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Our Ref: PGH/Cabinet
Date: 25 May 2012

Notice of Meeting

CABINET

Date: Tuesday 12 June 2012

Time: 5.30p.m.

Place: Council Chamber, Council Offices, Knowle Green, Staines.

PLEASE NOTE THE CHANGE OF VENUE FOR THIS MEETING ONLY

To: Members of Cabinet

Members of the Cabinet	Cabinet member areas of responsibility
F. Ayers (Chairman)	Leader of the Council, Strategy and Corporate Governance and Communications
Mrs. J.M. Pinkerton (Vice-Chairman)	Deputy Leader, Health, Wellbeing and Independent Living
T.J.M. Evans	Finance and Resources
P.C. Forbes-Forsyth	Community Safety and Young People
G.E. Forsbrey	Planning and Housing
N. St. J. Gething	Economic Development
Mrs. D.L. Grant	Parks and Assets
R.L. Watts	Environment

AGENDA

Description	Page Number
1. Apologies for absence	
To receive any apologies for non-attendance.	
2. Minutes	
To confirm the Minutes of the meeting held on 24 April 2012 (copy attached).	1 - 6
3. Disclosures of Interest	
To receive any disclosures of interest from members in accordance with the Council's Code of Conduct for members.	
4. Minutes of the Members' Development Steering Group	
To note the Minutes of the meeting held on 28 February 2012.	7 - 9
5. Spelthorne Waste Action Plan	
Councillor Watts	10 - 31
6. Criteria for Residual Grant Funding	
Councillor Pinkerton	32 - 34
7. Replacement of heating and hot water system at Knowle Green	
Councillor Watts	35 - 39
8. Staines Sea Cadets' Accommodation	
Councillor Grant	40 - 47
9. Capital Carry Forward Requests	
Councillor Evans	48 - 57
10. Members' Code of Conduct Committee	
Councillor Ayers	58 - 81
11. Appointment of Representatives to Outside Bodies 2012-13	
Councillor Ayers	82 - 85
12. Issues for future meetings	
Members are requested to identify issues to be considered at future meetings.	

13. Urgent Items

To consider any items which the Chairman considers as urgent.

MINUTES OF THE CABINET

24 April 2012

Present:

Councillor F. Ayers (Leader of the Council, Chairman of the Cabinet and Cabinet Member for Strategy and Corporate Governance)
Councillor Mrs. J.M. Pinkerton (Deputy Leader and Cabinet Member for Health, Wellbeing and Independent Living)
Councillor T.J.M. Evans (Cabinet Member for Finance and Resources)
Councillor P.C. Forbes-Forsyth (Cabinet Member for Parks and Leisure)
Councillor G.E. Forsbrey (Cabinet Member for Planning and Housing)
Councillor N. Gething (Cabinet Member for Communications)
Councillor Mrs. D.L. Grant (Parks and Assets)
Councillor R.L. Watts (Cabinet Member for Environment)

The Leader welcomed the Borough's Police Inspector, Derrick Laing, who was 'shadowing' the day-to-day work of the Chief Executive.

Apologies: Councillor C.A. Davis (Cabinet Member for Economic Development)

1795. Minutes

The minutes of the meeting held on 21 February 2012 were agreed as a correct record.

1796. Disclosures of Interest

There were none.

1797. Minutes and Recommendations of the Local Development Framework (LDF) Working Party – 29 February 2012

Cabinet considered a report on a programme for progressing the draft Supplementary Planning Documents (SPDs) for Flooding and Housing Size and Type.

RESOLVED that the Leader agrees:

- I. the work programme of the LDF Working Party.
- II. the draft SPD on Flooding for public consultation.
- III. the draft SPD on Housing Size and Type for public consultation.
- IV. the proposed arrangements for the four weeks' public consultation on the two SPDs.
- V. To the Council proceeding with work necessary to enable the adoption of a Community Infrastructure Charging Schedule before April 2014.

1798. Annual Review of the Constitution

Cabinet considered a report on the suggested amendments and improvements to the Constitution.

Cabinet noted that the composition of the Cabinet will consist of the Leader and Deputy Leader and between one and eight other councillors.

RESOLVED TO RECOMMEND that Council agrees to the amendments made to the Constitution.

1799. Code of Conduct and Standards Committee

Councillor Gething proposed that the report be withdrawn for reconsideration. Councillor Forbes-Forsyth seconded the proposal.

Cabinet noted that a new draft of the report will be considered by the Standards Committee on 10 May and by the Overview and Scrutiny Committee on 16 May.

RESOLVED that the report be presented on another occasion.

1800. Independent Person – Appointments Panel

Cabinet considered a report on the establishment of a joint appointments panel for the appointment of an Independent Person in view of the changes to the Standards regime.

Councillor Gething proposed, and Councillor Forbes-Forsyth seconded, that the report be withdrawn for reconsideration, along with the Code of Conduct.

RESOLVED TO RECOMMEND that Council delegates authority to the Head of Corporate Governance, in consultation with the Leader:

- (a). to establish a joint appointments panel with such other Surrey Councils as are appropriate for the appointment of an Independent Person and a reserve (or deputy), and
- (b). such panel to have representation from each council as is appropriate with numbers and representatives to be determined by the Head of Corporate Governance in consultation with the Leader, but to be broadly representative of the political make-up of the councils involved.

1801. Police and Crime Panel – Establishment of a Joint Committee

Cabinet considered a report on the proposal to set up a Police and Crime Panel with other Surrey authorities, covering the area of the Surrey Police authority.

RESOLVED TO RECOMMEND that Council:

- (a). agrees to the establishment of the joint committee, with the other Surrey local authorities, to act as the Police and Crime Panel in Surrey (in accordance with the Police Reform and Social Responsibility Act 2011), and
- (b). nominates Councillor Forbes-Forsyth as the Council's representative on the Panel.

1802. Carbon Management Plan

Cabinet considered a report on the Council's Plan for maintaining and enhancing the environmental, economic and social well-being of the borough.

Cabinet noted the excellent work of Francesca Nesbitt, Climate Change Officer, in the preparation of the report.

RESOLVED that the Leader agrees to adopt the Carbon Management Plan for implementation.

1803. Discretionary Rate Relief Application

Cabinet considered a report on the proposed award of rate relief to WR Sports Ltd.

Cabinet requested that the list of Council priorities at 3.1(e) be amended to read Safety, Service and Support.

RESOLVED that the Leader approves the application of Discretionary Rate Relief for WR Sports Ltd.

1804. Spelthorne Single Equality Scheme (Fairness and Respect)

Cabinet considered a report on an update to the Council's Single Equality Scheme 2012-15 which satisfies the public sector duties of the Equality Act 2010.

RESOLVED that the Leader agrees to the update of the Council's Single Equality Scheme 2012-15.

1805. Appointment to Outside Bodies

Cabinet considered a report requesting the appointment of a replacement Councillor representative to serve on the River Thames Alliance (RTA) partnership.

RESOLVED that the Leader agrees to the appointment of Councillor Mrs. V.J. Leighton as Spelthorne's representative on the RTA partnership.

1806. Issues for Future Meetings

There were none.

1807. Urgent Items

There were none.

1808. Exempt Business

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated below.

1809. Sundry Debt Write-off

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

Cabinet considered an exempt report on a proposal to write off several bad debts where recovery is no longer possible.

The options considered were in the main body of the report.

RESOLVED that Cabinet agrees to the write-off of the bad debts listed in the report.

1810. Council Tax and Business Rates Write-offs

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

Cabinet considered an exempt report on a proposal to write off several bad debts where recovery is no longer possible.

The options considered were in the main body of the report.

RESOLVED that Cabinet agrees to the write-off of the bad debts listed in the report.

1811. Write-off for Housing Benefit and Council Tax Benefit Claim

(Paragraph 3 – Information relating to any individual person).

Cabinet considered an exempt report on a proposal to write off a housing and council tax benefit overpayment debt where recovery is no longer possible.

The options considered were in the main body of the report.

RESOLVED that Cabinet agrees to the write-off of the bad debt listed in the report.

NOTES:-

- (1) ***Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule, 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 three 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 three 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 3 May 2012

MINUTES OF THE MEMBER DEVELOPMENT STEERING GROUP

28 February 2012

Present:

Councillor N. Gething (Chairman)

Councillor Mrs J.M. Pinkerton (Vice Chairman)

Councillors:

Mrs S. Dunn

C. Frazer

Mrs M. Madams

Also in attendance: Councillors Mrs J.A. Dale

14/12 MINUTES

The Minutes of the meeting held on 6 December 2011 were confirmed as a correct record.

15/12 MATTERS ARISING FROM THE MINUTES

No matters reported.

16/12 MEMBER DEVELOPMENT

The Steering Group discussed the report of the Head of Human Resources which covered four specific areas:

(a) Member Development Skill Portal – Review of Pilot

The Steering Group discussed with the Head of Human Resources the outcome of the piloting of the skills portal. It was noted that 25 out of 39 councillors had completed the self assessment against the skills framework with 3 councillors also completing a 360% assessment.

The Head of Human Resources reported on the feedback received on the use of the portal and views on its future use. It was confirmed that any decision on whether to continue with the portal would not affect the retention of the Charter for Member Development status as the 3 year accreditation was up at the end of 2013.

The Group noted that the mid-term review would take place in the summer and would be a desk top exercise involving the Chairman of the Steering Group and the Lead Officers. The full reassessment would take place at the end of 2013 if the Council wanted to seek reaccreditation.

The Steering Group agreed not to continue with the South East Employers' Member Development Skills Portal and the information on councillors' development be obtained in different ways.

(b) Potential to work with other councils for member development events

The Steering Group discussed with the Head of Human Resources the feasibility of working with neighbouring councils on sharing training and development events for councillors. It was noted that both Elmbridge and

Member Development Steering Group 28 February 2012 - Continued

Runnymede Councils had expressed an interest in the joint training arrangements but that there was a need for these events to be on mutually convenient dates. It was also noted that some of the neighbouring councils elect each year by thirds and therefore their induction programme and arrangements for subsequent member development were different to this Council.

The Group noted that the cost of joint training events would be shared by dividing any trainer costs by the number of attendees from each council. It had also been agreed that where one council arranged an event for its own councillors any unused spaces would be offered to members from the other authorities.

The Group noted that Elmbridge Borough Council were currently organising a development programme to be in place following their elections in May 2012.

The Steering Group supported the discussions being held with both Elmbridge and Runnymede Borough Councils on working together on member development events and noted the potential to work together in the future.

(c) Update on Member development events and seminars in 2011/12

The Group discussed with the Head of Human Resources her report which covered the evaluation of the various development events and seminars held since the beginning of the new Administration in May 2011. The report also provided details of the seminars and other development events being organised for the remainder of the year.

The Steering Group received the member development programme and agreed that any suggestions for future events for 2012/13 be submitted to the Head of Human Resources.

(d) Update on Budget Position

The Group discussed with the Head of Human Resources the budget required for member development. It was noted that the total budget for member development had been set at £18,880 and covered the four years of the administration as follows:

2011/2012	£4900
2012/2013	£4900
2013/2014	£4500
2014/2015	£4500
Total	£18800

During the discussion it was noted that the above figures could be exceeded in any one year provided that the overall expenditure over the 4 year period did not exceed the total budget.

Member Development Steering Group 28 February 2012 - Continued

The Steering Group noted the current budget position.

(e) Vote of Thanks

The Steering Group placed on record their thanks and appreciation to the Chairman Councillor Nick Gething, the Vice Chairman, Councillor Mrs Jean Pinkerton and Jan Hunt, the Head of Human Resources for their commitment to the work of the Group and in particular for arranging the training programme for members.

17/12 NEXT MEETING OF THE MEMBER DEVELOPMENT STEERING GROUP

The next meeting of the Steering Group to be arranged to take place later in the year.

Chairman – 2012

Cabinet

15 May 2012



Title	Spelthorne Waste Action Plan		
Purpose	Resolution required		
Report of	Assistant Chief Executive	Confidential	No
Cabinet Member	Councillor Robert Watts	Key Decision	Yes
Report Author	Sandy Muirhead Head of Sustainability and Leisure		
Summary	<p>This report requests support for the Waste Action Plan attached. The Waste Action Plan is part of the already supported Plan for Waste Management – the Surrey Waste Partnership’s plan for dealing with Surrey’s waste. This action plan deals specifically with Spelthorne’s part in that and all Surrey authorities have/are developing these action plans</p> <ul style="list-style-type: none"> • The Plan for waste Management is a statutory requirement • To achieve the aspirational 70% recycling rate in the Plan for Waste Management each authority needs to develop its own action plan to help achieve this. 		
Financial Implications	. In this report specifically there are none. However, activities outlined have some promotional costs and for difficult properties funding sources will be sort and business cases developed to show any return on investment through achieving increased recycling and as a result recycling credits.		
Corporate Priority	Service		
Recommendations	To endorse the Spelthorne Waste Action Plan		

MAIN REPORT

1. Background

- 1.1 In 2011 the Plan for Waste Management was endorsed by all Surrey authorities. Within that plan there is a need for each authority to develop its own action plan to demonstrate how it will work towards the aspirational 70% recycling target by 2014.
- 1.2 Through significant changes over the last two to three years in all Surrey authorities' collection methodologies, materials collected and redevelopment of Surrey's Community Recycling Sites recycling rates have increased significantly. Many collection authorities are now achieving well over 45% and two over 60%. Due to three authorities changing collection systems to co-mingled in 2012 recycling rates are expected to increase further.
- 1.3 Spelthorne is currently at the lower end of collection authority recycling rates. This is related to demographics and the large number of difficult access properties and flats we have in the Borough. These are the key areas we need to tackle including contamination.
- 1.4 Surrey as a whole spends significant monies on waste collection and disposal. The Surrey Waste Partnership is working well and is committed to the Surrey Plan for Waste Management. Each authority is developing its own action plan as required to support the overall plan. The Partnership is therefore looking, over future years, at further opportunities to work together to maximise efficiencies and undertake best practice, develop material markets and innovative collections to recycle other waste e.g. absorbent hygiene products.

2. Key issues

- 2.1 The waste action plan attached to this report has been developed to focus on waste minimisation and recycling. Key issues we will be looking at to assist in increasing recycling are:-
 - Waste minimisation - reducing waste in the first place
 - Identifying areas of low participation and contamination, identifying why those areas do not participate/contaminate recycling. Then follow with targeted actions to help encourage recycling/reduced contamination
 - We have in the Borough a large number of properties which are flats or have difficult accesses. Where feasible we will work with RSLs and managing agents of flats to develop alternate weekly rubbish and recycling collections and food waste collections.

3. Options analysis and proposal

- 3.1 The options are
 - To endorse the plan to enable Spelthorne to reduce its rubbish and increase recycling.
 - To not endorse the plan

- 3.2 To not endorse the plan would mean Spelthorne not achieving the aspirations of the Plan for Waste Management which we as part of the Surrey Waste Partnership have signed up to. The Plan for Waste Management, originally the Joint Municipal Waste Management Strategy is a statutory requirement for two tier authorities.
- 3.3 To support the plan would, over time, reduce our rubbish levels with savings for residents in disposal costs but increase recycling and therefore recycling credit income for Spelthorne.
- 4. Financial implications**
- 4.1 In this report specifically there are none. However, activities outlined have some promotional costs and for difficult properties funding sources will be sought and business cases developed to show any return on investment through achieving increased recycling and as a result recycling credits.
- 5. Other considerations**
- 5.1 Reducing waste and recycling reduces demands on natural resources and requirements for landfill. There are therefore significant positive benefits for the environment through waste minimisation and recycling
- 6. Risks and how they will be mitigated**
- 6.1 The main risks are around lack of success in measures taken but with effective targeting of resources these risks should be minimised. .
- 7. Timetable for implementation**
- 7.1 Set out a timetable, if required, showing when the proposal in the report will be implemented.

Background papers: None

Appendices: Spelthorne Waste Action Plan

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Surrey
Waste
Partnership

A Plan for Waste Management: Action Plan 2012- 2014

[Spelthorne Borough Council]

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Section 1 Introduction

Section 2 Strategic Direction

Section 3 Current Performance

Section 4 Spelthorne Borough Council Targets

Section 5 Action Plan

DRAFT**Section 1 Introduction****Purpose of document**

- 1.1 This document details how Spelthorne Borough Council will contribute to the delivery of the revised strategy of the Surrey Waste Partnership September 2010, 'A Plan for Waste Management', by way of an action plan. The action plan highlights intended projects or initiatives, attached costs, timeframes and potential to work in conjunction with other Surrey authorities in order to achieve targets defined within the strategy to deliver efficient and effective waste management in the county.
- 1.2 The Plan for Waste Management aims to present a sustainable future for Surrey through efficient management of resources. The vision for the county is to reach a 70% recycling, composting and reuse target by 2013/14 and to ultimately exceed this target by 2026. The authorities within the Surrey Waste Partnership are committed to delivering lasting and cost effective waste management solutions within the county to protect present and future generations.

Surrey Waste Partnership

- 1.3 The Joint Municipal Waste Management Strategy (JMWMS) was produced by the Surrey Local Government Association (SLGA) in 2006. The SLGA represents the 11 district and borough councils and the county council and is a forum to improve services across Surrey. The Surrey Waste Partnership (SWP), formerly the Waste Members Group of the SLGA, revised the strategy- A Plan for Waste Management-and specifically deals with waste management issues. Officers and members across the Partnership work collaboratively to deliver effective waste management solutions.
- 1.4 Delivering the Plan for Waste Management is a combined effort from the various districts and boroughs along with the county, all of whom have specific functions. The district and borough councils are Waste Collection Authorities (WCAs) and responsible for collecting household waste. The WCAs deliver recycling and composting schemes based on the separation of suitable materials of household waste collected at the kerbside of properties along with general waste. Recyclable materials can also be deposited at recycling facilities which are maintained by the appropriate WCA. General non recyclable, or residual waste, is passed onto the county for disposal. Recyclable or compostable materials are either sent to the county or directly to appropriate contractors depending on arrangements and facilities.
- 1.5 Surrey County Council is the Waste Disposal Authority (WDA) for Surrey. This entails managing household waste received from the WCAs and the provision of facilities for its subsequent treatment and disposal. The WDA provide and maintain Community Recycling Centres (CRCs) which residents can use to deposit both materials which are currently collected from the kerbside and additional, often bulkier items. The county council is also the Waste Planning Authority for Surrey which involves identifying and allocating land suitable for the development of waste management facilities.
- 1.6 The various component organisations of the Surrey Waste Partnership each have a role to play in delivering waste management solutions that are both user friendly and cost effective.

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Section 2 Strategic Direction

2.1 National waste legislation plays a major part in the strategic direction of the Surrey Waste Partnership, most notably The Waste (England and Wales) Regulations 2011, which ratifies the waste hierarchy, (below) the Government Waste Policy Review 2011 and the Landfill Directive. The waste hierarchy provides a range of options based on impact when managing waste, with top priority given to waste prevention. Disposal, at the bottom of the pyramid, is the least favoured option as landfill is both costly and unsustainable.

Fig 1 The Waste Hierarchy 2011



2.2 The Landfill Directive, an element of legislation that supports the waste hierarchy, requires biodegradable waste to either be pre-treated or diverted from landfill altogether. An economic instrument that enables the delivery of certain legislation is the Landfill Tax. The Landfill Tax, which stands at £56 per tonne in 2010/11, will increase to £80 per tonne in 2014/15 in £8 increments. With rising costs of landfill other methods of sustainable waste management need to be utilised and the waste hierarchy offers direction on ways in which to approach this. National legislation supports the use of Energy from Waste facilities as a means of avoiding landfill. Recent technological advances such as anaerobic digestion treat biodegradable waste (eg. food) and simultaneously produce energy therefore doubly advantageous.

2.3 The Surrey Waste Partnership has committed to five key policies (see Table 1) within the strategy to address the existing and future challenges of sustainable waste management in the county.

2.4 A common theme across the policies is the commitment to joint working across the Partnership in order to demonstrate national legislation and directives aimed at carbon reduction and mitigation, resource efficiency and other aspects of sustainable waste management.

DRAFTTable 1 JMWMS Policy Actions

Policies	
Policy 1) We will work in partnership with each other and other stakeholders to promote sustainable waste and resources management in Surrey, and support national and regional policies for carbon reduction and mitigation as well as net self-sufficiency	Policy 2) We will work in partnership to develop and deliver a coordinated waste education and awareness programme, which focuses on all aspects of sustainable waste management, in line with the priorities of the waste hierarchy
Policy 3) We will vigorously pursue the prevention of waste to achieve continued reduction in waste arisings, through common public messages, lobbying retailers and enforcement activities	Policy 4) We will commit significant efforts and resources to achieve an aspirational household recycling and composting targets of 70% by 2013/14
Policy 5) We will adhere to the waste hierarchy, with residual waste treatment preferred to landfill. Recovery and disposal facilities will be delivered to ensure compliance with the Landfill Directive. We will restrict the use of landfill to 0% by 2013	

2.5 The action plan details how Spelthorne Borough Council intends to adhere to national waste policies; contribute to targets established by the Surrey Waste Partnership; and continue to improve services within the Borough, working in cooperation with other authorities of the Partnership wherever possible. The following section illustrates the county and Spelthorne Borough Council's performance in 2010/11.

Section 3 **Current Performance**

3.1 Table 2 gives an overall picture of Surrey's performance as a county in 2010/11. The total household waste collected across the county was 513,512 tonnes of which 46.4% was extracted for recycling, composting or reuse.

Table 2 Overall performance of Surrey in 2010/11

Number of households	Total recycled, composted, reused waste-tonnes	Total recycled waste-percentage	Total household waste-tonnes
472,380	238,268	46.4%	513,512

3.2 The total waste collected in each district and borough is detailed in Fig 2 along with how much of that waste was recycled, composted or reused. Spelthorne Borough Council recycled, composted or reused 11,964 tonnes of waste therefore 36.55% of a total 32,731 tonnes of household waste as in Table 3. Fig 3 illustrates Spelthorne Borough Council's recycling, composting, reuse trend from 2006-2011.

Fig 2 Total household waste collected and total waste recycled, composted and reused by the Waste Collection Authorities and Surrey County Council Community Recycling Centres April 2010-March 2011

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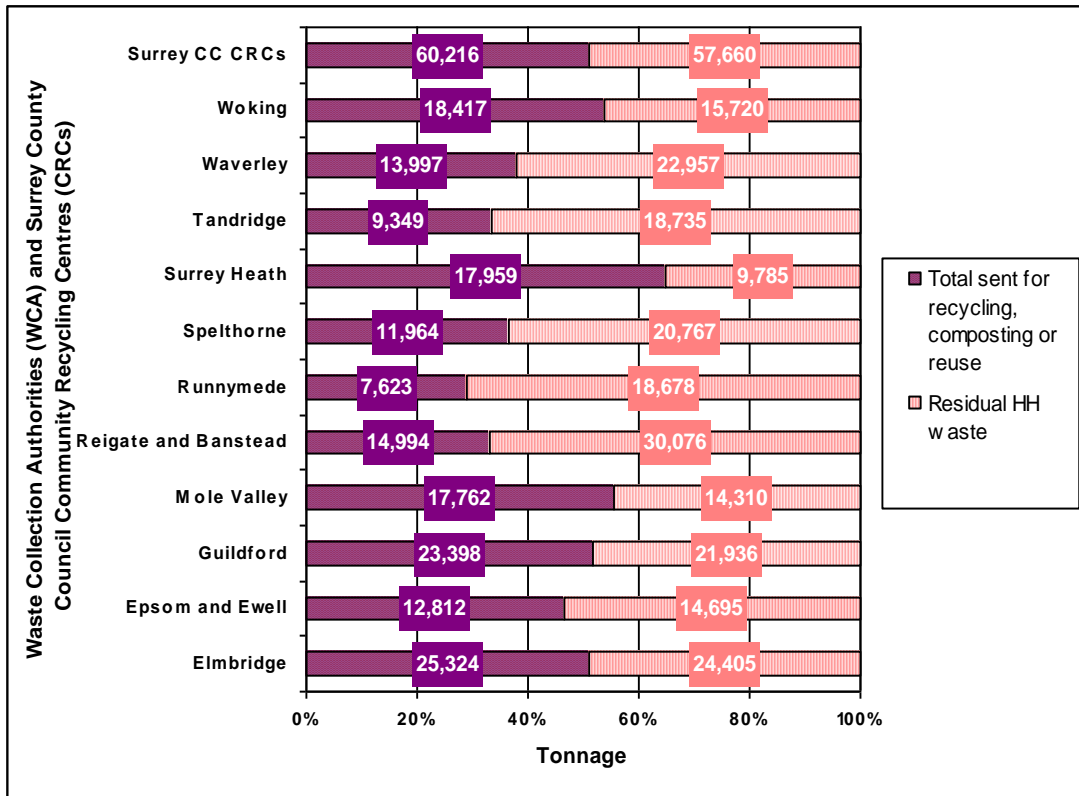
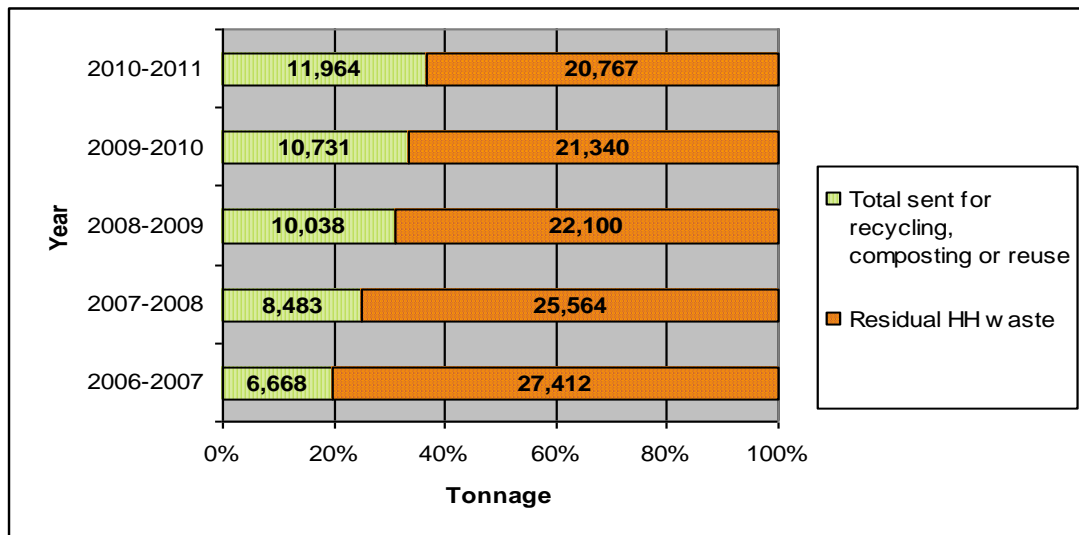


Fig 3 Spelthorne Borough Council household recycling, composting, reuse trend April 2006-March 2011



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Table 3 Spelthorne Borough Council's performance 2010/11

Number of households	Total recycled waste-tonnes	Total recycled waste-percentage (of total waste)	Total household waste-tonnes	Number of Bring sites
40,870	11,964	36.55%	32,731	22

3.3 Table 4 shows how much of each material available (i.e. collected by the authority) is recycled and how much remains in the residual waste stream. The lower the capture rate the more recyclable material is available to be captured and recycled.

Table 4 Recycling, Composting, Reuse Capture Rate by Material for Spelthorne Borough Council Jan-June 2011

	Amount recycled, composted, reused / hh(kg)		Capture rate for material		Amount in residual / hh(kg)	
	Spelthorne	Range for Surrey LA's	Spelthorne	Range for Surrey LA's	Spelthorne	Range for Surrey LA's
Paper & Card	80.34	102.37 - 62.60	83%	88% - 59%	16.96	10.82 - 43.95
Plastics	5.94	16.13 - 2.21	18%	49% - 5%	27.68	14.73 - 42.58
Metals	5.94	8.00 - 2.14	43%	62% - 16%	7.91	4.82 - 10.94
Glass	27.33	43.24 - 24.03	79%	90% - 64%	7.29	3.81 - 15.80
Combustibles	0.00	0.36	0%	2%	14.17	8.16 - 35.60
Textiles	0.50	2.33 - 0.04	7%	26% - 1%	6.58	4.83 - 13.51
Garden Waste	27.44	64.20 - 17.20	59%	90% - 42%	18.79	6.91 - 26.40
Food Waste	0.00	49.83 - 27.52	0%	71% - 31%	76.41	20.40 - 75.07
Collectable HHW	0.00		0%		0.26	
OTHER WEEE	0.00		0%		0.80	
OTHER HHW	0.00		0%		0.82	
OTHER WASTE	0.00		0%		56.10	23.55 - 68.95
TOTAL	147.50	259 - 132			233.77	146.84 - 276.17

3.4 At present Spelthorne Borough Council employs alternate weekly collection of household, recycling and garden waste. Residents prior to collection do not sort recycling and all materials, such as card, glass and plastic bottles are disposed of in the same bin.

Fig 4 Current waste collections by Spelthorne Borough Council



Week One – Rubbish



Week Two – Recycling

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Fortnightly Garden Waste

Weekly Food Waste



With the introduction of a food waste service to the alternate weekly collection system for rubbish and co-mingled recycling in October 2011, the municipal waste collection service in Spelthorne is:

- fortnightly commingled recycling service collected from a 240 litre wheelie bin
- fortnightly residual waste collected from a 240 litre wheelie bin
- fortnightly chargeable garden waste from 240 litre wheelie bin
- weekly food/kitchen waste collected from caddy

All collections are carried out by the in-house Direct Services Organisation (DSO).

These materials now able to be collected are:

paper	cardboard	glass
cans	plastic bottles	
other plastics (yoghurt pots food trays)	food/kitchen waste	

3.5.7 The recycling service provides Spelthorne BC with an opportunity to promote the recycling service but also the ability to encompass key messages highlighted in Surrey Waste Partnership’s ‘a Plan for Waste Management’ and the Council’s Action Plan 2011- 2014. A list of key actions which Spelthorne BC has committed to achieving during 2012 – 2014 are set-out below:

3.6 Plastics Recycling

Mixed plastics were added to the revised recycling service as a new material in 2011. ‘A Plan for Waste Management’ has highlighted that out of the total Spelthorne BC recycling stream, only 18% is plastics. The top percentile is 49%. Although this includes those taking film this is the lighter weight fraction of plastics. Therefore there is scope for a substantial, potential capture rate improvement for this recycle. One potential reason for the current low capture rate for plastics could be confusion among residents about which plastics can and cannot be recycled. In the action plan there is

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a focus on communications and re-enforcement of messages about the commingled recycling service.

3.7 Waste Food Recycling

Spelthorne will continue to promote food waste collections but also seek to understand better why some areas do not participate. Research has shown that residents consider plate scrapings as food waste but may not consider rotting, unused food as such. Literature produced will promote a range of different foods which can be recycled each week. Spelthorne will also look to pilot food waste collections from schools with a view to rolling out the service to all schools that request it. Contact will also be made with Surrey Heath BC, which is currently at the top of the league table for recycling food waste, to discuss their publicity work, and see if some ideas can be shared.

3.8 From October to December 2011 the rubbish and recycling tonnage/percentages were as follows:-

Residual rubbish	Fortnightly co-mingled
4,803 tonnes (59.9%)	3,307 tonnes (40.10%)

For this period the breakdown of the recycling is:

Activity/Month	Oct 2011	Nov 2011	Dec 2011
Recycle and Reuse	29.7%	29.4%	29.3%
Composting – garden/food	11.2%	16.1%	11%
Total	40.9%	45.5%	40.3%

DRAFT**Section 4 Spelthorne Borough Council Targets**

4.1 In this section please detail the waste targets Spelthorne Borough Council have committed to achieving in the short, medium and long term.

Spelthorne BC is committed to supporting the achievement of an aspirational target of 70% recycling in Surrey. This is set-out in 'a Plan for Waste Management' (the Joint Municipal Waste Management Strategy, Revised in 2010), which has been agreed and adopted by the Council.

However, due to the demographics of the Borough it is suggested more realistic targets are given below.

	Targets Recycling percentage
Short term 2011-12	42%
Medium Term 2013-2014	50%
Long Term 2014-15	58%

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Section 5 Action Plan

5.1 This section details what projects and initiatives Spelthorne Borough Council intend to deliver to ensure targets are met in line with the Plan for Waste Management.

DRAFT**Action Plan: 2011 – 2014**

Action number	Action	Completed delivery time	Outcome/benefit	Narrative	In partnership with
	Service Delivery				
1	Introduced kerbside food waste collections	June to January 2013	<p>Increase in recycling rate by 5 percentage points</p> <p>Aim to increase participation to 65% in targeted areas through door canvassing, hook ons and road shows.</p>	<p>Introduced in October 2011. Already improved recycling rate by 5%. Next stage is to identify participating and non-participating areas. Then to identify reasons for non-participation and address any concerns. To deliver a targeted communications campaign in areas where participation in food waste is low and general campaign aimed at families and retired people. Appropriate campaigns can be developed. This will follow on from SCC/Spelthorne joint campaign spring 2012</p>	Surrey County Council (Waste Disposal Authority)
2	Promote food waste in public communications	2012 - 2014	To increase SBC's food waste recycling		Surrey Heath

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	and roll out service to schools		rate. Currently SBC is at the lower end among other Surrey districts with a recycling rate of 40% Increase recycling rate by 2%		
3	Introduce AWC and food waste collection to flats and difficult properties*	By 2013	Increase in recycling by 5%	HSE assessment March 2012 of rollout to flats. This has led to 1000 flats being excluded from being able to cope with alternate weekly collection at this stage Physical rollout to flats with appropriate communal space (Jul-Dec 2012) This leaves 2000 properties to move to alternate weekly and food waste collections.	Collections from flats between street scene and sustainability and leisure services to ensure change over and communications to residents linked. Ensure all residents are provided with relevant and targeted information as the system changes. To work in partnership with Social Housing Landlords and Management Companies to establish how the recycling and rubbish collections can be tailored to meet their needs.
4	Waste minimisation	2012 -2014	Minimise residual rubbish – reduce tonnage by 10%	Improved communications on reduction of waste and what can and cannot be recycled and where materials can be taken to. Build on previous development of promotional materials to encourage	SCC/Surrey Waste Partnership

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				residents recycling and waste minimisation efforts, whilst ensuring consistency in message and branding. Engage with community groups, businesses, and schools to enlist residents to encourage others to educate and distribute information on waste minimisation and recycling.	
5	Increased participation & reduce contamination	2013	Maximise participation in the rubbish and recycling collections services to increase recycling rates by 2%	Identify areas of low participation and target with information and if appropriate visits. Similarly for contamination to increase residents understanding of recycling the correct materials and continue to provide information to residents about the services we offer and purpose of schemes Engage with collection crews to improve manual workforce understanding of the importance of collecting the correct materials in each bin	
6	Pilot collection banks at 5 recycling sites across the Borough for	Feb 2012 to Feb 2013	An estimated 100-500 tonnes of electrical items diverted from	Small electrical items were found contaminating recycling waste at an audit	WEEE banks have through a joint Surrey Waste Partnership project been

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	unwanted small electrical items (WEE)		landfill. Marginal increase in recycling but best practice in waste disposal	for the co-mingled recycling	installed at five sites within the Borough These will be monitored to determine effectiveness
7	Increase in banks for other niche materials at bring sites, for example, textiles, toys, light bulbs, plastic bags, etc.	By November 2012	<ul style="list-style-type: none"> • Increase in recycling rate by around 1%. • Positive publicity for the Council about offering recycling for a more innovative range of materials. 	<ul style="list-style-type: none"> • Investigation into range of materials and costs to be carried out late 2012/ early 2013. 	Potential partnership project
8	Textiles	2012	To divert textiles from the current door collection service to the public Bring Sites across the Borough.	Textiles are also significant contaminants of recycling. Therefore, need to promote recycling banks for textiles, shoes books, CDs	
9	Encourage residents to use the Surrey reuse Network for the reuse of recycling of furniture, large white goods etc	July 2012 to January 2013	With recent disappearance of material at kerbside need to evaluate if more beneficial cost effective option is to allow a furniture reuse company to collect from properties	Look at reuse alternatives for furniture. Needs to be developed to look at maximising reuse whilst minimising effects on SBC	Surrey Reuse Network SWP
10	Investigate potential for	Late 2012 and	<ul style="list-style-type: none"> • Improved 	<ul style="list-style-type: none"> • Guildford Borough 	Seek information and

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	treatment and recycling of street cleaning arisings.	2013	recycling rate of around 5% if all street arisings were treated for recycling.	Council are currently exploring the technologies for this type of recycling. <ul style="list-style-type: none"> • Runnymede also treat arisings differently 	opportunities for Spelthorne with other Boroughs
11	Introduce street recycling bins in Lammas Park.	By Summer 2012	<ul style="list-style-type: none"> • Improved 'recycling on the go' opportunities. • Reinforcing publicity about recycling will have a positive impact on kerbside recycling. 	<ul style="list-style-type: none"> • From trial at end of summer 2012 assess success with a view to installing elsewhere 	
12	Garden Waste –to maintain numbers and ensure service is used to its maximum level	2012 -2013	Increased recycling rates by 2%	As reached maximum capacity on current system need to review quarterly to check effectiveness and add in properties if possible	
13	To encourage home composting	2013-2016	To reduce contamination of residual waste	Provide support for residents who wish to compost at home and promote subsidised composting units such as Green Johannas	SCC
14	Investigate the kerbside collection of incontinence	By April 2014, should the SWP look into	Increase in recycling rate by 5% based on combustibles	Woking Council will lead on investigating the feasibility of a weekly collection	All partner authorities in the Surrey Waste Partnership

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	pads/disposable nappy recycling and other Absorbent Hygiene Waste	it jointly	representing 25% of total residual waste Diversion from landfill Increase in residents' satisfaction through providing a frequent collection service	service through the SWP. The lack of a local treatment plant and high gate fee present major obstacles which may be difficult to overcome,	
15	To explore potential benefits and savings thorough closer working together	2016	To increase efficiency, reduce costs and increase recycling rates	Within Surrey there is much common ground for closer working delivered through the Surrey Waste Partnership. This may relate to joint initiatives around for example Absorbent Hygiene waste to purchasing and selling of materials.	At present this includes Guildford, Reigate and Banstead, Runnymede and Epsom and Ewell.

NB * If DCLG bid successful there will also be collections from properties that need to remain on weekly collections and this action will be updated accordingly.

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Cabinet

12 June 2012



Title	Residual grant criteria and timetable		
Purpose	Resolution required		
Report of	Assistant Chief Executive	Confidential	No
Cabinet Member	Councillor Mrs Jean Pinkerton	Key Decision	No
Report Author	Joanne Jones, Community Development Officer		
Summary	<ul style="list-style-type: none"> • Residual annual grant funding of £17,550 • Members wanted this funding allocated in 2012/13 		
Financial Implications	£17,550 is already in the budget.		
Corporate Priority	Support		
Recommendations	To agree the criteria, time frame and procedures for residual budget of £17,550 to organisations (voluntary / business who have worthwhile projects).		

MAIN REPORT

1. Background

- 1.1 The Cabinet agreed at its meeting in February 2012 to award £183,930 in revenue grants to a range of organisations compared with an actual planned expenditure of £201,480. This left a residual funding of £17,550 and it was agreed that this funding should be awarded to organisations with worthwhile projects in 2012/13.

2. Key issues

- 2.1 To ensure that this funding is distributed transparently. Officers and the Portfolio Holder, Cllr Jean Pinkerton, have been working together to develop criteria and a procedure for awarding grants. Please see appendices 1 and 2 for criteria and application form.

3. Options analysis and proposal

- 3.1 To proceed with the proposal for criteria, timeline and process
- 3.2 To make any other suggestions to the timeline.

4. Financial implications

- 4.1 Funding of £17,550 is already within budget.

5. Other considerations

- 5.1 To ensure the residual funding is distributed fairly and openly. The following timetable is suggested.
- Information on grants publicised on the website and in the press– June 2012
 - Applications to be received by 20 July 2012.
 - Report to Cabinet for consideration September 2012.
- 5.2 To support organisations it is proposed that smaller grants be awarded (£500 and £1,000) as experience shows this money does go a long way for specific projects. In exceptional circumstances grants of up to £5,000 would also be considered.
- 5.3 Spelthorne Borough Council is very supportive of the voluntary / community sector and works very closely with a number of organisations.

6. Risks and how they will be mitigated

- 6.1 Spelthorne is establishing a members' grants panel to oversee what is being achieved from the grants awards..

7. Timetable for implementation

- 7.1 See above.

Background papers: None

Appendices: Appendix one - Criteria for applications for extra money. Appendix two – example of application form (online submissions)

Appendix 1

Criteria for discretionary funding 2012-13

Award Terms and Conditions

1. The awards are £500, £1,000 and exceptionally £5,000. Grants cannot be awarded retrospectively.
2. Applicant organisations must be properly constituted and keep regulated accounts;
3. Applications must meet local needs, provide benefit to the local community, must be non-profit making and based in the Borough
4. Set up costs for new initiatives and organisations who help to achieve the objectives identified in the Borough's Community Plan will be positively encouraged.
5. Projects should be sustainable; performance monitoring will be undertaken.
6. Support will not be given, except in exceptional circumstances, to activities, events or projects provided by other statutory organisations.
7. Successful applicants must submit evidence of how the grant helped them to achieve objectives and supply receipts for audit purposes.
8. We should be identified and acknowledged in all publicity relating to the activity for which an award has been made. Where applicable, we may use details of successful awards in our own marketing. Please indicate on the application form if you do not want us to use your details in this way.
9. Only one application per project may be submitted during each financial year which runs from April

Cabinet

12 June 2012



Title	Replacement of heating and hot water system at Knowle Green		
Purpose	Resolution required		
Report of	Assistant Chief Executive	Confidential	No
Cabinet Member	Councillor Robert Watts	Key Decision	Yes
Report Author	Victoria Statham		
Summary	<p>There are three key issues highlighted in this report</p> <ul style="list-style-type: none"> • The need to replace the heating and hot water system at the Knowle Green Offices as beyond its economic life • Timescales to ensure new system (whole or in part) is in place for winter 2012. • Budget provision 		
Financial Implications	<p>Council agreed a budget provision of £220,000 for the replacement of the system. It is expected that the system is going to be more than this and therefore a £20,000 increase of this budget is requested. It is predicted that the greater investment in the system at this stage will reduce maintenance and energy costs in the future.</p>		
Corporate Priority	This matter is not in the list of corporate priorities		
Recommendations	<p>The Leader is asked to</p> <ul style="list-style-type: none"> • Delegate authority to the Assistant Chief Executive in consultation with the Cabinet Member (Robert Watts) to agree a select list of organisations to supply and install the system as designed by Ridge and Partners; • Delegate authority to the Assistant Chief Executive (Terry Collier) in consultation with the Cabinet Member (Robert Watts) to select the organisation to supply and install the system as designed by Ridge and Partners provided that this is within the budget set out in this report; and • Delegate authority to the Head of Corporate Governance to enter into the appropriate contract documentation. 		

MAIN REPORT

1. Background

- 1.1 An assessment of the Council heating and hot water system has taken place and as in some place it is original to the building and over 40 years old the system is beyond its economical life.
- 1.2 Works have taken place to keep the system going. The hot water boiler was replaced approximately two years ago. This however is not linked to the heating boilers and therefore if there is a break down in this part of the system, the offices would be left without hot water.
- 1.3 A number of the offices are experiencing extremes of temperature. Many offices have moved from the original layout and therefore a number of valves are either situated in the wrong place or have long ceased working. The heating system is currently adjusted by staff opening and closing windows. This is having an impact on the amount of wasted energy in terms of both cost and environmental impact.
- 1.4 The Head of Asset Management in consultation with Runnymede Borough Council conducted a quotation process to select an organisation to design a system for the offices and to tender for the supply and installation. Following this process the Council has appointed Ridge and Partners LLP.
- 1.5 The scope of the appointment of Ridge and Partners has deliberately been set so that they consider all possible options including photovoltaic cells, solar thermal and CHP (combine heat and power) boilers to ensure that the most cost effective system is procured.
- 1.6 Ridge and Partners have been appointed under a RICS short form of Consultant's appointment, but this includes as specific provision to state that all design liability rests with them.
- 1.7 Runnymede Borough Council will act as the contract administrator for the Council.

2. Key issues

- 2.1 It is no longer viable for the Council to continue with the current heating and hot water system at Knowle Green. This would be too costly to repair and the heating would continue to be controlled by the opening and closing of windows with a large amount of expensive energy being wasted.
- 2.2 The Head of Asset Management appointed Runnymede Borough Council to work with him to appoint a firm of consultants to design a heating and hot water system for the authority which would provide the most cost effective solution. The quotation process has lead to the appointment of Ridge and Partners LLP. They are a specialist firm of property and construction consultants who have the expertise to ensure that the system is suitable and that an appropriate organisation is appointed to supply and install the system.
- 2.3 In order to progress matters an initial meeting was held on the 8 March with the Head of Asset Management, two representatives of Runnymede Borough Council, the Energy Reduction Officer, the Principal Solicitor, representatives

of Ridge and Partners and other officers of the Council. This meeting enabled staff and agents to specify the requirements of the Council and to ensure that all contractual arrangements are agreed. It was agreed at this meeting that all design risk would sit with Ridge and Partners.

- 2.4 One of the key issues with this project is the timing. The work to install the heating must be in place during September so that it will be operational before winter. It would not be acceptable for there to be no heating at Knowle Green. This is a tight, but achievable, if there are two parts to the installation i.e. boilers first and the heating distribution system second.
- 2.5 Under Contract Standing Orders the shortlist of tenderers and the final selection of the contractor for contract over £75,000 (but under EU procurement levels) need to be approved by Cabinet. The timescales required to ensure that the system installed as soon as possible does not allow for two committee cycles to take place. This report therefore is asking for this decision to be delegated to officers in consultation with the Cabinet Member as stated in the recommendations section.
- 2.6 Ridge and Partners will conduct the administration of the tender process on behalf of the Council, but the Council will have the final say over the shortlist selected and the final contractor. Ridge and Partners will use their expertise in the market to select those appropriate to undertake the works. The contract documentation used to appoint the contractor will be approved by legal services.
- 2.7 Council agreed a budget provision of £220,000 for the installation of the system. Although the system has yet to be designed initial indications are that if the Council invests more in the equipment at this stage then there will be greater payback in terms of energy costs in the future. A building management system (BMS) will allow the Council to better control and monitor the use of heat around the building with associated efficiencies. This is particularly appropriate now that certain parts of the building are operational 24 hours a day 7 days a week.
- 2.8 Ridge and Partners have been briefed to ensure that any design incorporates the possibility to expand the capacity of the system to accommodate any changes to the Knowle Green building itself.
- 2.9 It is therefore anticipated that the cost could be greater than £220,000. The cabinet is therefore requested under the terms of reference of Cabinet to increase the budget for this project by £20,000.
- 2.10 Before accepting any design and proposals, the Chief Finance Officer will ensure that the project represents value for money in terms of the reduction in energy consumption against the expenditure of the system.

3. Options analysis and proposal

- 3.1 Officers could attempt to carry out further repairs to the heating and hot water systems. This however would not be cost effective due to the large amount of wasted energy at present. The repairs may be costly and only work for a limited period of time.
- 3.2 A new system could be installed at the Knowle Green site based on the design submitted by Ridge and Partners. This will provide the Council with a cost effective system which will require far less maintenance and repairs. The new system will be controlled through the BMS to ensure ambient

temperatures are maintained more consistently throughout the building. This system will allow for the extension or re-modelling of the Knowle Green offices which is not possible with the current boiler system.

4. Financial implications

- 4.1 The agreed budget for the project is £220,000. Initial discussions have shown that this might not be enough to ensure that the most efficient solution is provided. A BMS system for the building may be in the region of £30,000 on its own.
- 4.2 The consultant designing the system has been requested to break the project down into parts, the boiler infrastructure and the heat distribution system. This will allow the Council to ensure that, if necessary, due to costs and/or timing the critical work i.e. the boiler infrastructure can be carried out first. This will ensure that the building is not left without heating.
- 4.3 The consultant designing the system has also been requested to design the system taking into account future adaptations to the building for the potential Knowle Green Hub.
- 4.4 It is requested that the budget for this project is increased by £20,000 to cover any additional costs to ensure that the system procured represents the best system in terms of driving down expenditure on energy consumption and ensuring payback of the expenditure within a maximum of 15 years.
- 4.5 It is not anticipated that there will be any costs for the moving of staff as Ridge and Partners have been advised that this is not an option and that all works must take place with the building occupied.

5. Other considerations

- 5.1 Legal Services have been consulted on the procurement process for the selection of the consultant (Ridge and Partners) and also on how the procurement of the contractor to supply and install the system will take place. The procurement is for a works contract and is below the financial thresholds which would require publication in the Office Journal of the European Journal (OJEU).
- 5.2 The form of contract for the appointment of the contractor has been approved by Legal Services and the final terms will be checked before this is signed off.
- 5.3 The Council's Energy Reduction Officer has been consulted to ensure that the solution proposed is sustainable and to investigate whether any element of the system when finalised would be eligible for money out of the Salix fund.

6. Risks and how they will be mitigated

- 6.1 There is a risk that the design suggested does not fulfil the needs of the Council or that it is found not fit for purpose. This risk is mitigated by the Council ensuring that the design risk sits with Ridge and Partners.
- 6.2 There is a risk that the heating system will not be operational before the winter. In order to prevent this, a precise project plan has been devised by Ridge and Partners. Meetings are to be held regularly with all interested parties to ensure that the project is progressing in accordance with that timetable. The risk of delay due to unforeseen circumstances may happen, but with a system of meetings and monitoring by Runnymede Borough Council, these should be highlighted at an early stage and practical solutions can then be found.

- 6.3 It is a risk that tenders received for the chosen system do not fall within the budget provision set. Officers are aware that this is a real risk and therefore have requested that the budget provision is extended. If the tender amount is above this then officers could consider whether it is appropriate for only part of the scheme should be implemented or whether the matter would need to be referred back to cabinet for consideration.

7. Timetable for implementation

- 7.1 It is anticipated that all work to install the main heating element of the system will take place over the summer months to ensure that a heating system is available for the winter months. It might be that any additional systems will be installed in second or third phases.

Background papers:

There are none

Appendices:

There are none.

Cabinet

12 June 2012



Title	Staines Sea Cadets Accommodation		
Purpose	Recommendation required		
Report of	Assistant Chief Executive	Confidential	No
Cabinet Member	Councillor Denise Grant	Key Decision	No
Report Author	Dave Phillips, Head of Asset Management and Office Management		
Summary	<p>How does the content of this report improve the quality of life of Borough residents</p> <p>Obtaining vacant possession at Bridge Street, Staines would enable the Council to ensure that it maximises the re-development potential of the site. The Council has previously decided to pursue development on the riverfront which would provide a substantial capital receipt to help support the Council's future financial sustainability and link to its economic development focus on the Thames river frontage. The provision of alternative accommodation for the Sea Cadets would help ensure that they can continue as a viable organisation providing a benefit to young people in Staines.</p> <p>To seek a decision from Cabinet regarding the renewal of the Sea Cadets' lease at Bridge Street and as to whether alternative accommodation is to be offered to the Sea Cadets at Lammas Recreation Ground.</p> <p>Key issues</p> <ul style="list-style-type: none"> • The Sea Cadets' legal right to renew their existing lease • The cost of providing suitable accommodation for the Sea Cadets • Legal constraints applicable to Lammas 		
Financial Implications	<p>If the way forward agreed by the last meeting between the Cadets and senior Members is approved with the purchase of the existing portocabins the option would require a one off capital expenditure in year 2012 - 2013 of approximately £40,000 producing an ongoing revenue saving of £28k per annum (£6k of which to be set aside as provision for maintenance costs). The Council at the same time would receive from the Sea Cadets possessory title to the arches at Bridge Street which have a valuation of approaching £40k.</p>		
Corporate Priority	All three priorities		
Recommendations	<p>Cabinet is asked to authorise the grant of a Licence to the Sea Cadets for the non-exclusive use of the accommodation which they currently use for a further period of 15 years, and to give delegated authority to the Head of Asset Management to negotiate the purchase of the portocabins up to a maximum sum of £40,000 and to approve a supplementary estimate of this value to facilitate this.</p>		

MAIN REPORT

1. Background

1.1 History of the Sea Cadets unit.

- 1.2 The first Sea Cadets Unit was established in 1854 at Whitstable in Kent, created by communities wanting to give young people instruction on naval theme. Traditionally old seafarers provided training while local businessmen funded the Unit Headquarters.
- 1.3 The Tradition of community – based Sea Cadets Units continues today with 400 across the UK each with charitable status enabling them to raise funds to meet their running cost. All units are members of the Sea Cadets Corps and are governed by the national charity MSSC – the Marine Society & Sea Cadets.
- 1.4 They work with the Royal Navy under a Memorandum of Understanding and receive corporate support from the commercial sector. Their core purpose is to celebrate Britain’s maritime heritage and contribute to its future development by supporting young people as Sea Cadets
- 1.5 The Cadets go to sea, learn to sail and do adventure training, all on a nautical theme, plus get extra skills to give young people a head start in life.
- #### 1.6 The History of the Cadets at Bridge street site.
- 1.7 It is thought that the Cadets first moved to the Bridge Street site the late 20s early 30s and I am given to understand that they built their own Unit Headquarters.
- 1.8 In 1984 the Cadets, following fund raising, built a further extension to the original Headquarters.
- 1.9 In August 1985 (**see appendix 1**) the Cadets received a letter from the then Secretary of the Council confirming that the Council would be redeveloping the site in conjunction with the brewery site in Church street.
- 1.10 The scheme involved constructing an additional layer of car parking over Bridge Street car park to provide parking associated with the redevelopment of the brewery site in Church Street.
- 1.11 The scheme included the site of the Sea Cadets Headquarters but the letter confirmed that new premises for the Sea Cadets on about the same site would be provided with an equivalent amount of accommodation.
- 1.12 In the minutes of a report of the Council’s Joint Working Party on Car Parks (in 1985) the minutes confirm that “all development and associated cost would be borne by the Developer.
- 1.13 When the Cadets took occupation of their new premises the Council entered into a lease agreement, the details of which are explained in section seven of this report.
- 1.14 In 2006 the Council was considering the re-development of the Bridge Street Car park site which would have generated a very substantial capital receipt for the Council. As part of the considerations the Council consultants advised

officers that as the Cadets still had their original lease from the Council and in order to maximise the development potential of the site the Council should enter into negotiations with the Sea Cadets to discuss relocation of their existing premises and the surrender of their current lease.

- 1.15 By the very nature of the Cadets operation all their facilities are located on either side of the southern elevation of the site that fronts the river. (**see appendix 2 attached**) The main facilities consist of a building and yard with direct river access to a slip way and mooring on one side. The lease is for a fixed term of 25 years ending on 20 June 2012. The Council's finance records show that the rent payable was £150 pa up until 1993, at which time the council made a "Grant immemorial" so the Cadets didn't have to pay any rent. The Council is responsible for external repairs and the Cadets for internal repairs and all outgoings, water, electricity, rates etc.
- 1.16 On the other side of the site by Staines Bridge the Cadets have "Possessory Title" to two of the arches under the bridge with long standing access rights down the side of the car park to the river and slipways.
- 1.17 As part of the valuation advice received from our valuers on the value of the cadets interest in Bridge Street, they have indicated that if the council needed to purchase the cadets interest in the arches the open market value could be in the region of £40,000
- 1.18 In consultation with the Sea Cadets and the Developer, a number of options were considered for relocation of the Unit and eventually the relocation to Lammas Park was considered to be the best option.
- 1.19 Numerous discussions with the Developers and the Sea Cadets continued from June 2006 to summer of 2008 as to the best options for temporary and permanent relocation. Without rehearsing the full history of the development, by 16 September 2008 the Council had decided to temporarily relocate the Cadets to Lammas Park to ensure vacant possession of the Bridget Street site.
- 1.20 At all times the Sea Cadets were kept informed of developments and worked positively with the Council to make things happen. Assurances had been given to the Cadets that if they co-operated with the Council in enabling the re-development, their existing facilities would be re-provided either permanently at Lammas Park or back in the new development at Bridge Street car park.
- 1.21 The Cadets moved into their temporary accommodation in Lammas Park in November/December 2008 where they have been now for four years. The current accommodation is based around portacabins attached to the pavilion which currently cost the Council £28k per year to hire.
- 1.22 In early 2009 the deal with the developer fell through and the Council decided not to re-market the site until the economic conditions improved.
- 1.23 Over the last four years the Council have discussed a number of permanent solutions for the cadets' accommodation on the Lammas site, from a total rebuild of the existing pavilion at £2.8m, which also provides accommodation to Staines Brass Band, to alterations to the existing temporary accommodation at £390,000.
- 1.24 Officers have recently made enquiries about the possibility of purchasing the portacabins which are currently rented and this is estimated to be a one off capital cost in the region of upto £40,000 but would save the ongoing rental

cost of £28,000 a year in the current revenue budget and equate to the estimated value of the cadets interest in the arches at Bridge Street.

- 1.25 Temporary planning consent for the Sea Cadets' accommodation in Lammas Park was obtained for a period of three years to facilitate the urgent move of the Staines Sea Cadets from their premises on the Bridge Street Car Park site. Officers are now in the process of applying to renew the existing temporary planning consent for a further period of five years to give time for the Council to decide on a way forward.
- 1.26 Whilst the Sea Cadets have used the accommodation at Lammas Park for most of their activities since the end of 2008, their lease of the premises at Bridge Street has not been surrendered and they continue to use part of the building for storage purposes. In addition they have granted a licence to the Council to use parts of the building for storage for the remainder of the term of the lease.
- 1.27 The Council have now served a Section 25 notice on the Cadets which gives notice to the Cadets that we are not agreeing to a new lease at the expiry of the existing one. We anticipate the Cadets objecting to this way forward.
- 1.28 Following a report on the situation being submitted to MAT and Cabinet Briefing in January 2012 the Council served a section 25 notice on the Cadets and directed the then Deputy Leader Cllr Smith-Ainsley and the then Portfolio Holder for Assets, Cllr Ayers to meet with the Cadets to find a way forward. Meetings have been held with the Cadets and following those discussions an agreement in principal was agreed as follows.
- 1.29 The Council will grant a 15 year Licence with 5 year break clauses to the Cadets to continue to use their existing facilities at Lammas Park. (This length of lease is necessary to enable the Cadets to apply for grant funding from other sources such as the Royal Navy.)
- 1.30 The Council will be responsible for external repairs.
- 1.31 In return the Cadets will pay a rent of £1,000 pa
- 1.32 The Cadets will be responsible for internal repairs and all out goings.
- 1.33 The Cadets will surrender their lease on the Bridge Street site.
- 1.34 The Cadets will give up their Possessory Title and long standing rights of way to the Arches under Staines Bridge.
- 1.35 The Council will purchase the rented portocabins
- 1.36 The Cadets will apply for grant funding for covering in the external staircase to the Main Deck and offices.
- 1.37 If Cabinet is minded to offer the Sea Cadets the use of accommodation at Lammas Park on a longer term basis then other considerations arise as a result of legal restrictions which apply to Lammas Park. These are set out later in this report under the heading 'Legal Implications'.
- 1.38 The additional cost of the ongoing maintenance of the exterior of the cadet's accommodation is estimated to be in the region of £2,000 per annum, subject to unforeseen items, which could be set by using £6,000 of the potential savings in current revenue budget of £28,000 for the rental cost of the portocabins. (£2,000 for the ongoing external maintenance and the remaining £4,000 ring fenced to finance any future larger unforeseen items.)

2. Key issues

- The Sea Cadets' legal right to renew their existing lease
- The cost of providing suitable accommodation for the Cadets
- Legal constraints applicable to Lammas

3. Options analysis and proposal

- 3.1 There are various options that have been discussed with Members at length on the way forward but the proposals as set out above are the outcome of the latest negotiations between the Cadets and the two senior members directed by Cabinet to agree a way forward.
- 3.2 As set out in section 1.27 – 1.36 above.
- 3.3 This option would provide suitable accommodation for the Cadets for a further three years (Length of the new planning approval) and give the Council time to consider the long term options.
- 3.4 This option would provide the Cadets with a secure platform from which to develop their future as a unit.
- 3.5 It will enable the Council to maximise the future development potential of the Bridge Street Car Park site.
- 3.6 Minimise the potential political cost of the other options.

4. Financial implications

- 4.1 As set out above, the option put forward as preferred would require one off capital expenditure in Year 2012-2013 of £40,000. This will produce ongoing annual revenue savings of £22k per annum (£6k per annum would be retained to act as revenue provision for any maintenance costs) producing a payback of less than two years. At the same time as the payment of £40k the Sea Cadets would pass the possessory title of the arches to the Council which have a value of approaching £40k

5. Risks and how they will be mitigated

- 5.1 If the Council does not reach agreement with the Sea Cadets on the issue of renewal of their lease at Bridge Street and the Sea Cadets make an application to Court, the Court will decide upon the length and terms of any new lease granted. If the Council succeeds in opposing the grant of a new lease or succeeds in arguing that a new lease should be short or contain a break clause enabling the Council to bring it to an end when it is in a position to redevelop this may ultimately cause the collapse of the Staines Sea Cadets group which might be viewed as unfortunate particularly in view of the previous demise of the Sea Scouts group. It may give rise to concerns regarding the Council's intentions towards other voluntary groups which are currently supported or subsidised.
- 5.2 There is a risk that the temporary planning permission may not be renewed.
- 5.3 There is a risk that as the council have now served a Section 25 notice the Sea Cadets may serve a s26 notice requesting a new lease before the Council has identified the alternative accommodation to be offered to them. This risk can be mitigated by maintaining good communication with the Cadets

6. Timetable for implementation

- 6.1 If Cabinet approve the recommended proposals would be carried out in the financial year 2012/13.

Background papers: There are none

Appendices: 1 and 2

APPENDIX 1

CTO (HDR)
for reference

COPY LETTER



SPELTHORNE BOROUGH COUNCIL

L. G. Denyer, Solicitor

SECRETARY

Council Offices, Knowle Green,
Staines, Middlesex. TW18 1XB.
Telephone: Staines 51499

Ext.: 239 - Mr.C.Braithwaite

My Ref.: CB/DA/MS.10

Your Ref.:

7th August 1985

Captain W.E. Warwick
"Greywell Cottage"
Callow Hill
VIRGINIA WATER
Surrey
GU25 4LD

7th August 1985
M.E.B.C.
MUNICIPAL SERVICES

RECEIVED
AUG 1985

FILE NO.
READ BY D. C.T.O. [initials]
ACK.
AP'D.

DC

Dear Captain Warwick:

STAINES AND EGHAM SEA CADET CORPS HQ

I refer to my letter of the 29th April and our discussion yesterday when I advised you that the scheme for developing Bridge Street car park had been revived and was likely to go ahead.

The scheme involves constructing a layer of car parking over Bridge Street car park to provide parking associated with the redevelopment of the brewery site in Church Street. The scheme includes the site of the Sea Cadet Headquarters but it is proposed to build new premises for the Sea Scouts on about the same site which will provide an equivalent amount of accommodation.

It is most unfortunate and regrettable that the redevelopment should materialise so soon after the opening ceremony of your headquarters extension and the hard work which you and many persons associated with the cadets have put into the building.

It is hoped that you can take the long view that purpose designed headquarters in modern construction will provide better premises for the sea cadets.

The Council will shortly approach you with the Architects for the new development to seek your views on the layout and equipment of the new headquarters.

I understand that you will consult your Committee about the Council's proposals and let me have your views in due course.

I am sorry to have to write to you with this news and if there is any further information I can supply, please write or telephone Mr. Braithwaite at these offices.

Yours sincerely

L.G. DENYER

Secretary

CABINET

12 June 2012



Title	2011-12 Capital Carry forward requests		
Purpose	Resolution required		
Report of	Chief Finance Officer	Confidential	No
Cabinet Member	Councillor Tim Evans	Key Decision	Yes
Report Author	Adrian Flynn		
Summary	To enable MAT to scrutinise a list of the budget carry forwards requested by officers and make recommendations to the cabinet portfolio holder as to which ones should be agreed.		
Financial Implications	The total value of the carry forwards requested equates to £262,300		
Corporate Priority	All three priorities		
Recommendations	That the carry forward requests identified as being supported by the Chief Finance officer are recommended to the Cabinet Portfolio holder for approval.		

MAIN REPORT

1. Background

- 1.1 The purpose of this report is to enable Mat to scrutinise a list of the capital budget carry forwards requested by officers and make recommendations to the Cabinet portfolio holder as to which ones that should be agreed.
- 1.2 To advise the cabinet portfolio holder of the requests received from heads of service to carry forward monies in order to complete works started but unfinished as at 31 March 2012 and for works delayed due to unforeseen circumstances.
- 1.3 In previous years some requests have been approved for works and the monies have not been spent so there is a need to ensure that only monies with a good reason should be agreed as a carry forward.

2. Key issues

- 2.1 A summary of the spend to date as at Feb 2012 (Month 11) is shown in appendix A to act as a guide in reviewing the carry forwards requested.
- 2.2 Appendix B shows a list of the value of the carry forward requests made. The total value of the requests equates to £262k.
- 2.3 The carry forward policy is attached as appendix C
- 2.4 Schemes incorporated into the carry forward reserve need to be completed and spent by 30 June 2012 unless otherwise stated and the returned proformas should contain details as to what the monies are going to be spent on.
- 2.5 Any scheme not agreed will need to go back to MAT in 2012/13 for a supplementary estimate in order to be included in the spend for that year.
- 2.6 The current declining level of funds in the capital reserves needs to be considered when deciding if carry forward should be agreed. Also areas which have budget provision for capital schemes in the 2012/13 capital programme should be considered so that the works anticipated can be completed in the financial year.

3. Options analysis and proposal

- 3.1 Failure to approve the carry forward requests may result in further delays, as a result of the capital bid process having to start from the scratch for projects that are either in progress or have been delayed due to unforeseen circumstances.
- 3.2 Corporate Management Team have discussed and are recommending to the Cabinet Portfolio holder for Finance and Cabinet that the following are approved as capital carry forwards (i.e. unspent monies carried forward from 2011-12 to 2012-13

Air quality equipment £25.1k (if we have received grant funding from DEFRA if we do not spend it on the equipment we will need to pay back the grant);

Environmental Health and Building Control (EHBC) Mobile working pilot provision £20k;

Critical ditches £10k (on understanding money will be spent on expenditure which will meet auditors capital expenditure definitions);

Biffa Award £8.7k (this is making an exception for the normal £10k de minimis requirement)

Human Resources/Payroll integrated system provision for phase 2 - £23.6k

Car Park Improvements – Automatic Number Plate Recognition (ANPR) - £70.6k

Total Approved: £158k

3.3 Following not recommended for treatment as capital carry forwards

Allotments – expenditure on allotments does not meet the auditors capital definitions.

3.4 Provision for Low Carbon Capital programme to be funded from set aside Salix funds and does not require carry forward of capital expenditure.

4. Financial implications

4.1 As set out within the report and appendices

5. Other considerations

5.1 There are none

6. Risks and how they will be mitigated

6.1 On schemes started but unfinished there may be a contractual reason why monies should be carried forward in order to complete the works.

6.2 All Schemes will be assessed on completion to ensure that the works originally anticipated have been undertaken.

7. Timetable for implementation

7.1 A monthly position statement will be produced for Management team in order to monitor spend.

7.2 All works should be completed by the 30 June 2012

Background papers: There are none

Appendices: A, B and C

AS AT END OF FEBRUARY 2012

CAPITAL BUDGET MONITORING 2011/12

SCHEME	ORIGINAL BUDGET	CARRY FORWARDS	SUPPLEMENTARY ESTIMATES	REVISED BUDGET	ACTUAL TO DATE	COMMITMENTS	TOTAL YTD	MANAGERS PROJECTED OUTTURN	MANAGERS PROJECTION TO REVISED BUDGET
	£	£	£	£	£	£	£	£	£
Housing Investment Programme	400,900	37,000	-	363,900	678,110	5,782	683,891	386,700	22,800
New Schemes Fund	-	-	-	-	89,183	(98,623)	(9,440)	44,000	44,000
Other Services Programme	1,125,500	166,500	307,540	1,599,540	858,286	260,447	1,118,733	1,480,700	(104,220)
CAPITAL PROGRAMME TOTAL	1,526,400	203,500	307,540	1,963,440	1,625,579	167,605	1,793,185	1,911,400	(37,420)

5000 -100000
 Loan by TC SCC match funding not in budget

FEBRUARY (P11) Capital Monitoring Report 2011/12

Cost Centre	Description	Full Yr Original budget	Full Yr Revised budget	Actuals_YTD	Commitments	Total YTD	Managers Projected Outturn	Managers Projected Outturn to Full Yr Revised budget	Comments
		£	£	£	£	£		£	
Housing Investment Programme									
Lee O'Neil									
40203	Disabled Facilities Mandatory	497,000	452,000	506,762	0	506,762	452,000	0	314k grant from DCLG awarded, Total budget grant for financial year is £452,000. We will continue to monitor to ensure against significant overspend
	Less Specified Capital Grant	(285,000)	(314,000)	0	0	0 -	285,000	29,000	
40204	Disabled Facilities Discretion	29,600	29,600	6,020	0	6,020	29,600	0	We will spend all of this available budget by the end of the financial year
	Net Cost of Disabled Facilities Grants	241,600	167,600	512,782	0	512,782	196,600	29,000	
40205	Decent Homes Grant	89,000	126,000	112,537	5,782	118,319	133,800	7,800	This budget is likely to be overspent by approximately £7,800 this year. This is due to a delay in employing new Grant Officer which was caused by the Polices being slow to complete the CRB check for this post. This meant the contractor who was doing the work having to be retained until the Grant officer was in post. - £37k c/f
40207	Equity Release Scheme	10,000	10,000	4,000	0	4,000	5,000	-5,000	This budget will be under spent this year (this is due to the reluctance of homeowners to release equity in their homes/take out loans). Spending on this budget is likely to increase in the coming years if when the Decent Home Grant is withdrawn from April 2012
40209	Home Improvement Agency grant	35,300	35,300	25,320	0	25,320	26,300	-9,000	This budget will be under spent this year by about £9,000 (We expect to pay A2D in the region of £26,300 for this financial year. This sum will increase in the next financial year by at least the RPI %. There is a need to maintain this budget at the £35,300 level in light of increasing demand in service, and pending the outcome of the HIA financial provision review by SCC for 2012/13 and future years.
Sandy Muirhead									
40601	Wall/Loft Insulation	25,000	25,000	23,471	0	23,471	25,000	0	Demand is high & the budget will be spent in full, a commitment of £1649 is not valid & will be removed in Oct.
	Total	159,300	196,300	165,328	5,782	171,110	190,100	-6,200	
Total For HIP		400,900	363,900	678,110	5,782	683,891	386,700	22,800	
New Schemes fund									
Nigel Lynn									
41326	Sunbury Improvement Project	0	0	60,277	860	61,137	114,000	114,000	£100k due to be received from Surrey County Council in February 2012 as final payment from them in their part.
41327	Shepperton Improvement Project	0	0	-	0	-	0	0	
41328	Ashford Improvement Project	0	0	28,907	516	29,423	30,000	30,000	Invoices relate to works that have been completed during April and May 2011
	SCC Match Funding	0	0	0	-100,000	-100,000 -	100,000	-100,000	Early payment has been requested from SCC, no response as yet.
	Net Cost of Improvement Projects	0	0	89,183	-98,623	-9,440	44,000	44,000	
Total For NSF		0	0	89,183	-98,623	-9,440	44,000	44,000	
Other Services Programme									
Dave Phillips									
41325	Lammas Sea Cadets Relocation	0	0	1,415	0	1,415	0	0	
41612	Clockhouse Lane	0	0	1,430	0	1,430	1,500	1,500	Retainer from refurbishment works on clock tower
41618	Esso Site Stanwell	0	0	0	3,400	3,400	3,400	3,400	To provide consultancy services on the development of the site.
	Total	0	0	2,845	3,400	6,245	4,900	4,900 0	
Helen Dunn									
43001	Web & Intranet General	10,000	10,000	0	0	0	10,000	0	No Spend anticipated
43002	Website Enhancement	10,000	10,000	0	17,719	17,719	10,000	0	No Spend anticipated
43101	Contract/Doc Mangmt	10,000	10,000	0	0	0	10,000	0	No Spend anticipated
43201	Payments	0	0	2,669	9,998	12,667	7,400	7,400	Special creditor has being overstated
43301	Finance Suite	10,000	10,000	4,250	0	4,250	10,000	0	Anticipated to be spent by end of year
43302	Payroll/HR	10,000	10,000	0	0	0	0	-10,000	Not required for 2011/12 as new HR payroll system being implemented
43305	SharePoint	160,000	160,000	20,865	21,750	42,615	160,000	0	160K budget relates to 43505. This will have additional spend in 12/13
43306	Geographical Info System	0	0	(3,100)	2,635	(465)	-500	-500	Accrued incorrectly 10/11 year end.
43401	Planning	0	0	4,625	2,375	7,000	7,000	7,000	Minor amends to on-line planning portal. PO to be cancelled
43501	Revenues & Benefits	30,000	30,000	18,566	500	19,066	30,000	0	Efficiency version not yet invoiced

FEBRUARY (P11) Capital Monitoring Report 2011/12

Cost Centre	Description	Full Yr Original budget	Full Yr Revised budget	Actuals YTD	Commitments	Total YTD	Managers Projected Outturn	Managers Projected Outturn to Full Yr Revised budget	Comments
43502	Housing Support	30,000	30,000	(1,700)	20	(1,680)	30,000	0	Implementation of scanning module and still awaiting invoices to clear year end special creditor
43508	Elections	0	0	-	0	-	0	0	Anticipated to be spent by end of year
43602	Secure Networking	30,000	30,000	22,573	1,694	24,268	30,000	0	Spend relating to Code of Connection
43603	Server Updates	30,000	30,000	5,957	1,864	7,821	30,000	0	Firmware upgrades
43604	Desktop Upgrades	50,000	50,000	43,812	3,206	47,018	50,000	0	Equipment refresh
43605	Telephone/Data Communications	0	0	708	48,022	48,730	3,100	3,100	Invade replacement as agreed by Terry Collier. This system has been ordered.
43606	Misc software	20,000	20,000	20,537	1,779	22,316	20,000	0	Various small packages including DocBinder
43607	Printing	10,000	10,000	945	0	945	10,000	0	MFD solutions
Total		410,000	410,000	140,709	111,562	252,271	417,000	7,000	
Cost Centre	Description	Full Yr Original	Full Yr Revised	Actuals YTD	Commitments	Total YTD	Manager's Projected Outturn	Managers Projected Outturn to Full yr Revised budget	Comments
		£	£	£	£	£	£	£	£
Jackie Taylor									
41208	Walled Garden Irrigation	0	28,000	27,640	0	27,640	28,000	0	Project completed. £28000 carry forward budget
41209	Food Waste Collection	0	265,000	195,702	0	195,702	207,000	-58,000	Orders have been placed for bins & delivery, vehicle budget duplicated so £58k underspend here. £265000 carry forward budget
41504	Direct Service Vehicle Procure	44,000	44,000	46,910	0	46,910	0	-44,000	Vehicle delivered and in use.
41620	Wheelie Bins	100,000	100,000	91,092	0	91,092	100,000	0	Wheelie bins now purchased.
Total		144,000	437,000	361,345	0	361,345	335,000	-102,000	
Jan Hunt									
41608	HR and Payroll system	60,000	60,000	44,711	5,025	49,736	60,000	0	Phase two of the project will not commence until the new financial year, therefore a carry forward request will be made at year end.
Total		60,000	60,000	44,711	5,025	49,736	60,000	0	
John Foggo									
41404	PA System	0	14,540	14,540	0	14,540	14,500	14,580	Supplementary bid, transfer from reserves at year end.
42043	Accommodation Changes	0	0	18,893	420	19,313	18,300	18,300	1st Floor toilet refurb, agreed by the council leader
Total		0	14,540	33,433	420	33,853	32,800	32,880	
Lee O'Neil									
41314	Air Quality	32,000	32,000	0	0	0	5,000	-27,000	Driver training has taken place across the Council. Review and Assessment work progressing. Grant to be utilised or returned to DEFRA
41314	Pollution	(22,000)	(22,000)	0	0	0	-5,000	17,000	
41315	Cont Land Investigation	57,500	86,100	99,480	34,968	134,448	114,700	28,600	DEFRA grant money to pay for concluded Denman Drive site investigation and remediation work. £89,625.30 received in October. This budget will be wholly spent. £28600 carry forward budget
43307	EHBC Mobile Working	0	39,400	4,400	0	4,400	5,000	-34,400	Smart phone trial being undertaken, project results to be analyzed to assess viability. £39400 carry forward budget
Total		67,500	135,500	103,880	34,968	138,848	119,700	-15,800	
Liz Borthwick									
40103	Community Alarm System	20,000	25,200	3,747	0	3,747	20,000	-5,200	The expenditure fails to meet the definition of capital as laid out by the Councils auditors KPMG and will be moved to revenue by year end.
40108	Leisure Centre Fitness Kit	65,000	65,000	0	0	0	65,000	0	Spend by end of year if meeting with SLM is successful in February. Additional £19,000 per annum on our management fee income for 2011/12 - 2014/15
41027	Stanwell DC Cafe	10,000	10,000	6,270	0	6,270	10,000	0	Construction of a cafe in Stanwell day centre, some of the expenditure to date failed to meet the definition of capital as laid out by the Councils auditors KMPG and has been transferred to revenue.
41035	Bowls Club self management	29,000	41,700	10,661	739	11,400	44,300	2,600	A majority of the expenditure did not meet the definition of capital as laid out by the authority's auditors KPMG, and has subsequently been transferred to revenue.
41036	Soft Play Area (BLF)	0	0	10,000	0	10,000	10,000	10,000	Big Lottery funded
Total		124,000	141,900	30,678	739	31,417	149,300	7,400	
Rowena Davison									
43306	GOSS - Website Upgrade	70,000	70,000	1,800	39,250	41,050	50,000	-20,000	Project started in July, progressing well overall and should be completed by the end of the current year.
Total		70,000	70,000	1,800	39,250	41,050	50,000	-20,000	
Sandy Muirhead									
41203	Tennis Courts	25,000	25,000	40,598	8,000	48,598	25,000	0	Project due to start at the end of September, anticipated overspend to be met from Liveability reserve
41309	Critical Ditches	0	20,000	2,226	6,587	8,812	20,000	0	The Majority of the expenditure does not meet the definition of capital as laid out by the councils auditors KPMG

FEBRUARY (P11) Capital Monitoring Report 2011/12

Cost Centre	Description	Full Yr Original budget	Full Yr Revised budget	Actuals_YTD	Commitments	Total YTD	Managers Projected Outturn	Managers Projected Outturn to Full Yr Revised budget	Comments
41317	Car Park Improvements	74,000	117,200	20,243	26,364	46,607	91,000	-26,200	The issue of a tender for the implementation of the new automatic number plate reader machines (APNR) has been delayed to March 2012 as a result a carry forward request will be made at year
41627	Salix Low Carbon M'ment Prog	76,000	76,000	0	0	0	76,000	0	Funded by Salix fund
41630	Bridge Street CP Lighting	0	0	21,506	0	21,506	21,500	21,500	Project is complete and is funded by the Salix Fund
41631	Elmsleigh CP Lighting	0	0	46,830	0	46,830	44,300	44,300	Project is complete and is funded by the Salix Fund
42037	Biffa Award Match Funding	0	17,400	0	19,967	19,967	8,700	-8,700	We were awarded a Biffa Grant which was match funded to undertake work over 3 years to Shortwood Pond to ensure its value for rare plants under our duty on biodiversity remained, as well as providing a enhanced historic feature for the community - £17400 carry forward budget to be spent over an additional 2 year period
42040	Allotments	25,000	25,000	8,532	2,575	11,107	25,000	0	The expenditure did not meet the definition of capital as laid out by the authority's auditors KPMG and has subsequently been transferred to revenue.
42049	Hawke Park	0	0	(1,049)	1,591	542	500	500	Commitment showing is retainer for the contractor at this site, due to be paid Nov/Dec
Total		200,000	280,600	138,885	65,083	203,969	312,000	31,400	
Terry Collier									
45002	Capital Salaries	50,000	50,000	0	0	0	0	-50,000	No staff salaries will be Capitalised this year.
Total		50,000	50,000	0	0	0	0	-50,000	
Total For Other		1,125,500	1,599,540	858,286	260,447	1,118,733	1,480,700	-104,220 0	
Grand Total		1,526,400	1,963,440	1,625,579	167,605	1,793,185	1,911,400	-37,420	

Detailed list of Capital carry forward requests

Directorate	Item description	Officer Responsible	Cost Centre	Cost Element	Carry Forward request	Agree	Profile	Service Comments	David Comments	Adrian Comments
	Air Quality ContrCap Consults	Tracey Willmott-French	41314	8239	£25,100	£25,100	1	External funding via Defra	External funding via Defra but think have spent some in 11/12 so need to check how much possible capital transfer to rev in 12/13 budget	Checked both capital and revenue codes and can't find any spend on consultants
	EHBCMobile Cap Equip	Tracey Willmott-French	43307	8252	£20,000	£20,000	1	To be used for stage 2 of the mobile working project	Agreed	n/a
	CRIT DITCHES Cap Other Work	Sandy Muirhead	41309	8225	£10,000	£10,000	1	Identifying options/solutions regarding Sweeps ditch	Feasibility to me so not capital, as will not meet capital definitions	11/12 money spent on bridges over ditches, so I left in, but used Sandy's comments
	Low Carbon Prog Cap Equip	Sandy Muirhead	41627	8252	£70,000		1	Y/E balance on the Salix fund. This is not a carry Fwd?	Agreed - is there a plan on what to spend this on	There is a plan, as far as I am aware, I will ask Arun/Francesca for the details
	Biffa Award Cap Other Work	Sandy Muirhead	42037	8225	£20,000	£8,700	1	Carry forward amount should be £8,700 for work on Shortwood pond and not £20k as stated	Seems like this is ongoing but believe that only £8700 should now be only available as this was to be reducing over the time period	Should have said 17,400 from the beginning of last year, so will change the amount to just £8700
	Allotments Cap Other Work	Sandy Muirhead	42040	8225	£23,000		1	I don't believe that this money should be carried forward, as allotment expenditure to date is not capital related. The 1011 carry forward remained unspent during 1112	Agreed - check if additional revenue money approved as part of diverting capital money into revenue same with critical ditches	I am not aware of any approval and Arun has confirmed that the revenue budgets were not increased for 12/13
	HRPayrollSystemCap Equip	Jan Hunt	41608	8252	£23,600	£23,600	1	Required for phase 2 of the project and to cover outstanding commitments at year end	Agreed	n/a
	Car Park Improv Cap Other Work	Sandy Muirhead	41317	8225	£70,600	£70,600	1	APNR system to replace the current outdated pay on foot system in Elmsleigh car park	Agreed	n/a
	Value Approved:				£262,300	£158,000				

Capital Carry forward policy.

1. Capital carry forward submissions must be submitted by 15th March 2012.
2. A business case must be provided with the carry forward request.
3. All requests will be evaluated by MAT separately.
4. **If there has been no spend on a capital project, then the comment to Mat will be that no money will be recommended to be carried forward and you will need to go back to Cabinet and MAT in 2012/13 to ask to carry out the scheme once it has been re appraised.**
5. Capital requests must be approved by your Assistant Chief Executive and agreed by the Chief Finance officer before submission for final approval by the Cabinet member for Finance.
6. Requests must be for the purchase of goods or service that meet the requirements of capital expenditure. There must be an agreed completion date for spending.
7. Carry forward amount requested must be greater than the capital spend de minimis of £10,000
8. Capital carry forwards amounts requested must come from one cost centre and cannot be made up of small budget under spends in different cost centres
9. Any carry forward monies agreed must be spent by the date specified on the request.
10. All HOS / Budget Managers are required to provide the Chief Accountant with a position statement of how the spend is progressing when requested.

Cabinet

12 June 2012



Title	Members' Code of Conduct Committee		
Purpose	Recommendation required		
Report of	Monitoring Officer	Confidential	No
Cabinet Member	Councillor Frank Ayers	Key Decision	No
Report Author	Michael Graham, Head of Corporate Governance		
Summary	<ul style="list-style-type: none"> • Changes following the introduction of the Localism Act 2011 require the Council to introduce a new Code of Conduct and to have arrangements for dealing with complaints under that Code. • Changes are required to the constitution to make alterations to the remit of the Standards Committee as it will no longer be a statutory committee. 		
Financial Implications	There are no direct financial implications arising from this report.		
Corporate Priority	This matter is not in the list of corporate priorities		
Recommendations	<p>The Cabinet to recommend to Council:</p> <ol style="list-style-type: none"> 1) To substitute a Members' Code of Conduct Committee in place of the Standards Committee with the remit shown at Appendix 1 of the report and the Terms of Reference shown at Appendix 2 of the report; 2) To adopt a new Code of Conduct as shown at Appendix 3 of the report; 3) To adopt arrangements for dealing with complaints as shown at Appendix 4 of the report; 4) To delegate to the Head of Corporate Governance authority to make these and any consequential changes to the Constitution to give effect to these resolutions; 5) To agree the review of proportionality of seats on committees to take into account the addition of two new seats to the Members' Code of Conduct Committee; 6) For all such changes to take effect from 1 July 2012 or such other date as may be specified in regulations under the Localism Act 2011; and, and 7) To delegate to the Head of Corporate Governance, in consultation with the Leader, the authority to call an extraordinary meeting of Council to consider such recommendations once the detail of the 		

	regulations is known.
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MAIN REPORT

1. Background

- 1.1 Following the introduction of the Localism Act 2011, the Council retains a duty to promote high standards. A Code of Conduct must be prepared which is broadly compliant with the Seven Principles of Public Life. The Seven Principles are:

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

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

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

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

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

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

Leadership: Holders of public office should promote and support these principles by leadership and example.

- 1.2 The provisions of the Localism Act relating to standards will come into force on a day to be appointed (expected to be 1 July 2012 but still not finalised) and in the meantime the existing code of conduct and arrangements for complaints through the existing Standards Committee will continue to apply. Notwithstanding the vagueness of the implementation arrangements made by central government, the Council must proceed to make appropriate preparations for these changes.

2. Key issues

Standards Committee

- 2.1 We will not be required to maintain a Standards Committee as we have at present but will have to establish “arrangements” to deal with complaints against members, including arrangements for investigations. It is practical for such non-executive powers of the Council to be delegated to a Committee. To all intents and purposes we need to have a committee which deals with standards whether we call that the Standards Committee or not.

- 2.2 The advantage of the present Standards Committee is that it is a distinct committee with a specialised remit which has done a good job over the years. Cabinet might consider here the low level of complaints received and the low number of Sub-Committees called to consider investigations. Cabinet may also wish to note that Spelthorne had a Standards Committee before it was required by law. The present system also lends itself to having an independent Chairman and Vice Chairman who can lead on standards matters and visibly report to Council on such matters. This gives a high degree of transparency and reassurance to residents that complaints against councillors are “in safe hands”. It also means that where the Council is attacked for not investigating a complaint (perhaps from a vexatious complainant) it can categorically state that there has been fair dealing because of this outside supervision of the Committee.
- 2.3 The Act will not require us to have Independent Members on any revised Standards Committee. However there is no provision which stops us from keeping the Independent Members on a revised committee. The roles of the Independent Members would change slightly because at present (with the Standards Committee formed under the Local Government Act 2000) the Independent Members are full voting members. In any revised committee (which would be an ordinary committee of the Council under the Local Government Act 1972) the Independent Members would be advisory and non-voting.
- 2.4 Following consultation with the Standards Committee on 10 May and Overview and Scrutiny Committee on 16 May it is now proposed to keep a stand-alone committee to be called the Members’ Code of Conduct Committee. This committee will be an ordinary committee of the Council with the present arrangements for independent chairman and vice chairman retained but in an advisory capacity as non-voting members. In order to allow extra flexibility for this committee it is proposed that there are two additional seats on the committee which will be part of the Council’s normal arrangements for allocation on a proportional basis.
- 2.5 The proposed remit and terms of the Members’ Code of Conduct Committee are provided as **Appendix 1 and 2.**
- Code of Conduct**
- 2.6 The statutory requirements of the code are:
- (a) The Council must adopt a Code of Conduct to apply to members and co-opted members when they are acting in that capacity;
 - (b) The Code must be consistent with the 7 principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership;
 - (c) The Code must include provisions that the Council considers appropriate in relation to registration and disclosure of pecuniary and other interests; and,
 - (d) The Code must be adopted by Council and publicised locally.
- 2.7 Following discussion with the Standards Committee on 10 May 2012 and the Overview and Scrutiny Committee on 16 May 2012, a proposed code is shown at **Appendix 3.** Note that for reasons explained below, the detailed provisions in relation to pecuniary interests are not shown in this draft code.

This code is based upon a model which has been suggested by the Department for Communities and Local Government.

Registration of interests

- 2.8 The previous regime in the Local Government Act 2000 and our Code of Conduct for personal and prejudicial interests will be abolished. In its place councillors must now become familiar with the new term “Disclosable Pecuniary Interests”.
- 2.9 Whereas before failing to register or declare a personal or prejudicial interest was taken to be a possible breach of the Code of Conduct, now a failure to register or declare a “Disclosable Pecuniary Interest” is taken to be a criminal offence. This can be punished with a maximum fine of £5000 at the Magistrates’ Court and the councillor could also be disqualified by the magistrates for a period not exceeding 5 years.
- 2.10 This new regime is much harsher and stringent, and potentially has more serious consequences for councillors than the previous regime and therefore it is arguable that councillors will require greater training, guidance and support than hitherto was considered appropriate.
- 2.11 In addition to the “Disclosable Pecuniary Interests” – which will be set out in regulations, the Council can also specify other interests which it thinks should be declared in the register of interest. It is impossible to say for certain what could be included under this heading until the regulations on “Disclosable Pecuniary Interests” are known. It may be that rules on gifts and hospitality come under this heading.
- 2.12 The register has to be maintained by the Monitoring Officer and a copy has to be made available for inspection to the public at all reasonable hours; a copy also has to be placed on the Council’s website.

Obligations on councillors as regards interests

- 2.13 Below is a summary of the obligations on councillors and (voting) co-opted members.
- (a) Notify the Monitoring Officer of Disclosable Pecuniary Interests and the Disclosable Pecuniary Interests of:
- i) A spouse or civil partner
 - ii) A person with whom they are living as husband and wife
 - iii) A person with whom they are living as if they were civil partners

It is an offence not to make such a disclosure within 28 days and it also an offence to provide false or misleading information when making the disclosure. Note that councillors only have to declare the interests of spouses etc if they are aware that the other person has an interest, but they cannot be reckless as to whether their disclosures are true and not misleading. This is potentially quite a minefield.

This obligation is therefore far more stringent and intrusive than the existing obligation which is to declare in a meeting any personal or prejudicial interests arising from family and friend relationships where the councillor “ought reasonably to be aware of the existence of the personal interest”. Family and friend relationships and interests arising from those relationships do not have to be declared in the register at the present time.

- (b) When a Disclosable Pecuniary Interest arises at a meeting, the councillor must disclose the interest to the meeting. It is an offence not to do so.
- (c) If a Disclosable Pecuniary Interest arises at a meeting then the councillor must notify the Monitoring Officer within 28 days of the date of disclosure. It is an offence not to do so.
- (d) If a Disclosable Pecuniary Interest arises at a meeting then the councillor may not participate in the discussion of the matter at the meeting or participate in any vote taken at the meeting. It is an offence not to do so. The Council's own standing orders may make provision for the councillor to leave the room when such a situation arises.

The present scheme, whereby a councillor with a prejudicial interest can speak in a meeting if there is a public right to speak, will disappear. If there is a Disclosable Pecuniary Interest then participation and voting are prohibited and it is submitted that it would be safest all round in such circumstances for the councillor concerned to leave the room for his or her own protection and that the Council's Standing Orders should reflect this.

- (e) Where in relation to executive matters, any councillor acting alone is exercising a function and a Disclosable Pecuniary Interest arises, then that councillor cannot take any further steps in relation to that matter and must take steps to enable the matter to be dealt with in other ways. It is an offence not to do so.
- (f) Where a Disclosable Pecuniary Interest arises as in (e) above then the councillor has to disclose it to the Monitoring Officer within 28 days. It is an offence not to do so.

- 2.14 One peculiar feature of the new regime is that where councillors make a declaration of a Disclosable Pecuniary Interest and then notify the Monitoring Officer, he then has to make that interest known in the register, and this applies even if the interest declared is not a Disclosable Pecuniary Interest. It remains to be seen if this is problematic but the prevailing culture at Spelthorne has always been that councillors err on the side of caution and often leave the room when strictly speaking they do not have a personal and prejudicial interest. In such cases the minutes of the meeting would show that the councillor had made a declaration and left the room, but the register of interests may not be altered. It may be that in the future the register becomes more significant because of the requirement to notify spouses' etc interests and notifications which aren't in fact interests under the regulations.
- 2.15 Regulations are awaited which will specify the extent of the Disclosable Pecuniary Interests. Once these are known the Council will need to come to a view on whether other interests should be added and registered.
- 2.16 The Act also provides for non-disclosure of 'sensitive interests' (where violence or intimidation may arise from disclosure). Such circumstances are rare but similar provision is made in the existing Code of Conduct.

Arrangements for dealing with complaints

- 2.17 There will be an on-going duty on the Council to promote and maintain high standards of conduct by members.

- 2.18 We will be required to make arrangements for the consideration, investigation and deciding on allegations of breach of the Code and also appoint at least one “Independent Person” whose views must be sought before any decision is made on an allegation. This Independent Person acts as a touchstone to guide those concerned on the application of the Code and is meant to bring an element of outside objectivity to the proceedings. The role of the Independent person is entirely separate to the role of independent members on the Standards Committee or the new Members’ Code of Conduct Committee.
- 2.19 The Independent Person’s views must be taken into account by the Council before it makes a decision on a matter that has been investigated.
- 2.20 The Independent Person’s view may be sought:
- (a) By the Council in circumstances other than where it has decided to investigate (when consultation is mandatory).
 - (b) By a member if that person’s behaviour is the subject of an allegation.
 - (c) Where the Council decides there is a breach and if so, what action to take against the member.
- 2.21 The Independent Person cannot be a member, co opted member or officer of the authority, a member, or a relative or close friend of any of those people, nor can the Independent Person have been a member, co opted member or officer of the authority at any time in the last five years. This means that the Independent Person may not be one of the current Independent Members of the Standards Committee.
- 2.22 Note that the DCLG has recently announced transitional measures which would allow Independent Members to serve as the Independent Person.
- 2.23 The Act provides for the appointment of the Independent Person, following public advertisement and a vote at a Council meeting and permits the payment of allowances and expenses.
- 2.24 It is proposed that Spelthorne BC appoints an Independent Person (and a reserve/deputy) jointly with other Surrey councils and seeks to pay expenses only as incurred. This should save costs. Discussions are under way about this proposal. It may be advantageous for the Independent Person not to have any connection with the Borough, including residency. This will be considered further as the appointment progresses.
- 2.25 Draft arrangements for dealing with complaints are attached as **Appendix 4** to this report, but Members will note that there is further work to be done in relation to supporting documents, procedures etc. It is proposed that the detailed work about the proceedings of the new Members Code of Conduct Committee be delegated to that committee to resolve.
- 2.26 It is proposed to make arrangements with the following overall objectives:
- (a) They should reassure residents and others that complaints will be dealt with swiftly, properly and transparently;
 - (b) They should be simple, clear and follow the rules of natural justice;
 - (c) They should not be bureaucratic i.e. they should follow the law and not build in unnecessary additional measures;

- (d) They should allow councillors to take decisions on whether a fellow councillor should be investigated, and, following investigation whether that councillor should be held in breach of the Code;
- (e) They should allow the Monitoring Officer to dismiss complaints from timewasters i.e. complaints which are vexatious, frivolous or politically motivated;
- (f) They should allow for the Monitoring Officer to be accountable for such decisions in (e);
- (g) They should remove the requirement to have a Standards (Review) Sub-Committee – a feature of the present statutory requirements- which is unnecessary and wasteful; and,
- (h) They should ensure there is an element of outside scrutiny and objectivity by preserving the knowledge and experience of the Independent Members of the Standards Committee.

2.27 A flowchart is shown at **Appendix 5** which summarise the position which is proposed under the new arrangements.

2.28 In conclusion, the significant differences between the provisions under the Localism Act 2011 and the current arrangements are:

- (a) the discretion given to councils under the new legislation as to the details of the arrangements including the content of the Code and the procedures for dealing with allegations of breach of the Code;
- (b) the absence in the new Act of any specific powers to sanction members who have breached the Code, and,
- (c) the introduction in the Localism Act 2011 of criminal sanctions relating to breaches of the rules on “Disclosable Pecuniary Interests”.

3. Options analysis and proposal

3.1 There is no option but to develop new arrangements for ethical standards. The Council has choice in how to implement them. The proposals in this report have been subject to consultation at the Standards Committee and the Overview and Scrutiny Committee.

3.2 The proposals are to recommend to Council:

- (a) To substitute a Members’ Code of Conduct Committee in place of the Standards Committee with the remit shown at Appendix 1 of the report and the Terms of Reference shown at Appendix 2 of the report;
- (b) To adopt a new Code of Conduct as shown at Appendix 3 of the report;
- (c) To adopt arrangements for dealing with complaints as shown at Appendix 4 of the report;
- (d) To delegate to the Head of Corporate Governance authority to make these and any consequential changes to the Constitution to give effect to these resolutions;
- (e) To agree the review of proportionality of seats on committees to take into account the addition of two new seats to the Members’ Code of Conduct Committee;

- (f) For all such changes to take effect from 1 July 2012 or such other date as may be specified in regulations under the Localism Act 2011; and,
- (g) To delegate to the Head of Corporate Governance, in consultation with the Leader, the authority to call an extraordinary meeting of Council to consider such recommendations once the detail of the regulations is known.

4. Financial implications

- 4.1 There are no direct financial considerations arising from this report.

5. Other considerations

- 5.1 There are no other relevant matters to report.

6. Risks and how they will be mitigated

- 6.1 There are no major risks to the implementation of these changes.

7. Timetable for implementation

- 7.1 It is envisaged that the changes are required to be made by 1 July 2012. This is the indication given by the Department for Communities and Local Government; however there is still no official word on this. If the Cabinet approves these recommendations to Council then sufficient preparatory work will have been done to enable the Council to react quickly when regulations are made. In the absence of such regulations it is proposed that a council meeting will be called only when the detail of such regulations is known. A delegation has been included to cover this eventuality.

Background papers:

Appendices:

1. Article 10 of the Constitution providing for a Members Code of Conduct Committee.
2. Terms of Reference for a Members Code of Conduct Committee.
3. Revised Members' Code of Conduct.
4. Arrangements for dealing with allegations of misconduct.
5. Flowchart showing the position under the proposed system.

Appendix 1

Article 10 – The Members’ Code of Conduct Committee

9.1 Appointment

The Council will appoint a Members’ Code of Conduct Committee at its Annual Meeting.

9.2 Membership

The Standards Committee will be composed of:

- eight members who shall be representative of all political groups and shall include only one member of Cabinet and shall not include the Mayor or the Leader; and
- two persons who are not a Member or an officer of the Council (an Independent Member);

The Independent Members are advisory and will not be entitled to vote at meetings.

9.3 Chairing the Committee.

The Chairman and Vice Chairman of the committee shall both be Independent Members.

9.4 Role and Functions

The Members’ Code of Conduct Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and any co-opted members (Members);
- (b) the establishment of a hearings panel (comprising three councillors and one independent member drawn from the membership of the Members’ Code of Conduct Committee) to assess and determine complaints against Members under the Code of Conduct;
- (c) to support the Monitoring Officer in exercising his delegated authority, in consultation with the Chairman of the Members Code of Conduct Committee, to select members to serve on the hearings panels above on a case by case basis;
- (d) assisting the councillors and any co-opted members to observe the Members’ Code of Conduct;
- (e) assisting the councillors in carrying out their civic duties effectively;
- (f) advising the Council on the adoption or revision of the Members’ Code of Conduct;
- (g) monitoring the operation of the Members’ Code of Conduct;

- (h) advising or training Members on matters relating to the Members' Code of Conduct;
- (i) granting dispensations to Members from the requirements relating to interests set out in the Members' Code of Conduct;
- (j) keeping an overview of and advising the Council on its Planning Code;
- (k) keeping an overview of and advising the Council on its Member and Officer Protocol;
- (l) keeping an overview on the operation of and advising the Council on any changes to its Constitution;
- (m) keeping an overview on the operation of and advising the Council on the Employee Code of Conduct; and,
- (n) any other responsibilities which may be delegated to it by the Council.

Appendix 2**MEMBERS' CODE OF CONDUCT COMMITTEE**

(8 Members + 2 Independent Members)

Promoting the maintenance of high standards of conduct by councillors and any co-opted members of the Council.

In addition to the broad functions of the Committee set out in Article 10 it is also delegated to undertake the following work on behalf of the Council:

- to keep an overview on the arrangements for dealing with complaints under the code of conduct, making alterations and publishing them where it considers necessary;
- to devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a hearings panel;
- to consult with the Independent Person on any matters which have broad implications for the promotion of high standards by the Council;
- to make recommendations to Council on standing orders for the registration and declaration of Disclosable Pecuniary Interests and other interests; and,
- to make recommendations to Council on any revisions to the Members' Code of Conduct and the registration of interests.

Hearings Panels of the Members' Code of Conduct Committee (established under the Council's published arrangements for dealing with complaints) may:

- require the Member to apologise either privately or in public;
- require the Member to attend training;
- censure the Member;
- send a report to Council to censure the Member;
- require the Monitoring Officer to publish a report in the newspaper or on the Council's website about the Member's conduct;
- withdraw privileges provided by the Council such as computer equipment, internet or email access;
- recommend to the Member's group leader that the Member be removed from a Committee, a Cabinet responsibility or an outside body (as appropriate); or,
- a combination of any of the above.

Appendix 3

Spelthorne Borough Council

Code of conduct for councillors and co-opted members

General Obligations

You are a councillor or co-opted member of Spelthorne Borough Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a councillor or co-opted member -

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
4. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
5. You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
6. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
7. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
8. You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
9. You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.
10. You must discharge your duties and conduct yourself in such a way that assists the Council to comply with its duties under the Equality Act 2010.

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11. You must respect the distinct but complementary roles that councillors and officers have in their work for the Council and abide by the advice in the Member Officer Protocol.
12. You must recognise that the staff working for, or on behalf of, the Council are required to be impartial and you must not do anything which compromises that impartiality.
13. If a complaint is made under this Code of Conduct then you must not interfere with the administration or investigation of the complaint and you must not intimidate any complainant, witness or likely witness or engage with them in any way which undermines the investigation.

Registering and declaring pecuniary and non-pecuniary interests

14. You must, within 28 days of taking office as a councillor or co-opted member, notify the Monitoring Officer of any "Disclosable Pecuniary Interest" as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
15. In addition, you must, within 28 days of taking office as a councillor or co-opted member, notify the Monitoring Officer of any Disclosable Pecuniary Interest or other non-pecuniary interest which the Council has decided should be included in the register.
16. If an interest has not been entered onto the Council's register, then the councillor or co-opted member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹
17. Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
18. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 where the councillor or person connected with the councillor could be subject to violence or intimidation.

Appendix 4

Spelthorne Borough Council

Members' Code of Conduct Committee

Arrangements for dealing with allegations of misconduct under section 28 Localism Act 2011

Context

1. These arrangements describe how the public can make a complaint that a Member of Spelthorne Borough Council "the Council" has failed to comply with the Council's Member Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council's Code of Conduct.
2. Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Member of the authority (i.e. a councillor or a co-opted member) has failed to comply with that Council's Code of Conduct can be investigated and decisions made on such allegations.
3. The arrangements under the Localism Act must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member against whom an allegation as been made.

Principles of these arrangements

4. At its meeting on x June 2012 the Council agreed that these arrangements or any revisions to them, should abide by the following principles:
 - a. They should reassure the public that complaints will be dealt with swiftly, properly and transparently;
 - b. They should be simple, clear and follow the rules of natural justice;
 - c. They should not be bureaucratic i.e. they should follow the law and not build in unnecessary additional measures;
 - d. They should allow councillors to take decisions on whether a fellow councillor should be investigated, and, following investigation whether that councillor should be held in breach of the Code;
 - e. They should allow the Monitoring Officer to dismiss complaints which are vexatious, frivolous or politically motivated;
 - f. They should allow for the Monitoring Officer to be accountable for such decisions in (e);

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- g. They should ensure there is an element of outside scrutiny and objectivity by recruiting Independent Members to the Audit and Standards Committee.

The Code of Conduct

5. The Council has adopted a Member Code of Conduct, which is available for inspection on the Council's website. The Council has tasked the Members' Code of Conduct Committee to keep the Code of Conduct and the operation of these arrangements under review.

Making a complaint

6. Any person may make a complaint, in writing, to-

Michael Graham
Monitoring Officer
Spelthorne Borough Council
Council Offices
Knowle Green
Staines-upon-Thames
Middlesex TW18 1XB

Email: m.graham@spelthorne.gov.uk

7. The Council will only process complaints which are in writing. The name and address of the complainant must be given and only in very exceptional circumstances will the Council investigate anonymous complaints.
8. The Council expects complaints about councillors to be made without delay so that matters can be investigated promptly. Unless there are exceptional circumstances, complaints should be made within 28 days of the incident giving rise to concern.
9. The Monitoring Officer will acknowledge receipt of a complaint within 5 working days of receiving it, and will keep the complainant informed of the progress of the complaint at appropriate junctures.

Role of the Monitoring Officer

10. The Monitoring Officer's job is to oversee the complaints process and refer complaints to the Independent Person, the Hearings Panel and where appropriate to an Investigator.
11. The Monitoring Officer is accountable to the Members' Code of Conduct Committee for the operation of these functions.
12. In extraordinary circumstances, where the Monitoring Officer makes a complaint to the Members' Code of Conduct Committee, or in other circumstances where the Monitoring Officer may have a conflict of

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interests, then the Deputy Monitoring Officer will undertake functions of the Monitoring Officer as set out in these arrangements.

Independent Person

13. The Council has appointed an Independent Person in conjunction with x council.
14. The Independent Person is not (and has not within the last five years been) a Member or an Officer of the Council.
15. The role of the Independent Person is to advise the Monitoring Officer on action to take under these arrangements at the points stated.
16. A Member who is the subject of a complaint is also entitled to refer to the Independent Person for advice during the course of a complaint.
17. The Independent Person receives expenses for undertaking this role but no other remuneration.

The Hearings Panel - Assessments

18. The Assessment Panel drawn from the membership of the Members Code of Conduct Committee.
19. The role of the Assessment Panel is to review complaints for investigation which are sufficiently serious to warrant such formal action.
20. The Assessment Panel will comprise of three voting members of the Members Code of Conduct Committee (councillors) selected by the Monitoring Officer in consultation with the Chairman of the Members Code of Conduct Committee. The councillors shall, wherever possible, be selected on a politically proportionate basis. An Independent Member is invited to Chair the Assessment Panel but legally cannot vote on the decision.

Assessment of complaints

21. The Monitoring Officer will review every complaint received and, consult with the Independent Person.
22. The Monitoring Officer will inform the subject Member about the complaint and inform the Member that advice can be taken from the Independent Person. The Monitoring Officer will inform the subject Member of any advice offered by the Independent Person.
23. Following discussions with the subject Member and the Independent Person the Monitoring Officer will refer the matter to the Assessment Panel with a recommendation as to whether it merits formal investigation. This Assessment Panel will normally meet within 14 days of receipt of a complaint.

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24. The Monitoring Officer has power to reject complaints which are vexatious, frivolous or malicious or which are politically motivated or in some other way an abuse of process. Where the Monitoring Officer has taken a decision that a complaint falls into one of these categories, he will inform the complainant of his decision and the reasons for that decision. There is no appeal from this decision, but the Monitoring Officer will report all such decisions to the next meeting of the Members' Code of Conduct Committee who are entitled to refer the matter for investigation if they feel that the Monitoring Officer has acted incorrectly.
25. Where the Monitoring Officer requires additional information in order to come to a decision (about a vexatious etc complaint) or a recommendation (about any complaint) he may seek such information from the complainant and the subject Member, but he will not conduct an investigation prior to an Assessment Panel.
26. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will consult with the Independent Person and the subject Member where this outcome seems appropriate. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. Where the Member makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether to recommend that the complaint merits formal investigation.
27. If the Monitoring Officer decides that the complaint concerns a service, policy or decision of the Council then he may refer it to the normal complaints procedure. This may entail the Monitoring Officer dealing with the matter personally under the Council's complaints procedure.
28. The Members' Code of Committee will adopt a policy for the assessment and investigation of misconduct complaints. The Assessment Panel will refer to these guidelines when making a decision to refer a matter to investigation. The Assessment Panel will take advice from the Monitoring Officer when reaching its decision.
29. If the Assessment Panel decides that a complaint merits formal investigation, the Monitoring Officer will, in consultation with the Chairman, appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another Council or an external investigator.
30. If the Assessment Panel decides not to investigate the complaint the Monitoring Officer will write to the complainant outlining the reasons of

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the Assessment Panel. The decision of the Assessment Panel is final and will be reported to the next Members' Code of Conduct Committee.

31. During the Assessment phase the Monitoring Officer will keep all parties informed of the progress of the case. It is expected that the complaint will be confidential during the Assessment phase.

The investigation

32. The Investigating Officer will complete the investigation in accordance with any policy or guidelines that the Members' Code of Conduct Committee shall specify.
33. The investigation shall be carried out promptly, with the expectation that all investigations, resolutions and hearings will be completed within a maximum period of three months. All those involved in complaint should do their utmost to ensure that this can happen.
34. At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the subject Member, to give both an opportunity to identify any factual matter in that draft report which is disputed or requires further investigation.
35. Having received and taken account of any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.
36. The Monitoring Officer will consult with the Independent Person on the outcomes or recommendations of the investigation.
37. If following consultation, the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.
38. The Monitoring Officer will review the Investigating Officer's report in light of the Independent Person's advice and, if he is satisfied that the Investigating Officer's report is sufficient and that no further investigations are required, the Monitoring Officer will write to the complainant and to the subject Member concerned with a copy of the final report.

Findings of "No-breach"

39. If the Investigating Officer finds that there has been no breach of the Code of Conduct then the Monitoring Officer will write to the complainant and the subject Member and dismiss the complaint. The Monitoring Officer will report the outcome of the case to the next

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Members' Code of Conduct Committee. The decision is final and there is no appeal.

Findings of "Breach"

40. If the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct then the Monitoring Officer will consult with the Independent Person, the subject Member and the complainant to see if any form of local resolution is possible.

Local Resolution

41. The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he will consult with all the parties and seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the subject Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action.
42. If the subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Members' Code of Conduct Committee for information, but will take no further action. Such report should be open to public scrutiny.
43. If following consultation with the parties it seems likely that any suggested resolution would not be possible or would not be suitable in all the circumstances, the Monitoring Officer will refer the matter to the Hearings Panel.

Final Hearing

44. If the Monitoring Officer considers that local resolution is not appropriate, or the Member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.
45. The Hearings Panel will comprise of three voting members of the Members Code of Conduct Committee (councillors) selected by the Monitoring Officer in consultation with the Chairman of the Members' Code of Conduct Committee. The councillors shall, wherever possible, be selected on a politically proportionate basis. An Independent Member is invited to Chair the Hearings Panel but legally cannot vote on the decision.
46. The Members' Code of Conduct Committee may agree a procedure for Hearings Panels.

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47. The Monitoring Officer may conduct a “pre-hearing process”, requiring the subject Member to give his/her response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted.
48. The Monitoring Officer will advise the Chairman whether the hearing should be in public or private. The Access to Information Rules will apply to this hearing as it would apply to any other meeting of the Council. In order to give confidence to the public it is expected that the Hearings Panel will take place in public unless there are exceptional circumstances which dictate otherwise.
49. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the subject Member or has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Panel. The subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
50. The Independent Person may attend the hearing to advise the Panel but is not required to attend.
51. If the Hearings Panel concludes that the subject Member did not fail to comply with the Code of Conduct, then they will dismiss the complaint.
52. If the Hearings Panel concludes that the subject Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the Member’s failure to comply with the Code of Conduct.

Powers of the Hearings Panel

53. In considering its response the Hearings Panel will give the Member an opportunity to make representations to the Panel, but will then decide what action, if any, to take in respect of the matter. The powers of the Hearings Panel are:
 - a. To require the Member to apologise either privately or in public.
 - b. To require the Member to attend training.
 - c. To censure the Member.
 - d. To send a report to Council to censure the Member.

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- e. To require the Monitoring Officer to publish a report in the newspaper or on the Council's website about the Member's conduct.
 - f. To withdraw privileges provided by the Council such as computer equipment, internet or email access.
 - g. To recommend to the Member's Group Leader that the Member be removed from a Committee, a Cabinet responsibility or an Outside Body (as appropriate).
 - h. Or a combination of any of the above.
54. As a matter of law, the Hearings Panel does not have the power to suspend or disqualify the Member or to withdraw allowances to which members are entitled.

Appeals

55. Where a Hearings Panel makes any recommendations to a Group Leader about a penalty then that member may make representations in advance of that decision being taken.
56. Where a Hearings Panel makes any recommendations to Council about a penalty then that member may make representations in advance of that decision being taken.

Post hearing

57. At the end of the hearing, the Chairman will state the decision of the Hearings Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.
58. As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Hearings Panel, and send a copy to all the parties, and if required by the Hearings Panel, make that decision notice available for public inspection. The decision will be reported to the next meeting of the Members' Code of Conduct Committee.

Revision of these arrangements

59. The Members Code of Conduct Committee is delegated to amend these arrangements where necessary, and has delegated to the Chairman of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

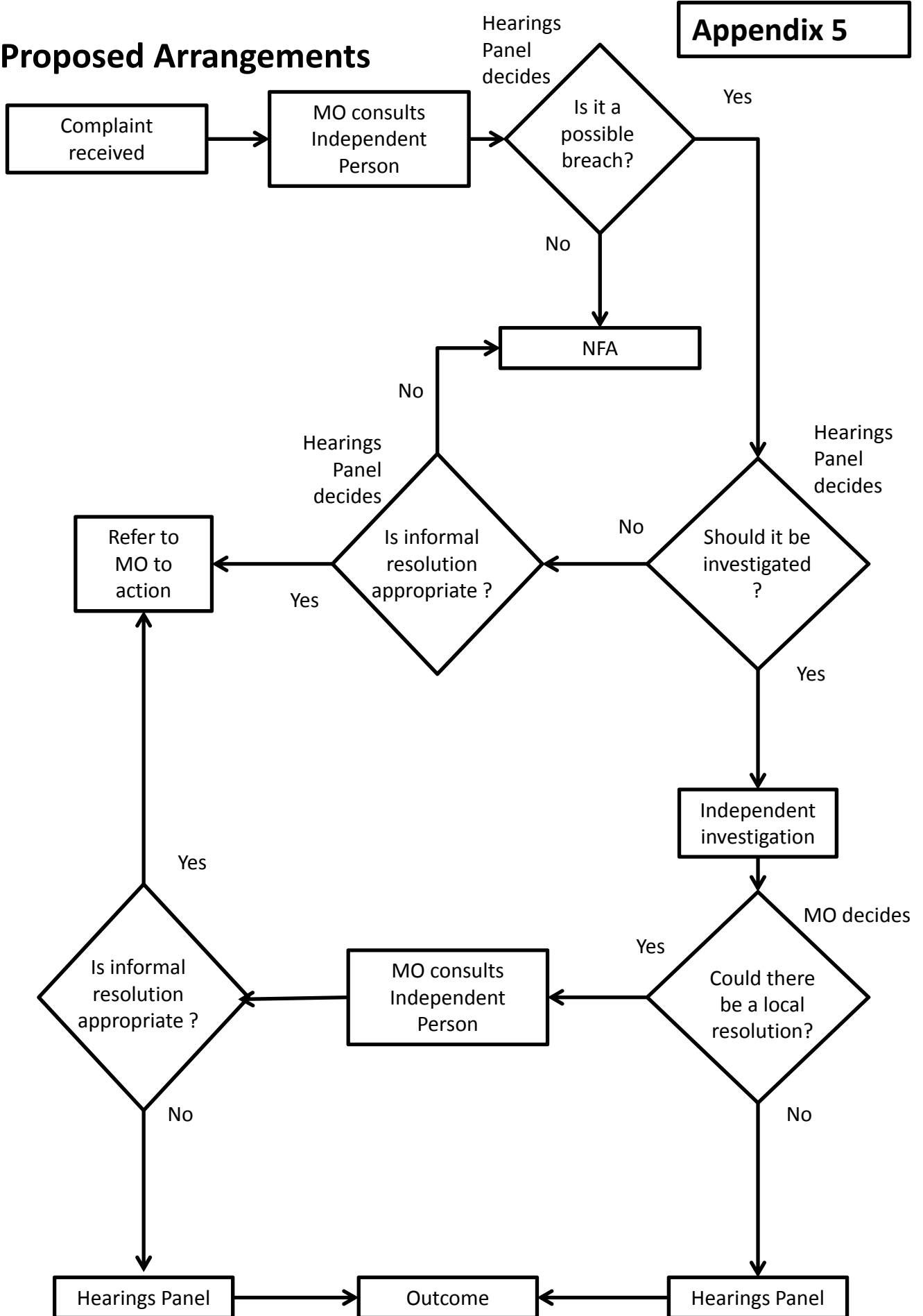
Appendix 4

Version 1.0

May 2012

Appendix 5

Proposed Arrangements



APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES FOR 2012-2013

1. BAA LOCAL FOCUS FORUM

Councillors Taylor and Gohil

2. COLNE VALLEY PARK STANDING CONFERENCE

Councillors Forbes-Forsyth and Davis

3. HEATHROW AIRPORT CONSULTATIVE COMMITTEE (HACC)

Councillors Rough and Taylor

Deputies: Councillors Bannister and Ayub

4. LOCAL AUTHORITY AIRCRAFT NOISE COMMITTEE (LAANC)

Councillors Francis and Harman

5. MANAGEMENT BOARD OF A2DOMINION SOUTH REGISTERED HOUSING PROVIDER

Councillor Smith-Ainsley

6. MANAGEMENT COMMITTEE OF MEDIATION NORTH SURREY

Councillor Frazer

7. ON-STREET PARKING PARTNERSHIP

Councillors Napper and Evans

8. RIVER THAMES ALLIANCE

Councillor Leighton

9. SOUTH EAST EMPLOYERS (SEE)

Councillor Smith-Ainsley

Deputy: Councillor Gething

10. SPELTHORNE BUSINESS FORUM

Councillors Rough, Davis, Gething and Friday

Deputies: Councillors Gohil and Napper

11. SPELTHORNE AND SUNBURY LEISURE CENTRES CUSTOMER FORUM

Councillor Grant

12. SPELTHORNE MENTAL HEALTH ASSOCIATION MANAGEMENT COMMITTEE – TRUSTEE

Councillor Harman

13. SPELTHORNE SAFER, STRONGER PARTNERSHIP BOARD

Councillor Forbes-Forsyth

14. STRATEGIC AVIATION SPECIAL INTEREST GROUP (LOCAL GOVERNMENT ASSOCIATION) (SASIG)

Councillor Rough

Deputy: Francis

15. SUNBURY LEISURE CENTRE AND SUNBURY MANOR SCHOOL JOINT LIAISON GROUP

Councillors Grant and Evans

16. SURREY HIGH SHERIFF YOUTH AWARDS COUNCIL

(1 representative for a four year term)

Councillor Harman has been nominated to represent Surrey (until June 2014).

17. SURREY MUSEUMS CONSULTATIVE COMMITTEE

Councillor Francis

Deputy: Harman

18. SURREY TRAVELLER COMMUNITY RELATIONS FORUM

Councillor Pinkerton

19. THE TRAFFIC PENALTY TRIBUNAL

Councillor Evans

Deputy: Councillor Frazer

20. VOLUNTARY ACTION IN SPELTHORNE (VAIS)

Councillor Napper

APPOINTMENT OF REPRESENTATIVES TO SERVE ON THE SURREY COUNTY COUNCIL (SCC) LOCAL COMMITTEE AND WORKING GROUPS FOR 2012-2013

21. SURREY COUNTY COUNCIL LOCAL COMMITTEE IN SPELTHORNE

(7 representatives = 7 Cons. 7 deputies = 6 Cons. 1 LD)

Representatives:

Councillor Smith-Ainsley
Councillor Pinkerton
Councillor Watts
Councillor Napper
Councillor Sexton
Councillor Forsbrey
Councillor Davis

Deputies:

The Leader, Councillor Frank Ayers
Councillor Bannister
Councillor Leighton
Councillor Friday
Councillor Webb
Councillor Francis
Councillor Richard Dunn

22. LOCAL DEVELOPMENT FRAMEWORK (LDF WORKING PARTY

(7 representatives)

Councillor Watts
Cabinet Member for Environment

Councillor Evans
Cabinet Member for Finance and Resources

Councillors Broom and Webb
Two Overview and Scrutiny Committee representatives

Councillors Forsbrey and Smith-Ainsley
Planning Committee representatives

Councillor Beardsmore
Liberal Democrat representative

23. MEMBERS' DEVELOPMENT STEERING GROUP

(7 representatives = 6 Cons. 1 LD)

Councillors Gething, Pinkerton, Grant, Dale, Frazer, Madams and Mrs. S.A. Dunn
(Lib. Dem.)

**NOMINATION TO THE SURREY LEADERS' GROUP of REPRESENTATIVES for
OUTSIDE BODIES for 2012-2013**

Annual appointments for 2012-2013:

24. SURREY WASTE PARTNERSHIP

Councillor Watts
(Cabinet member for the Environment)

25. SURREY CLIMATE CHANGE PARTNERSHIP MEMBER GROUP

Councillor Watts
(Cabinet member for the Environment)

To be agreed at Cabinet on 12 June 2012.