

**Roberto Tambini
Chief Executive**

Please contact: Trevor Baker
Please 01784 446267
telephone: 01784 446333
Fax Number: t.baker@spelthorne.gov.uk
Email Address: TB/Cabinet
Our Ref:
Date:- **24 March 2010**

NOTICE OF MEETING:

CABINET

DATE: TUESDAY 30 MARCH 2010

TIME: 5.00 p.m.

PLACE: GODDARD ROOM, COUNCIL OFFICES, KNOWLE GREEN, STAINES

[Refreshments for Members are available from 4.30pm in the Members' Room.]

TO: THE MEMBERS OF THE CABINET:-

| Members of the Cabinet | Cabinet Member Areas of Responsibility |
|------------------------------------|---|
| J.D. Packman [Chairman] | Leader of the Council |
| R.A. Smith-Ainsley [Vice-Chairman] | Planning and Housing |
| F. Ayers | Community Safety |
| S. Bhadye | Independent Living |
| C.A. Davis | Economic Development |
| G.E. Forsbrey | Environment |
| Mrs. D.L. Grant | Young People and Culture |
| A.P. Hirst | Communications |
| Mrs. V.J. Leighton | Finance and Resources |

EMERGENCY PROCEDURE [THE LIFT MUST NOT BE USED]

In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the green adjacent to Broome Lodge. Members of the public present should accompany the Officers to this point and remain there until the Senior Officer present has accounted for all persons known to be on the premises.

[PLEASE NOTE THAT THIS AGENDA IS AVAILABLE IN LARGE PRINT ON REQUEST TO TREVOR BAKER ON TEL: 01784 446267]

IMPORTANT PUBLIC NOTICE

MOBILE TECHNOLOGY – ACCEPTABLE USE

Use of mobile technology (e.g. mobile telephones, Blackberries, XDA's etc.) in meetings can:

- Interfere with the Public Address and Induction Loop systems;
- Distract other people at the meeting;
- Interrupt presentations and debates;
- Mean that you miss a key part of a decision taken.

PLEASE:

Either switch off your mobile telephone etc. **OR** switch off its wireless/transmitter connection and sound for the duration of the meeting.

THANK YOU FOR YOUR CO-OPERATION IN THIS MATTER.

1 APOLOGIES FOR ABSENCE

To receive any apologies for non-attendance.

2 CABINET MINUTES – 16 and 18 FEBRUARY 2010 [pages 1 to 10]

To confirm the Minutes of the Meetings of:

- (a) the Cabinet held on 16 February 2010 and
- (b) Special Cabinet held on 18 February 2010.

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 SPELTHORNE YOUTH COUNCIL MEETING - 12 JANUARY, 11 FEBRUARY AND 9 MARCH 2010 [Pages 11 to 16] [Cabinet Member – Councillor Mrs. Grant]

To receive the Minutes of the Spelthorne Youth Council meetings held on 12 January, 11 February and 9 March 2010.

5 MINUTES OF LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY – 22 FEBRUARY 2010 - KEY DECISION [Pages 17 to 18] [Cabinet Member – Councillor Forsbrey]

To receive the minutes of the Local Development Framework Working Party held on 22 February 2010.

6 MINUTES OF THE MEMBERS DEVELOPMENT STEERING GROUP – 29 MARCH 2010 [To be circulated at Cabinet on 30 March] [Cabinet Member – Councillor Hirst]

To receive the minutes of the Members Development Steering Group held on 29 March 2010.

7 MANAGEMENT TEAM REPORTS

To consider the reports of the Chief Executive [CX], Deputy Chief Executive [DCX], Assistant Chief Executives [ACX] and the Chief Finance Officer [CFO] on the following items:-

- (a) Street Trading Policy Revisions – Key Decision [ACX]
(pages 19 to 24) [Cabinet Member – Councillor Ayers]
- (b) Adoption of Food and Health and Safety Service Plans for 2010/2011 [ACX] **(pages 25 to 28) [Cabinet Member – Councillor Bhadye]**
- (c) Surrey First Initiative – Joint Committee for the Oversight of Delivery of Surrey Public Authority Services [CX]
(pages 29 to 34) [Cabinet Member – Councillor Packman]
- (d) Draft Calendar of Meetings – 1 May 2010 to 31 December 2010 [DCX]
(pages 35 to 39) [Cabinet Member – Councillor Packman]
- (e) Updates to the Council's Constitution – Key Decision [DCX]
(pages 41 to 54) [Cabinet Member – Councillor Davis]
- (f) Revenue Grants 2010-2011 [ACX]
(pages 55 to 62) [Cabinet Member – Councillor Hirst]
- (g) Revenue Budget 2009-2010 – Monitoring Report [CFO]
(pages 63 to 102) [Cabinet Member – Councillor Mrs Leighton]

- (h) Capital Budget 2009-2010 – Monitoring Report [CFO]
(pages 103 to 112) [Cabinet Member – Councillor Mrs Leighton]
- (i) Delivery of Savings built into 2009-2010 Revenue Budget – Key Decision [CFO] **(pages 113 to 118) [Cabinet Member – Councillor Mrs Leighton]**
- (j) Charging for the Collection of Waste from Non-Domestic Establishments – Key Decision [DCX] **(pages 119) to 129) [Cabinet Member – Councillors Forsbrey and Mrs Leighton]**

8 THE CABINET FORWARD PLAN (pages 130 to 133)

To note the updated version of the Council's Cabinet Forward Plan for the period from 1st January to 31st December 2010.

9 ISSUES FOR FUTURE MEETINGS

Members are requested to identify issues to be considered at future meetings.

10 URGENT ITEMS

To consider any items which the Chairman considers are urgent.

11 EXEMPT BUSINESS

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

12 EXEMPT MANAGEMENT TEAM REPORTS [Gold Paper]

To consider the exempt reports of the Assistant Chief Executives [ACX] on the following items:

- (a) Write-Offs [CFO]
(pages 134 to 136) [Paragraph 1 – Information relating to any individual.]
[Cabinet Member – Councillor Leighton]
- (b) Council Assets Members' Working Party Minutes – 28 January 2010
(pages 137 to 140) [Paragraph 3– Information relating to the financial or business affairs of any particular person [including the authority holding that information.]
[Cabinet Members – Councillor Ayers]

**MINUTES OF THE IMPROVEMENT AND DEVELOPMENT /
PERFORMANCE MANAGEMENT AND REVIEW JOINT SCRUTINY
COMMITTEE**

16 FEBRUARY 2010

Present:
Councillor Mrs J. Pinkerton (Chairman)

Councillors:

| | | |
|----------------|------------------|-------------------|
| Miss M.M. Bain | H.R. Jaffer | Jack D. Pinkerton |
| Mrs E. Bell | D.L. McShane | Mrs M. W. Rough |
| Ms P.A. Broom | Mrs I. Napper | C.V. Strong |
| S.E.W. Budd | Mrs C.E. Nichols | G.F. Trussler |
| K.E. Flurry | L.E. Nichols | |

Apologies: Councillors Mrs P.C. Amos, K. Chouhan, S.J. Fairfax, Miss N.A. Hyams and S. Rough

Councillor Mrs V.J. Leighton, Cabinet Member responsible for Finance and Resources attended the meeting and took part in the discussion of Minute Number 32/10

29/10 APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Mrs J.M. Pinkerton be appointed Chairman for the meeting

30/10 DISCLOSURES OF INTEREST

No disclosures were made.

31/10 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12a to the Local Government Act 1972.

THE IMPROVEMENT AND DEVELOPMENT / PERFORMANCE
MANAGEMENT AND REVIEW JOINT SCRUTINY COMMITTEE,
16 FEBRUARY 2010 – Continued

32/10 OUTLINE BUDGET STRATEGY TASK GROUP

The Committee discussed the draft confidential report on the findings of the task group which had been established with the three main objectives of:

- A) to clarify our current financial situation and determine the contributing factors;
- B) Identify what financial measures we need to take to maintain a balanced budget and aim for a Zero rate increase in the council tax in 2010/11 financial year; and
- C) Recommend priorities for financial savings and spending.

The Chairman, Councillor Mrs Jean Pinkerton responded to numerous questions from Members and clarified points of details in relation to the various issues contained with in the report.

During the discussion suggested revisions to the draft report for consideration at the Special Cabinet meeting were highlighted and agreed.

RESOLVED that the confidential report as amended at the meeting be submitted to the special Cabinet meeting taking place on 18 February 2010 for consideration.

MINUTES OF THE SPECIAL CABINET MEETING

18 FEBRUARY 2010

PRESENT:

Councillor J.D. Packman (Leader of the Council, Chairman of the Cabinet and Cabinet Member - Leader of the Council);
Councillor R.A. Smith-Ainsley (Deputy Leader of the Council, Vice-Chairman of the Cabinet and Cabinet Member for Planning and Housing);
Councillor F. Ayers (Cabinet Member for Community Safety);
Councillor S. Bhadye (Cabinet Member for Independent Living);
Councillor C.A. Davis (Cabinet Member for Economic Development);
Councillor G.E. Forsbrey (Cabinet Member for Environment);
Councillor Mrs. D.L. Grant (Cabinet Member for Young People and Culture); and
Councillor Mrs. V.J. Leighton (Cabinet Member for Finance and Resources).

Apologies: Councillors A.P. Hirst and Ms. P.A. Broom.

In Attendance: Councillor Mrs. J.M. Pinkerton [Chairman of the Joint Scrutiny Outline Budget Strategy Task Group].

1577. RECOMMENDATIONS FROM THE JOINT MEETING OF THE IMPROVEMENT AND DEVELOPMENT AND PERFORMANCE MANAGEMENT AND REVIEW COMMITTEES HELD ON 16 FEBRUARY 2010 – RE: THE JOINT SCRUTINY OUTLINE BUDGET STRATEGY TASK GROUP

The Cabinet received a presentation by Councillor Mrs. J.M. Pinkerton [Chairman of the Joint Scrutiny Outline Budget Strategy Task Group] on the objectives, work and recommendations of the Joint Scrutiny Outline Budget Strategy Task Group.

She summarised the Task Group's recommendations as submitted to the Joint meeting of the Improvement and Development and Performance Management and Review Committees held on 16 February 2010. She further highlighted the changes made to the Task Group's recommendations in light of the decisions made by the Joint meeting of the two Scrutiny Committees.

The Cabinet held a wide ranging discussion on the covering report setting out the background to and details on the Task Group's recommendations. Councillor Mrs. Pinkerton answered questions from Members and clarified points of detail in relation to the various key issues dealt with by the Task Group.

The Cabinet proposed amendments to the covering report. These were: (1) Scope of the Review - delete some wording, (2) Scale of Budget Deficit - insert wording to show comparative position as at 16 September 2009 and as at 18 February 2010, (3) General Observations – add correct budget shortfall figure of £1.2m, (4) General Observations – add revised wording “Providing a range of food hygiene courses for commercial food handlers and offering refresher courses every three years”, (5) all Leader's Task Group references to be changed to Leader's Monitoring Group, (6) Partnership Working – make one addition and one revision to the examples, (7) Partnership Protocol - add revised wording “Additional payment, benefit and investment for being the lead authority of a partnership”, and (8)

SPECIAL CABINET – 18 FEBRUARY 2010

Identified Future Savings – Longer Term - add revised wording “Complete reorganisation of the management structure so as to provide financial savings and efficiency improvements”.

RESOLVED:

1. That the following recommendations of the Joint Scrutiny Outline Budget Strategy Task Group, incorporating the amendments made by the Joint meeting of the two Scrutiny Committees on 16 February 2010 and by the Special meeting of the Cabinet on 18 February 2010, be endorsed for further investigation:
 - (a) The Council incorporates the initiatives outlined above to provide the required savings.
 - (b) We also suggest that the role of monitoring and reporting on the delivery of priorities is reinforced and that our Task Group be reconstituted as a Leader’s Monitoring Group to take on this role.
 - (c) That the Business Improvement Board be chaired by the Chief Executive and that the Business Improvement Manager reports directly to the Chief Executive. Urgent consideration to enhance resourcing of this team be given. Progress reports on the work of the Board be submitted to the appropriate Scrutiny Committee twice a year.
 - (d) A robust performance management structure to be implemented.
 - (e) Consider establishing, from current staff, someone to take responsibility to develop a strategy on partnership working and to lead for the Council in this area.
 - (f) Head of Service posts to be advertised internally first to give the opportunity for progression from within and, if an internal appointment is possible, to then explore the opportunities for subsequent structure review and savings.
 - (g) The interim management structure be implemented from 1 April 2010 to reduce Management Team to 5.
 - (h) A managed process to reduce Management Team to 4 within 2 years.
 - (i) That all possibilities of income generation are regularly pursued.
 - (j) Ensure balance against statutory requirements and resources available.
 - (k) The Task Group has been greatly impressed by the ability, dedication and enthusiasm of many of the Heads of Service who presented to the Task Group and it is essential for the Council’s future that they are provided with opportunities to develop their skills further. This confidence in the calibre of many of our managers leads us to believe that there is a healthy prospect for succession management, even though some reductions in senior managerial expenditure will be required.

2. That the thanks of the Cabinet, on behalf of the Council, be placed on record in recognition of the excellent work carried out by Councillor Mrs. J.M. Pinkerton, as Chairman of the Joint Scrutiny Outline Budget Strategy Task Group, and by the other members of the Task Group, Councillors Mrs. E.M. Bell, Ms. P.A. Broom, Mrs. V.J. Leighton (Cabinet Member for Finance and Resources), D.L. McShane and S. Rough.

SPECIAL CABINET – 18 FEBRUARY 2010

NOTES:-

- (1) **Members of the Improvement and Development and Performance Management and Review Committees are reminded that under Overview and Scrutiny Procedure Rule 16.2 in the Council's Constitution, 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 Improvement and Development and Performance Management and Review Committees 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 either the Improvement and Development or the Performance Management and Review Committee are able to "call in" a decision which falls within the functions of their own particular Committee;**
- (4) **To avoid delay in considering an item "called in", an extraordinary meeting of the relevant 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 an 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 their 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 Improvement and Development and Performance Management and Review Committees in relation to the above decisions by the Cabinet is the close of business on THURSDAY – 25 FEBRUARY 2010.**

SPELTHORNE YOUTH COUNCIL
MINUTES

12 January 2010

Held in the Goddard Room, Council Offices, Knowle Green, Staines

PRESENT:

| | | |
|-----------------|---------------|-----------------|
| Gemma Anscombe | Daniel Hitch | Olivia Ortega |
| Sophie Clarke | Joe McVey | David Porter |
| Connie Cronin | Amir Miah | Ryan Smith |
| George Daubney | Grace Millard | Matthew Sutch |
| Ian Doggett | Vivien Miller | Charlie Whitley |
| Dominic Hillman | | |

Apologies: Arran Southern

In attendance:

Gail Lewis - SCC Youth Worker

Pauline Braham - SCC Youth Worker

Louisa Harper - Vais

Adam Justice - Surrey Police

Lucy Uttley - Surrey Police

Andy Holdaway - SBC Youth & Arts Manager

1/10 MINUTES

The minutes of the meeting held on 12 November 2009 were approved as a correct record. December's meeting was cancelled due to poor weather conditions.

2/10 VAIS

Louisa Harper from Vais attended to discuss ideas with the Youth Council on how to engage more young people in volunteering. Please see attached minutes of this discussion.

3/10 CABINET

The report of the Cabinet Member for Young People and Cultural Services on the work of the Cabinet, which summarised the items of business discussed at the Cabinet meeting on 8 December 2009, was circulated at the meeting.

The Youth Council noted the report.

4/10 FEEDBACK FROM YOUTH COUNCILLORS

Three of the schools had held meetings since November. Issues discussed were mainly internal to the schools.

5/10 PROJECT GROUPS

Andy gave a further update on the progress of Spelthorne's Got Talent. Adam & Lucy from Surrey Police worked through a number of ideas with the Youth Council on Spelthorne's Got Talent; most noticeably the Youth Council agreed to accept entries to the event from school years 7 & 8 as there seemed to be a high amount of interest from those year groups. To date, Leisure Services had received 1 entry form.

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| Ian Doggett | Vivien Miller | Charlie Whitley |
| Dominic Hillman | | |

Apologies: Arran Southern

In attendance:

Gail Lewis - SCC Youth Worker

Pauline Braham - SCC Youth Worker

Louisa Harper - Vais

Adam Justice - Surrey Police

Lucy Uttley - Surrey Police

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SPELTHORNE YOUTH COUNCIL
MINUTES

9 March 2010

Held in the Goddard Room, Council Offices, Knowle Green, Staines

PRESENT:

| | | |
|-----------------|---------------|-----------------|
| Sophie Clarke | Daniel Hitch | Olivia Ortega |
| Connie Cronin | Joe McVey | David Porter |
| George Daubney | Amir Miah | Ryan Smith |
| Ian Doggett | Grace Millard | Matthew Sutch |
| Dominic Hillman | Vivien Miller | Charlie Whitley |

Apologies: Tom Critchell and Arran Southern

In attendance:

Andy Holdaway – SBC Young and Arts Manager

Gill Hobbs – Committee Manager

12/10 MINUTES

The minutes of the meeting held on 11 February 2010 had not been circulated and would be deferred for approval to the next meeting.

13/10 CABINET 19 JANUARY, 16 & 18 FEBRUARY

The report of the Cabinet Member for Young People and Cultural Services on the work of Cabinet, which summarised the items of business discussed at the Cabinet meetings on 19 January and 16 and 18 February 2010, was circulated with the agenda.

The Youth Council noted the report.

14/10 FEEDBACK FROM YOUTH COUNCILLORS

Only one of the schools represented had held a student council meeting since the last Youth Council and this had addressed school issues.

15/10 ACCESSIBILITY SURVEY

The Youth Council had previously expressed an interest in assisting the charity Spelthorne Committee for Access Now, with an accessibility

survey of shops in Staines Town Centre with the aim of improving access and facilities for people with disabilities.

The survey was due to commence shortly and Andy asked those youth councillors who were interested in helping to see him for more details.

16/10 PROJECT GROUPS

Spelthorne's Got Talent

Spelthorne's Got Talent was due to take place on 27 March at Brooklands College, Ashford. Youth Councillors volunteered to be involved as:

- Presenters on stage – Connie Cronin, George Daubney, Dan Hitch, Joe McVey, Grace Millard and Vivien Miller.
- Judges – Ian Doggett, Dominic Hillman, Amir Miah, Olivia Ortega, David Porter, Matthew Sutch and Charlie Whitley.

17/10 ANY OTHER BUSINESS

London 2012 Young Leaders Programme

Andy informed the Youth Council of a scheme sponsored by BP to put 100 Young Leaders on an intensive personal development programme, to enable them to play a significant role in the delivery of the London 2012 Olympic and Paralympics Games. The mentoring scheme was designed to give a group of disadvantaged young people the opportunity to take part in a life changing programme which offers them training, coaching, and the chance to lead volunteering opportunities between April 2010 and the end of the Games in September 2012. Ten places were available for young people living in Spelthorne whose birthdates fell between 2/1/93 and 1/1/94.

Youth Awards

The Youth Awards were due to take place on Saturday 8 May at Spelthorne Leisure Centre. The Youth Council decided to invite Lloyd Scott to be the key speaker at the event.

Twenty nominations had been received to date with the closing date at the end of March.

Youth Opportunities Funding Award

The Youth Council further discussed how they would spend the £2000 award from the Youth Opportunities Fund and decided on a day of team building activities for the whole Youth Council. It was agreed that Andy would bring pricing information to the next meeting for activities at High Ashurst and Heron Lake.

LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY

22 FEBRUARY 2010

Present:

Cllr G E Forsbrey (Chair)

Cllr Mrs P C Amos

Cllr H R Jaffer

Cllr Mrs V J Leighton

Cllr L E Nichols

Cllr J D Packman

Cllr H A Thomson

1 Apologies

None

2 Report of the Deputy Chief Executive

a) Allocations DPD

The Working Party was advised that the Allocations DPD had been statutorily advertised following adoption on 17 December 2009 and that no legal challenges had been made within the 6 week period following adoption.

INFORMATION

b) Supplementary Planning Documents (SPD)

The Working Party received a report on the role of Supplementary Planning Documents and the revised procedures which need to be followed in their preparation. Circumstances had changed since the preparation of the current Local Development Scheme and the programme for the preparation of SPDs envisaged in that document was no longer the most appropriate. A proposed programme, giving priority to three subject areas of the greatest immediate importance was suggested:

(a) Residential development and extensions

(b) Size of new dwellings

(c) Infrastructure requirements

The first two could be prepared concurrently as SPDs, but the Infrastructure SPD would need to take account of the current Surrey Infrastructure Capacity Project as well as the future of the Community Infrastructure Levy. The programme proposed had been based on current staffing resources and other known workloads but was subject to no other major unforeseen work requirements arising. The programme set out in Appendix C was discussed and supported by Members. The need to carry out extensive and focused consultation with specific groups including agents, developers, residents groups

Agenda Item: 5

and members of the public was recognised.

RESOLVED

1. That the potential list of SPDs/matters to be included in SPDs listed in Appendix B and at paragraphs 3.5 and 3.6 be noted.
2. To recommend to Cabinet that preparation of the following SPDs and proposed timescales be progressed as the first tranche of SPD work:
 - (a) Residential Development and Extensions (March 2010-July 2011)
 - (b) Size of dwellings (March 2010-July 2011)
 - (c) Infrastructure (December 2010-early 2012)
3. That the SPD programme be reviewed in January 2011.
4. That the sequence of actions in Appendix C, which will be the basis of the detailed programme, be noted.

MEMBERS DEVELOPMENT STEERING GROUP

29 MARCH 2010

Present:

Councillor A.P. Hirst (Chairman)

Councillor Miss M.M. Bain (Vice-Chairman)

Councillor Mrs V.J. Leighton

Councillor Mrs M.W. Rough

APOLOGIES: Apologies were received from Councillors Mrs P.A. Amos, I.J. Beardsmore, and Miss N. Hyams.

Councillor C.A. Davis the Cabinet Member responsible for Economic Development was in attendance and took part in the discussion of Minute Number 10/10

9/10 MINUTES

The minutes of the meeting held on 14 September 2009 were confirmed as a correct record.

10/10 MEMBER DEVELOPMENT ARRANGEMENTS

The Chairman reported on the arrangements that would be put in place for the re assessment process for the re-accreditation of the Charter for Member Development He confirmed that Mark Palmer, Development Director, South East Employers, would be undertaking the re assessment in June 2010 and that arrangements would be put in place for the Steering Group to meet with Mark Palmer prior to the re accreditation taking place.

One of the key elements of the Charter was the assessment of development needs of individual councillors and to assist in this an Elected Member Development skills Portal had been produced by the South East Employers in partnership with Jobs Go Public. The Head of Human Resources gave a demonstration of how the portal would work and enable a councillor to:

- Complete a brief personal demographic and learning preferences survey
- Self assess their level of skills across the political skills framework
- Add names of people to provide 360 degree feedback across the same political skills framework.
- Receive anonymous feedback from contributors and view an overview of this feedback together with additional information.

In addition the Head of Human Resources agreed to obtain and circulate a list of those councils that had already signed up to using the skills portal.

The Steering Group discussed the cost of the system which was in the region of £1000 per annum or £3,500 for a four year period. The Group went on to discuss the

feasibility of members of the Steering Group piloting the portal during the final year of this administration.

The Steering Group agreed that the Assistant Chief Executive would discuss the feasibility of piloting the scheme, in the final year of this administration, including the cost involved with Mark Palmer from South East Employers and report back to members of the Group.

11/10 DATE AND FUTURE MEETINGS

The next meeting of the Steering Group to take place at 5.30pm on 7 June 2010, subject to the availability of Mark Palmer from South East Employers being available to attend the meeting.

Chairman -

STREET TRADING POLICY REVISIONS KEY DECISION

Cabinet Briefing 22 March 2010, Cabinet 30 March 2010 Full Council 29 April 2010

Recommendation Required

Report of the Assistant Chief Executive

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

Spelthorne's Street Trading Policy provides a framework to control street trading activities within the borough to ensure the health and safety of its residents and road users.

Purpose of Report

The purpose of the report is to seek Cabinet's recommendation to adopt Spelthorne's Street Trading Policy 2010 (the Policy), a copy of which is in the Members' Room.

Key Issues

- A draft version of the Policy was submitted for consultation for a period of six weeks commencing on 20 January 2010. Nine responses were received and these are summarised in [Appendix A \[Members Room only\]](#). A number of amendments have been made to the Policy and they are highlighted through tracked changes.
- Spelthorne's Scheme of Delegation to Officers will be amended to allow the Head of Environmental Health and Building Control Services (HEHBCS) to issue, renew, or refuse to issue existing street trading permits. For new applications the HEHBCS will in future decide on whether to issue a street trading permit in conjunction with the Cabinet member for Community Safety. These proposed changes appear in another Cabinet report from the Deputy Chief Executive of 30 March 2010 making amendments to Spelthorne's Constitution.
- It is anticipated that the Policy will need to be reviewed and updated every five years in order to take into account any future changes to street trading legislation.
- The Policy now contains an appeal mechanism to Spelthorne's Licensing Sub-Committee for applicants who are refused the issue or renewal of a permit.

Financial Implications

The costs of delivering the Policy will be met within existing budgets.

Corporate Priority

Community Safety, Environment, Economic Development, Community Engagement, Effective Communications

Officer Recommendations

Cabinet is asked to recommend to Council the approval of the revised Street Trading Policy. A copy of the Policy is in the Members' Room.

Contact: Liz Borthwick, Assistant Chief Executive, 01784 446376

Cabinet member: Councillor Frank Ayers

MAIN REPORT

1. BACKGROUND

- 1.1 Spelthorne adopted the relevant parts of Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, whereby streets in the borough are designated as “Prohibited” or “Consent” streets for the purpose of street trading. The resolution came into effect on 15 May 1987.
- 1.2 In preparing the Policy, Spelthorne consulted with relevant stakeholders, such as Surrey Police, Surrey County Council and business operators of street trading permits within the borough, who may be affected the functions of the Policy. A full list of consultees is shown on pages 12 and 13 (Annex E) in the Policy.

2. KEY ISSUES

- 2.1 On 19 January 2010, the Cabinet agreed to go out to consultation on a draft, revised Street Trading Policy. This consultation was undertaken from 20 January 2010 to 4 March 2010.
- 2.2 From the nine responses to the consultation process (summarised in **Appendix A [Members Room only]**) some amendments have been made to the Policy, which are highlighted as tracked changes. Some of these changes relate to clarifying certain issues, such as the additional fee which will be required for the issue of seasonal or temporary permits on Spelthorne’s land. Another amendment stipulates that businesses wishing to trade from privately owned land will need to obtain permission from the land owner. An additional general condition has been placed on businesses wishing to trade from vehicles that they provide relevant DVLA registration, MOT and motor insurance documentation during the application process.
- 2.3 Spelthorne’s Scheme of Delegation to Officers will need an amendment to allow the HEHBCS to renew, or refuse to renew existing street trading permits. In relation to new applications for such permits, the HEHBCS will in future make decisions on whether or not to issue them in conjunction with the Cabinet member for Community Safety. These proposed changes appear in another Cabinet report from the Deputy Chief Executive of 30 March 2010 making amendments to Spelthorne’s Constitution.
- 2.4 It is anticipated that the Policy will need to be reviewed and updated every five years in order to take into account any future changes to street trading legislation.
- 2.5 The Policy now contains an appeal mechanism to Spelthorne’s Licensing Subcommittee for applicants who are refused the issue or renewal of a permit.

3. OPTIONS ANALYSIS

- 3.1 The preferred option is for the Cabinet to recommend to Council the adoption of the Policy according to the timetable set out in paragraph 9.1.
- 3.2 There is an option for the Cabinet to either amend or reject the Policy. However, if Members decide on the former course of action there is a danger that there will not be sufficient controls in place to properly regulate street trading activities in the borough.

4. PROPOSALS

- 4.1 It is proposed that the revised Street Trading Policy is recommended for adoption by the Council.

5. BENEFITS AND SUSTAINABILITY

- 5.1 Controls on street trading activities will be improved. There will be opportunities for relevant authorities to object if a location is deemed unsuitable for safety or nuisance reasons.

6. FINANCIAL IMPLICATIONS

- 6.1 Costs of delivering the policy will be met within existing budgets.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 Section 3 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, allows licensing authorities to control street trading activities within its area.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 See paragraph 3.2 of this report.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Report to Cabinet on **30 March 2010** to seek a recommendation to approve a proposed final policy.
- 9.2 Report to full Council on **29 April 2010** to get final approval to implement policy.

Report Author: Dawn Morrison Licensing Manager 01784 446432

Background Papers: There are none.

ADOPTION OF FOOD AND HEALTH AND SAFETY SERVICE PLANS FOR 2010/2011

Resolution Required

Report of the Assistant Chief Executive

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

The Food and Health and Safety Service Plans set out how authorised officers intend to ensure that the local food and non-food businesses they visit produce and sell food that is safe to eat and/or safeguard the health, safety and welfare of its employees and visitors.

Purpose of Report

To seek approval to adopt the Food and Health and Safety Service Plans for 2010/11.

Key Issues

- The Food Standards Agency (FSA) and Health and Safety Executive (HSE) require each local authority to have service plans detailing the authority's priorities, aims and objectives for the enforcement of food safety and health and safety locally.
- 98.7% of programmed food hygiene inspections were completed in 2008/09. Although this figure was less than 99.7%, which was achieved in 2007/08, it exceeded our performance target of 98%.
- Spelthorne took part in three important health and safety initiatives, including protecting young persons at work and control of noise at entertainment venues.
- Four "Scores on the Doors" workshops were run for representatives from 40 local businesses.
- Since Spelthorne successfully launched its "Scores on the Doors" scheme on 13 October 2008 it has proved very popular with residents and over 52,000 "hits" were reported up to the end of February 2010. Since the launch date, the number of best performing food businesses (those with either a five or four star rating) in the borough has increased by 109. Furthermore, the number of worst performing food businesses (those with either a zero or one star rating) has dropped by 35.

Financial Implications

The proposed service plans will be delivered within the budgets for 2010/11. The financial implications have been discussed with the relevant finance staff.

Corporate Priority

Economic Development, Healthy Community, Community Engagement, Value for money

Officer Recommendations

The Cabinet is asked to adopt the proposed Food and Health and Safety Service Plans for 2010/2011.

**Contact: Liz Borthwick, Assistant Chief Executive, (01784) 446376
Cabinet Member: Councillor Simon Bhadye**

MAIN REPORT

1. BACKGROUND

- 1.1 The Food Standards Act 1999 set up the Food Standards Agency (FSA) and gave it a key role in overseeing local authority food safety enforcement activities.
- 1.2 The Agency was set up in April 2000 and has been proactively monitoring local authority enforcement activity, including visits to local authorities to conduct audits of the food safety service. To date, three authorities in Surrey have received full audits and another two have undergone “focussed” audits.
- 1.3 The Health and Safety Executive (HSE) Strategy for “Be part of the solution”, in June 2009 set out how the Government, the HSE, local authorities and UK businesses will work together to prevent death, injury and ill-health to those at work and those affected by work activities.
- 1.4 The FSA's "Framework Agreement on local authorities (LAs) Food Law Enforcement" and HSC's Guidance Note, which all LAs must follow, states that Food and Health and Safety Service Plans should be submitted to a relevant decision-making committee for approval. This explains why the Spelthorne's Cabinet Committee is the most appropriate forum to decide on these Service Plans.

2. KEY ISSUES

- 2.1 The main achievements of the Commercial team in 2008/09, relating to the Food and Health and Safety services provided, are summarised on pages 4 (Executive summary), 29 to 31 of the Food Service Plan and pages 3 (Executive summary) and 32 and 33 of the Health and Safety Service Plan. They include achieving 98.7% of the programmed food hygiene inspections in the year. Although this figure was less than 99.7%, which was achieved in 2007/08, it exceeded our local performance target of 98%. It is encouraging to note, from an economic point of view, that the total number of food and non food businesses on Spelthorne's Environmental Health's database have increased between 31 March 2008 and 31 March 2009. Over this period the total number of food businesses rose from 618 to 657 and the number of non food businesses went up from 1315 to 1371.
- 2.2 The Commercial team took part in three important health and safety initiatives. These included a campaign to focus on protecting young persons at work in categories of businesses that employed such people, i.e. grocers, supermarkets and bakers. Local entertainment venues, such as licensed pubs and clubs, were targeted to increase awareness of new legislation to protect workers from risks from exposure to noise. Finally, local builder centres were visited to raise awareness of the dangers of working with asbestos.
- 2.3 A total of 73 commercial food handlers were trained by the Commercial team up to Level 2 Award in food safety in catering, and four Scores on the Doors workshops were run for representatives from 40 local businesses.
- 2.4 The main developments since the service plans of 2009/10, which have been reflected in the proposed plans of 2010/11, are as follows:
 - (a) An evaluation took place of the levels of satisfaction from local businesses who had received a food hygiene or health and safety inspection in 2008/09. 100% of respondents rated the quality of advice they received as either good

or excellent. Furthermore, 92% rated the report they received as either good or excellent.

- (b) At the end of 2008/09 the percentage of food businesses “broadly compliant” with food hygiene law in Spelthorne was 75%. This national indicator for local authorities focuses on their performance “outcomes” as opposed to “outputs”. At the time of writing this report this percentage has increased to 78%.
- (c) Since Spelthorne successfully launched its web based “Scores on the Doors” scheme on 13 October 2008 it has proved very popular with residents with over 52,000 “hits” on our web-site. Since the launch date, the number of best performing food businesses (those with either a five or four star rating) in the borough has increased by 109. Furthermore, the number of worst performing food businesses (those with either a zero or one star rating) has dropped by 35. Although this scheme is discretionary it has significantly raised the profile of the service and has improved hygiene standards in the borough’s food businesses. It has also enabled the service to concentrate limited resources on the poorest performing businesses. In the recent Joint Scrutiny Outline Budget Strategy Task Group’s report to Cabinet a recommendation was made to explore the possibility of charging food businesses to go on Spelthorne’s “Scores on the Doors” web-site. After careful consideration it has been suggested not to implement this recommendation, because it is believed that the majority of food businesses, i.e. those scoring less than the top score of five stars, would opt out of such a scheme. This would undermine the primary purpose of the scheme, i.e. to provide Spelthorne residents and visitors with an informed choice about which businesses to purchase their food from or where to eat out.
- (d) The Local Better Regulation Office’s (LBRO) “Primary Authority” Principle (PAP) was established in law. The PAP entails a legally binding partnership between certain local authorities (“Primary Authorities”) and large businesses which have a number of branches or units in other local authority areas and a decision making base in another area. All other local authorities that are considering enforcement action, such as prosecution, under food and/or health and safety legislation against businesses with such an agreement will first need to consult with the “Primary Authority” to obtain approval. To date a total of 41 PAs have been formed and this is likely to increase in number over the coming year. However, it is very unlikely that Spelthorne will become one of these “Primary Authorities”.
- (e) There are plans for Spelthorne to become involved in a Surrey wide inter authority auditing initiative relating to its food safety services. It is anticipated that this will take place in September/October 2010. In addition, consideration is being given to closer partnership working in health and safety areas of Environmental Health between other Surrey authorities and the HSE.

3. OPTIONS ANALYSIS

- 3.1 The preferred option is to adopt the proposed service plans for 2010/11 (**available in the Members Room for viewing**), to come into effect on 1 April 2010.
- 3.2 There is also an option for Members to amend the proposed service plans.
- 3.3 There is an option for members not to adopt the proposed service plans. This would mean the Council would not be following either the FSA’s “Framework Agreement on Local Authority Food Law Enforcement” or the HSE’s Guidance, as this requires

local authorities to have food and health and safety service plans and recommends that the plan relates specifically to food and health and safety law enforcement. If these service plans are not adopted, the likelihood of the FSA or HSE auditing a local authority would increase.

4. PROPOSALS

- 4.1 It is proposed that the Food and Health and Safety Service plans for 2010/11 are adopted. The plans detail how the food and health and safety law enforcement services will be carried out during 2010/11 and assesses performance against the corresponding Service Plans for 2008/09.
- 4.2 The Plans are available for Members in the Members Room.

5. BENEFITS AND SUSTAINABILITY

- 5.1 The Service Plans provide a focus for authorised officers of this Council to contribute towards reducing the number of food poisoning cases and improving the personal and food hygiene practices of food handlers and residents and reducing the number of workplace accidents and ill health occurring in local businesses.

6. FINANCIAL IMPLICATIONS

- 6.1 The proposed service plans will be delivered within the proposed budget for 2010/11. The financial implications have been discussed with the relevant finance staff.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 Under the Food Standards Act 1999 and Health and Safety at Work etc. Act 1974, the FSA and HSE, respectively, have powers to audit any local authority's food safety and health and safety enforcement services. In exceptional cases, the FSA and HSE have the powers to take over the duties of persistently under-performing councils

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 If the service plans are not adopted by April 2010 the likelihood of an audit by the FSA or HSE would greatly increase (see paragraph 3.3).

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 If the officer recommendation is approved the service plans for 2010/11 will come into effect on 1 April 2010.

Report Author: Jonathan Bramley, Environmental Health Manager (Commercial), (01784 446280)

Background Papers:

There are none.

SURREY FIRST INITIATIVE – JOINT COMMITTEE FOR THE OVERSIGHT OF DELIVERY OF SURREY PUBLIC AUTHORITY SERVICES

Recommendation Required Report of the Chief Executive REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

The Surrey First Initiative aims to provide significant savings, increased resilience, improved efficiency and customer service, foster innovation, improve income generation and help influence the S.E. region.

Purpose of Report

To present information about the Surrey First initiative and to seek Members views regarding this Council's participation.

Key Issues

To endorse the Memorandum of Understanding [MOU].
To provide £5,000 funds to establish a Surrey Joint Committee.

Financial Implications

An initial contribution of £5,000 is requested of each Surrey authority.

Corporate Priority 3. Environment, 9. Sustainable Financial Future, 10. Value for Money

Officer Recommendations

- (a) To endorse the Memorandum of Understanding [MOU] already signed by the Leader and the Chief Executive.**
- (b) To recommend to Council to establish a Joint Committee to explore the Surrey First Initiative in line with the MOU.**
- (c) To recommend to Council that the remit of the Joint Committee be as follows:**
 - 1. to oversee the joint working arrangements of the parties;
 - 2. to promote good joint working practice amongst the parties;
 - 3. to appoint such task groups or sub-committees as it considers necessary;
 - 4. to identify the range of services for inclusion in a joint venture company (JVC);
 - 5. to approve the draft articles and memorandum of association of the JVC ;
 - 6. to approve the draft revised terms of reference for the joint committee to provide for governance and oversight of the JVC; and,
 - 7. to manage the project budget.
- (d) To recommend to Council that Councillor Packman be nominated as the representative of SBC on the Joint Committee for the remainder of this municipal year.**
- (e) To recommend to Council that the Head of Corporate Governance be delegated to make consequent changes to the Constitution to give effect to these decisions.**

- (f) To recommend to Council that it notes further decisions on participation in any joint venture company will be taken by Cabinet on the advice of the Joint Committee.**
- (g) To recommend to Council that the Chief Executive be delegated, in consultation with the Leader, to make decisions on spending, as necessary, to assist the progress of this Surrey First Initiative.**

**Contact: Roberto Tambini, Chief Executive. Tel: 01784 446250
Cabinet Member: Councillor John Packman.**

MAIN REPORT

1. BACKGROUND

- 1.1 Following the County Council elections in May 2009 the new Leader of the County Council invited other public bodies across Surrey to come together to secure improved value for money and better outcomes for citizens through improved collaborative working. The objectives are:-
- (a) significant savings
 - (b) increased resilience
 - (c) improved efficiency and customer service
 - (d) foster innovation
 - (e) improve income generation and help influence the S.E. region
- 1.2 The Surrey Local Government Association (SLGA) has since taken a lead role in exploring ways of improving collaborative working and has now reached a point where it considers a more formal and empowered structure is needed to take the work forward.
- 1.3 In January 2010, it approved a Memorandum of Understanding (MoU) seeking the establishment of a Joint Committee with representatives from the eleven Surrey Boroughs/Districts; the County Council; and Surrey Police. The principal aim of the Joint Committee will be to oversee collaborative working arrangements and to possibly develop the concept of a Joint Venture Company (JVC) or other options to provide services at reduced cost whilst achieving greater service resilience and improved customer service. The governance arrangements will require partners to:-
- (a) Contribute towards set-up and running costs; these are initially at £5,000 preliminary contribution, and
 - (b) Subscribe to a minimum menu of core services (with an opportunity to procure additional services thereafter)
- 1.4 The initial partners would be able to influence service application.
- 1.5 The proposed Joint Committee will comprise one Member representative from each partner authority and Surrey Police and will have authority to act on the behalf of the partners on relevant matters. SLGA officers will provide secretariat support and Woking Borough Council will act as the Accountable Body for the management of the Joint Committee's affairs.

2. KEY ISSUES

- 2.1 Spelthorne, along with the other twelve potential partner organisations, is being asked to confirm its participation in the Joint Committee by signing up to the Memorandum of Understanding (MoU) attached at [Appendix A](#).

3. OPTIONS ANALYSIS

- 3.1 To either join Surrey First and be directly involved in the initiative or not to.

4. PROPOSALS

- 4.1 To join Surrey First, confirm the Memorandum of Understanding, allocate £5,000 funding and to nominate a Member as our Surrey Joint Committee representative.

5. BENEFITS AND SUSTAINABILITY

- 5.1 Inclusion in Surrey First should help reduce revenue costs (in the future) and will, therefore, enable Spelthorne to be more sustainable.

6. FINANCIAL IMPLICATIONS

- 6.1 Spelthorne, along with the other twelve potential partner organisations, is being asked to confirm its participation in the Joint Committee by signing up to the Memorandum of Understanding (MoU) attached at **Appendix A**. This includes a commitment to make a preliminary contribution of £5,000. The initial target budget for Surrey First is £115,000, comprising £65,000 from partners (13 x £5,000) and a £50,000 contribution from the Surrey Improvement Partnership. In the event that one or more authorities do not participate, the budget available will be reduced accordingly.
- 6.2 Should Members agree to Spelthorne's initial participation, the associated £5,000 contribution will be met from within existing budgetary provision.
- 6.3 The SLGA envisage that participating authorities should be able to "secure significant cost savings in the medium to long term (two to seven years)" but that "short term savings (next year) are unlikely".
- 6.4 Provisional SLGA analysis indicates that "work on costs and critical paths shows some large cost areas, eg waste, assets, Information and Communication Technology (ICT) and procurement, but these are likely to take time and investments to secure the "big prize" savings of circa 15% of large budgets. By way of example cost savings, greater resilience and improved customer service would be achieved by shared use of ICT and data. This should secure processing efficiencies, consolidate expertise and specialist knowledge and consolidate contracts; thereby securing lower prices through effective procurement. However, it is acknowledged that some short term savings and joint working could be achieved through more informal or localised arrangements, either permanently or in the short term until the Joint Venture Company (JVC) is in place. This could include services such as Human Resources, Payroll and Council Tax Collection."
- 6.5 Participation at this stage does not commit Spelthorne to further funding, or to participating in a Joint Venture Company (JVC) if we are not satisfied that this (or other options) is the most appropriate way forward.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 As indicated within **Appendix A**, signing up to the MoU does not commit any partner to enter into the proposed Company. Such a commitment will need to be determined by each authority following consideration of the recommendations of the Joint Committee.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 **Please explain the risks involved with pursuing particular options / proposals and how these risks will be mitigated.**

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The following timeline has been identified for the project:-
- (a) April 2010 – Joint Committee becomes operational
 - (b) July 2010 – Joint Committee formulates recommendations in respect of the JVC or other options
 - (c) July to October 2010 – recommendations to be formally considered by each partner authority
 - (d) January 2011 – JVC or other options become operational
- 9.2 In the event that the project materialises, each constituent authority will maintain their individual identity and separate decision-making processes.

Report Author: Roberto Tambini, Chief Executive

Background Papers:

DRAFT CALENDAR OF MEETINGS - 1 MAY TO 31 DECEMBER 2010

Cabinet Briefing: 22 March, Cabinet: 30 March

Resolution Required

Report of the Deputy Chief Executive

Report Summary

How does the content of this report improve the quality of life of Borough Residents

The preparation of a calendar of future Council, Cabinet and Committee meetings helps facilitate the proper organisation of Council business.

Purpose of Report

This report seeks approval on a draft Calendar of Meetings for the period 1 May to 31 December 2010.

Key Issues

The draft Calendar of Council, Cabinet and Committee meetings [**Appendix A**] is based on the current pattern except that, where possible, Cabinet meetings are scheduled up to 5 working days after Group meetings. Meeting dates for Spelthorne Together and the Spelthorne Assembly have also been included.

Meeting dates identified are based on availability and suitability. Account has been taken of lead-in times for preparation of agendas and draft reports and for despatch of papers. In addition, the draft Calendar represents, as far as possible, an even balance of meetings throughout the year.

Care has been taken to avoid clashes of Council, Cabinet and Committee meeting proposed dates with those already set for the SCC Local Committee in Spelthorne, Surrey Together, the Local Government Association [LGA] and the Society of Local Authority Chief Executives [SOLACE] Conferences and Have Your Say Events.

Financial Implications There are no direct financial implications.

Corporate Priority Not appropriate.

Officer Recommendations

The Cabinet are asked to approve the draft Calendar of Meetings for the period 1 May to 31 December 2010, attached at Appendix A to this report.

Contact: Nigel Lynn, Deputy Chief Executive - (01784) 446300

Cabinet Member: Councillor John Packman [Leader of the Council]

Report Author:

Richard Powell, Principal Committee Manager Tel: (01784 446240)

Background papers:

There are none.

UPDATES TO THE COUNCIL'S CONSTITUTION – KEY DECISION

Recommendation Required Report of the Deputy Chief Executive EXECUTIVE SUMMARY

How does the content of this report improve the quality of life of Borough Residents

Good governance underpins all the work of the Council. An up to date constitution with clear delegations and authorisations supports the work of the Council in all of its services to local residents.

Purpose of Report

To seek authority to update the Council's Constitution, including the Scheme of Delegations to Officers.

Key Issues

- Amendments to the Constitution are required to ensure that the document accurately reflects the procedures in place in the Council.
- Amendments to the Scheme of Delegations to reflect changes in legislation and responsibility following the restructure.

Financial Implications

There are none.

Corporate Priority

Not applicable.

Officer Recommendations

The Cabinet is asked to recommend the Council to approve the revisions to the Council's Constitution as set out in this report.

**Contact: Michael Graham, Head of Corporate Governance, 01784 446227
Cabinet Member – Councillor Colin Davis**

MAIN REPORT

BACKGROUND

- 1.1 In April 2009 the Council approved some revisions to the Council's Constitution. These included changes associated with the move from two Deputy Chief Executives and two Assistant Chief Executive's to one Deputy Chief Executive and four Assistant Chief Executives and revisions to the scheme of Delegations to Officers followed a change in the Pension Regulations.
- 1.2 Officers review the Constitution annually to ensure that this reflects current practice, structure and legislation. The amendments following that review are set out in this report. For this review all Heads of Services were contacted to provide details of amendments required to the scheme of delegations to officers.

KEY ISSUES

- 1.3 The Council's Constitution is the document which underpins the work of the Council and it is only the Council that has the ability to decide upon revisions. Therefore in order to update this key working document the draft changes recommended by officers must have the final approval of Council.
- 1.4 This update process is principally designed to accommodate structural changes, current practice and legislative changes that have occurred since the last revision to the constitution in April 2009. There are no major changes to the workings of the Council highlighted in this report.
- 1.5 A summary of the amendments suggested to the Constitution are detailed at Appendix A to this report. Rather than providing copies of all the changes as appendices to this document (which was considered impractical) "track changed" versions of the amended documents are available as a background document and have been placed in the **Members' Room**.

OPTIONS ANALYSIS

- 1.6 There is an option to retain the current documents, but the Council will have to continue to work with inconsistencies and outdated information.

PROPOSALS

- 1.7 The proposal being put forward to the Cabinet is that the amendments to the Constitution are agreed and that a recommendation is put forward to the Council that these be accepted.

BENEFITS AND SUSTAINABILITY

- 1.8 Updating the Council's Constitution will give both officers and members a clear set of guidance of the powers and responsibilities they have.

FINANCIAL IMPLICATIONS

- 1.9 There are none.

LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

1.10 In order for the authority to legitimately carry out its functions a clear working Constitution needs to be in place. This will also help reduce the risk of challenge in the Courts for both actions taken by the authority under legislation and also the conduct of its affairs.

RISKS AND HOW THEY WILL BE MITIGATED

1.11 None identified.

TIMETABLE FOR IMPLEMENTATION

1.12 If agreed, the revised documents will be circulated after the Annual General Meeting so that any changes to committee membership can also be incorporated.

Report Author: Victoria Monk, Principal Solicitor. 01784 446241

Background Papers:

Revised Constitution with Track Changes [Copy in the Members' Room].

REVENUE GRANTS 2010/11

Resolution Required

Report of the Assistant Chief Executive

EXECUTIVE SUMMARY

How does the content of this report improve the quality of life of Borough Residents

The recommendations within this report set out funding to improve the financial stability of key voluntary sector organisations which provide crucial services to the more vulnerable people of Spelthorne.

Purpose of Report

To consider the recommendations of the Officer Panel regarding voluntary sector organisation funding for 2010/11 and beyond.

Key Issues

- Current policy
- Revenue grant applications
- Budget implications (also see below)
- Shopmobility
- Use of compacts

Financial Implications

The proposals show that the budget of £227,900 is completely used up and includes the agreed saving of £20,000 on funding in 2009/10.

Corporate Priority All 12 Priorities.

Officer Recommendation

1. To agree funding for the various organisations as recommended at [Appendix A](#)
2. To agree to hold talks with the 10 priority organisations regarding their future funding and report back to Cabinet in September 2010
3. To agree to hold talks with the organisations in Community Link regarding their accommodation, and
4. To agree to hold talks with local businesses regarding the provision of Christmas lights

Contact: Brian Harris, Assistant Chief Executive
Cabinet Member: Councillor Andrew Hirst

MAIN REPORT

1. BACKGROUND

- 1.1 In 2006 the Executive made a number of decisions relating to the funding of voluntary and community sector organisations in the future. These included the establishment of 10 'priority' grant organisations with 4 year funding (to commence in the second year of the life of the newly elected Council). These decisions were taken following recommendation from the Improvement & Development Committee and the Grants Task Group.
- 1.2 Subsequently, in view of the impending world recession the Executive agreed that funding should be for 3 years for the 10 'priority' grant organisations. .

2. KEY ISSUES

- 2.1 The Officer Panel consisting of Liz Borthwick, Assistant Chief Executive, Brian Harris, Assistant Chief Executive, Arun Sood, Accountant and Joanne Jones, Partnership Liaison Officer, looked at the grant applications in terms of:
- Benefits to the residents of Spelthorne
 - Corporate priorities
 - Being local rather than county or national organisations
 - Financial need
 - Achieving a fair spread across different needs
 - The 10 'priority' grant organisations and others
- 2.2 The proposals achieve a wide spread of support for organisations dealing with:
- Families and young people
 - Elderly
 - Housing
 - Local events
 - Special needs/mobility
 - Others
- 2.3 As part of the savings exercise it was agreed to reduce last year's expenditure by £20,000.
- 2.4 Applications were received from 23 organisations and it is proposed to part fund 18 of them including the 10 priority organisations from this particular budget. The 10 priority organisations account for £220,700 of the £227,900 leaving £7,200 for other organisations. Discussions have been held with VAIS regarding the management of Community Link, which is being handed back to the Council. In these circumstances the VAIS funding has been reduced by £5,000, which can be added to the pot for other organisations. Also see 2.5 below.
- 2.5 In real terms this means that there is only £12,200 left to fund other organisations/events. Appendix A sets out the amount requested by each organisation and the recommended funding for 2010/11 compared to 2009/10 actual funding and shows all the budget being used.

- 2.6 The 'book' value of the accommodation given to a number of organisations situated at Community Link, Knowle Green is also shown. A review of the Community Link accommodation is being undertaken as part of the Council's overall review of Knowle Green with the possibility of generating further income by renting out its premises. Discussions are currently taking place with A2Dominion about them going into the 'Community Link' space from April 2011. This gives the present Community Link organisations 12 months to look for alternative accommodation – some of the space could still be in Knowle Green.
- 2.7 The Cabinet will recall the funding difficulties being faced by Shopmobility in previous years. These have continued and they are very reliant on the funding by the Council.
- 2.8 As previously stated, 10 organisations have been prioritised and been given guaranteed funding for 3 years until 2010/11. Discussions will now take place with each of those organisations regarding funding and capacity building opportunities from 2011/12 and beyond. One of the Spelthorne organisations is already in active discussions with its 'sister' organisation in another Borough and this could be the future model.
- 2.9 Individual 3 year compacts have been agreed with 5 of the 10 priority grant funded organisations. The compact contains specific outcomes with the purpose of delivering robust services to the community. Performance is reviewed annually to ensure targets were being met.
- 2.10 In view of the need for the 10 priority organisations to set their budgets for 2011/12 as early as possible, a report will be brought to the Cabinet in September regarding their future funding and the continuation of their Compacts.
- 2.11 Of the 23 applying, four organisations - Spelthorne & Runnymede Drama Festival (£300), Spelthorne Community Arts Association (£2,500), Spelthorne Sports Council (£2,800) and Spelthorne Civic Award Trust (£450) applied for grant funding totalling £6,050. Their funding will be made from other budgets. Only one organisation is recommended for a NIL award, Surrey Welfare Rights Unit, largely due to their involvement being Surreywide rather than Spelthorne and their areas of responsibility being covered by other organisations operating in Spelthorne such as CAB.
- 2.12 Four of the 18 applications proposed for funding are classified more as 'business' rather than voluntary/community sectors related. These are the 3 local Chambers and Lower Sunbury Traders. They received total funding of £19,500 in 2009/10. Shepperton Chamber of Commerce has not applied this year and did not cash their cheque for 2009/10, while the other 3 have each been reduced by 40% because of the remaining total budget as follows:-

| | 2009/10 £ | 2010/11 £ |
|--------------------|---------------|--------------|
| Spelthorne Chamber | 9,000 | 5,200 |
| Ashford Chamber | 4,500 | 2,700 |
| Lower Sunbury | 1,500 | 900 |
| Total | 15,000 | 8,800 |

The funding for the smaller Chambers/Traders (ie not Spelthorne Chamber) has been split between an amount for administrative costs and Christmas lights, eg Ashford's £4,500 was split £3,000 Christmas lights and £1,500 administration costs. The Cabinet Member for Economic Development has undertaken to encourage local businesses to cover the costs of the Christmas lights in future. An element for Christmas lights has been left in for 2010/11 for both Ashford and Lower Sunbury. It has also been agreed that the Deputy Chief Executive and the Cabinet Member for Economic Development will look at Christmas lights in the context of the Area Investment Programme funding to see if there can be a more permanent solution.

3. OPTIONS ANALYSIS

- 3.1 There are several options for the Cabinet to consider. Firstly to discontinue grants to the voluntary/community sectors. This could have severe repercussions on the community as a whole especially at a time of recession and on the Council itself, as it would fall on the Council to run many of the services. The organisations themselves would also face severe hardship at a time when other public sector funders such as Surrey County Council and Surrey PCT are looking at their funding regimes.
- 3.2 Another option is to partly agree the recommendations which would again severely restrict the voluntary/community organisations and the work they undertake.
- 3.3 The third option is to agree the recommendations as set out at Appendix A.

4. PROPOSALS

- 4.1 The proposals are set out in the Cabinet Executive summary of this report including Appendix A and other background papers.
- 4.2 During 2010/11 discussions will take place with:-
 - (a) The 10 priority organisations regarding future funding
 - (b) Organisations in Community Link regarding their accommodation from 2011/12 and
 - (c) With local businesses regarding the provision of Christmas lights

5. BENEFITS AND SUSTAINABILITY

- 5.1 These are covered in the report.

6. FINANCIAL IMPLICATIONS

- 6.1 The financial implications show a spend of £227,900, a reduction of £20,000 from last year's expenditure.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 The voluntary sector offer services to a wide range of the Spelthorne community. The collapse of any of them could have profound effects on crime and disorder, equalities and diversity, social inclusion and other aspects of Spelthorne life especially at a time of recession.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 If any of the voluntary organisations did collapse it would undoubtedly lead to more Council involvement in those activities with significant resource implications. Sustainability can be better assured by drawing up compacts and guaranteeing funding for 3 years.

Report Author: Brian Harris, Assistant Chief Executive

Background Papers:

There are none

REVENUE BUDGET 2009-2010 – MONITORING REPORT

Resolution Required

Report of the Chief Finance Officer

EXECUTIVE SUMMARY

How does the content of this report improve the quality of life of Borough Residents

This report shows the Authority's revenue expenditure and income spend as at the end of February 2010 and how the budget that was agreed relates to actual expenditure incurred in the financial year.

Purpose of Report

To provide Members with the expenditure and income figures against budget, as at 28 February 2010.

To show the forecasted year end position identifying major anticipated variances.

Key Issues

- Actual net expenditure at February (Month 11) was £13.4m against the year to date budget of £13.3m. The current year end forecast shows a potential overspend of £79k (0.5%) against the revised budget.
- Investment income at 28 February 2010 was £809k against budget of £1.0m. The year end forecast is £856k a shortfall of £164k.
- The total forecasted variance of net expenditure and investment income is currently estimated to be £243k adverse before receipt of the windfall VAT income received in year.
- After taking account of the VAT refund the project net outturn will be a £296k underspend before transfers to reserves.
- The £539k VAT monies received will be transferred to reserves at year end.

Financial Implications

As set out within the report and appendices.

Corporate Priority All 12 Priorities.

Officer Recommendations

The Cabinet are asked to note the report.

Contact: Terry Collier, Chief Finance Officer (01784 446296)

Cabinet Member: Councillor Mrs. Vivienne Leighton

MAIN REPORT

1. BACKGROUND

- 1.1 The purpose of this report is to update Members on the spend to date position for the 11 months to February 2010.
- 1.2 To highlight to Members of areas where possible variances have been identified against the budget agreed in February 2009.
- 1.3 In the budgets agreed for Heads of Service it is always anticipated that there will be budget variances from the original budget.

This ensures that the Authority meets any change in the needs of the service to adapt to any unexpected changes which happen in the period.

Heads of Service are required to try and offset an increased spend in areas by either managing their expenditure in other areas or obtaining additional income.

2. KEY ISSUES

2.1 Net Expenditure

- 2.2 Month 11 actual net expenditure was £13.4m against the profiled budget before taking account of £13.3m and is shown as follows:

- [Appendix A](#) by Cabinet Member portfolio.
- [Appendix B](#) by Service Area.
- [Appendix C](#) by cost centre grouping and provides additional comments on other variances identified.
- [Appendix D](#) gives a detailed breakdown of the salary spend by Service Area incorporated in net expenditure.

2.3 Salary Expenditure

- 2.4 The total salary savings target was £500k which was made up of:

- £300k vacancy savings
- £150k voluntary/reduced hours
- £50k Business Improvement efficiency targets

- 2.5 The current year end projected underspend is £625k which is £125k above the salary savings target.

This is made up three elements:

- Direct vacancy savings £583k.
- Due to the increased workload being experienced, additional Government funding (£32k) has been received to assist in financing the increased cost of staffing the Housing Benefits service.
- As part of the Customer Services Business Improvement Programme (BIP) one post has been part funded (£10k) from the Business Improvement Reserve.

2.6 The redundancy costs of £169k incurred as part of the Street scene restructure will be charged against the Business Improvement reserve at year end.

2.7 Identified Expenditure variances:

2.8 Identified in the tables below, by Cabinet Member portfolio, are potential *major* forecast outturn variances for 2009/10.

Economic Development:

| | Favourable Variance | Adverse Variance | Comments |
|--------------------------------|----------------------------|-------------------------|---|
| Car Parks (on street) | | £23k | Savings on temporary staff payments for the DPE service (£157k) off set by over optimistic target being set for penalty charge notice income (£180k) plus reduced rental and season ticket income |
| Car Parks (off street) | | £115k | Savings on vacant post and supplies and services budget. Reduced excess charge, rental and season ticket income |
| Staines Town Centre Management | £25k | | Increased rental income £40k offset by management costs not budgeted £15k |
| Staines Market | £26k | | Increased rental income and reduced management costs |
| Committee Services | £24k | | Reduced salary costs and savings on training and consultant costs |
| Total | £75k | £138k | |

Planning and Housing:

| | Favourable Variance | Adverse Variance | Comments |
|------------------------------|----------------------------|-------------------------|--|
| Housing Benefits Admin | £90k | | Salary savings and increased funding from Government to assist in managing increased numbers of claimants |
| Housing Benefit Payments | £120k | | Additional income from recovery of benefit overpayments |
| PSL | £57k | | Reduced costs of B+B and contract savings |
| Land Charges | £36k | | Predominantly due to increased income from land charges search fees |
| Planning Policy | | £25k | One post budgeted against Development Control but charged to Policy £37k partly offset by savings on other expenditure £12k |
| Planning Development Control | £284k | | Additional HPDG income plus one off credit (see paragraph 2.16) offset by reduced fee income £46k |
| E Government Services | £45k | | Savings in members IT support - £14k, GIS licence- £9k, Networking - £5k, Applications CAPS- £6K, Server maintenance - £5k and remainder anticipated on Steria contract. |
| Total | £632k | £25k | |

Independent Living:

| | Favourable Variance | Adverse Variance | Comments |
|------------------------------|----------------------------|-------------------------|--|
| Community Care Admin | £65k | | Vacant post savings and increased income |
| SPAN | | £21K | Additional staffing costs due to incorrect original budget plus in year redundancy costs (to be funded from the business improvement reserve). |
| Environmental Health Admin | £103k | | Employee savings |
| Environmental Protection Act | £28k | | One off DEFRA grant received |
| Total | £196k | £21k | |

Environment:

| | Favourable Variance | Adverse Variance | Comments |
|-------------------------------------|----------------------------|-------------------------|---|
| Street scene Management and Support | £43k | | Employee savings |
| Refuse Collection | £144k | | Employee savings and additional income from recycling |
| Energy Initiatives | | £23k | Climate change invoice charged to 09/10 but income received in 2008/09 |
| Environment Services Admin | £36k | | Salary savings £24k and unbudgeted additional income for biodiversity works |
| Street Cleansing | £46k | | Employee savings £109k offset by increased vehicle running costs (£46k) and reduced income (£17k) |
| Waste Recycling | | £50k | Garden waste bin income originally budgeted under waste recycling has been coded to refuse collection |
| Public Conveniences | £16k | | Reduced leasing costs for APCs |
| Total | £285k | £73k | |

Young People and Culture:

| | Favourable Variance | Adverse Variance | Comments |
|---------------------------|----------------------------|-------------------------|--|
| Grounds Maintenance | £41k | | Savings on staffing and expenditure on highway verges, offset by increased expenditure on contract and non contract work, plus dead and dying trees. |
| Parks Strategy | | £103k | Electricity projected underspend (£21k) + maintenance of remaining bowls clubs not budgeted for (£64k) + saving on playground improvements (£11k) Reduced income projected from bowls (£9k), lettings (£11k) football clubs (£4k). Income not received for day car park tickets income (£30k) as originally budgeted |
| Museum | £18k | | Unbudgeted grant income received |
| Leisure Promotions | £13k | | Carry forward budget not spent and increased income |
| Spelthorne Leisure Centre | | £69k | Additional energy costs incurred as part of leisure centre contract |
| Total | £72k | £172k | |

Community Safety:

| | Favourable Variance | Adverse Variance | Comments |
|------------------------|----------------------------|-------------------------|---|
| Memorial Gardens | £42k | | 1 st phase works completed, feasibility study of the lighting is being carried out on the remaining areas - possible carry forward to 2010/11 |
| Responsive Maintenance | | £40k | Increased cost of repairs and maintenance to Council buildings |
| Knowle Green | | £58k | Additional costs relating to office moves- £35k to facilitate additional renting out of Knowle Green approved by MAT (additional income expected to be received - £11k) , Electricity-£14k, Trade waste-£7k due to change of contractor and Telephone costs higher by £13k |
| Total | £42k | £98k | |

Finance and Resources:

| | Favourable Variance | Adverse Variance | Comments |
|-----------------------------------|----------------------------|-------------------------|--|
| Corporate Management | | £35k | Additional valuations costs required under financial reporting requirements. Higher consultants spend than anticipated. |
| Unapportionable Central overheads | | £189k | Added years staff pension payments not budgeted (£200k) partially off set by reduced expenditure on corporate training £10k and staff medicals £6k |
| Accountancy | £37k | | Savings on employee costs |
| Total | £37k | £224k | |

2.9 After identifying a potential in year budget deficit at 6 months Management Team, in conjunction with Heads of Service and Budget Managers, completed a review of all the budgets and agreed where they could be deferred or deleted or additional income achieved in order to balance the budget. This achieved potential savings of approximately £481k.

2.10 However some of these savings have not been achievable and with other additional pressures and savings having been identified this now shows that a deficit of just £79k is projected.

2.11 Other Variances:

| Budget | Adverse variance | Comments |
|----------------------|-------------------------|---|
| Capitalised salaries | £85k | Reduced capital spend on schemes eligible for internal staffing costs |
| Investment income | £147k | Reduced interest received on balances |
| Total | £232k | |

2.12 Other Factors:

2.13 Additional monies received in year have been built into the projected outturn position and will impact on the level of reserves required to support the budgeted overspend.

2.14 The Council has also received monies in respect of a one off receipt of £112k in repayment of a compulsory purchase order deposit made to the Courts in 1987 against any possible claims by absent or untraced owners of CPO land at Elizabeth Avenue. This money has been credited back to the Planning Development Control budget in 2009/10

2.15 The Council has also received payment from HM Revenue and Customs (HMRC) in respect of one of the two claims submitted for refunds of VAT.

- 2.16 The monies relating to the claim for leisure centre activities totals approximately £539k of which £283k related to overpaid VAT and the additional £256k related to interest. It is proposed to credit this windfall income to reserves at year end.
- 2.17 The balance of the claim i.e. trade / bulky waste collection claim is still outstanding.
- 2.18 **Income:**
- 2.19 Major income areas are monitored on a monthly basis at Management Team (**Appendix E**).
- 2.20 The position at 11 months against profiled budget shows:
- (a) Development Control planning fees – currently 9% down (£35k)
 - (b) Car parking – budget £1,528k (4.8%)
 - i) Season Tickets – down 18% (£29k)
 - ii) Fees and Charges – down 1% (£17k)
 - iii) Penalty Charge Notices (off street) – down 40% (£27k)
 - (c) Building Control Fees – up 9% (£20k)
 - (d) Land Charges – up 39% (£41k)
- 2.21 **Investment Income:**
- 2.22 The shortfall on investment income (£164k) is due to the current low level of interest rates being received and a reduced number of financial institutions where deposits can be placed to meet the level of risk identified in the Treasury Management strategy.
- 2.23 It is anticipated that the shortfall will be taken from the Interest Equalisation Reserve in accordance with the agreed Council's policy on this reserve.

3. OPTIONS ANALYSIS

- 3.1 All variances highlighting changes in income or expenditure levels will be analysed to see if they are a one off occurrence. Any that can be seen to be longer term will be incorporated into the outline budget for 2010/11.

4. PROPOSALS

- 4.1 Cabinet are asked to note the current spend position against updated budget. Whilst the other factors referred to in paragraphs 2.15 to 2.18 help the current year budget, officers have continued to seek to identify additional savings in order to put the budget onto a sustainable basis.

5. BENEFITS AND SUSTAINABILITY

- 5.1 Careful monitoring of the budgets enables greater transparency of problems and action to be taken promptly.
- 5.2 A systematic approach to budget monitoring should avoid problems of major discrepancies only being highlighted at year end.
- 5.3 Constant monitoring of the budgets enables Heads of Service to be held more accountable for their budgetary spend and any major unidentified variations.

6. FINANCIAL IMPLICATIONS

- 6.1 As set out within the report and appendices.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

7.1 There are none.

8. RISKS AND HOW THEY WILL BE MITIGATED

8.1 A projected balanced outturn depends on Cabinet Members, Management Team, Heads of Service and all budget managers managing their budgets within the parameters that were originally agreed and achieving where necessary corresponding growth and savings within those budgets. Careful monitoring of the budgets on a monthly basis ensures that any problems or anomalies are identified and investigated at an early stage.

8.2 Any major budget variations, which cannot be remedied within the Service, are reported to MAT immediately in order to ensure that the maximum time and opportunity is had to rectify the position.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Detailed bi - monthly monitoring reports are produced for Management Team.

9.2 Monitoring reports of major expenditure areas and income levels are produced for MAT on a monthly basis.

Report Author: David Lawrence Chief Accountant on Tel: 01784 446471

Background Papers:

There are none

CAPITAL BUDGET 2009-2010 – MONITORING REPORT

Resolution Required

Report of the Chief Finance Officer

EXECUTIVE SUMMARY

How does the content of this report improve the quality of life of Borough Residents

Money spent on capital schemes helps the Authority to maintain and improve facilities and services provided to residents.

Purpose of Report

To provide Cabinet with the current spend to date and projected outturn on the Capital Programme.

Key Issues

- The current spend to date at month 11 shows that we have spent approximately £1,436k (59%) to date against the revised budget of £2,447k.
- The projected outturn shows that we are anticipating to spend £1,696k which represents 69% of the revised budget.

Financial Implications

As set out within the report and appendices.

Corporate Priority

All 12 Priorities.

Officer Recommendations:

1. **The Cabinet are asked to agree the transfer of £33k from the brown garden waste bins budget to fund the purchase of additional wheelie bins.**
2. **The Cabinet are asked to note the report.**

Contact: Terry Collier, Chief Finance Officer on (01784 446296)

Cabinet Member: Councillor Mrs. Vivienne Leighton

MAIN REPORT

1. BACKGROUND

- 1.1 The purpose of this report is to update Cabinet on the current spend on the programme and to show the projected level of expenditure to be spent at year end.

2. KEY ISSUES

- 2.1 Attached, as [Appendix A](#), is the actual spend as at the end of February 2010 (month 11), including schemes which were incomplete as at 31 March 2009.
- 2.2 Approximately £1,437k has been spent to date. The specific details for each scheme are detailed in Appendix A.
- 2.3 For the year ending 28 February 2009 capital expenditure was £1,757k, which represented 46% of the revised budget.
- 2.4 Areas identified where there is likely to be a major variance between the budget and projected outturn are:-
- a) Housing Enabling Fund £80,000 – Only 1 scheme (Stanwell new start project) identified to date requires funding
 - b) Home Repair Assistance Grants £93,000 – increased number of applications received from last year but budget still higher than payments anticipated.
 - c) Air quality - £12k – grant monies received from DEFRA to fund the works.
 - d) Contaminated Land Investigation £26,500 – in addition to DEFRA grant budget carried forward from 2008/09 an application has been made to DEFRA to fund the new works. If not agreed by DEFRA it will need to be funded using the original budget provision of £120,000, agreed by Executive in March 2007, which hasn't been used to date.
 - e) Lammas Park - £65,400 - scheme delayed to at least 2010/11 due to non sale of Bridge Street
 - f) BIFFA award match funding £25,000 – scheme delayed from 2008/09 so additional carry forward monies will not be spent in this financial year
 - g) Compost Bins – £35,000 - reduced spend due to staff shortages and work on garden waste taking priority.
 - h) Capitalised Salaries £85,000 – reduced expenditure due to less planned maintenance and other schemes which could use salaried staff being undertaken in 2009/10
 - i) Area Regeneration schemes - match funding from SCC has been obtained in 2009/10 which has required greater consultation on areas of spend. It is anticipated that the projects procurement will now commence in 2010/11
 - j) 1a / 1b Staines Rd West – this property has now been handed back to the Landlords so the budget is no longer required
 - k) Planned Maintenance - £40,000 – only minor essential maintenance has been undertaken in 2009/10 - awaiting the results of a full scale stock condition which will determine levels of future spend required

2.5 The balance on the brown garden waste bins budget (£33k) not required for the further purchase of brown bins is requested to be transferred to enable the purchase of wheelie bins in 2009/10 as part of providing bins to difficult properties as part of the alternate weekly collection process.

2.6 **Capital Reserves:**

2.7 As at the 31 March 2009 the Council had approximately £2.4m of usable capital receipts. As the majority of the projected spend for 2009/10 will need to be financed from this source there are concerns for future programmes.

2.8 The Council is currently anticipating in year receipts of approximately £1.2m which will top up the monies available. Once utilised it will be necessary to fund any future spend from new capital receipts, S106 monies, grant funding, revenue contributions or revenue reserves.

2.9 As part of the preparation for the 2010/11 – 2013/14 Capital Programme officers were requested to resubmit all bids included in the current programme. A reassessment of future year expenditure and decisions to be made about future funding of the programme were included in the February 2010 report to Cabinet . It is currently anticipated that approximately £1.1m is required to finance the capital programme through till 2013/14.

3. **PROPOSALS**

3.1 Cabinet are asked to agree the transfer of £33k, identified in paragraph 2.5, from the brown garden waste bins budget to fund the purchase of additional wheelie bins.

3.2 Cabinet note the current spend and forecast outturn position

4. **BENEFITS AND SUSTAINABILITY**

4.1 Careful monitoring of the budgets enables greater information on the likely outturn position which enables improved treasury management interest forecasts as predicted under spends or slippages can be incorporated when calculating the likely outturn position for investment income.

5. **FINANCIAL IMPLICATIONS**

5.1 Any under spend on the approved capital programme enables the authority to invest the monies to gain additional investment income or can be used to fund additional schemes identified.

6. **LEGAL IMPLICATIONS / OTHER CONSIDERATIONS**

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

7. **RISKS AND HOW THEY WILL BE MITIGATED**

7.1 Projected outturns are based on the best knowledge of the Heads of Service at a given point in time and may change if there is a major change in circumstances. Regular monitoring and updating of the projections will enable these changes to be picked up and timely corrective action taken.

8. TIMETABLE FOR IMPLEMENTATION

- 8.1 Bi monthly monitoring reports are prepared for Management Team and incorporate revised actual and projected outturn figures from month 6 onwards.

Report Author: David Lawrence Chief Accountant on Tel: 01784 446471.

Background Papers:

There are none.

**DELIVERY OF SAVINGS BUILT INTO 2009-2010 REVENUE BUDGET
KEY DECISION**

**Resolution Required
Report of the Chief Finance Officer
EXECUTIVE SUMMARY**

How does the content of this report improve the quality of life of Borough Residents

Achieving the effective delivery of the budget savings helps deliver the medium term financial strategy of ensuring the council financial position is sustainable to enable the ongoing delivery of services to the residents of the Borough.

Purpose of Report

To summarise the extent to which the delivery of the savings totalling £1.3m built into the original 2009-2010 appears to be on track.

Key Issues

Key issues include:

- Original savings built into original budget on track to be delivered.
- 107% of original savings on track.

Financial Implications

- As above.

Corporate Priority

Sustainable financial future.

Officer Recommendations

The Cabinet is asked to note the report.

**Contact: Terry Collier, Chief Finance Officer on Tel: 01784 446296
Cabinet Member: Councillor Mrs. Vivienne Leighton**

MAIN REPORT

1. BACKGROUND

- 1.1 In balancing the 2009-2010 budget a list of budget savings were identified and built into the budget totalling £1.3m. These items are set out in [Appendix 1](#).
- 1.2 This report does not cover the additional 3% savings totalling approximately £450k which were identified during September to help reduce the anticipated overall revenue budget overspend for 2009-2010, see separate Revenue Budget Monitoring Report {Agenda Item: 7 [g]}.

2. KEY ISSUES

- 2.1 **Appendix 1** summarises feedback from the relevant Budget Managers as to the extent to which the savings are expected to be achieved.
- 2.2 The majority of service specific savings are on track to be delivered - £1,027k against the target of £1,089k.
- 2.3 The completion of the Street Scene restructure was delayed until February 2010, as a result the saving in 2009-2010 will be £12k, which is less than the £70k target, however we will deliver full year ongoing savings which will be in excess of the £70k target.
- 2.4 A few of the Day Centre related savings items will not be achieved with anticipated £37k out of target £51k expected to be achieved.
- 2.5 Savings from joining the Central Surrey Procurement Partnership (Epsom and Ewell and Elmbridge Borough Councils) have not materialized in 2009-2010, as Spelthorne only joined the partnership in February. However there will be the procurement related saving on the MRF contract over £100k per annum from April 2010.
- 2.6 The salary vacancy savings are projected at £625k which means we may exceed the salary vacancies target of £300k by £325k. This offsets the current shortfall against the redundancy/reduced hours/retirement target of £150k.
- 2.7 The £50k saving relating to additional to existing Business Improvement savings was built into the budget. So far £19k of cashable saving have been generated and a further £35k of non-cashable efficiencies.
- 2.8 After taking account of vacancy savings, reduced hours/redundancy and additional business improvement savings, we are on target to deliver £1,383k (or 107%) against a total target of £1,289k.

3. OPTIONS ANALYSIS

- 3.1 The scrutiny of proposals to fill vacancies has been tightened by Management Team [MAT] during 2009-2010 and this has contributed towards the £325k projected over-achievement on the vacancies target.

4. PROPOSALS

- 4.1 That Management Team [MAT] continue to monitor carefully the savings and progress the further review with Heads of Service regarding the ability of services to accommodate requests for voluntary redundancy/early retirement/reduced hours.

5. BENEFITS AND SUSTAINABILITY

- 5.1 Not applicable.

6. FINANCIAL IMPLICATIONS

- 6.1 In the main body of the report.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 None.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 There is a risk that the savings identified initially will not be sufficient in which case further work would be required to bring the budget back into balance.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Additional savings to be agreed by Management Team [MAT] and Heads of Service by the end of September 2010.

Report Author: Terry Collier, Chief Finance Officer on 01784 446296.

Background Papers: There are none.

CHARGING FOR THE COLLECTION OF WASTE FROM NON-DOMESTIC ESTABLISHMENTS – KEY DECISION

Cabinet: 30 March, 2010

Resolution Required

Report of Deputy Chief Executive

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

If this report is approved it will result in increased revenue income and help us to continue to provide important front line services which may be under threat due to the Councils difficult financial situation

Purpose of Report

To consider and approve the new schedule of fees and charges to be implemented from 1 April 2010 for collection of household waste from establishments and institutions classified as non-domestic, as outlined in ([Appendix 1a](#)). **Charging for existing establishments will be at a reduced rate for 2010/2011 and will not commence until September 2010**

- **Key Issues**

Spelthorne has a statutory responsibility for the collection of waste from domestic properties within the borough.

- Schedule 2 of the Controlled Waste Regulations 1992 (CWR) allows Waste Collection Authorities to charge for the collection of certain types of household waste. 'Household waste' is defined in the Environmental Protection Act 1990 (EPA), and includes waste from some non-domestic sources, such as schools, hospitals and camp sites.

Financial Implications

The proposed scale of charges for 2010/11 will enable Spelthorne to recover it's costs for provision of the service for collection under Schedule 2 of CWR

Corporate Priority 3. Environment 9. Sustainable Financial Future, 10. Value for Money

Officer Recommendations

MAT is asked to approve the revised charging policy for waste collected from different types of establishments & institutions within Spelthorne classified as non-domestic as detailed in Option 3.4, with charges for existing establishments not taking place until September 2010 and at the reduced rate detailed in option 3.7

Contact: Nigel Lynn, Deputy Chief Executive, Tel (01784) 446300

Cabinet member: Councillor Gerry Forsbrey, Councillor Vivienne Leighton

MAIN REPORT

1. BACKGROUND

- 1.1. Until 2008 waste collected from non-domestic establishments was collected by both trade & domestic refuse vehicles and charged under then schedule of fees & charges appropriate for that time.
- 1.2. The Council sold it's trade waste collection service in February 2008, and all commercial waste customers moved to SITA for collection and those classified under Schedule 2 of the CWR continued to be collected by Spelthorne within the domestic waste rounds.
- 1.3. The definitions of domestic household and commercial waste are defined in legislation, but differing interpretations by local authorities have prompted DEFRA (the Department for Environment, Food and Rural Affairs) to issue fresh guidance about when charges may be applied.
- 1.4. This guidance has prompted officers to review the current charging policy and identify any areas where changes might be required.

2. KEY ISSUES

- 2.1. Spelthorne Borough Council, as the waste collection authority under the EPA, has a statutory responsibility for the collection of waste from households within the borough. Since September 2007 this has been carried out on an Alternate Weekly basis from a range of different sized wheelie bins provided by Spelthorne at no additional cost to the resident. This is an in house service provided by Streetscene and managed from the White House Depot.
- 2.2. During 2007/2008 Spelthorne received representations in the form of letters from Schools, Charity shops and agents claiming to be acting on behalf of this type of establishment. The representations claimed that Spelthorne were charging incorrectly for the collection of household waste.
- 2.3. Streetscene contacted DEFRA to gain clarification and in May 2008 they issued guidance to all local authorities in England to ensure that a consistent approach was being used for the collection of waste under sections 45 (as amended by the Household Waste Recycling Act 2003).
- 2.4. & 51 of the EPA (Environmental Protection Act), Schedules 1 & 2 of the CWR. DEFRA's view is that all waste arising from premises forming part of a school, university, or other educational establishment, hospital or nursing home that is owned and operated by that organisation is household waste falling within paragraph 5 of Schedule 2, except any clinical, construction or demolition waste arising from the premises.
- 2.5. During and after the roll out of AWC 23 schools, mainly the smaller ones were identified as being suitable to move to Alternate Weekly Collections and a mixture of rubbish & recycling bins were provided for their use. These bins are currently collected on the domestic routes and we are entitled to make a charge for collection of the bin but not for disposal of the waste.
- 2.6. Larger schools could not accommodate the number of bins that would be required should they be moved over to AWC and at least 2 schools are being

collected on a daily basis. This requires a special type of collection that falls outside of AWC and incurs extra costs to the authority for which a charge can be made for the collection of the waste but not the disposal.

- 2.7. Due to the nature of the items being left at Charity shops they cannot be collected on the AWC routes and special provision has to be made for the collection of their waste, this also incurs an extra cost to the authority for which a charge can be made.
- 2.8. Charges for the collection of “household waste” need to be separately specified and must be “cost only” charges as local authorities are not permitted to profit from the collection activity.
- 2.9. There are practical problems with calculating this actual cost which needs to be based on the additional number and frequency of bins collected outside of the normal AWC collections.
- 2.10. The proposed costs in Appendix 1b have been calculated using the actual costs of providing the difficult access bin round against the number of bins emptied overall and in schools. Comparisons have also been made against other neighbouring & Surrey authorities and the private sector. Any private sector company such as SITA or BIFFA would also charge for disposal of the waste based on the tonnage collected which currently stands at approx £80 per tonne plus bin hire ([Appendix 1b](#)).

3. OPTIONS

- 3.1. To continue collecting from all non-domestic properties without imposing a charge absorbing the actual collection costs within the household waste collection budget. A sum of £30,000 has been built into the budget for 2010/2011 if this option is approved, this money will need to be found from other sources.
- 3.2. To approve the schedule of charges but apply a reduced charge for collection of recycling bins, which would encourage schools to produce more recyclables and less rubbish waste and review the scale of charges on an annual basis.
- 3.3. Appendix 1c option 1 allows for a charging scale of £8 per rubbish bin & £4 per recycling bin, and shows the proposed full year charges for each establishment. In the majority of cases and because work has already been undertaken with some of the schools to help them reduce the amount of waste produced, costs would be lower than when charges were last made during 2007/2008 this can be seen in the total income column in Appendix 1c.
- 3.4. Appendix 1c option 2 allows for a charging scale of £10 per rubbish bin & £2 per recycling bin, and shows the proposed full year charges for each establishment, this option would give schools a greater opportunity to reduce their overall costs of waste collection. By reducing the amount of rubbish waste and increasing the amount of recyclables produced establishments have the opportunity to reduce bin costs by £8 per bin.
- 3.5. Charges for 2010/2011 would not be implemented to existing establishments until September 2010. However for the year 2011/2012 we would expect the full year costs to be charged dependant on the number and type of bins being emptied.

- 3.6. Income from other establishments including charity shops would realise approximately £10,000 for a full year, in view of the proposal to charge with effect from September 2010 the actual income for 2010/2011 would be £5000, with full costs being charged for 2011/2012.
- 3.7. We are concerned that schools in particular may have funding issues in relation to the removal of their waste. Due to the fact that for the year 2010/2011 we have only budgeted for £30,000 we do have the opportunity to offer a special reduction for this year only. If we were to charge £6 per rubbish bin & £2 per recycling bins we would achieve an income figure of £27,000 for 2010/2011 which will meet the budget requirement.

4. PROPOSALS

- 4.1 To implement a new charging policy for collection of rubbish waste from schools and other non domestic properties which will enable us to recover costs for provision of the service without charging for the cost of disposal.
- 4.2 As schools have different collection schedules charges will be based on the number of bins emptied in any given period.
- 4.3 To offer a recycling collection service at a reduced cost to these properties on an alternate weekly basis with bins being emptied in line with the domestic schedules.
- 4.4 Implementation of the proposed charges would not take place until September 2010 but charging information would need to be given to schools as soon as possible for budgetary reasons

5. BENEFITS AND SUSTAINABILITY

- 5.1 Income generated from the proposal would help ease the Councils difficult financial situation.
- 5.2 Reducing the charge for the collection of recyclable materials will encourage these properties to recycle more and produce less rubbish being sent for incineration or landfill.

6. FINANCIAL IMPLICATIONS

- 6.1 Based on the number of rubbish bins at the locations we would anticipate that income generated would be between £70k & £80k per full year. However with the advantage of receiving a reduced collection cost for recyclables we would anticipate a reduction in the number of rubbish bins and an increase in recycling bins. This would in turn due to the difference between the collection costs of both bins reduce the amount of income anticipated.
- 6.2 Attached at ([Appendix 1c](#)) is a list of individual schools showing how these changes will affect them based on a full years cost. It also shows previous charges for each school during 2007 when they were being charged under Trade Waste prices
- 6.3 The collections from charity shops are undertaken on a weekly basis and the anticipated income from this type of establishment is expected to be approx £10000 per year

6.4 A sum of £30,000 has been budgeted for in 2010/2011, if no charges are to be implemented for these collections this amount would need to be found from another source.

7. LEGAL IMPLICATIONS / OTHER

7.1 The legal implications have been addressed in the body of the report.

8. RISKS AND HOW THEY WILL BE MITIGATED

8.1 We have not been charging for the collection of waste from these properties since 2007/2008. There may be some resistance to this change from some schools and charity shops who may find it difficult to put anything extra into their budget allocation without affecting another area of the school curriculum or school maintenance.

8.2 There is the possibility that legal challenges could be made in respect of this new charging policy, however information gathered from DEFRA clearly indicates that Schedule 2 of the Controlled Waste Regulations (CWR) allows Waste Collection Authorities to charge for the collection of certain types of household waste. 'Household waste' is defined in the Environmental Protection Act 1990 (EPA), and includes waste from some non-domestic sources, such as schools, charity shops, hospitals and camp sites.

8.3 People resource from within Streetscene & Environment Services will be made available to assist schools and other establishments in identifying how they may be able to reduce the amount of rubbish produced which will in turn reduce their overall costs.

9. TIMETABLE FOR IMPLEMENTATION

9.1 We would expect to write to all non-domestic establishments during April 2010 advising them that charges would be implemented from September 2010.

Report Author: Jackie Taylor, Acting Head of Streetscene, Tel: (01784) 446418

Background Papers:
There are none