones of the general strategic framework.

### **5.6 Review of Strategy**

The Council will completely review its inspection strategy every five years, or on receipt of new guidance or advice from the Environment Agency or the Department for Environment, Food and Rural Affairs (Defra). The next review will be due in 2022/ 23.

## REFERENCES

British Geological Survey, 1999, *Windsor. England and Wales Sheet 269. Solid and Drift Geology. 1:50,000*. Keyworth, Nottingham: British Geological Survey.

Contaminated Land (England) Regulations 2006, SI 2006 No 1380

Department for Environment, Food and Rural Affairs (Defra), April 2012, *Environmental Protection Act 1990: Part 2A. Contaminated Land statutory Guidance*. The Stationery Office Ltd.

Department for Environment, Food and Rural Affairs (DEFRA), December 2010. Public consultation on changes to the Contaminated Land Regime under Part 2A of the Environmental Protection Act 1990. [pdf] Available: <http://archive.defra.gov.uk/corporate/consult/contaminated-land/101215-contaminated-land-condoc.pdf> [Accessed 15 March 2012]

Environment Agency (EA), February 2009. Dealing with contaminated land in England and Wales - A review of progress from 2000-2007 with Part 2A of the Environmental Protection Act. [pdf] Available: <http://publications.environment-agency.gov.uk/PDF/GEHO0109BPHA-E-E.pdf> . [Accessed 16 February 2012]

Environmental Data Services Ltd (ENDS), July 2004. Milestones fail to still qualms about contaminated land regime, ENDS Report 354. The Friary Press, London.

Environmental Protection Act 1990, Part 2A *Contaminated Land*. Introduced by s57 of the Environment Act, 1995

Environmental Protection UK, March 2011 Assessment and remediation of land contamination through the planning system. Prepared on behalf of DEFRA. Ref Sp1005. [pdf] Available: <http://randd.defra.gov.uk/Document.aspx?Document=DefraSP1005Report.pdf> [Accessed 01 July 2012]

## APPENDIX A1 Land Contamination dealt with outside Part 2A of the EPA 1990

Spelthorne Borough Council is mindful that the Part 2A regime should only be used where no appropriate alternative solution exists and that other legislative regimes may provide a means of dealing with land contamination issues.

### A1. Situations in which the regime does not apply

The first priority for the Government's policy on land contamination is to prevent the creation of new contamination and as a result a range of regimes have been developed to prevent new contamination of land.

<b>A1.1 Environmental Damage Regulations</b>
<p>The Environmental Damage (Prevention and Remediation) Regulations 2009 are a result of the implementation of the European Directive on Environmental Liability (2004/35).</p> <p>They are based on the principle of 'the polluter pays', where those responsible for a pollution incident are required to prevent, and where necessary, remedy any environmental damage caused. The emphasis is on the 'operator' identifying where or when there is imminent threat or actual damage to the environment, and taking immediate action.</p> <p>Environmental damage is considered to be:</p> <ul style="list-style-type: none"><li>• Serious damage to surface or ground water;</li><li>• Serious damage to EU-protected natural habitats or species; or</li><li>• Contamination of land with a significant risk of harm to human health.</li></ul> <p>The regulations are not retrospective and will only be applied to damage caused after their implementation (i.e. after 2009). As such the regulations are usually applied to allow a rapid reactive resolution to land contamination caused by a pollution incident. The Environment Agency, Public Health England, Local Authorities and the Secretary of State are the enforcing authorities responsible for administering and enforcing the regulations in England and Wales, depending on the type of damage involved.</p>
<b>A1.2 Integrated Pollution Control (IPC)</b>
<p>Part I of the Environmental Protection Act 1990 placed a requirement on operators of prescribed industrial processes to operate within the terms of permits to control harmful environmental discharges.</p>
<b>A1.3 Pollution Prevention and Control (PPC) Act</b>
<p>This regime has been introduced to replace IPC, and includes the specific requirement that permits (Environmental Permit Regulations) for industrial plants and installations must include conditions to prevent the pollution of soil; and there are also requirements in relation to the landfilling of waste.</p> <p>On surrender of the permit, the operator must be able to demonstrate no deterioration of the baseline condition or will be required to restore the land and groundwater to its original state.</p>
<b>A1.4 Waste Management Licensing</b>
<p>Part 2 of the 1990 Act places controls over the handling, treatment and disposal of wastes; in the past, much land contamination has been the result of unregulated, or badly-managed, waste disposal activities. Now falls under the Environmental Permit regulations (see above).</p>

### A1.5 Development Control

Contamination is a material consideration in planning decisions. The development control (planning) regime remains the Council's principal mechanism for dealing with land affected by contamination to ensure that land is fit for purpose when redeveloped. It is the developer's responsibility to ensure that the contamination is addressed. This is the most cost-effective and sustainable way of dealing with land contamination.

The National Planning Policy Framework (2012) states that Planning policies and decisions should ensure that:

- The site is suitable for its new use taking into account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- After remediation, as a minimum, land should not be capable of being determined as Contaminated Land under Part 2A of the Environmental Protection Act 1990; and
- Adequate site investigation information, prepared by a competent person, is presented.

Evidence demonstrating that contamination has been satisfactorily assessed, and if appropriate, cleaned-up is required to be submitted to the Local Planning Authority for approval as a safeguard to public health and the environment.

### A1.6 Building Control

The Building Regulations 2010 Part C (made under the Building Act 1984) contains specific requirements regarding contamination and landfill gas issues. These require measures to be taken to protect new buildings, and their future occupants, from the effects of contamination, including hazardous ground gases.

### A1.7 Pollution of Controlled Waters

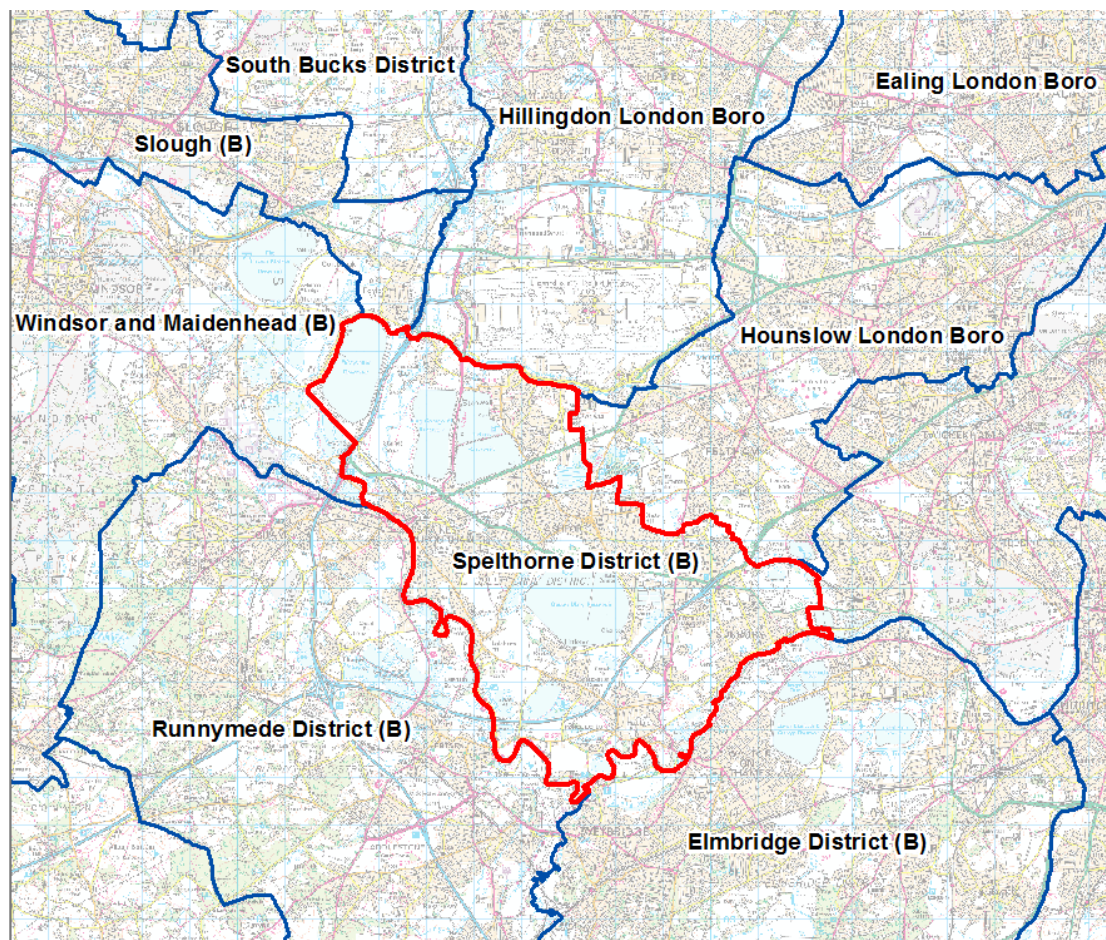
The Water Resources Act 1991 provides the Environment Agency with powers to take action to prevent or remedy the pollution of controlled waters. The Act is particularly useful in cases where there is historic pollution of groundwater, but where the Part 2A regime cannot be applied, for example, where pollutants are entirely contained within the relevant body of groundwater or where the source site cannot be identified.

The characteristics of a local authority’s area will influence the likely presence of sources of contamination, pathways and receptors. Any inspection strategy must therefore take account of these factors.

**A2.1 Geographical Location**

The Borough of Spelthorne lies approximately 15 miles southwest of central London covering an approximate area of 5,116 hectares and is bordered to the north east and east by the London Boroughs of Hillingdon, Hounslow and Richmond, the Surrey Boroughs of Elmbridge and Runnymede to the south and west respectively and the unitary authorities of Windsor and Maidenhead and Slough to the northwest (see figures A2.1 and A2.2). Heathrow Airport lies immediately north of the Borough and has a major influence on the Borough in terms of employment, housing and traffic. The River Thames forms much of the Borough’s southern and western boundaries.

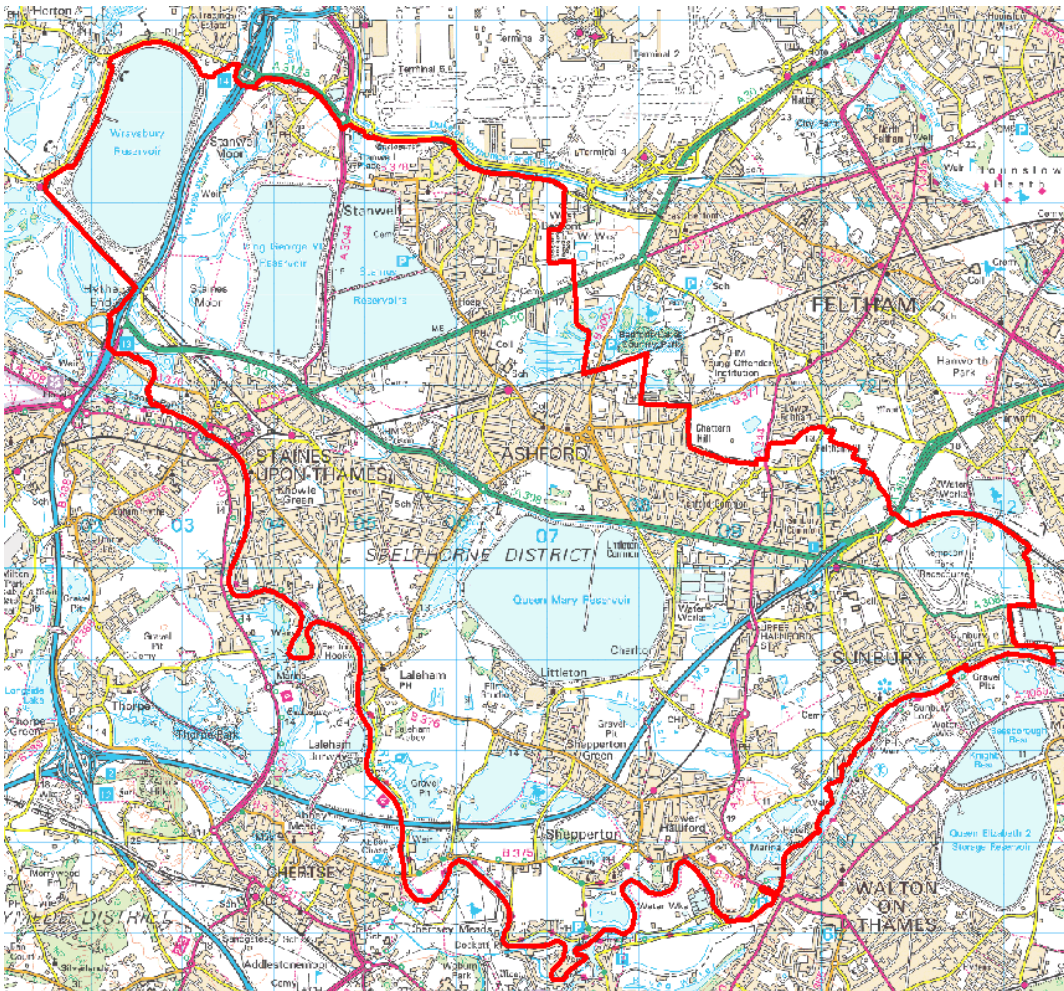
**Figure A2.1 Location of Spelthorne**



**A2.2 Description of the Borough and its History**

The main conurbations of the Borough of Spelthorne are the towns of Ashford, Shepperton, Staines-upon-Thames, Stanwell and Sunbury on Thames. Staines (as the biggest town) is the main commercial and retail centre of the Borough.

**Figure A2.2 Plan of Borough of Spelthorne**



### **A2.2.1 Population Distribution**

The Borough is relatively densely populated with a population of 95,600 (2011 census) an increase of 5.8% on the population measured in the 2001 census. The population within the borough is ageing with a small ethnic minority. Approximately 79,100 within the borough are aged between 15 and 74 with an estimated population within Spelthorne of 16,600 over the age of 65, approximately 17.36% of the total population of the borough. According to the 2001 census approximately 71% of the inhabitants of the Borough lived in the towns of Ashford, Staines-upon-Thames and Sunbury on Thames.

### **A2.2.2 Current Land Use Characteristics**

The Borough is quite densely populated with approximately 65% of the area occupied by Green Belt. The remaining 35% of land use within the Borough is dominated by residential properties with industrial land uses predominantly on designated commercial / industrial trading estates. About 23% has been subjected to exploitation of the underlying natural sands and gravels and subsequent landfilling.

### **A2.2.3 Industrial Activity**

The pattern of urban development in Spelthorne was largely established before the introduction of planning controls. Urban development was, and remains, predominantly residential but there were also significant areas developed for commercial purposes, ranging from substantial factory sites such as the former Staines Linoleum factory, to small workshops and yards. Many of these have

been extensively redeveloped over the years, both to meet commercial development needs and in some cases for residential use.

#### **A2.2.4 Mineral Extraction and Landfilling**

Sand and gravel represents an important mineral resource in the Borough. A large proportion of the Borough's area has been subject to sand, gravel and, in the past, brick earth extraction activities. Prior to the implementation of the Waste Management Licensing provisions of the Environmental Protection Act 1990, disposal of waste was controlled under the Control of Pollution Act (COPA) 1974. Before COPA was introduced in 1977, consents for tipping were issued by the district councils of Staines Urban District and Sunbury on Thames Urban District and the County Councils of Middlesex (pre 1965) and Surrey under Section 222 of the Middlesex County Council Acts of 1944 and 1950, and section 94 of the Surrey County Council Act of 1931 respectively.

In many cases the sites of these pits are now occupied by or are in close proximity to housing and commercial developments. To date more than 200 features which may represent former mineral extraction sites have been identified from the 1<sup>st</sup> four editions of ordnance survey maps dating from 1876 – 1940. The extent of these pits and their proximity to subsequent development means that the potential for the presence of landfill gas including methane and carbon dioxide is a major concern for the Council.

In addition many of these filling operations would not have considered the need for protection of groundwater or surface water resources. Waste materials which may have been polluting in nature may well have as a result been placed in voids in gravels which themselves form major aquifers.

### **A2.3 Protected Status Designations**

#### **A2.3.1 Protected Locations (natural habitats etc)**

With 65% of the Borough designated as Greenbelt, emphasis is placed on the redevelopment of land with previous uses. The restrictions on redevelopment within the greenbelt are further strengthened by the various land designations within the Borough providing protected status. The Council will protect and conserve designated areas of Greenbelt. Many of the habitats associated with these areas have been designated as ecologically important at local, national and international level, such as:

##### Sites of Special Scientific Interest (SSSI)

There are 4 SSSI's within the Spelthorne Borough. The SSSIs are as follows:

- Staines Moor – including Shortwood Common, Poyle Meadows, Staines and King George VI Reservoirs SSSI - 512.4Ha;
- Wraysbury Reservoir SSSI – 205.2Ha;
- Dumsey Meadow SSSI – 9.6Ha;
- Kempton Park Reservoir – SSSI 5.1Ha;

The Staines Moor SSSI is important for both its plant species associated with the moor itself and for the nationally important population of wintering wildfowl which use the reservoirs.

##### Sites of International Significance – Special Protection Areas (SPA) and Ramsar Sites

The major reservoirs particularly within central and northern areas of the Borough were designated as habitats of international significance for birds in 2000 and designated as Special Protection Areas (SPAs) and Ramsar Sites;

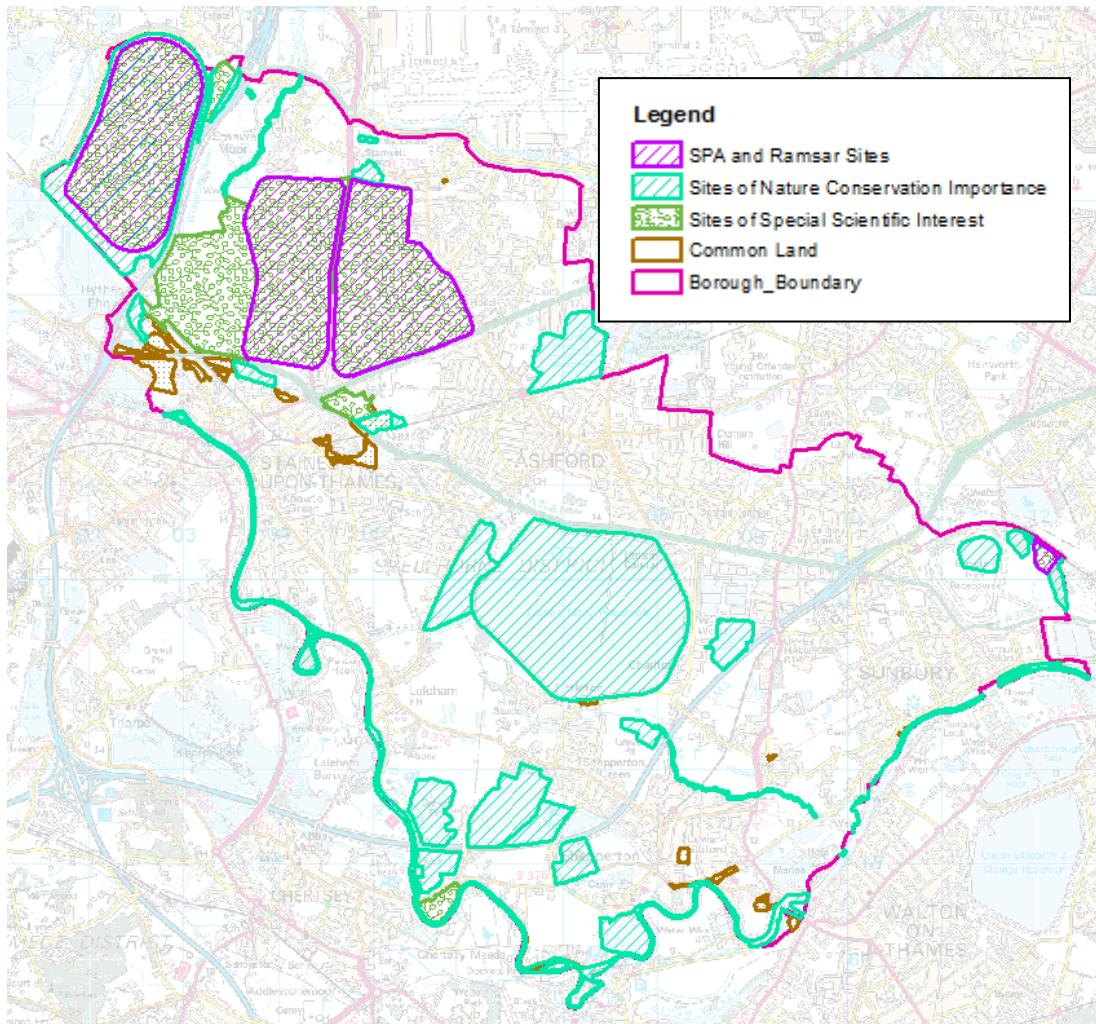
- *Southwest London Waterbodies including* – Parts of Staines Moor SSSI (Staines and King George VI reservoirs); Wraysbury Reservoir SSSI; Kempton Park Reservoir SSSI (part in London Borough of Hounslow);



A further 26 sites within the Borough that have been designated as Sites of Nature Conservation Importance (SNCI) covering an approximate area of 951Ha. These are a wide range of sites providing different types of habitat throughout the Borough.

Significant parts of the Borough are designated as Common Land. The most extensive areas are the Staines Commons, which cover an area of 148ha and include Staines Moor.

**Figure A2.3 Plan of Protected Locations**



**A2.3.2 Key Property Types**

The various alluvial and gravel deposits associated with the Thames which underly the Borough, were attractive to ancient settlements. This has resulted in an area rich in archaeological finds with great potential for further discoveries. Spelthorne has numerous buildings and features of architectural importance and historic interest within the Borough. There are 8 conservation areas designated for their special architectural or historic interest within the borough which are: Laleham, Lower Halliford, Lower Sunbury, Shepperton, Staines Village, Stanwell, Upper Halliford and Manygate Lane Estate. Spelthorne also contains 195 listed buildings of which 3 are Grade I listed and 12 are Grade II\* listed. The List Buildings are complemented by 159 Locally Listed Buildings that the Council considers are buildings and structures which are valued for their contribution to local character and local historical associations.

## **A2.4 Broad Geological/Hydrogeological Characteristics**

### **A2.4.1 Geology**

In general Eocene (Tertiary Age) clays and sands dominate the surface exposures down to a depth of about 120 metres overlain by the more recent Quaternary deposits of river gravels and sand.

#### Superficial Deposits

Much of the Borough has a covering of variable thickness unconsolidated sand and gravel 'drift' deposits. Eastern and northeastern aspects of the Borough (Sunbury, Ashford and southern aspects of Stanwell) are largely underlain predominantly by the Quaternary drift deposits of the Kempton Park Gravels, with significant outcrops of brickearth (homogenous structureless loam or silt). A particular brickearth band runs east to west from Sunbury to Laleham. Southern aspects of the Borough are characterised by the Shepperton Gravel Formation (Shepperton) and alluvium within the valleys of the River Thames (southern boundary) and River Ash. Northern aspects of the Borough including Stanwell are characterised by the Taplow Gravels.

The Shepperton, Kempton Park and Taplow gravels are reported as the first, second and third river terrace deposits respectively and characterised by sand and gravel, locally with lenses of silt, clay or peat.

#### Solid Deposits

The generalised sequence suggests that these drift deposits overlie the London Clay (described as dark grey clay, weathering brown with subordinate silt and fine grained sand) and solid geology of the Woolwich Formation, part of the Lambeth Group. These deposits overlie the Upper Chalk at depth.

### **A2.4.2 Groundwaters**

The underlying superficial deposits of the River Terraces and alluvial deposits are highly permeable in nature and classified by the Environment Agency as a Principal Aquifer and described as *layers of rock or drift deposits that have a high intergranular and / or fracture permeability – meaning they usually provide a high level of water storage. They may support water supply and / or river base flow on a strategic scale.* The soils across the majority of the Borough are classified as having Intermediate to High leaching potential which can readily transmit liquid discharges and therefore potentially transmit a wide range of pollutants.

The London Clay at depth is described by the Environment Agency as *Unproductive Strata rock layers or drift deposits with low permeability that have negligible significant for water supply or river base flow.* The Upper Chalk formation is a Principal Aquifer, which at depth is afforded protection from contamination within the superficial deposits due to the significant deposits of the overlying London Clay.

### **A2.4.3 Source Protection Zones**

Groundwater is a significant source of drinking water within England and Wales whilst also maintaining base flows in rivers. The Environment Agency seeks to protect groundwater resources from which water is abstracted i.e. wells, boreholes and springs used for public drinking water supplies through the designation of groundwater source protection zones. The zones are used to illustrate the risks of contamination from activities that might cause pollution in the area. There are three source protection zones based on the calculated travel time from the source to the point of abstraction:

- Zone I (Inner Source Protection - 50 day travel time)
- Zone II (Outer Source Protection – 400 day travel time)
- Zone III (Source Catchment - complete catchment)

A fourth '*Zone of Special Interest*' exists which previously represented a surface water catchment area feeding directly into the groundwater supply / aquifer.

There are no public water supply abstraction points within the Borough. There are is one private water supply abstracting water from the underlying Principal Aquifer which is registered with the Council. The majority of the Borough falls outside of any designated source protection zones. Much of the western and southwestern aspects of the Borough (Staines and Laleham) are designated as Zone III (Source Catchment), Laleham, between Penton Hook and Chertsey Bridge lie within a designated Zone II (Outer Source Protection Zone) with the area around Thames Side, Laleham lying within a Zone 1 (Inner Source Protection).

#### ***A2.4.4 Surface Waters***

The Borough of Spelthorne lies within the general surface water catchments of both the River Thames and River Colne. Controlled surface waters within the Borough include the River Thames, River Colne, River Wraysbury, and River Ash. Watercourses and streams such as Sweeps Ditch, Moor Lane Ditch, Stanwell Moor Ditch, Black Ditch and Feltham Hill Brook also cross the Borough.

#### ***A2.4.5 Flood Risk Potential***

Due to the low lying nature of Spelthorne and proximity of the Thames one fifth of the Borough lies within a 1 in 100 flood risk area with over 2,800 residential properties as well as commercial and retail premises particularly in Staines Town Centre at risk from flooding.

**A3.1 Targets of the 2001 Strategy**

In the 2001 Strategy, the Council set targets for key stages of its work, as follows:

- to complete an assessment of historical maps by the end of June 2002. All sites which may be identified as being potentially contaminated from historical maps held by the local authority will have been entered onto the Land Quality GIS;
- to identify all the receptors listed within table A of the Statutory guidance by the end of June 2002;
- to examine and capture data from historical trade directories by December 2002;
- to complete an initial prioritisation of sites by June 2003 identifying and categorising primary, secondary and tertiary priority sites for later detailed inspection;
- to complete a detailed inspection of primary sites by the end of December 2005;
- to complete a detailed inspection of secondary sites by end of December 2007;
- to complete a detailed inspection of tertiary sites by the end of December 2010;
- to inspect and prioritise all Council owned or leased land by the end of 2005.

**A3.1.2 Progress against 2001 Targets**

Table A3.1 shows the progress made against the key stages of work set out in the 2001 strategy. This indicates that some of the basic targets of the 2001 strategy have not been met. There are several contributory factors to this:

- The original timetable underestimated the complexity of the process and the number of sites involved;
- The Council was involved in a large site investigation between 2005 and 2011, together with a number of other smaller investigations (see section A3.1.4), which drew resources from strategic development;
- Errors and missing data were discovered in the original map review;
- The original database was found to be not fit for purpose and a change was made to a new database.

While the 2001 targets became obsolete in 2005/06, work pursuant to the Contaminated Land Inspection Strategy has continued along three avenues:

1. Database development
2. Detailed Inspections
3. Development control system

**Table A3.1 Progress Against 2001 Strategy Targets**

Key targets from 2001 strategy	Progress	Completion date
<i>To complete an assessment of historical maps by the end of June 2002. All sites which may be identified as being potentially contaminated from historical maps held by the local authority will have been entered onto the Land Quality GIS;</i>	A single map layer was created and linked to a Uniform database. It was later found that some map data was missing.	<b>2003</b>
	Mapping data was imported to the new GeoEnviron software.	<b>2006-2009</b>
<i>To identify all the receptors listed within table A of the Statutory guidance by the end of June 2002;</i>	The list was completed.	<b>2003</b>
<i>To examine and capture data from historical trade directories by December 2002;</i>	The database was completed.	<b>2003</b>
<i>To complete an initial prioritisation of sites by June 2003 identifying and categorising primary, secondary and tertiary priority sites for later detailed inspection;</i>	A basic risk prioritisation was formulated using the Uniform database.	<b>2003</b>
	Repeated using the GeoEnviron database.	<b>Completed 2014</b>
<i>To complete a detailed inspection of primary sites by the end of December 2005;</i>	Desk studies were begun on the primary sites, but not completed due to database change.	<b>2004</b>
	Detailed inspections were completed in 2001, 2007, and 2011 of three sites – see Appendix A3.1.4	<b>2011</b>
<i>To complete a detailed inspection of secondary sites by end of December 2007;</i>	Not applicable as the primary sites have not been inspected, due to database and methodology change.	<b>N/a</b>
<i>To complete a detailed inspection of tertiary sites by the end of December 2010;</i>	Not applicable as the primary sites have not been inspected, due to database and methodology change.	<b>N/a</b>
<i>To inspect and prioritise all Council owned or leased land by the end of 2005.</i>	A scoping exercise was undertaken and information shared with Asset Management	<b>2007</b>

### **A3.1.3 Database Development**

Between 2001 and 2003, strategic inspection was progressed using the contaminated land module of CAPS Uniform database for data management and initial prioritisation. This is a generic local authority database with modules for different departments such as environmental health, planning, building control, asset management, licensing and trading standards. The Council was a pilot authority for development of the contaminated land module.

A basic risk prioritisation was formulated using the database. As per the objectives of the 2001 strategy, the Council prioritised the protection of human health above environmental factors such as the protection of groundwater and the ecological environment.

During this period the Council also reviewed local Trade Directories. This generated nearly 3,500 records of trades in the borough between 1839 and 1979, as shown in Table A3.2.

Typical trades recorded included:

- Agricultural engineers
- Blacksmiths, whitesmiths, coopers, farriers
- Brewers
- Builders, yards & merchants
- Chemical works
- Coal & coke merchants
- Electrical engineers
- Garages, motor engineers
- Gas works
- Iron & tin works
- Laundries
- Linoleum manufacturer
- Mineral water & drinks manufacturers
- Paper mills and manufacturers
- Printers
- Scrap metal merchants

Other notable trades included a gunpowder manufacturer, battery manufacturer, research laboratory and rifle ranges.

However by 2005 it became clear that the CAPS Uniform database was not meeting the Council's needs for management of potentially contaminated land data and risk assessment, as:

- The suitability of the prioritisation tool was questioned - The prioritised list of sites included low risk sites (when considering past use, current use and size) amongst those scored as 'high priority'
- The database did not enable data to be stored and retrieved easily, and did not connect seamlessly with the GIS system
- As the database is used by the department for other environmental health functions and other Council departments, the confidentiality of the data could not be guaranteed

In 2006 the Council purchased the GeoEnviron Contaminated Land Management System from STM Environmental Ltd. This database is now one of the leading databases used by local authorities for Part 2A information management. The database enables flexible information management with user defined fields, spatial display and analysis of information through a link to GIS, and the capability of performing two stages of risk assessment scoring to prioritise sites. The document management system permits documents to be linked to cases, allows information gathered through the planning and building control regimes to be stored separately from (but with an ability to link to) the Part 2A data, and there is also a case management system for day to day activity.

The prioritisation system can be used to reflect the changes to a site as more information is gathered about the status of the land. The first stage of the prioritisation is based on the type of historic use and the sensitivity of the receptor. Hazard scores are based on the contaminants likely to be present from the historic use of the land. Each stage 1 risk score is derived from the historic use risk score multiplied by the receptor sensitivity risk score. Pathways are then considered in the second prioritisation stage.

**Table A3.2 Trade Directory Entries Identified for Spelthorne Area by Publication**

Source	Date	No. of Trades
Pigots Directory	1839	77
Post Office Directory of Middlesex	1847	84
Post Office Directory of Middlesex	1851	58
Post Office Directory of Middlesex	1866	90
Kellys Directory Middlesex	1867	88
Post Office Directory of Middlesex	1870	17
Post Office Directory of Middlesex	1871	83
Kellys Directory - Middlesex	1874	93
Post Office Directory of Middlesex	1878	115
Kellys Directory - Middlesex	1882	126
Kellys Directory - Middlesex	1886	119
PO Directory H/C - Middlesex	1886	1
Kellys Directory Middlesex	1890	117
Kellys Directory Middlesex	1895	131
History of Staines (1959 ed)	1902	1
Kellys Directory Middlesex	1902	130
Taylor's West Surrey Directory	1903	63
Kelly's Directory Middlesex	1906	148
Kellys Directory - Middlesex	1910	170
Kellys Directory - Middlesex	1914	79
Kellys Directory Middlesex	1914	87
Kellys Directory - Middlesex	1922	1
Kellys Directory - Middlesex	1922	178
Kellys Directory - Middlesex	1926	189
Kellys Directory - Middlesex	1933	211
Kellys Directory - Middlesex	1937	287
Key Directory of Staines and District	1962	130
Staines & District CoC YB	1966-67	43
Regency Directory Staines	1967-68	189
Yellow Pages London South West	1975	274
Staines & District CoC YB	1976	21
Surrey Area Trade Directory	1978-79	81
	TOTAL	3481

Since the publication of the 2001 Strategy, the Council obtained revised and/ or new datasets (not anticipated in the 2001 strategy) to improve the information held, including:

- Purchase of digital aerial photography for 1946, 1970, 1981 and 1992 (and in March 2017 photography for 1953 and 1961)
- Purchase of additional post-war mapping from Landmark Information Group

- Data obtained from Surrey County Council Trading Standards on historic petroleum licensed sites (giving the number, capacity and status of underground storage tanks at each site)
- Data obtained from National Grid on location of their existing electricity substations
- Data obtained from the Environment Agency in 2005 on sites they had been consulted on or for which they held site investigation information on within the Borough
- Environment Agency data, including datasets on authorised landfill sites, sites with environmental permits, pollution incidents, discharge consents, abstraction consents, groundwater vulnerability, and source protection data, was obtained on CDrom from the Agency in 2000, 2005 and 2010. This data is now available to the Council via the DataShare scheme.
- Digital geological data was previously purchased under licence from the British Geological Survey. This data was freely available in 2013 as part of the new aquifer designation maps produced by the Environment Agency and again available via the DataShare scheme.

Between 2005 and 2012 the Council was involved in several complex detailed inspections (see section A3.1.4) which diverted resources from strategic implementation of the Strategy. Since 2012 the focus has been on quality control checking the database and completing data inputting to progress to Stage 1 risk assessment and generation of a list of prioritised sites.

#### ***A3.1.4 Detailed Inspections***

##### Station Crescent

The borrow pit was suspected to extend beyond the eastern boundary of 56 Station Crescent into the rear gardens of properties of 46 and 44 Station Crescent. In 2001, the Council commissioned White Young Green Environmental Ltd to undertake an intrusive investigation to determine the extent and level of contamination of the Borrow pit. The investigation found made ground of sandy gravelly ashy clay/ clayey ash, with variable amounts of brick, concrete, charcoal and occasional clinker fragments. This was followed, in 2002, by a detailed quantitative risk assessment by Land Quality Management Ltd (LQM). This concluded levels of arsenic, lead and benzo(a)pyrene in the soils could pose a significant risk of significant harm if a significant contaminant linkage existed.

The occupant of 46 Station Crescent was an elderly lady with limited liability and thus no significant contaminant linkage existed. The beneficiary to the estate intended to sell the property of 46 Station Crescent for housing development. A legal agreement was entered into to secure this course of action. The property was redeveloped to 46 to 46c Station Crescent and 1-9 Hanover Close in 2013, with the contamination being addressed by the developer pursuant to a condition of the planning permission.

The detailed inspection was funded by the Council.

##### Chestnut Grove

On 24 June 2005 a fire occurred at a commercial garage premises in the rear of 162-164 Kingston Road, Staines-upon-Thames. Asbestos cement roof sheeting of the garage premises shattered with the heat and caused asbestos cement fragments to be spread around the adjacent residential properties. As a result of the fire-fighting, water which may have contained contaminants from the garage premises ran off the garage onto neighbouring residential properties.

A specialist asbestos contractor was engaged by the Council to clean up the asbestos cement fragments at the residential properties. The Council also commissioned WS Atkins Ltd to undertake soil sampling, and a subcontractor undertook air monitoring in a number of residential properties and gardens. The inspections and analysis confirmed that whilst there were slightly elevated concentrations of certain polyaromatic hydrocarbons (PAHs) and metals (compared to minimal risk generic guideline values) in the shallow garden soils of houses around the site, these



could not be attributed to migration of potential contaminants resulting from the fire. No asbestos fibres were detected in soil samples and air monitoring found levels below the actionable concentration of 0.010 fibres per millimetre of air. This work was funded by the insurance company of the commercial garage premises associated with the fire.

The Council successfully applied for grant funding of a second phase of investigation of the nearby residential properties' gardens in 2006 to determine if the previously encountered contamination represented a significant possibility of significant harm (SPOSH) to human health under Part 2A. In 2007 the Council concluded that in its judgement, based on available information and technical guidance of the time, that the land did not meet the definition of Contaminated Land under Part 2A.

#### Denman Drive, Ashford

The housing estate, covering an area of 5.7 hectares, was formerly a gravel pit excavated in the early 1930s and which was landfilled between 1949 and 1962.

A preliminary investigation was undertaken in 2005 of public open space and front gardens around the centre of the estate. A second phase of intrusive investigation in 2006, undertaken by Hyder Consulting UK, on behalf of the Council broadened the investigation to rear gardens across the estate. In a third phase of investigation, done by Atkins Ltd in 2009, the scope included further intrusive investigation and human health risk assessment at six subzones of the former landfill. The objective of a final phase of investigation in 2010 by Leap Environmental Ltd was to reduce uncertainties. Subsequently in May 2011, an area of public open space was determined as Contaminated Land under Part 2A of the Environmental Protection Act 1990 due to a significant possibility of significant harm on the basis of acute exposure to complex cyanides by ingestion of soil.

In July/ August 2011 the site was remediated through removal of surface soils, placement of a geotextile membrane and replacement with clean topsoil and turf. This work was undertaken by Soilfix Ltd, with Leap Environmental Ltd engaged in a supervisory role.

The detailed inspection and remediation was entirely funded by a series of grant awards totalling over £330,000 from the Department of Environment, Food and Rural Affairs' Contaminated Land Capital Grant Fund.

### **A3.1.5 Development and Building Control Systems**

Defra consider the Part 2A regime nationally to have been a success overall, in supporting development control and as a driver to voluntary clean-up (Defra, 2010). As the government's policy regime is based on two parts: Part 2A and planning, Defra have stated that the full effects of the Part 2A regime cannot be measured solely on the formal steps taken by local authorities as the regime was not intended to work by itself (ENDS, 2004).

The Environment Agency's second State of Contaminated Land Report in 2009 estimated that nearly 90% of contaminated sites are managed through the planning system and less than 10% through Part 2A.

A 2010 DEFRA science project attempted to collect data on the number and area of sites where land contamination was addressed through the planning system from 1994 to 2009. The survey, though based on very limited responses, found that land contamination was considered for between 160 to 214 planning sites per year per authority, with 44 to 54 sites per year being subject to planning condition(s) on the issue (EPUK, 2011).

In Spelthorne records have been kept on planning consultations since May 2003, and building control consultations since April 2008. Table A3.3 shows that since figures on Building Control consultations have been kept an average of 340 applications per year for Building Regulations

have been considered for contamination issues. Over the same time frame, on average 120 planning applications per year were recommended for a condition(s) relating to investigation and assessment of potential for land contamination, with about a further 215 planning informatives also being recommended per year on this issue.

**Table A3.3 Planning and Building Control Actions for Contaminated Land since May 2003**

	Building Control consultations	Planning Conditions Recommended	Planning Informatives Recommended
2003/04		64	55
2004/05		96	352
2005/06		131	225
2006/07		152	289
2007/08		166	247
2008/09	396	110	150
2009/10	321	88	174
2010/11	328	167	252
2011/12	316	156	225
2012/13	325	118	209
2013/14	348	75	234
2014/15	366	143	276
2015/16	375	137	276

Environmental Health holds a total of 721 site investigation reports relating to land contamination submitted to the Council up to August 2014. Only 68 reports (<10%) were received prior to the implementation of the Part 2A regime in 2000. Less than 2% of the reports relate to Part 2A investigations. Therefore about 90% of the reports held by Environmental Health represent investigations undertaken under regimes outside of Part 2A (such as planning, building control and voluntary action) since the introduction of Part 2A.

## COUNCILLOR BRIEFING ON LAND CONTAMINATION

All land contains background levels of substances that are naturally present as a result of its geology. It can also contain substances resulting from human activities. Some land will have greater concentrations of substances and this is often associated with industrial use and waste disposal.

In a minority of cases the degree of substance present may give rise to sufficient risk to human health or the environment that such land meets the definition of 'contaminated land'.

### Legal definition of contaminated land

In April 2000, Part 2A of the Environmental Protection Act (EPA) 1990 introduced a regime for the regulation of contaminated land in England. Its main purpose is to provide a system for identifying land that could pose unacceptable risks to health or the environment given the *current use and circumstances of the land*, and for securing remediation where such risks cannot be controlled by other means.

Under Part 2A, the starting point should be that land is not contaminated land unless there is reason to consider otherwise. Land can only be considered as meeting the legal definition of 'contaminated land' where unacceptable risks have been clearly identified in accordance with Statutory Guidance.

### Relationship between Part 2A and Other Controls

The Part 2A regime is one of several ways in which land contamination can be addressed. However, Part 2A should only be used where no other appropriate solution exists.

- Land Use Planning & Building Control Regulation

Land contamination can be addressed when land is developed (or redeveloped) under the planning system and also during the building control process.

For new developments, the Local Planning Authority needs to make sure that the developer will deal appropriately with land contamination which may affect the development. Typically, this is done by attaching conditions to the planning consent.

Building Control officers can require measures to be taken to protect any buildings, and future occupants, against contamination.

The overall aim of the planning system as it relates to contamination is to ensure that the land is suitable for the proposed development and its use. Once land has been correctly redeveloped through the planning regime it should not be possible for it to be determined as 'contaminated land' under Part 2A.

Other legislation may also be used to deal with land contamination issues, including those for waste, water, and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations 2009.

Land owners can also deal with contamination issues associated with their own land.

### **Structure of the Part 2A Regime**

The primary legislation of the Part 2A regime is set out in Part 2a of the Environmental Protection Act 1990 and the Statutory Guidance made under that Act.

- The Act contains the main legal framework of powers, duties, definitions and procedures, and
- The Statutory Guidance has a legal basis and forms an integral and often technical guide to the proper use of the legislation.

### **Key Responsibilities of Local Authorities under Part 2A**

Local Authorities are the main regulators for Part 2A. They are responsible for identifying and remediating contaminated land. The Environment Agency has a complementary role in identifying contaminated land as the enforcing authority for remediating Special Sites.

The Council's key responsibilities under Part 2A are to:

1. Prepare an inspection strategy setting out how the Council intends to inspect its area in order to identify contaminated land
2. Determine whether particular areas of land are contaminated land in accordance with the Guidance
3. Decide whether any contaminated land should also be designated as a Special Site in consultation with the Environment Agency as appropriate.
4. Identify and notify owners and occupiers of the land, those who may be liable and the Environment Agency that the land is contaminated land and whether it is a Special Site.
5. Undertake urgent remediation where there is imminent danger of serious harm.
6. Determine who may be liable for remediation of contaminated land and what proportion of the costs they should bear.
7. Ensure that appropriate remediation takes place, either by encouraging voluntary action or, unless restrictions apply, by serving a remediation notice on those responsible.
8. Maintain a public register containing details of regulatory action taken under Part 2A and through other means.

### **The definition of Contaminated Land (under Part 2A)**

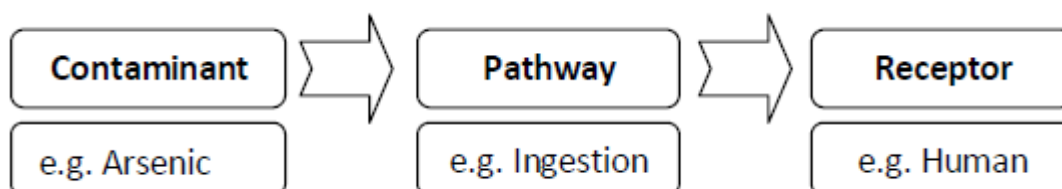
The Act provides the legal definition of '*contaminated land*' as being:-

“land which appears to the local authority whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –  
 (a) significant harm is being caused or there is a significant possibility of such harm being caused, or  
 (b) significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused.”

In applying the definition and determining whether land is contaminated land the Council must act in accordance with statutory guidance. The definition does not necessarily include all land where contamination is present.

### Risk assessment and the concept of the ‘contaminant linkage’

The definition of contaminated land is based upon the principles of risk assessment and relies heavily on the concept of the ‘contaminant linkage’, i.e. the presence of a contaminant which has the potential to impact on a receptor by means of a pathway (see Figure below).



**Figure 2. The concept of a contaminant linkage.**

For the purposes of Part 2A:

- A contaminant is a substance which is in, on or under the land and which has the potential to cause harm or to cause pollution to controlled waters. Substance is defined as "any natural or artificial substance whether in solid or liquid form or in the form of gas or vapour".
- The statutory guidance limits what can be considered as a receptor to the following: human beings; certain designated ecosystems or living organisms; property including crops, livestock, pets and buildings; and controlled waters.
- A pathway is the route or means by, or through, which a receptor is being exposed to, or affected by, a contaminant (e.g. ingestion or skin contact).

All three elements of a contaminant linkage must exist before any particular land can be considered to be potentially contaminated land under Part 2A.

### Contaminated Land Inspection Strategy

The Council must take a strategic approach to the inspection of its area and set out this approach as a written strategy. The Strategy also sets out the Council’s priorities, characteristics of the area, prioritisation process and programme for inspection.

Spelthorne Borough Council published its Contaminated Land Inspection Strategy in 2001. The Council has now undertaken a re-write of the strategy with the aim of bringing the original strategy document up to date by:

- Reporting on amendments to legislation and statutory guidance;
- Reviewing progress being made with the implementation of the 2001 Strategy;
- Reporting on change made to the approach, procedures and methodologies for implementing the Strategy; and
- Revising the review mechanisms.

The new Strategy looks forward at the next five year period to 2021, setting out the Council's new strategic approach and priorities for action under Part 2A. The Council's main approach to identifying and remedying potentially contaminated land will be via the planning process, but there is still a need to comply and enforce Part 2A through both desk-based and detailed inspection including intrusive investigation where necessary.

A new work programme and timescales have been developed for the 2016 – 2021 period. The Council must take a rational and ordered approach to assessing sites and therefore an initial prioritisation of sites has been developed based on historical and current use. Over 1,100 parcels of land have been identified as having the potential to have been impacted by their past or current use. Only a very small number are likely to potentially meet the definitions of Part 2A Contaminated Land. Obviously it is not possible to investigate all these sites at once.

The 2016 – 2021 period will involve a more in-depth review of desk-top information for the sites most likely to meet the legal definition of Contaminated Land under Part 2A. We will also be looking to improve existing datasets to refine and adjust the whole priority list. The Council aims to produce five Strategic Preliminary Risk Assessments (desktop studies) between 2015 and 2020. Achieving this target will depend on the complexity of the sites being assessed and the extent of available information. Progression to detailed inspection (site investigation and risk assessment) will only be made if there is sufficient evidence (and secure funding) to justify the further work. This could include where there is strong evidence of the possibility of imminent significant harm to health (or significant pollution of controlled waters). Dealing with any urgent unforeseen sites would take priority over the scheduled programme of work for 2016 – 2021.

### **Who is responsible for the cost of remediation?**

Responsibility for paying for remediation will, where feasible, follow the 'polluter pays' principle.

In the first instance, those people who caused or knowingly permitted a substance to be in, on or under the land are responsible for paying for remediation. Where these people cannot be found, responsibility passes to the current owner or occupier of the land. There are certain limitations regarding responsibility, such as when hardship might be caused.

Where responsible persons cannot be found, the enforcing authority has powers to remediate the land.

### **Record of determinations and written statements**

The Council must prepare a written record of determination land that meets the definition of contaminated land and this should be made publicly available. A determination that land meets the definition may be reconsidered, revoked or varied should circumstances change and significantly alter the basis for the original decision.

Where, on the basis of its assessment, the Council is satisfied that land does not meet the definition of contaminated land the Council is required to issue a written statement to this effect.

### **The Public Register**

The Council must maintain a public register containing information relating to sites identified as contaminated land under Part 2A. The register is intended to act as a full and permanent record of all the action taken by the enforcing authority in relation to the remediation of the land under Part 2A

The register is not a list of sites that might be contaminated.

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**Cabinet****21 June 2017**

<b>Title</b>	2016/17 Provisional Capital Outturn Report		
<b>Purpose of the report</b>	To note		
<b>Report Author</b>	Adrian Flynn		
<b>Cabinet Member</b>	Councillor Howard Williams	<b>Confidential</b>	No
<b>Corporate Priority</b>	Financial Sustainability		
<b>Recommendations</b>	The Cabinet are asked to note the provisional capital outturn spend for 2016/17		
<b>Reason for Recommendation</b>	Not applicable		

**1. Key issues**

- 1.1 Due to rescheduling of some schemes to 2017/18, there will be an under spend for the 2016/17 financial year of £95.336m. (18.4%).
- 1.2 The majority of the under spend relates to the acquisition of assets project. This project is depended on the availability of suitable properties to purchase and the length of time it can take to complete property transactions.
- 1.3 A large proportion of this underspend will be addressed in the form of carry forwards to 2017/18.

**Details of Variances**

- 1.4 Attached as appendix A &B is the provisional level of spend as at the 31<sup>st</sup> March of £421.615m against the revised budget.

Attached as appendix C is the list of £94.858m worth of carry forwards that MAT have agreed.

Transactions involving all the projects are reviewed on a regular basis throughout the year to ensure that they meet the definition of capital expenditure as laid down by our external auditors KPMG and accounting standards. Any transaction that fails to meet the capital expenditure definition will be transferred to revenue.

The following projects are worth noting with respect to variances from the original planned programme.

- 1.5 Acquisition of Assets: Following the successfully acquisition of the BP International Campus, the Council is continuing to pursue opportunities to acquire low risk Income generating assets. Such opportunities take time to find and complete, with the balance of £94.5m not able to be applied in 2016/17, but will be carried forward to support continuation of the programme of Acquisitions.
- 1.6 CCTV Enhancement: The project has been delayed as a result of no tenders originally being received but an agreement is now in place with at least one housing association maybe two to install the aerials, resulting in a carry forward being requested.
- 1.7 Plot 12 & 13, Towpath Car Park: This project is no longer going ahead, but a carry forward is requested to cover the cost of fencing.
- 1.8 Virtual Desk top Infrastructure (VDI): The basic set up is complete and a trial will take place and if successful will be rolled out across the organisation. A carry forward is requested.

## **2. Options analysis and proposal**

- 2.1 The Cabinet are asked to note the provisional capital outturn position.

## **3. Financial implications**

- 3.1 Any underspend on the approved Capital Programme enables the Council to invest the monies to gain additional investment income or can be used to fund additional schemes identified.

## **4. Other considerations**

- 4.1 Schemes which are currently incomplete and require a budget carry forward may have contractual obligations which could leave us liable to litigation if they are not allocated the funds to complete the works.

## **5. Timetable for implementation**

- 5.1 Monthly position statements are provided to MAT as an update on the current spends to date position.
- 5.2 All heads of service with capital schemes are provided monthly with system reports which enable them to investigate spend in order to identify any spend which doesn't relate to the scheme.
- 5.3 Quarterly reports with officer comments are provided to Cabinet and Overview and Scrutiny committee for investigation and comments.

**Background papers:None**

**Appendices: A,B & C**

## CAPITAL OUTTURN REPORT 2016/17

Portfolio Member	ORIGINAL BUDGET	REVISED BUDGET	ACTUALS YTD	VARIANCE TO REVISED BUDGET
<b>Cllr Pinkerton - Housing</b>	416,200	341,200	(70,043)	(411,243)
<b>Cllr Gething - Environment &amp; Compliance</b>	1,131,000	841,200	749,864	(91,336)
<b>Cllr Barnard - Planning and Economic Development</b>	11,297,000	3,274,300	3,187,738	(86,562)
<b>Cllr Harvey - Leader</b>	3,013,600	512,013,600	417,499,364	(94,514,236)
<b>Cllr Mitchell - Corporate Management</b>	597,600	480,300	248,141	(232,159)
	<b>16,455,400</b>	<b>516,950,600</b>	<b>421,615,064</b>	<b>(95,335,536)</b>

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## CAPITAL OUTTURN REPORT 2016/17

Portfolio Member / Service Head	Cost Centre	Description	Original Budget	Revised Budget	Actuals YTD	Variance to Revised Budget	Comments
<b>Housing Investment Programme</b>							
<b>Cllr Pinkerton - Housing</b>							
Deborah Ashman	40203	Disabled Facilities Mandatory	475,000	475,000	467,131	(7,869)	
Deborah Ashman	40204	Disabled Facilities Discretion	29,600	29,600	2,514	(27,086)	Expenditure is less against this budget as more concentration on Mandatory Grants
		<b>Less Specified Capital Grant</b>	<b>(285,000)</b>	<b>(285,000)</b>	<b>(644,335)</b>	<b>(359,335)</b>	
		<b>Net Cost of Disabled Facilities Grants</b>	<b>219,600</b>	<b>219,600</b>	<b>(174,690)</b>	<b>(394,290)</b>	
Deborah Ashman	40209	Home Improvement Agency grant	81,000	81,000	80,451	(549)	
		<b>HIA Funding</b>	<b>(52,700)</b>	<b>(52,700)</b>	<b>(52,700)</b>	<b>-</b>	
		<b>Total</b>	<b>28,300</b>	<b>28,300</b>	<b>27,751</b>	<b>(549)</b>	
<b>Total For HIP</b>			<b>247,900</b>	<b>247,900</b>	<b>(146,939)</b>	<b>(394,839)</b>	
<b>Other Capital Programme</b>							
<b>Cllr Pinkerton - Housing</b>							
Deborah Ashman	42024	Winter Shelter	25,000	25,000	25,000	-	The project has been completed
Deborah Ashman	42253	Day Cen Replacement Furniture	35,000	35,000	34,154	(846)	The project has been completed
Deborah Ashman	42283	DayCenHairSalonRefurbishment	18,300	18,300	17,742	(558)	The project has been completed
		<b>Total</b>	<b>78,300</b>	<b>78,300</b>	<b>76,896</b>	<b>(1,404)</b>	
Sandy Muirhead	42013	Civica EDMS&Locata Integration	25,000	-	-	-	This project has been rephased to 2017-18 as this is now on hold and expected to start in July 2017, pending the outcome of plans for Choice based letting partnership with Elmbridge Borough Council.
Sandy Muirhead	42015	Landlord Guarantee Scheme	65,000	15,000	-	(15,000)	We are at the initial stage of procuring the Rent Management Package. The budget has been rephased to 2017/18 and balance is requested to be carried forward into next financial year.
		<b>Total</b>	<b>90,000</b>	<b>15,000</b>	<b>-</b>	<b>(15,000)</b>	
<b>Cllr Gething - Environment &amp; Compliance</b>							
Jackie Taylor	41026	Laleham Park Upgrade	200,000	-	-	-	This project is still being redefined to address changes to the project and the views of the portfolio holder is also being sought. This project has been rephased to 2017/18
Jackie Taylor	41030	Adult Fitness Eq Hengrove Park	-	69,600	54,936	(14,664)	The project has been completed
Jackie Taylor	41320	Pay & Display Machines	136,000	141,000	137,576	(3,424)	All machines are delivered. Installation has now been completed and final phase of operation is also completed.
Jackie Taylor	41321	Replace NoticeProcessingSystem	15,000	15,000	15,172	172	The project has been completed
Jackie Taylor	41502	Refuse/Recycling Vehicles	-	26,900	26,901	1	One Vehicle has been delivered. The balance of Budget has been rephased to 2017/18
Jackie Taylor	41506	Spelride Bus Replacement	250,000	250,000	239,980	(10,020)	The Buses are delivered and now awaiting for tracking devices to be installed.
Jackie Taylor	41602	Replacement of Market Stalls	50,000	50,000	38,266	(11,734)	The project has been completed
Jackie Taylor	41803	Replace of Grass Cut Machinery	40,000	40,000	39,949	(51)	The project has been completed
Jackie Taylor	41620	Wheelie Bins	50,000	50,000	39,224	(10,776)	
Jackie Taylor	42027	Domestic Home Energy	30,000	30,000	30,000	-	The project has been completed
Jackie Taylor	42032	Allotment Fencing	10,000	10,000	8,825	(1,175)	All Fencing work has been completed
		<b>Total</b>	<b>781,000</b>	<b>682,500</b>	<b>630,829</b>	<b>(51,671)</b>	
Deborah Ashman	41006	Kenyngton Manor Pavilion	-	-	-	-	
		<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
Lee O'Neil	41314	Air Quality	-	-	-	-	
		<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	

## CAPITAL OUTTURN REPORT 2016/17

Portfolio Member / Service Head	Cost Centre	Description	Original Budget	Revised Budget	Actuals YTD	Variance to Revised Budget	Comments
<b>Cllr Barnard - Planning and Economic Development</b>							
Heather Morgan	41007	Stanwell Skate Park	-	-	-	-	
Heather Morgan	41015	Runnymede Estates	55,600	55,600	54,706	(894)	
Heather Morgan	41618	Esso Site Stanwell	-	15,700	-	(15,700)	The project is on hold. Budget is requested to be carried forward to 2017-18.
Heather Morgan	41622	Affordable Housing Opportunity	1,100,000	2,400	-	(2,400)	Continuing to look for the other opportunities and in touch with Registered Social Landlords Partners. This project has been rephased to 2017/18
Heather Morgan	42009	LoanToKnowleGreenEstatesLtd	2,986,400	2,986,400	2,986,230	(170)	
Heather Morgan	42011	Replace Council Accommodation	7,000,000	3,000	2,821	(179)	We are evaluating options for our office accommodation. Related expenditure to relocation of staff to depot has been charged. This project has been rephased to 2017/18
Heather Morgan	42017	Memorial Gardens	90,000	90,000	88,370	(1,630)	Work has already been completed & tested in association with Runnymede Borough Council. There are some retention payments are still due to Runnymede Borough Council
Heather Morgan	42033	Greeno Centre Car Park	65,000	65,000	55,302	(9,698)	Work has been completed and some retention payments are still outstanding.
Heather Morgan	42036	Plot 12&13 Towpath Car Park	-	56,200	309	(55,891)	Work has been delayed as the consultation is still in progress with the residents to develop the site. Once the agreement is reached, work is expected to commence. Budget is requested to be carried forward into next financial year
<b>Total</b>			<b>11,297,000</b>	<b>3,274,300</b>	<b>3,187,738</b>	<b>(86,562)</b>	
<b>Cllr Harvey - Leader</b>							
Heather Morgan	42038	Acquisition of Assets	3,013,600	512,013,600	417,499,364	(94,514,236)	Expenditure on number of assets/ sites
<b>Total</b>			<b>3,013,600</b>	<b>512,013,600</b>	<b>417,499,364</b>	<b>(94,514,236)</b>	
<b>Cllr Mitchell - Corporate Management</b>							
Helen Dunn	43003	New Software	20,000	20,000	18,891	(1,109)	Expenditure on various software enhancements throughout the financial year
Helen Dunn	43608	Other Hardware	20,000	20,000	19,475	(525)	Expenditure on various hardware enhancements throughout the financial year
Helen Dunn	43615	Replacement Back Up	80,000	80,000	80,000	-	The project has been completed
Helen Dunn	43616	Wireless Presentation	15,000	15,000	14,656	(344)	The project has been completed
Helen Dunn	43617	Microsoft Datacentre Licence	19,100	19,100	18,256	(844)	The project has been completed
Helen Dunn	43618	Email	10,000	10,000	6,357	(3,643)	The project has been completed
Helen Dunn	43619	Members Ipads	4,500	4,500	4,442	(58)	The project has been completed
Helen Dunn	43620	Unix	35,000	35,000	30,400	(4,600)	The project has been completed
Helen Dunn	43621	VDI	205,000	205,000	27,154	(177,846)	Work is currently in progress. Balance is requested to be carried forward into next financial year
<b>Total</b>			<b>408,600</b>	<b>408,600</b>	<b>219,631</b>	<b>(188,969)</b>	
Linda Norman	43505	CRM Solution	-	11,800	12,000	200	The project has been completed
Linda Norman	43510	New Booking System	-	4,900	4,360	(540)	The project has been completed
<b>Total</b>			<b>-</b>	<b>16,700</b>	<b>16,360</b>	<b>(340)</b>	
Sandy Muirhead	43503	Agile Working	-	20,000	995	(19,005)	This project is quite wide ranging in terms of moving towards more agile working and involves reviewing current ICT platforms and the setup of trials for the most suitable replacement. It also covers review of change management and training needs for staff, analysing the current working patterns and learning lessons from trials. Plans are moving ahead at looking at better use of space in Knowle Green which then links to the agile working and technology used. The project is progressing but is not expected to be completed in this financial year and has been rephased to 2017/18. Balance is requested to be carried forward into next financial year.
Sandy Muirhead	43511	ScannersCorporateEDMS Roll out	36,000	5,000	-	(5,000)	Project is part of EDMS. Project has been delayed and not completed in this financial year. Some initial consultation work is being undertaken in this financial year. The project has been rephased to 2017/18 and balance is requested to be carried forward into next financial year
Sandy Muirhead	43512	Sharepoint redesign & Relaunch	90,000	20,000	-	(20,000)	This project is under review and will be integrated with other ICT projects and not completed in this financial year. Some consultation work is expected to be undertaken in this financial year. The project has been rephased to 2017/18 and the balance is requested to be carried forward into next financial year
Sandy Muirhead	43515	Corporate EDMS Project	63,000	10,000	11,154	1,154	Work on Phase II is being undertaken. Currently the full analysis is being undertaken to find out Licence requirement & software set up and costs associated with this are expected to be incurred in this financial year. Project has been delayed and not completed in this financial year. Balance has been rephased to 2017/18
<b>Total</b>			<b>189,000</b>	<b>55,000</b>	<b>12,149</b>	<b>(42,851)</b>	
<b>Cllr Gething - Enviroment &amp; Compliance</b>							
Keith McGroary	41619	Small Scale Area Regeneration	700,000	217,500	221,036	3,536	Tendering of the two of the Shopping parades have taken place. Refurbishment work has started with costs of £250k with half of the funding (£125k) is expected from Surrey County Council. £217k is expected to be spent in this financial year with match funding of £107k from Surrey County Council. The balance of budget has been rephased to 2017/18. The remaining regeneration of shopping parades is expected to be carried out in the next 3 financial year as this project is to run up to 4 years
Keith McGroary	41621	External Funding CCTV Enhancement	(350,000)	(108,800)	(102,000)	6,800	Agreement is now reached with Metropolitan Housing for the siting of an aerial on their property, now awaiting for A2D to confirm their agreement for a similar aerial on their accommodation. Work is expected to start early March and completed by end of June 2017. The budget has been rephased to 2017/18 and balance is requested to be carried forward into next financial year.
<b>Total</b>			<b>350,000</b>	<b>158,700</b>	<b>119,036</b>	<b>(39,664)</b>	
<b>Total For Other</b>			<b>16,207,500</b>	<b>516,702,700</b>	<b>421,762,004</b>	<b>(94,940,696)</b>	#
Total Expenditure			17,143,100	517,397,100	422,414,099	(94,983,001)	
Total Funding			(687,700)	(446,500)	(799,035)	(352,535)	
<b>GRAND TOTAL</b>			<b>16,455,400</b>	<b>516,950,600</b>	<b>421,615,064</b>	<b>(95,335,536)</b>	

## Capital Carry Forward Requests 2016/17

Carry Forward	Account No	Capital Project	Amount requested to be carried forward £	Comments
1	41621	CCTV conversion to Wireless	50,000	Residual balance left to carry forward after the majority of the project was rephrased to 2017/18. Tenders for the project went out but there were no applications.
2	43621	ICT: Virtual Desk Top Infrastructure (VDI)	177,800	Basic set up is complete and a trail will take place and if successful, the project will be rolled out universally.
3	43503	Agile working	19,000	Work progressing. There will be an increase in activity and expenditure once there is an established direction on the development of the Knowle Green site and the future location of the Council offices.
4	43511	Corporate Scanners	5,000	Further review in line with projects associated with the Business Transformation and transformation of the workplace.
5	43512	Sharepoint	20,000	To enable project to move forward in 17/18 to reduce drives and therefore server requirement
6	41030	Hengrove Park	14,600	To enable the project to be completed.
7	42036	Towpath Car Park	56,200	
8	42015	Landlord Guarantee Scheme	15,000	To enable the project to be completed.
9	42038	Acquisition of Assets	94,500,000	Residual Budget
			<u>94,857,600</u>	

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**Cabinet****21 June 2017**

<b>Title</b>	2016/17 Provisional Revenue Outturn Report		
<b>Purpose of the report</b>	To note		
<b>Report Author</b>	Adrian Flynn		
<b>Cabinet Member</b>	Councillor Howard Williams	<b>Confidential</b>	No
<b>Corporate Priority</b>	Financial Sustainability		
<b>Recommendations</b>	The Cabinet is asked to note the provisional revenue outturn for 2016/17.		
<b>Reason for Recommendation</b>	Not applicable		

**1. Key issues**

- 1.1 The summary on appendix A shows that we have spent £5.857m against the full year revised budget of £14.889m (a 60.7% or £9.033m underspend). Taking into account the use of carry forwards, investment income, reduced use of reserves, interest payments and business rates retention the net underspend is approximately £4.992m
- 1.2 The reason for this change of position is a result of the net rental income generated by purchasing the main BP International Campus and South West Corner sites plus Elmbrook House.
- 1.3 £4m of the net surplus generated will be set aside to build the initial basis of a reserve to be built up to fund potential refitting (not repairs –which are covered with the lease being full repairing) costs at the end of the initial 20 year lease period.
- 1.4 The net surplus has had a positive impact on the 2017/18 Revenue Budget and in future years the ongoing revenue surplus will be used to support the overall revenue budget.
- 1.5 Appendix B summarises spend across portfolios by service areas broken down in employees, other expenditure and income.
- 1.6 Appendices C1 to C9 give a breakdown by service of spend against the revised budget plus comments on various variances. These appendices have been sent out under separate cover.
- 1.7 There is an end of year accounting adjustment relating to the accounting requirements to replace cash pension transactions with notional accounting

values in accordance with accounting standards. This has resulted in the historic pension deficit charge from the Surrey Pension fund on the central overheads cost centre being reversed out and incorporated in a recharge across all services. This has resulted in a favourable variance of £1.2m on the central overheads cost centre.

### **Investment Income**

Interest earned on our investments amounted to £984k which was £166k lower than the original budget. The main reason for the lower amount is as a result of the Bridge Street transaction falling through.

### **Transfers to and from Reserves**

- 1.8 Carry forward reserve: an amount of £34k is being put forward for approval this relates to the Corporate Training Budget and Better Neighbourhood grants. These can be accommodated within the underspend. It is proposed to transfer to reserves in relation to work underway but not completed in 2016 - 17.
- 1.9 These Schemes are identified in appendix D.

### **2. Options analysis and proposal**

- 2.1 The Cabinet are asked to note the provisional revenue outturn position and list of carry forwards provisionally approved by corporate management team.

### **3. Financial implications**

- 3.1 There are no on-going financial implications in the report but variances which have occurred will be investigated to see if they are on-going and should be incorporated into future year budget deficit/surplus projection calculations.

### **4. Other considerations**

- 4.1 There are none.

### **5. Timetable for implementation**

- 5.1 Quarterly reports with officer comments are provided to Cabinet and Overview and Scrutiny committee for investigation and comments.
- 5.2 Monthly system generated summary reports with drill down facilities are sent to corporate management team, heads of service and cabinet members.

**Background papers: None**

**Appendices: A,B & D**

**2016/17 Net Revenue Budget Monitoring**  
As at end of 31 MARCH 2017

	16/17	16/17	16/17	16/17
	Budget		Total	Variance
	Original	Revised	Actuals	to Revised
	£	£	£	£
Gross Expenditure	57,037,600	57,134,200	57,168,159	33,959
Less Benefits (offset by grant)				
Total Gross Expenditure excluding Benefits	57,037,600	57,134,200	57,168,159	33,959
Less Housing Benefit grant	(31,944,000)	(31,944,000)	(31,987,501)	(43,501)
Less Specific fees and charges income	(10,000,400)	(10,000,400)	(19,323,734)	(9,323,334)
<b>Net Expenditure - broken down as below</b>	<b>15,093,200</b>	<b>15,189,800</b>	<b>5,856,925</b>	<b>(9,332,875)</b>
Leader of the Council	637,700	637,700	781,735	144,035
Deputy Leader	631,700	635,300	607,434	(27,866)
Corporate Management	1,861,400	1,893,900	1,863,468	(30,432)
Housing	1,037,200	1,033,300	1,600,991	567,691
Finance and Customer Service	3,728,900	3,756,400	3,341,675	(414,725)
Planning and Economic Development	2,474,300	2,524,900	(7,247,859)	(9,772,759)
Environment and Compliance	4,633,900	4,588,700	4,756,501	167,801
Community Wellbeing	88,100	119,600	152,979	33,379
<b>NET EXPENDITURE AT SERVICE LEVEL</b>	<b>15,093,200</b>	<b>15,189,800</b>	<b>5,856,925</b>	<b>(9,332,875)</b>
Salary expenditure - vacancy monitoring	(300,000)	(300,000)		300,000
Partnership Savings	-	-		-
Pay award	132,000	132,000		(132,000)
Efficiencies to offset pay award	(132,000)	(132,000)		132,000
<b>NET EXPENDITURE</b>	<b>14,793,200</b>	<b>14,889,800</b>	<b>5,856,925</b>	<b>(9,032,875)</b>
<b>NET EXPENDITURE</b>	<b>14,793,200</b>	<b>14,889,800</b>	<b>5,856,925</b>	<b>(9,032,875)</b>
Interest earnings	(1,150,000)	(1,150,000)	(983,935)	166,065
Interest repayments			4,088,828	4,088,828
Staines Town Development/TaSF	(786,000)	(786,000)	0	-
Independent Living Service Reserve	55,955	55,955		-
<b>BUDGET REQUIREMENT</b>	<b>12,913,155</b>	<b>13,009,755</b>	<b>8,961,818</b>	<b>(4,777,982)</b>
Baseline NNDR Funding	(3,009,000)	(3,009,000)	(3,009,000)	-
Revenue Support grant	(580,000)	(580,000)	(580,000)	-
Transition Grant	(100,000)	(100,000)	(100,000)	-
New Homes Bonus	(1,895,600)	(1,895,600)	(1,895,600)	-
<b>NET BUDGET REQUIREMENT</b>	<b>7,328,555</b>	<b>7,425,155</b>	<b>3,377,218</b>	<b>(4,777,982)</b>
Collection Fund Surplus/(deficit)	(148,029)	(148,029)	(266,400)	(118,371)
<b>CHARGE TO COLLECTION FUND</b>	<b>7,180,526</b>	<b>7,277,126</b>	<b>3,110,818</b>	<b>(4,896,353)</b>
2015/16 Revenue carryforward				(95,909)
<b>Net Position</b>				<b>(4,992,262)</b>

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<b>Appendix B</b>			
<b>REVENUE MONITORING 2016/17</b>			
<b>EXPENDITURE AND INCOME SUMMARY 31 MARCH 2017</b>			
<b>Results to</b>	<b>Budget</b>	<b>Actual</b>	<b>Variance</b>
<b>31-Mar-17</b>	<b>Revised</b>	<b>YTD</b>	<b>to Revised</b>
	<b>£</b>	<b>£</b>	<b>£</b>
<b>Leader of the Council</b>			
Employees	390,000	443,393	53,393
Other Expenditure	314,400	415,446	101,046
Income	(66,700)	(77,105)	(10,405)
	<b>637,700</b>	<b>781,735</b>	<b>144,035</b>
<b>Deputy Leader</b>			
Employees	180,700	199,376	18,676
Other Expenditure	465,600	475,514	9,914
Income	(11,000)	(67,457)	(56,457)
	<b>635,300</b>	<b>607,434</b>	<b>(27,866)</b>
<b>Corporate Management</b>			
Employees	1,200,500	1,239,968	39,468
Other Expenditure	740,900	667,827	(73,073)
Income	(47,500)	(44,327)	3,173
	<b>1,893,900</b>	<b>1,863,468</b>	<b>(30,432)</b>
<b>Housing</b>			
Employees	1,258,500	1,349,678	91,178
Other Expenditure	33,252,500	33,610,695	358,195
Housing Benefit grant income	(31,944,000)	(31,987,501)	(43,501)
Income	(1,533,700)	(1,371,881)	161,819
	<b>1,033,300</b>	<b>1,600,991</b>	<b>567,691</b>
<b>Finance and Customer Service</b>			
Employees	3,180,400	2,144,824	(1,035,576)
Other Expenditure	901,400	1,565,412	664,012
Income	(325,400)	(368,561)	(43,161)
	<b>3,756,400</b>	<b>3,341,675</b>	<b>(414,725)</b>
<b>Planning and Economic Development</b>			
Employees	1,606,500	1,663,437	56,937
Other Expenditure	2,570,100	1,723,074	(847,026)
Income	(1,651,700)	(10,634,370)	(8,982,670)
	<b>2,524,900</b>	<b>(7,247,859)</b>	<b>(9,772,759)</b>
<b>Environment and Compliance</b>			
Employees	4,027,600	4,200,346	172,746
Other Expenditure	4,883,600	5,146,940	263,340
Income	(4,322,500)	(4,590,784)	(268,284)
	<b>4,588,700</b>	<b>4,756,501</b>	<b>167,801</b>
<b>Community Wellbeing</b>			
Employees	1,483,900	1,623,403	139,503
Other Expenditure	677,600	698,825	21,225
Income	(2,041,900)	(2,169,249)	(127,349)
	<b>119,600</b>	<b>152,979</b>	<b>33,379</b>
<b>NET EXPENDITURE AT SERVICE LEVEL</b>	<b>15,189,800</b>	<b>5,856,925</b>	<b>(9,332,875)</b>
Total Employees	<b>13,328,100</b>	<b>12,864,425</b>	<b>(463,675)</b>
Total Other Expenditure	<b>43,806,100</b>	<b>44,303,734</b>	<b>497,634</b>
Housing Benefit grant income	<b>(31,944,000)</b>	<b>(31,987,501)</b>	<b>(43,501)</b>
Total Income	<b>(10,000,400)</b>	<b>(19,323,734)</b>	<b>(9,323,334)</b>
	<b>15,189,800</b>	<b>5,856,925</b>	<b>(9,332,875)</b>
<b>Total Expenditure</b>	<b>57,134,200</b>	<b>57,168,159</b>	<b>33,959</b>
<b>Total Income</b>	<b>(41,944,400)</b>	<b>(51,311,235)</b>	<b>(9,366,835)</b>
<b>Net</b>	<b>15,189,800</b>	<b>5,856,925</b>	<b>(9,332,875)</b>

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**Revenue Carry Forward Requests 2016/17**

				<b>Appendix D</b>	
Carry Forward	Account No	Account Description	Amount requested to be carried forward £	Comments	
10	30101	Corprate Training Budget	25,000	The TaSF Member Task Group has stressed the importance of appropriate training and development for staff, along with succession planning. Managing disciplinary and grievance issues has been identified as a particular priority by senior mangers' as an immediate training need.	
11	30130	Better Neighbourhood Grants	8696	Please carry forward as per the Leaders request.	
			33,696		

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**Cabinet****21 June 2017**

<b>Title</b>	Treasury Management Annual Report 2016-17		
<b>Purpose of the report</b>	To note		
<b>Report Author</b>	Richard Mcfarlane		
<b>Cabinet Member</b>	Councillor Howard Williams	<b>Confidential</b>	No
<b>Corporate Priority</b>	Financial Sustainability		
<b>Recommendations</b>	<b>The Committee is asked to note the contents of this report.</b>		
<b>Reason for Recommendation</b>	<b>Not applicable</b>		

**1. Key issues****Background**

- 1.1 The Chartered Institute of Public Finance and Accountancy's Treasury Management Code (CIPFA's TM Code) requires that authorities report on the performance of the treasury management function at least twice a year (mid-year and at year end).
- 1.2 The Council's Treasury Management Strategy for 2016/17 was fully approved by Cabinet in February 2017 and Council in February 2017.
- 1.3 The Authority has invested and borrowed substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. This report covers treasury activity and the associated monitoring and control of risk.

**Compliance with Treasury Limits**

- 1.4 During the financial year the Council operated within the treasury limits and Prudential Indicators set out in the Council's Treasury Policy Statement and annual Treasury Strategy Statement. The outturn Prudential Indicators for 2016/17 are shown in Appendix A.

**Strategy for the Year 2016/17**

- 1.5 The Guidance on Local Government Investments in England gives priority to security and liquidity and the Council's aim is to achieve a yield commensurate with these principles.
- 1.6 Currently the Bank of England base rate remains at 0.25% with no increase expected by our treasury advisors. Arlingclose central case is that the rate will remain at 0.25% but there is a low possibility of a drop close to zero with a

very small chance of a reduction below zero. The general consensus by Arlingclose is that the base rate will remain at 0.25% for at least another year.

- 1.7 Investments are managed in house and the Council has continued to place part of its core investment portfolio in pooled investment funds to achieve higher returns. The total investment in such an arrangement stands at £17.5m in 2016-17 and covers a range of equity, property and corporate bond funds. With an average rate of return of 5.18% for 2016-17 these continue to out-perform the current returns available for cash and fixed term deposits which generate an average return of just under 1.03%.
- 1.8 This performance fully supports the decision taken a number of years ago to widen the investment strategy. In addition to the annual return generated, there are also significant capital gains of £1.77m on the initial investments made and a breakdown of these is shown in paragraph 2.11 below.
- 1.9 Although money can be redeemed from the pooled funds at short notice, the Authority's intention is to hold them for the medium-term. Their performance and suitability in meeting the Authority's investment objectives are monitored regularly and discussed with Arlingclose.

The Council's remaining funds are managed from an overall cash flow perspective, although maturities are extended wherever possible to improve returns. Fixed term deposits in the form of a loan to Network Housing Group along with deposits in instant access accounts and money market funds has achieved the aim of increasing the return received and achieving greater diversification.

## **2. Options analysis and proposal**

### **Performance in 2016/17**

- 2.1 As part of the councils plan to achieve a sustainable future, progress has been embarked on three strands: (1) use of assets and income generation (2) the Knowle Green programme and new ways of working and (3) structural review. In order to be fully self-financing by 2020 and to continue to generate significant additional income streams Council approved supplementary capital expenditure of £400m, increasing the capital provision for property acquisitions to £445.455m for 2016/17. A very considerable portion of this was spent on acquiring the main site at BP in Sunbury, along with the subsequent purchase of BP's South West Corner site, and Elmbrook House in Sunbury.
- 2.2 The Council manages its investments in-house and invests with the most highly rated counterparties. During the year all investments were made in full compliance with the Council's treasury management policies and practices and in consultation with Arlingclose.
- 2.3 As at 31<sup>st</sup> March 2017 the net investment portfolio held by the Council was £26.79m. Full details of all investments held are shown in Appendix B.
- 2.4 The Council had originally estimated net investment income of £1,15m to be credited to the General Fund in 2016/17. This was a prudent estimate based on historical performance (interest income was £586k in 2015/16) and this also took into consideration the significant capital investments that occurred during the financial year. The non-Disposal of Bridge Street gave rise to the under-recovery of income against Budget.

2.5 The actual interest outturn for the year was £977,764 made up as follows:

<b>Investment Income</b>	<b>Actual £</b>	<b>Budget £</b>
Temporary Investments & Cash Deposits	103,017	150,000
Pooled Equity & Bond Funds	874,747	1000,000
<b>Total Investment Income</b>	<b>977,764</b>	<b>1,150,000</b>

The outturn position largely reflects the impact of the Council not realising a capital receipt for Bridge Street car park site which the Budget when set had anticipated being re-invested.. Every effort has been made to maximise the return achieved and minimise the shortfall in meeting the budget expectation.

### **Investment Performance Monitoring**

- 2.6 Regular quarterly meetings of officers and the Portfolio holder are held with Arlingclose and in-house performance is monitored monthly. The Council is heavily dependent on investment returns to support the General Fund and the stability of those returns is an important part of our ongoing financial objectives.
- 2.7 Creditworthiness is also monitored regularly. The Council uses Arlingclose's suggested criteria to assist in the selection of suitable investment counterparties. This is based on credit ratings, including sovereign ratings, provided by the three main ratings agencies and supplemented by additional market data including rating outlooks, credit default swaps, bank equity prices etc. to assist the Council in making more informed decisions about which counterparties to invest with. However, the final selection decision always rests with the Council.
- 2.8 The end of bank bail-outs, the introduction of bail-ins, and the preference being given to large numbers of depositors other than local authorities means that the risks of making unsecured deposits continues to be elevated relative to other investment options. The Authority therefore increasingly favoured secured investment options or diversified alternatives such as non-bank investments and pooled funds over unsecured bank and building society deposits.

### **Debt Management**

- 2.9 In September and December 2016 the council undertook the purchase of the BP main site and the SW corner. This was funded via the PWLB at highly competitive borrowing rates of sums borrowed of £377.5m and £28.2m respectively. The result being that the investment was configured so that a provision was set aside over the course of the lease and generating surplus balances to support the revenue budget. To date this has met projected expectation. Despite the increase in debt on the balance sheet this is countered by the significant extra revenue supporting the revenue budget.

### **Conclusions for 2016/17 and Prospects for 2017/18**

- 2.10 Market interest rates remain at historically low levels and Arlingclose believe these are unlikely to increase in 2017-2018 despite significant changes in the global environment. The return on investments achieved in 2016/17 has therefore been very good considering the external economic conditions the

Council has to operate within. The major contributing factor to this has been the Pooled Investment Funds.

- 2.11 As at 31st March 2017 the Council had £17.49m invested in these longer term arrangements. In addition to this, as at 31<sup>st</sup> March 2017 there was a capital gain of £1.77m on these funds and this is detailed in the table below:

<b>Pooled Fund Asset Class</b>	<b>Original Investment</b>	<b>Market Value at 31/3/17</b>
Equity Funds	£11.80m	£12.83
Corporate Bond Funds	£3.19m	£3.44m
Property Funds	£2.5m	£2.99m
<b>Total Investment</b>	<b>£17.49m</b>	<b>£19.26m</b>

- 2.12 Capital gains can vary on a daily basis and cannot be realised unless the investments are sold. Past performance is also no guide to the future but no treasury management activity is without risk so a balanced portfolio containing a good mix of asset classes can help to mitigate and manage risk effectively.
- 2.13 The Council's portfolio will continue to be kept under constant review in consultation with our treasury advisors to optimise investment performance whilst keeping risk to a minimum. The Council is proactive in its treasury management strategy so that it can act quickly when market conditions change.
- 2.14 With significant purchase acquisitions to be undertaken in the future by the council planning work has already commenced in conjunction with the most effective way to reinvest these funds and fund future revenue gaps.
- 2.15 With diversification of the overall portfolio also in mind, the Council had made a fixed term loan for a period of five years at a rate of 3.6% to Network Housing Group. Full due diligence was completed before this arrangement was entered into to ensure suitability, and the Council may look to make similar loans to other Housing Associations in the future if an appropriate opportunity becomes available.
- 2.16 The Council will also be working closely with Knowle Green Estates Ltd in the future, offering finance to the new entity at commercial rates. This will provide the Council with an additional fixed income stream and further diversification of the portfolio.

### **3. Financial implications**

- 3.1 This report is a review of past investment performance and the financial implications are as set out in this report. The ability of the Council to generate maximum net investment returns with minimal risk provides significant resources for funding the Council's services.

### **4. Other considerations**

- 4.1 There are none.

### **5. Timetable for implementation**

5.1 Treasury management is an ongoing activity and normally there is no specific timetable for implementation.

**Background papers:** None

**Appendices:** A & B

**PRUDENTIAL INDICATORS**  
**ACTUALS 2016/17**

<b>Capital Expenditure Prudential Indicators</b>	<b>2015/16 Original Estimate</b>	<b>2015-16</b>	<b>2016/17 Draft</b>	<b>2016/17 Actual</b>
Prudential Indicator	£'000	£'000	£'000	£'000
Capital Expenditure	10,955	1,551	16,455	422,414
Ratio Financing Costs to Revenue Stream	(4.65)	(4.38)	(8.43%)	(10.98%)
Net Longer-term Borrowing	£0	£0	£0	£413,000
In year Capital Financing Requirement	£0	£0	£0	£422,414
Capital Financing Requirement as at 31 <sup>st</sup> March	£0	£0	£0	422,414

<b>Treasury Management Prudential Indicators</b>	<b>2015/16 Original Estimate</b>	<b>2015/16 Actual Outturn</b>	<b>2016/17 Draft</b>	<b>2017/18 Estimate</b>
Prudential Indicator	£'000	£'000	£'000	£'000
Authorised Limit for external debt	12,000	12,000	12,000	750,000
Operational Boundary for external debt	10,000	10,000	10,000	720,000
Gross Debt to Capital Finance Requirement	£0	£0	42,000	487,964
Upper limit for fixed rate exposure	100%	100%	100%	100%
Upper limit on variable rate exposure	100%	100%	100%	50%
Upper limit principal invested for over 364 days	12,000	12000	12,000	40,000

<b>Maturity structure of fixed rate borrowing</b>	<b>Upper limit</b>	<b>Lower limit</b>
Under 12 months	£550,000,000	£500,000,000
12 months but within 24 months	£82,500,000	£0
24 months but within 5 years	£110,000,000	£0
5 years but within 10 years	£137,500,000	£0
10 years and above	£275,000,000	£0

<b>Actual External Debt as at 31/3/17</b>	£413m
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Details of Investments Held as at 31<sup>st</sup> March 2017

Investment Type	Amount £m	Interest Rate %	Start Date	Maturity Date
<u>Pooled Investment Funds</u>				
Charteris Elite Equity Income	0.8	3.92%	May 2012	N/A
Schroeders UK Corporate Bond	1.5	5.17%	May 2012	N/A
M&G Optimal Income Sterling	1.69	3.72%	Apr 2015	N/A
M&G Global Dividend	1.0	4.43%	Jun 2012	N/A
Schroders Income Maximiser	3.0	7.88%	Jul12 / Jul15	N/A
CCLA LAMIT Property Fund	2.5	6.92%	Mar13 / Apr14	N/A
M&G Extra Income Fund Sterling	2.0	4%	August 2016	N/A
Investee Diversified Income	3.0	4%	August 2016	N/A
Threadneedle Inv Services	2.00	4%	September 2016	N/A
<b>Total Pooled Investment Funds</b>	<b>17.49</b>	<b>5.18%</b>		
<u>Fixed Rate Deposits (Short Term)</u>				
Network Housing Group	2.0	3.60%	28 April 2016	27 Apr 2021
<u>Other Deposits</u>				
Funding Circle	0.3	5.00%	Apr / May 2015	N/A
<b>Total Other Deposits</b>	<b>2.3</b>	<b>3.76%</b>		
<u>Cash Flow Investments</u>				
Invesco	5.6	0.30%		Instant Access
BNP Paribas MMF	1.4	0.31%		Instant Access
<b>Total Cash Flow Investments</b>	<b>7.00</b>	<b>0.30%</b>		
<b>Total Investments at 31/03/17</b>	<b>26.79%</b>	<b>3.92%</b>		





**Cabinet****21 June 2017**

<b>Title</b>	Telecare and SPAN funding		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Janice Lowin & Niky Rentall		
<b>Cabinet Member</b>	Councillor Maureen Attewell	<b>Confidential</b>	No
<b>Corporate Priority</b>	Clean and Safe Environment		
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• <b>Agree 12 week free alarm service following an overnight hospital stay in the last 4 weeks</b></li> <li>• <b>Agree to use the money set aside from the Council Tax increase 2016-17 which was ring fenced for Independent Living services to support the telecare service (likely to be in the region of £34,518)</b></li> <li>• <b>Delegate authority to agree telecare pricing structure to the Group Heads for Community Wellbeing in consultation with the Portfolio Holder</b></li> </ul>		
<b>Reason for Recommendation</b>	To allow the alarm and telecare service provided by Spelthorne to consider future charging options.		

**1. Key issues**

- 1.1 For the last 5 years Surrey County Council (SCC) have provided funding towards the Spelthorne Personal Alarm Network (SPAN) and telecare provision. This was a joint agreement between SCC and the 11 District and Borough councils (D&B's). The agreement was instigated by SCC with the aim of mainstreaming telecare to assist people to live independently in their own homes and reduce hospital admissions/readmission. Telecare includes items such as linked smoke alarms, pill dispensers and chair sensors.
- 1.2 Over the last 2 years, SCC have debated making changes to the funding for telecare, particularly since the Better Care Fund was introduced in 2015. Meetings have taken place between SCC and the D&B's, but no changes have been agreed. D&B's were therefore surprised to be notified by SCC on the 31 March that a decision had been made to cut funding for people not eligible for a social care package with immediate effect.
- 1.3 Key changes between the previous agreement and new funding agreements with SCC include:

Previous agreement	New agreement
All individuals staying overnight or longer in hospital, or those who had been a victim of crime in their home in the last 3 months were entitled to a 12 week free trial of SPAN alarm and telecare. The cost of this was reimbursed by SCC.	No free trial to anyone
The cost of all telecare purchased by D&B's was reimbursed in full by SCC on a quarterly basis	SCC will only reimburse the cost of telecare equipment for those who are eligible for a social care package. This is estimated to be 2% of the current 1200 clients (i.e. 24 clients). The remaining 1176 will no longer receive funding.
An installation cost of £142.91 for the first 120 installations per year was paid by SCC to SBC. £73.98 paid for any installation after this.	Installation fee paid by SCC for those eligible for social care package (estimated 2% of clients) is still to be agreed. SCC will not fund the remaining 98% of client installations.

- 1.4 The 12 week free trial of the alarm service has been offered by for the last 10 years through various funding options. Spelthorne has been reimbursed for providing this service by SCC. After the initial 12 weeks 80% of these opt to keep the equipment and then pay for the continuing service.
- 1.5 The vast majority of all new business to the SPAN/ telecare service comes through the 12 week free trial.
- 1.6 As well as financial implications with the new agreement, there are also potential safeguarding issues.
- 1.7 Linked smoke detectors were part of the standard SPAN/telecare offering. SBC was recently involved in a serious case review where a death occurred due to linked smoke detectors not being fitted. There is concern that under the new funding regime, 98% of clients will not automatically be provided with a free linked smoke detector.
- 1.8 For 2016-17, Cabinet agreed to ring-fence part of the Council Tax increase (£55,955) for Older People's services following conversations with SCC regarding them potentially withdrawing all funding (approximately £100k) for centres and Meals on Wheels . SCC later decided not to withdraw the funding straight away and have recently written to say that we will receive the amount in full again for 2017-18.
- 1.9 The SPAN service currently has 1200 clients, of these
- 24 will continue to be funded by SCC.
  - 652 clients have telecare,
  - 583 have linked smoke detectors.

1.10 SCC's current agreement will be reviewed at the end of 2017-18. The agreement leaves questions about how the SPAN service should operate moving forward.

## **2. Options analysis and proposal**

2.1 SCC are only funding those clients who are eligible for a social care package. The vast majority of our clients will be affected by the changes. There are several options available to consider moving forward.

2.2 **Existing Clients.** We propose no change to existing clients and their charges. SCC have already covered the costs for purchasing any equipment currently in place so there are no further financial implications unless an item of equipment becomes faulty and requires replacing.

### **2.3 12 week free trial - options**

(a) Keep the 12 week free trial for clients (for SPAN alarms only) but reduce the qualification time i.e. anyone who has had an overnight hospital stay or been a victim of crime in the last 4 weeks. Previously this was 12 weeks.

(b) Runnymede, Surrey Heath and Woking Councils are proposing to reduce the free trial to 6 weeks (with the qualification time being a stay within the last 12 weeks). In our experience this does not provide time for clients to realise the benefit and we would anticipate a much lower uptake at the end of the trial with this option. Following a hospital stay, an initial care package with the reablement team lasts up to 6 weeks. It would be after this time the benefit of the equipment would be fully realised.

(c) Elmbridge are proposing no changes to the current service.

(d) The proposal for keeping the 12 week free trial (with a 4 week qualification time) could be financed by the money ring fenced from Council Tax.

### **2.4 Telecare Equipment**

All telecare equipment (including smoke alarms) have always been funded by SCC with no cost passed to the client. The cost of the telecare equipment is by far the largest cost associated with the withdrawal of SCC funding. Should these charges be passed on to new clients, it is likely that uptake would be considerably reduced.

### **2.5 Options for the future of this service:**

(a) Cease to provide telecare equipment (including smoke alarms) to any new clients. This could potentially mean an increased risk to the health of already vulnerable individuals. There have been a number of deaths from fire in the borough where linked smoke alarms were not been fitted.

(b) Continue to provide telecare equipment with no charge to the client. Based on last year's figures this is estimated to cost £66,103 per year.

(c) Delegate authority to agree the telecare equipment pricing structure to the Group Heads for Community Wellbeing in consultation with the Portfolio Holder in conjunction with part funding telecare using £34,518 of Council Tax ring fenced money.

### 3. Financial implications

#### 3.1 Financial implications (based on last year's figures)

<b>Change</b>	<b>2016/17 Income from SCC</b>	<b>Expected 2017/18 income from SCC (2%) of client base</b>	<b>Expected 2017/18 clients (98%) of client base</b>	<b>SBC contribution 2017/18</b>
12 Week free	£17,750	0	0	£17,750
Telecare equipment	£32,729	£1,144	Pricing to be agreed by Group Head in consultation with the Portfolio Holder	
Installation cost	£17,428	£660	0	£16,768
<b>Total</b>	<b>£67,907</b>	<b>£1,804</b>	<b>To be agreed</b>	<b>£34,518</b>

3.2 With the withdrawal of SCC funding, the shortfall in the 2017-18 budget is expected to be £34,518 (12 week free trial and Installation cost previously paid by SCC). It is proposed this shortfall would be covered by the ring fenced Council Tax contribution. This would then allow us to see the true impact on the service and the budget. It should be noted that there are also uncertainties around the expected uptake of the service and income from clients.

3.3 A draft pricing structure was agreed informally by all Surrey D&B's however in March 2017 SCC rejected this proposal. The pricing structure agreed by D&B's will form the basis of our pricing discussion.

#### 4. Other considerations

4.1 Installation of equipment includes initial testing by our trained technicians. Equipment may include bed sensors, smoke alarms, falls detectors, pill dispensers etc. Equipment is programmed to specific client requirements and then linked to the base alarm in the home. During installation the equipment is tested in situ to ensure it accurately conveys information, 24 hours a day, 365 days a year to the call centre. Time is spent with clients, family members and carers showing them how the equipment works and ensuring all questions are answered and understood. The technicians also ensure all relevant paper work is checked and signed

4.2 There is a risk that referrals from SCC reduce and also that self-funders (98% of our clients) do not take up the option of telecare. Risks will be mitigated by

working closely with clients and their families once they leave hospital and by promoting the use of telecare

- 4.3 Any change in charges to clients will impact on SBC as new invoicing processes and procedures for billing will need to be implemented.

## **5. Timetable for implementation**

- 5.1 This will be immediate

**Background papers: There are none**

**Appendices: There are none**

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**Cabinet****21 June 2017**

<b>Title</b>	Adoption of the Spelthorne's Corporate Health and Safety Policy		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Tracey Willmott-French, Senior Environmental Health Manager		
<b>Cabinet Member</b>	Councillor Tony Mitchell	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• <b>To adopt the corporate Health and Safety Policy</b></li> <li>• <b>To authorise the Chief Executive to agree minor variations to the adopted health and safety policy</b></li> </ul>		
<b>Reason for Recommendation</b>	Members are asked to adopt and commit to the Council's Health and Safety Policy to safeguard the health, safety and welfare of staff, the public and its members.		

**1. Key issues**

- 1.1 The Health and Safety at Work Act 1974 places a legal requirement on all organisations to assess and control the risks to the health safety and welfare of employees and the public that arise from the activities associated with the organisation.
- 1.2 Where the organisation has five or more employees the organisation must write down within a policy how health and safety will be managed within the organisation.
- 1.3 Spelthorne Borough Council has assessed the risks to the health safety and welfare of its employees, members and the public that may arise from its activities. It has put in place arrangements implementing health and safety control measures.
- 1.4 The Council has set down how it will manage and control any such risks in its health and safety policy, attached at **Appendix one**.
- 1.5 The health and safety policy has been circulated and signed off by Management Team and Group Heads. Responsibility for health and safety also extends to Members, it is therefore appropriate that they should formally adopt the policy recommended to them by Officers.

**2. Options analysis and proposal**

- 2.1 **Option one** - Members adopt the Council's Health and Safety Policy. As a public and member lead organisation, members are signing up to the Council's commitment to safeguard the health, safety and welfare of staff, the

public and members. Further, to agree that the Chief Executive approves any minor variations required to be made to the adopted health and safety policy without its referral back to Cabinet.

2.2 **Option two** – Member recommend amendments to the policy.

2.3 **Option three** – Members do not adopt the policy.

**3. Financial implications**

3.1 There are no financial implications outside the existing budget.

**4. Other considerations**

4.1 The implementation of controls to protect health, safety and welfare by its nature takes into account peoples specific needs and diversities.

**5. Timetable for implementation**

5.1 Immediate - Spelthorne's health and safety policy has already been consulted internally across the organisation.

**Background papers:** None

**Appendices:**

Appendix one – Spelthorne's Health and Safety Policy



## Health and Safety Policy Statement


At Spelthorne, the commitment to health and safety ranks equally with all other aims and objectives.

This Health and Safety policy establishes the arrangements for Fire Precautions, First Aid and provisions for the health, safety and welfare of all employees, volunteers, contractors, visitors and any others who may be affected by activities on any site for which the Council is responsible.

The Health and Safety Management System operated by the Council aims to ensure compliance with all current legislation. All reasonable training, resources and information will be provided to ensure that employees perform all tasks safely and without risk to health.

A Risk Management Committee structure will be maintained to ensure co-operation between management and employees representatives in instigating, developing and implementing measures to ensure the health and safety at work of the employees.

This Health and Safety Policy Statement and General Arrangements will be given the widest possible circulation and will be reviewed bi-annually, or as dictated by changes to working procedures, policies or conditions.



**Roberto Tambini**  
Chief Executive

**Cllr Ian Harvey**  
Leader of the Council

**Date: May 2017**

**Reviewed: May 2017 Next Review: May 2019 or earlier if required**

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## Section 1

### 1.0 Organisation and Responsibilities

1.1 The Leader of the Council and Cabinet fully endorse the Health and Safety Policy. It will be used to inform the decision making process by the Leader and Cabinet.

1.1.2 Within Spelthorne Borough Council the ultimate responsibility for all matters relating to Employee Safety and Occupational Health lies with the Chief Executive.

#### 1.1.3 Deputy Chief Executive

Deputy Chief Executive's are responsible to the Chief Executive for the implementation of the health and safety policy and plan.

The Deputy Chief Executive will report directly to the Chief Executive in respect of health and safety issues which fall within their areas of responsibility

General health and safety responsibilities of the Deputy Chief Executive include ensuring:-

- a) Implementation and compliance with the Policy and Arrangements within their areas of control
- b) The provision of adequate resources for this purpose
- c) Co-ordination, co-operation, control and monitoring in respect of Suppliers/Contractors
- d) Monitoring of health and safety performance within their areas of control
- e) Accountability for the acts and omissions of their subordinates
- f) Proper arrangements for the provision of health and safety information and training for staff and, where necessary contractors

#### 1.1.3 Group Heads/Service Heads

All Group Heads/Service Heads are responsible to their Assistant Chief Executive or Chief Executive for the implementation of the health and safety policy and plan for their respective areas.

As part of this general role they will ensure that:-

- a) All personnel under their control are competent to perform their duties and that they are provided with adequate information, instruction, training and supervision as is necessary to ensure health and safety
- b) Responsibilities for health and safety are properly defined, understood and carried out at all levels
- c) The policy and arrangements are implemented in their areas of control
- d) The Council is compliant with all relevant health and safety legislation
- e) Suitable and sufficient risk assessments of work activities are carried out and the results of such assessments are acted upon where necessary
- f) The Council procedures for reporting and recording of all accidents, dangerous occurrences and near misses that may occur from time to time are followed

#### 1.1.4 Deputy Group Heads / Safety Champions

All Deputy Group Heads and Safety Champions are responsible to their Group Head for the implementation of the health and safety policy and plan for their respective group/service areas.

As part of this general role they will ensure that:-

- a) Adequate training, support and guidance is given to Managers and Team leaders to enable them to effectively manage the health and safety for staff and processes they are responsible for.
- b) Be the focal point for the dissemination of information from the corporate safety officer
- c) Take the lead in the implementation the annual health and safety action plan published on spelnet
- d) Undertake the annual safety audit on their Group/Service
- e) The Council procedures for reporting and recording of all accidents, dangerous occurrences and near misses that may occur from time to time are followed including accident investigation

#### 1.1.5 Managers/Team Leaders/Supervisors

All managers, team leaders and supervisors have a responsibility for managing the health and safety of those areas under their control. General responsibilities will include ensuring, where reasonably practicable, the following:-

- a) Members of staff receive adequate information, instruction, training and supervision for health and safety
- b) Work areas that are under their control are maintained in a safe condition
- c) Suitable and sufficient risk assessments of work activities are carried out and that the results of such assessments are acted upon where necessary
- d) Safe systems of work are established for work activities under their control and that they are followed by staff at all times
- e) Equipment used by staff is maintained in a safe condition
- f) Where necessary, employees are provided with suitable personal protective equipment and make proper use of it
- g) The Council procedures for the reporting and recording of all accidents, dangerous occurrences and near misses that may occur are followed
- h) Provision is made for the supervision of work activities carried out in their area of control. This is particularly important where new or inexperienced members of staff are concerned. When new or inexperienced members of staff are engaged adequate safety induction training must be given before they are allowed to commence work

#### 1.1.6 Employees

Every employee is responsible to his/her immediate Line Manager for the efficient performance of his/her duties. In accordance with the Health and Safety at Work Act 1974 and as part of their general duties all employees are required to take reasonable care of their own safety and that of others who could be affected by their acts and omissions whilst at work. In particular employees are required to:-

- a) Co-operate with management to ensure that safe and healthy working practices and workplace are maintained.
- b) Report promptly to the Line Manager any hazardous situation or defect
- c) Make full and proper use of any personal protective or other safety equipment/facilities provided
- d) Follow any instructions and training given in respect of any activity involving risk to health and safety
- e) Act responsibly at all times whilst at work

f) Co-operate with Spelthorne Borough Council in the implementation and observation of all statutory requirements placed upon the Council

g) Observe the duty not to misuse or interfere with anything provided in the interests of health and safety

1.1.7 Communication for Health & Safety is via Group Heads to and from Deputy Group Heads/Safety Champions, Service/Area Management Teams and the Health & Safety Officer.

1.1.8 Failure to comply with this Health and Safety Policy will be formally investigated and, where appropriate, disciplinary action will result.

# **Hierarchy of Health and Safety Responsibilities**

## **Leader of the Council and Cabinet**

*Responsible for the Strategic Direction of the Council*

## **Chief Executive**

*Overall Responsibility for the Implementation of the Policy*

## **Deputy Chief Executives**

*Responsible for matters they can directly control*

## **Group Heads and Service Leads**

*Responsible for matters they can directly control*

## **Deputy Group Heads and Safety Champions**

*Responsible for Managing the Safety Management System*

## **Managers**

*Responsible for matters they can directly control*

## **Team Leaders/Supervisors**

*Responsible for matters they can directly control*

## **All staff and Councillors**

*Responsible for themselves and others*

## **Safety Officer**

*Responsible for providing Advice and Guidance to all*

[note this structure relates to Health and Safety accountability only]

## **1.2 Occupational Health and Safety**

- 1.2.1 The Council is committed to promoting the health and well being of its employees.
- 1.2.2 The Health & Safety Officer offers an information and advisory service to all Group Heads and Service Management Teams. An Occupational Health Service is provided by the Ashford and St. Peter's Hospitals NHS Trust accessible via Human Resources and the Safety Officer.
- 1.2.3 These arrangements are in place to improve awareness throughout the workforce of the need to promote and maintain safety, as well as to ensure the physical and mental well-being of all employees.
- 1.2.4 This policy cannot be achieved solely by management. Therefore, regular discussions with all staff on safety and health matters should be accorded a high priority. An essential requirement is the support and co-operation of all employees. All staff are invited to raise any concerns on safety and health matters, or suggestions for improvements, with their immediate manager.
- 1.2.5 Section 2 of this policy sets out general arrangements for the health, safety and welfare of all employees, volunteers, contractors, visitors and any others who might be affected by work or activities on any site for which the Council is responsible.



## **Section 2**

### **2.0 General Arrangements**

#### Introduction

The Council defines Health & Safety as avoidance of death, injury or poor health to its employees, volunteers, contractors, visitors and the general public, caused by occupational accidents, incidents or hazards.

As an organisation Spelthorne aims to employ best practice solutions when applying policies, procedures and controls to ensure, as far as is reasonably practicable, the safety and health of employees, volunteers, contractors, visitors and members of the general public.

This section of the policy deals with the practical arrangements by which the policy will be effectively implemented.

The policy will form the cornerstone of the Council Safety Management System, in specifying health and safety objectives, detailing the organisation necessary to meet these objectives, making effective arrangements to deal with risks, and outlining the programme to monitor the effectiveness of the organisation and arrangements.

### **2.1 Information**

- 2.2 The provision of information relating to the management of health and safety is considered a very important element of the Spelthorne Health & Safety policy.
- 2.3 Government Agencies and lead bodies in industry, health and the environment produce Legislation (Acts), Regulations (Regs), Approved Codes of Practice (ACOP) and Guidelines for the many varied aspects of occupational health and safety. These documents are regularly reviewed and any necessary changes are put in place.
- 2.4 The Health & Safety Officer will interpret the legislation and other related documents and ensure that the provisions and requirements that will apply to the Council are incorporated into the Safety Management System.
- 2.5 Policies and Procedures relating to Health and Safety Law will be developed and maintained and circulated to all managers and employees.
- 2.6 Information relating to matters affecting the safety, health and welfare of employees will be provided by the following means, as appropriate:
  - i) Safety Policy
  - ii) Specific Policies
  - iii) Procedures

- iv) Statutory Notices
- v) Managers Information Area (On SpelNet)
- vi) Staying Safe in Spelthorne (Staff Handbook)
- vii) Safety Signs
- viii) Safety Posters
- ix) SpelNet notices and targeted information
- x) Specific targeted information/training sessions and management briefings

### **3.0 Training**

- 3.1 The Council is committed to the provision of such information, instruction and training as may be necessary to enable all employees to carry out their duties, as far as is reasonably practicable, without risk to either their own health and safety, or that of others that may be affected by their activities.
- 3.2 All new staff and existing employees transferring between posts/changing the nature of their employment shall be given adequate and suitable training to enable them to carry out their duties safely and without risk.
- 3.3 All new staff are required to attend Corporate Safety Induction Training which will include general awareness of health and safety. Site specific training in relation to particular jobs and/or services will be part of the local induction programme and is a Group Head's responsibility.

### **4.0 Safe Systems of Work and Safe Places of Work**

- 4.1 Managers and Team Leaders shall carry out risk assessments which:
  - (a) identify all reasonably foreseeable hazards and risks associated with each work task.
  - (b) identify preventive and protective steps necessary for controlling risks.
  - (c) formulate controls that are effective.
  - (d) monitor the effectiveness of these controls and implement corrective action where required

(Ref: Management of Health & Safety at Work Regulations 1999).
- 4.2 In accordance with "The Managers Guide to Risk Assessment" (SpelNet Health and Safety Area) all risk assessments must be subject to regular review. This should be undertaken:
  - (a) bi-annually for low risk activities that have had no change in activities.
  - (b) annually for medium and high risk activities.
  - (c) following an accident/incident, or near miss.
  - (d) following a change in process.
  - (e) Introduction of a new process
- 4.3 Managers and others with responsibility for producing Risk Assessments are to ensure that all the required control measures including information, instruction, training, inspection and recording is undertaken and records maintained.
- 4.4 A record of all risk assessments will be held locally in paper format and centrally by the Health and Safety Officer. All risk assessments will be made available for staff to view electronically on the SHE Health and Safety management system.

- 4.5 Safe Systems of Work (SSoW) for all hazardous work activity that has been identified by Risk Assessment (including the introduction of new plant, equipment, processes or substances), shall be formulated, using specialist advice as necessary, to ensure, as far as is reasonably practicable, the health and safety of all employees and other persons who may be affected. Wherever possible managers should work towards adopting best practice solutions for the control of hazards. These shall include the identification of major hazards, and instruction and training in emergency procedures.
- 4.6 Managers at all levels shall ensure, as far as is reasonably practicable, that places of work are maintained in a condition that is safe and without risks to the health of employees.
- 4.7 If financial, manpower or material resources are unavailable at departmental level to effect the resolution of a problem or hazard, a case must be made to the next level of management in the organisation until a level is reached where authority exists to:
- (a) take short-term remedial actions, and/or
  - (b) initiate longer-term corrective actions to reduce or eliminate the problem or hazard
- 4.8 The following activities require special attention most of which are the subject of specific legislation:
- i) Fire precautions
  - ii) Installation, use and control of electrical apparatus, equipment and cabling
  - iii) Use and control of substances hazardous to health
  - iv) Manual handling
  - v) Asbestos containing materials/structures
  - vi) Work in an area where a noise and or vibration hazard exists
  - vii) Working time and rest breaks
  - viii) Working alone both during and outside office hours
  - ix) Working with plant and machinery
  - x) Driving for or at work
- 4.9 Particular attention shall be given to the definition and control of activities which may incur Spelthorne in joint liability in its relationship with contractors and others involved in on-site work.

## **5.0 Procurement**

- 5.1 All employees involved with the purchase of any article for use at work at any site/area must ensure, so far as is reasonably practicable, that the article is designed and constructed so that it will be safe and without risks to health at all times, when being set, used, cleaned or maintained by a person at work.
- 5.2 All employees involved in the purchase of any substance for use at work at any site/area must ensure, so far as is reasonably practicable, that the

substance will be safe and without risks to health at all times, when being used, handled, processed, stored or transported by a person at work. To this end, all employees involved in the procurement or purchase of known hazardous substances for use at work, must ensure that the requirements of the **Control of Substances Hazardous to Health (COSHH) Regulations 2002** are satisfied, this is to include the undertaking of a COSHH Risk Assessment and provision of the Materials Safety Data Sheet (MSDS).

## **6.0 Plant and Equipment**

- 6.1 All Plant and Equipment must be recorded on the Equipment Inventory for each service area. Plant and Equipment shall be subject to inspection and test in accordance with laid-down statutory schedules, and maintained to the required standards. Machinery, Plant and Equipment shall be effectively guarded to prevent exposure to dangerous or moving parts.
- 6.2 Where there is a requirement for the use of hired Plant or Equipment, arrangements shall be made by the employee responsible for organising the hire, to ensure that all statutory requirements and inspections are carried out by the owner. Proof of such arrangements shall be requested on hiring and appropriate records kept.
- 6.3 Portable Electrical Appliances for use at work on any site/area for which the Council owes a duty of care and responsibility must be registered with Neighbourhood Service for inclusion in the Master Portable Electrical Appliances Inventory. Portable Electrical Appliances are subject to regular inspection and test in accordance with laid-down statutory and Council schedules, and maintained to the required standards. This includes newly purchased electrical equipment.
- 6.4 ALL privately owned Portable Electrical Appliances that are brought on to a site/area for which the Council owes a duty of care and responsibility, and which is connected to a mains electricity supply should also be recorded on the Inventory, and be subject to regular inspection and test. However, the maintenance of such items is the duty of the owner.
- 6.5 If any such Portable Electrical Appliances are found to be unsafe/unserviceable upon inspection and test, the owner will be instructed to remove them from site until they have been repaired/rendered safe and serviceable, and subject to re-test.

## **7.0 Personal Protective Equipment (PPE), Respiratory Protective Equipment (RPE) and Safety Appliances/Equipment**

- 7.1 Personal Protective Equipment (PPE), including Respiratory Protective Equipment (RPE), and Safety Appliances/Equipment will be issued to, and worn by employees involved in activities where a known hazard exists, and the level of risk cannot be controlled in any other way, or where there is a statutory requirement to do so.

- 7.2 Managers/Supervisors responsible for the undertaking of such activities will make a written, detailed risk assessment of each work process, specifying PPE/RPE and Safety Equipment requirements.
- 7.3 Where risk assessment has indicated a need for PPE/RPE or Safety Equipment the specification for that equipment must be kept under regular review to ensure an appropriate level of protection is always achieved.
- 7.4 Managers/Supervisors must ensure that employees are given suitable and adequate information, instruction and training in the correct use of PPE/RPE and Safety Equipment, including care and maintenance of such equipment.
- 7.5 Records of training, and the issue and maintenance of PPE/RPE and Safety Equipment must be held on site by the Manager/Supervisor responsible for the undertaking, where it may easily be produced for inspection or Safety Audit.
- 7.6 Managers must set a good example to employees by not only ensuring that all staff under their control comply with PPE/RPE requirements, but that they themselves also conform to good, safe working practices.
- 7.7 PPE and RPE should only be used either as a back-up to other control measures, or as a last resort, where other control measures cannot be practically implemented. (elimination, reduction or substitution of process by engineering control methods should always be considered as the primary methods of controlling hazards in the workplace, before considering the use of PPE/RPE).
- 7.8 In all cases where PPE and safety equipment has been provided, the expectation is that it will be used and non-usage will be subject to Spelthorne's normal disciplinary procedures.

## **8.0 Accident Reporting and Investigation**

- 8.1 All accidents, incidents, injuries, diseases, dangerous occurrences and cases of ill health arising from work activities must be reported in accordance with statutory requirements and the Council's Accident/Incident Reporting Procedure. Managers are responsible for investigating and submitting a report into the circumstances of all accidents, incidents, injuries, diseases, dangerous occupational occurrences and cases of occupational ill health, with the objective of determining the immediate and any underlying causes, and to recommend measures to prevent recurrence. The SHE Safety Management system on Spelnet should be used for reporting and all sections must be completed and submitted to the Health and Safety Officer within 3 working days of the accident occurring. Where the report cannot be completed within the 3 day period, the Health and Safety Officer must be notified of the incident by email or telephone.

- 8.2 An Accident is defined as an unexpected or undesirable event, especially one causing damage or injury.
- 8.3 An Incident is defined as an event, happening or occurrence which may or may not be accidental.
- 8.4 A Near Miss is defined as an unplanned event or series of events that could, under slightly different circumstances, have resulted in harm to people, damage to property or interruption to services provided by Spelthorne.
- 8.5 The term Dangerous Occurrence, when used in this policy, relates exclusively to the definition of a Dangerous Occurrence contained in the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013 (RIDDOR).
- 8.6 Occasionally more serious accidents/incidents occur. The Council has a responsibility to ensure that certain accidents are reported to the Health & Safety Executive in accordance with the reporting requirements of the Reporting of Incidents, Disease and Dangerous Occurrences Regulations 2013 (RIDDOR).
- 8.7 The responsibility to report these accidents to the Health & Safety Executive lies with the Health and Safety Officer, The responsibility to report these accidents to the Health & Safety Officer lies with the Group Head/Service Lead responsible for the work in connection with the accident/incident. Further information on reporting procedures is given in the "Guide to Accident Reporting and Investigation" (SpelNet Health and Safety Area).
- 8.8 Vehicle accidents are to be reported the Transport Manager first then the Health and Safety Officer. The details of the accident are to be entered onto the SHE Safety Management system by the Traffic Manager for Vehicles under their control and the Health and Safety Officer for other areas (leased cars).

## **9.0 Risk Management Group**

- 9.1 The requirements of this Health and Safety Policy and Safety Management System cannot be achieved solely by Managers.
- 9.2 The Risk Management Group meets quarterly and has a membership representing each Group/Service area (see Appendix 2).
- 9.3 Health & Safety is a mandatory item on each and all meeting agenda. Information can thus be taken to and received from all service team meetings. To ensure the flow of information from team meetings and Risk Management Group, the Health and Safety Officer will regularly attend team meetings.

## **10.0 First Aid at Work**

- 10.1 The Council will fully meet the obligations of current legislation regarding the provision of First Aid at Work. (Health and Safety at Work (First Aid) Regulations 1981).
- 10.2 The Health and Safety Officer in conjunction with the Group Head/Service Lead will ensuring that there are sufficient trained and authorised First Aiders available at all times when employees are at work, including flexible working patterns.
- 10.3 First Aid Training Courses for employees nominated for such training will be included in the annual Training Programme.
- 10.4 Managers and Team Leaders will be responsible identifying staff who require First Aid Training. Nominations for First Aid training should be forwarded to the Health and Safety Officer by managers wishing to maintain or enhance First Aid cover within their service.

### **11.0 Safety Management System**

- 11.1 The Safety Management System (SMS) developed by the Council will ensure that we meet all obligations imposed by current legislation, and will be driven by the following core documents:
  - a. Corporate Risk Register – This is maintained by Audit and is presented to the Audit Committee. This document identifies the critical risks that can affect the Council.
  - b. Group/Service Risk Register – This is maintained by each Group/Service and is presented to the CRMG. This document identifies the critical risks that affect the Group/Service.
- 11.2 The level of risk identified in the above documents will decide the depth of the management controls required. Typical management controls include:
  - i) Risk Assessment
  - ii) COSHH Assessment
  - iii) Safety Tours of Inspection (Physical Conditions Inspection)
  - iv) Safety Risk Management Committee
  - v) Safety Information for Employees
  - vi) Safety Training Needs Programme
  - vii) Accident, Incident, Dangerous Occurrence, Ill Health Reporting and Investigation
- 11.2 The health and safety performance of Spelthorne Borough Council will be monitored to ensure a system for continuous improvement.
- 11.3 Monitoring will be by a system of active and reactive methods.



11.4 We will actively monitor health and safety performance by:

- (a) Annual Vehicle and Driving Documentation check (Grey Fleet)
- (b) Annual Office/workplace Safety Inspection
- (c) Annual Risk Assessment Review
- (d) Annual DSE Assessment
- (e) Annual Safety Equipment Check
- (f) Annual Lone Worker Training (Departmental)
- (g) Annual Contractor Documentation Review
- (h) Annual Violence and Aggression Training (Departmental)
- (i) Annual Fire Risk Assessment Review
- (j) Annual Induction Refresher (Departmental)
- (k) Recording of Group/Service specific training (Manual Handling etc)

All the above records and checks will be entered on the SHE Safety Management System as they are undertaken.

In October each year, all Group/Service areas will undertake a self Audit, the results of this will be taken to the December CRMG Meeting and will be used to direct the annual safety action plan for the coming year.

11.5 We will reactively monitor health and safety performance by:

- (a) Reporting of all accidents/incidents and near misses, along with local investigation of all accidents.
- (b) Quarterly reporting of all accidents to the Risk Management Group and Management Team.
- (c) Annual report and review of accidents and incidents to establish trends, areas for improvement and develop training needs.

## **12.0 Audit**

Spelthorne will implement a programme for reviewing its health and safety performance, through a system of independent audit of its safety management functions and implement corrective actions where required. Audit outcomes will be reported for discussion to Corporate Risk Management Group and to Management Team.

## **13.0 Manual Handling Policy**

13.1 It is the aim of the Council to reduce injuries in connection with manual handling to the lowest level possible and to provide a safe working environment. This will be achieved by a programme to reduce the need for employees to undertake manual handling operations especially as and when new technology and information are introduced. Where manual handling cannot be eliminated Group Heads will ensure that the manual handling is subject to risk assessment.

13.2 Where manual handling still exists, all staff concerned will receive the appropriate information, instruction and training on safe handling techniques.

Training needs will be reviewed annually (during risk assessment reviews and at staff annual appraisals), with a basic requirement for all staff to attend refresher training every 2 years.

- 13.3 This policy can only work with the co-operation of staff. It is therefore a requirement that staff must co-operate with safe working practices, to know their lifting limitations and to keep themselves physically fit for manual handling operations when it is unavoidable.

Staff must report immediately, any health problem or change in health status which could give rise to an increased risk of injury when manual handling.

#### **14.0 Control of Contractors on Council Property/Carrying out Work on the Councils Instruction**

- 14.1 The Council has a duty to ensure the health and safety of workers and others on premises they enter to carry out contract work.

In turn any contractors or their employees have a duty to ensure that they carry out their work in a manner that is both safe to themselves and others who may be affected by their work.

It is the responsibility of the Group Heads contracting the work to use due diligence in assessing the contractor's competence to carry out the work being contracted. All contractors will be subject to appraisal for their health and safety performance prior to appointment. To this end as a basic minimum of the following should be sought at the relevant stage of contract tender/award.

- (a) **Contract Tender Stage** – a general policy statement should be obtained with a clear declaration of intent to ensure the health, safety and welfare of employees and others.

(b) **Contract Award Stage**

- Contractor to complete the contractor appraisal questionnaire
- a detailed safety policy giving detailed organisation and arrangements
- work method statements (essential for high risk work activities)
- information on any hazards (risk assessments) associated with the work to be undertaken (may relate to plant, equipment and materials utilised)
- the name of the individual responsible for the health and safety of the works being contracted
- records of any relevant health and safety training

(c) **Control on Site**

- It is the responsibility of the contracting Service Head to ensure that the contractor is kept fully informed of any significant hazards that may be present. Where possible information must be made

available prior to work commencing so that adequate risk assessments and safe systems of work are in place prior to work commencing.

- A signing in and out system must be in place and a Spelthorne employee identified as the point of contact.

(d) **Sub-Contractors**

Sub-contractors are commonly used to supplement the skills of the main contractor and it is the responsibility of the main contractor to enforce statutory and contract compliance by sub-contractors. Spelthorne Borough Council reserves the right to monitor the performance of sub-contractors and intervene if standards are not achieved.

All contractors must comply with the Council's Health & Safety Policy and any associated Codes of Safe Working Practice.

A copy of the Council's Health & Safety Policy will be provided to all potential contractors.

**14.2 It is the responsibility of the main contractor to inform any sub-contractors of the local site arrangements for health and safety.**

**15.0 Corporate Procurement Instructions**

This guidance given in 14.1 will be included in corporate procurement instructions.

**16.0 Fire Safety**

16.1 Proper systems to ensure Fire Safety and establish Fire Precautions are provided for all Council owned and managed property. All requirements of current legislation will be satisfied, with all property subject to regular risk assessment.

16.2 All occupied premises will be subject to a minimum of 6 monthly, planned emergency evacuations.

16.3 Information, instruction and training in fire precautions will be provided for all Spelthorne employees, commencing with induction training for all newly appointed employees.

16.4 All work activity, processes that have the potential to cause Fire will be Fire Risk Assessed and the required control measures implemented.

**17.0 Environment**

- 17.1 Workplace Environment. The Council will ensure that adequate facilities for employees are provided in every workplace. This will include provision of a reasonable temperature, suitable lighting, adequate ventilation, sufficient sanitary conveniences and adequate workspace. A suitable standard of cleanliness will also be maintained.
- 17.2 Environmental Protection. The Council will ensure, as far as is reasonably practicable, that no banned substances are released into air, water or land to pollute or damage the surrounding environment, at any site for which the Council owes a duty of care and responsibility.

## **18.0 Good Housekeeping**

- 18.1 Group Heads will ensure that good housekeeping arrangements are in place to maintain safe and healthy workplace conditions.
- 18.2 The cleaning specification for Knowle Green is detailed on SPELNET along with the management system for monitoring the quality of cleaning achieved. All staff have an active role to play in ensuring good housekeeping/cleanliness.
- 18.3 The maintenance of good housekeeping policies and procedures is a prerequisite in the prevention of workplace accidents and occupational ill health. Main hazards can be eliminated by attention to detail, including environmental hygiene, tidiness of work sections, desks, benches and storage.
- 18.4 Good housekeeping is especially important in catering operations such as kitchens and food preparation areas where cleanliness and hygiene are essential. Wet and slippery floors and work surfaces pose a particular hazard to catering staff.
- 18.5 In general office accommodation, good housekeeping can reduce trips and falls and contact-accidents. It can also considerably reduce risks by ensuring correct storage of paper and other stationery items.

## **19.0 Management of Violence Policy**

- 19.1 The Council is committed to minimising the risk to its employees from acts of violence. We define violence as “Any incident in which an employee is abused, is threatened or assaulted by a person/people in circumstances relating to their work and such that they feel offended or at risk”. In giving this commitment, the Council is aware that this requires proper monitoring and training in the management of aggression and counselling for those who are at risk from violence. To provide a framework for preventing violence towards staff whilst at work, the Council has adopted a “Violence at Work” Policy.
- 19.2 Group Heads will therefore arrange for Risk Assessments to be carried out in order to identify the level of risk of violence to staff under their control, and of the measures necessary to control it.

- 19.3 Risk Assessment should also identify the training needs of individual members of staff. Recognition is given to the need for training and support for staff and so training on conflict management and personal safety training are provided on an annual Corporate basis. Further support/training may be given on a service specific basis.
- 19.4 A violent incident must be reported to the Corporate Safety Officer so that it can be registered on the Incident Register. Guidance on the Incident Register can be found on SPELNET under Corporate, Publications and Guidelines, then Policies and Guidelines.

## **20.0 Record Keeping**

- 20.1 Record Keeping is an essential requisite of a successful Safety Management System. Accident Records, Inspection/Audit Records, Health Records and Training Records can provide vital information to management when seeking to measure successful performance, or identify areas of concern.
- 20.2 Records of all risk assessments made should be kept. A central register of risk assessments will be maintained by the Health and Safety Officer. Service areas shall have available for all staff copies of all current risk assessments, safe systems of work, specific procedures and instructions relating to their area. All risk assessments should identify any significant hazards, the persons who may be affected and the steps taken to control the risks present.
- 20.3 Current legislation requires records of all accidents, incidents, dangerous occurrences and cases of occupational ill health to be kept for at least 3 years, and also, to make extracts of such records available to the enforcing authority if required.
- 20.4 The maintenance of employee Training Records is necessary to establish competency, authorisation and certification of employees to carry out specified duties, tasks and functions within the organisation. Section 2 of the Health & Safety at Work Act 1974 requires employers to document details of all training given and received.

## **21.0 Review of Policy**

- 21.1 This Policy will be reviewed at least bi-annually and whenever there are major changes affecting its implementation.
- 21.2 The Policy Statement of Intent, contained on the first page, shall be signed and dated by the Leader of the Council, Chief Executive, Deputy Chief Executives and Group Heads, Service Leads, thereby indicating top level commitment to the programme for the management of safety and health within Spelthorne.



## Appendix 1

### Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR)

The responsibility to report these accidents to the Health & Safety Executive lies with the Health and Safety Officer, The responsibility to report these accidents to the Health & Safety Officer lies with the Group Heads responsible for the work in connection with the accident/incident.

It is not just injuries to employees which are reportable but also injuries to the self-employed, trainees, visitors or passers by - in fact anyone who is injured as a result of the work activities.

A report must be made where:-

- \* there is a death due to work activities
- \* there is an accident at work causing major injury
- \* as a result of an accident a person who is NOT at work suffers injury resulting in that person being taken to hospital for treatment
- \* there is a statutory dangerous occurrence  
(detailed definitions available from Health and Safety Officer)
- \* an accident at work causes an employee incapacity for seven consecutive days or more

Further guidance on reporting injuries, diseases and dangerous occurrences is given in the "Guide to Accident Reporting and Investigation" (SpelNet Health and Safety Area).

## **Appendix 2**

### **Risk Management Committee Membership – May 2017**

#### **Core Group (with particular areas of interest noted)**

Risk Champion, Deputy Chief Executive (Chair)  
Group Head of Commissioning and Transformation  
Deputy Group Head of Commissioning and Transformation (Safety Champion)  
Group Head of Neighbourhood Services  
Deputy Group Head of Neighbourhood Services (Safety Champion)  
Group Head of Community Wellbeing  
Deputy Group Head of Community Wellbeing (Safety Champion)  
Deputy Group Head of Customer Relations (Safety Champion)  
Group Head of Regeneration and Growth  
Head of Planning Development Management (Safety Champion)  
Head of Corporate Governance (Safety Champion)  
Senior Environmental Health Manager (Safety Champion)  
Family Support Manager (Safety Champion)  
Building Control Manager (Safety Champion)  
Finance Manager (Safety Champion)  
Corporate Health and Safety Officer (H&S at Work and Insurance)  
Unison H&S representative  
Unison Health and Safety from Contracts services  
Staff (Non Union) representative

Other Officers or specialists with relevant interest as required

Meeting Attendance:

All Members are to attend the December Meeting, other meetings are to be attended by the Safety Champions.



## Appendix 3 - Health and Safety at Spelthorne Public Events

### 1. Introduction

As a local authority Spelthorne Borough Council regularly organises events attended by the public.

The health and safety of both staff and the public is a priority for the Council and as such health and safety will be considered at all stages in the planning of such events.

The Group Heads organising the event has responsibility for organising the health and safety of the event prior to and during the event.

Advice will be provided by the Council's Health and Safety Officer on request.

The Health and Safety Officer will act as the Chairman of a Safety Advisory Group (SAG). The SAG will be made up of Blue Light organisations, Community Safety and event organisers.

### 2. Contractors

Events organised by the Council will often involve the participation of Contractors. Section 14.0 of the Safety Policy will apply.

Contractors may also take the form of voluntary groups, etc. who wish to fund raise at Council events. Risk assessments will be requested for all activities run by voluntary groups as part of the main event.

Information will be provided to voluntary groups as per contractors on issues relating to health and safety.

The Group Heads organising the event will satisfy themselves that the risks arising out of event activities are reduced to as low as is reasonably practicable and standards of best practice have been employed.

### 3. Risk Assessments

As part of the planning for any event, the Group Heads will ensure that risk assessments are carried out for the event and risk assessments requested from contractors and participants. Any significant hazards identified will be brought to the attention of all contractors and participants as necessary.

### 4. Training/Provision of Information

All staff required to undertake duties outside of their normal job description, e.g. stewarding, will receive information, instruction and training for those additional duties, prior to the event.

5. Accidents

The Council accident/incident report form should be completed for any incident occurring involving a member of staff. Accidents should be reported for members of the public when the accident is as a result of the event, i.e. in connection with work.

6. First Aid

The need for first aid provisions will be considered for all events in accordance with the Health and Safety at Work (First Aid) Regulations 1981. The risk assessments carried out will assist in determining medical and first aid needs at events.

# Cabinet

21 June 2017



<b>Title</b>	Appointments to Outside Bodies and Working Groups for 2017-18		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Gill Hobbs		
<b>Cabinet Member</b>	Councillor Ian Harvey	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
<b>Cabinet Values</b>	Community		
<b>Recommendations</b>	<b>The Cabinet is asked to appoint representatives to the Outside Bodies and Working Groups as shown at Appendix A for 2017-18.</b>		

**1. Key issues**

1.1 The annual appointment of representatives to Outside Bodies and Working Groups helps the Council fulfil its community engagement role.

**2. Options analysis and Proposal**

2.1 This report seeks approval to appoint the representatives to the Outside Bodies and Working Groups for 2017-2018 as shown at Appendix A.

**Background papers:**

None.

**Appendices:**

Appendix A – Nominations to Outside Bodies and Working Groups

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Category	Outside Body	Name	Party	
			<b>Appendix A</b>	
Outside Body	<b>A2Dominion Customer Services Committee</b>			
		Councillor Richard Smith-Ainsley	Rep	Conservative
Outside Body	<b>Ashford and St Peter's Hospitals NHS Foundation Trust</b>			
		Councillor Maureen Attewell	Rep	Conservative
Outside Body	<b>Heathrow Airport Consultative Committee</b>			
		Councillor John Boughtflower	Rep	Conservative
		Councillor Daxa Patel	Deputy	Conservative
Outside Body	<b>Heathrow Community Noise Forum</b>			
		Councillor Rose Chandler	Rep	Conservative
Outside Body	<b>Heathrow Local Focus Forum</b>			
		Councillor Richard Barratt	Rep	Conservative
		Councillor Sinead Mooney	Rep	Conservative
Outside Body	<b>Local Authority Aircraft Noise Committee</b>			
		Councillor Naz Islam	Rep	Conservative
		Councillor Anthony Jones	Rep	Conservative
		Councillor Howard Thomson	Rep	Conservative
Outside Body	<b>Local Plan Working Party</b>			
		Councillor Ian Beardsmore	Rep	Liberal Democrats
		Councillor Sinead Mooney	Rep	Conservative
		Councillor Tony Harman	Rep	Conservative
		Councillor Ian Harvey	Rep	Conservative
		Councillor Richard Smith-Ainsley	Rep	Conservative
		Councillor Howard Thomson	Rep	Conservative
		Councillor Howard Williams	Rep	Conservative
		Councillor Colin Barnard	Rep	Conservative
Outside Body	<b>Management Committee of Mediation North Surrey</b>			
		Councillor Tony Harman	Rep	Conservative
Outside Body	<b>On-Street Parking Partnership</b>			
		Councillor Olivia Rybinski	Rep	Conservative
		Councillor Richard Barratt	Rep	Conservative
Outside Body	<b>Police and Crime Commissioner's Panel - COUNCIL APPT</b>			
		Councillor Nick Gething	Rep	Conservative

<b>Outside Body</b>	<b>River Thames Alliance</b>			
		Councillor Vivienne Leighton	Rep	Conservative
<b>Outside Body</b>	<b>Runnymede and Spelthorne SHMA - Joint Member Liaison group</b>			
		Councillor Colin Barnard	Rep	Conservative
		Councillor Richard Smith-Ainsley	Deputy	Conservative
<b>Outside Body</b>	<b>South East Employers</b>			
		Councillor Howard Thomson	Deputy	Conservative
		Councillor Colin Barnard	Rep	Conservative
<b>Outside Body</b>	<b>South West Middlesex Crematorium Board - COUNCIL APPT</b>			
		Councillor Rose Chandler	Rep	Conservative
		Councillor Daxa Patel	Deputy	Conservative
<b>Outside Body</b>	<b>Spelthorne Business Forum</b>			
		Councillor Colin Davis	Rep	Conservative
		Councillor Mark Francis	Rep	Conservative
		Councillor Nick Gething	Rep	Conservative
		Councillor Richard Barratt	Deputy	Conservative
		Councillor Colin Barnard	Deputy	Conservative
		Councillor Daxa Patel	Deputy	Conservative
<b>Outside Body</b>	<b>Spelthorne Mental Health Association Management Committee</b>			
		Councillor Tony Harman	Rep	Conservative
<b>Outside Body</b>	<b>Spelthorne Safer, Stronger Partnership Board</b>			
		Councillor Nick Gething	Rep	Conservative
<b>Outside Body</b>	<b>Strategic Aviation Special Interest Group</b>			
		Councillor Richard Barratt	Deputy	Conservative
		Councillor Ian Harvey	Rep	Conservative
<b>Outside Body</b>	<b>Surrey Museums Consultative Committee</b>			
		Councillor Maureen Attewell	Rep	Conservative
		Councillor John Kavanagh	Deputy	Conservative
<b>Outside Body</b>	<b>Surrey Traveller Community Relations Forum</b>			
		Councillor Jean Pinkerton OBE	Rep	Conservative
<b>Outside Body</b>	<b>Surrey Waste Partnership</b>			
		Councillor Nick Gething	Rep	Conservative
<b>Outside Body</b>	<b>The Traffic Penalty Tribunal</b>			
		Councillor Tim Evans	Rep	Conservative
		Councillor Sabine Capes	Deputy	Conservative