

**MINUTES OF THE CABINET**

**27 OCTOBER 2009**

**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 Health and Independent Living);  
Councillor C.A. Davis (Cabinet Member for Regeneration);  
Councillor G.E. Forsbrey (Cabinet Member for Environment);  
Councillor Mrs. D.L. Grant (Cabinet Member for Young People and Cultural Services);  
Councillor A.P. Hirst (Cabinet Member for Communications and Engagement); and  
Councillor Mrs. V.J. Leighton (Cabinet Member for Corporate Services).

**1510. MINUTES**

The Minutes of the Meeting held on 15 September 2009 and of the Special Meeting held on 17 September 2009 were confirmed as correct record.

**1511. RECOMMENDATIONS FROM THE PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE HELD ON 8 SEPTEMBER 2009 – PARTNERSHIP GOVERNANCE POLICY**

The Cabinet considered a report on the recommendations from the Performance Management and Review Committee held on 8 September 2009 relating to the Partnership Governance Policy.

**RESOLVED:**

1. To endorse the recommendations from the Performance Management and Review Committee held on 8 September 2009.
2. To adopt the Partnership Governance Policy attached as an appendix to the recommendations from the Performance Management and Review Committee held on 8 September 2009.

**1512. \*MINUTES AND RECOMMENDATIONS OF THE MEMBERS' DEVELOPMENT STEERING GROUP HELD ON 14 SEPTEMBER 2009 – (1) CHARTER FOR ELECTED MEMBER DEVELOPMENT – RE-ACCREDITATION AND (2) MEMBERS' DEVELOPMENT BUDGET 2009/2010 AND 2010/2011**

The Cabinet considered a report on the Minutes and recommendations of the Members' Development Steering Group held on 14 September 2009.

Members discussed in particular the recommendations relating to (1) the Charter for Elected Member Development – Re-Accreditation and (2) the Members' Development Budget 2009/2010 and 2010/2011.

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### **(a) Members' Development Budget**

**RESOLVED** to endorse the recommendations from the Members' Development Steering Group held on 14 September 2009 and agree that the Members' Development Budget for both 2009/2010 and 2010/2011 be reduced to £5,000 for each year.

### **(b) Charter for Elected Member Development – Re-Accreditation**

**RESOLVED TO RECOMMEND** to the Council on 29 October 2009:

- (1) That the Council approve the undertaking by the Borough Council of the re accreditation process for the South East Employers Charter for Elected Member Development.
- (2) That the Leader of the Council and the Chief Executive be authorised to sign the South East Employers' Certificate to signify the Borough Council's commitment to the principles of the Elected Member Development Charter.

**RESOLVED** that a decision on whether or not to participate in the Charter Plus programme be made at a later date.

### **1513. MINUTES OF THE SPELTHORNE YOUTH COUNCIL MEETINGS HELD ON 17 SEPTEMBER 2009 AND 13 OCTOBER 2009**

The Cabinet discussed the Minutes of the Spelthorne Youth Council meetings held on 17 September 2009 and 13 October 2009.

**RESOLVED** to note the Minutes of the Spelthorne Youth Council meetings held on 17 September 2009 and 13 October 2009.

### **1514. INTERNATIONAL FINANCIAL REPORTING STANDARDS (IFRS) IMPLEMENTATION TIMETABLE**

The Cabinet considered a report informing Members of the detailed timetable for implementing International Financial Reporting Standards (IFRS) to local authority accounting. The report also set out the resources to be used when implementing the change.

The implementation of IFRS would enable the readers of the Statement of Accounts to have a clearer understanding of the Council's financial position and enable closer comparison with other financial institutions, including private sector companies.

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

**RESOLVED** to note:

1. The detailed implementation timetable.
2. The requirement for the Audit Committee and the Cabinet to be fully briefed and aware of the implications of implementing the change.

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### **1515. \*CORPORATE PLAN 2008–2011 AND CABINET RESPONSIBILITIES - KEY DECISION**

The Cabinet considered a report on the progress on the first year's achievements of the Corporate Plan 2008-2011 and the suggested amendments to the Plan.

The Cabinet also considered changes to the Cabinet Member responsibilities, in the light of the last years experience and proposals for suggested changes to those responsibilities.

One reason for considering changes to the Cabinet Member responsibilities was to balance out the workload amongst members of the Cabinet, in particular where the Corporate Services area of responsibility had a significantly greater workload than the other Cabinet responsibility areas.

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

**RESOLVED TO RECOMMEND** that the Council on 29 October 2009 approve:

1. Amendments to the Corporate Plan 2008-2011, as attached at Annex A to the report of the Assistant Chief Executive.
2. Amendments to the Council's Constitution to amend the Cabinet Member titles and responsibilities, as attached at Annex C to the report of the Assistant Chief Executive, and as further amended to change the title of Corporate Services to Finance and Resources.

### **1516. COMMUNITY ENGAGEMENT – KEY DECISION**

The Cabinet considered a report looking back at the most recent round of Have Your Say events and makings proposals for future community engagement events.

The holding of effective community engagement events helps in increasing the knowledge and satisfaction of residents with the services provided by the Council and its partners.

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

**RESOLVED** to hold future Have Your Say events as per Appendix B to the report of the Chief Executive, with the Ashford event reverting back to a 7.00pm start time.

### **1517. SPELTHORNE TOGETHER – KEY DECISION**

The Cabinet considered a report on progress on the Community Plan, 2005-2015, including the recent Spelthorne Together Assembly.

Spelthorne Together, including the Assembly event, helps bring together key bodies both statutory and non statutory to work together to help make Spelthorne a "safe, healthy, inclusive, prosperous and sustainable community".

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

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**RESOLVED** to note progress on the Community Plan 2005-2015.

### **1518. UPDATED CORPORATE CUSTOMER COMPLAINTS SYSTEM**

The Cabinet considered a report on the updated Corporate Complaints system for the Council. Members requested that a Flow Chart be produced on the various stages involved in how a customer complaint is dealt with by the Council.

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

**RESOLVED** to:

1. Agree the updated Corporate Customer Complaints System, for Spelthorne Borough Council as attached at Appendix 1 to the report of the Assistant Chief Executive.
2. Request the Assistant Chief Executive to produce a Flow Chart on how a customer complaint is dealt with by the Council.

### **1519. UPDATE ON SAFEGUARDING POLICY AND PROCEDURES (CHILDREN AND YOUNG PEOPLE AND VULNERABLE ADULTS)**

The Cabinet considered a report updating the Council's Safeguarding Policy and Procedures for Children and Young People and Vulnerable Adults and seeking further promotion of the importance of safeguarding the most vulnerable people within Spelthorne.

The report also highlighted future changes with the introduction of the Independent Safeguarding Authority (ISA).

Members raised the issue of Criminal Records Bureau [CRB] checks for Borough Councillors and requested that the current Regulations be looked at to see if the present multiple checking process could be more streamlined for Councillors in future.

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

**RESOLVED** to:

1. Agree the updated Council Safeguarding Policy and Procedures for Children and Young People and Vulnerable Adults, as set out at Appendices 1 and 2 of the report of the Assistant Chief Executive.
2. Request the Assistant Chief Executive to look at the current Regulations surrounding who should and should not be Criminal Records Bureau [CRB] checked, to see if the present multiple checking process could be more streamlined for Borough Councillors in future.

### **1520. SURREY CLIMATE CHANGE STRATEGY – KEY DECISION**

The Cabinet considered a report introducing a county-wide Climate Change Strategy which had been commissioned by the Surrey Climate Change Partnership (SCCP) as part of a climate change project funded by the Surrey Improvement Partnership (SIP).

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The Strategy has been designed to give strategic direction on climate change action and activity for local authorities within Surrey whilst recognising the different levels of existing activity and support for this climate change agenda.

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

**RESOLVED** to:

1. Approve the Surrey Climate Change Strategy available to Members in the Members' Room and on the Council's Website.
2. Support through the Surrey Climate Change Members' Group the development of the Climate Change Strategy work streams.

### **1521. \*REVIEW OF CONTRACT STANDING ORDERS**

The Cabinet considered a report seeking the necessary consent for the amendment of the Contract Standing Orders which form part of the Council's Constitution.

Members noted that the amendments to and restructuring of the Council's Contract Standing Orders were needed to ensure greater ease of use and to incorporate reform requests from various Council Services.

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

**RESOLVED TO RECOMMEND** that the Council on 29 October 2009 approve the revisions to the Contract Standing Orders, as detailed in Appendix 1 to the report of the Deputy Chief Executive, and authorise the Head of Corporate Governance to make the necessary amendments to the Council's Constitution.

### **1522. \*THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – NEW POWERS FOR OVERVIEW AND SCRUTINY COMMITTEES**

The Cabinet considered a report giving an overview of recent changes in legislation under the Local Government and Public Involvement in Health Act 2007 that would provide new powers for local authority overview and scrutiny committees.

The new powers were aimed at empowering communities and enabling local people, through their councillors and the "Councillor Call for Action [CCfA]" initiative, to better participate in decisions that affected their day to day lives and well being.

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

**RESOLVED TO RECOMMEND** to the Council on 17 December 2009:

1. That all Members note the new scrutiny powers contained in the Local Government and Public Involvement in Health Act 2007, and in particular the Councillor Call for Action [CCfA].

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2. That the arrangements for operating the Councillor Call for Action (CCfA), as set out in the report of the Deputy Chief Executive at Appendix 2 (flowchart) and at Appendix 3 (Councillor CCfA form), be approved.
3. That the Head of Corporate Governance be authorised to amend the Council's Constitution to facilitate the arrangements for CCfA.
4. That a CCfA will initially be discussed by the Member [i.e. the Councillor putting forward the Call for Action] with the Chairman of the relevant Scrutiny Committee together with the appropriate Scrutiny Lead Officer, to agree how the CCfA should be processed.
5. That the Performance Management and Review Committee be asked to review the Councillor Calls for Action procedure after one year's operation.
6. That in the current economic climate the option to delegate powers to Councillors under section 236 of the Local Government and Public Involvement in Health Act 2007 be deferred and be reviewed in a year's time. During this time it was anticipated that relevant operational and financial data may be available from other local authorities which have implemented s236 of the Local Government and Public Involvement in Health Act 2007.

### **1523. \*POLICE AND JUSTICE ACT 2006 – IMPLICATIONS FOR OVERVIEW AND SCRUTINY**

The Cabinet considered a report outlining new scrutiny responsibilities for local authorities arising under the Police and Justice Act 2006, which had recently come into force.

Members noted that the provisions within the 2006 Act also allowed residents to make complaints to ward councillors in respect of crime and disorder matters, which would then need to be actioned by the ward councillor under the Community Call for Action (CCfA).

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

**RESOLVED TO RECOMMEND** the Council on 17 December 2009 to:

1. Note the new scrutiny powers for crime and disorder arising under the Police and Justice Act 2006.
2. Note the new Community Call for Action (CCfA) role for all councillors.
3. Approve the preferred option for dealing with the scrutiny of crime and disorder in Spelthorne by designating the Performance Management and Review Committee.
4. Authorise the Head of Corporate Governance to make the necessary amendments to the Constitution.
5. Request that the Performance Management and Review Committee develop its Crime and Disorder Scrutiny Rules of Procedure in association with the Crime and Disorder Reduction Partnership [CDRP].

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### 1524. THE CABINET FORWARD PLAN

**RESOLVED** to note the revised version of the Council's Cabinet Forward Plan for the period from 1st October 2009 to 30th September 2010, including new items on the Plan relating to (1) Food Waste Collection and (2) the Charlton Lane Site.

### 1525. EXCLUSION OF PRESS AND PUBLIC

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

### 1526. WRITE-OFFS

***[Paragraphs 1 and 3 – Information relating to any individual and Information relating to the financial or business affairs of any particular person [including the authority holding that information.]***

The Cabinet considered an exempt report on Write-Offs seeking approval to write off debts over the delegated amount contained in the Council's Constitution.

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

**RESOLVED** to approve the write off of the debts in all the cases listed in Appendix 1 to the exempt report of the Chief Finance Officer, which were all over the delegated amount contained in the Council's Constitution.

### 1527. HOUSING BENEFIT WRITE-OFFS

***[Paragraphs 1 and 3 – Information relating to any individual and Information relating to the financial or business affairs of any particular person [including the authority holding that information.]***

The Cabinet considered a joint exempt report by the Chief Finance Officer and the Joint Heads of Housing Benefits and Housing Options on Housing Benefit Write-Offs.

The report covered an overview of the write off process for overpayments in Housing Benefits and summarised write offs made during 2008-2009. It was further seeking approval for an updated write off process summary for Housing Benefit Overpayments. It was also seeking approval to write off the debts relating to 4 Housing Benefit cases, each being over the delegated amount contained in the Council's Constitution.

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

**RESOLVED** to:

1. Note the overview of the write off process for overpayments in Housing Benefits and the summary of write offs made during 2008-2009.
2. Approve the updated write off process summary for Housing Benefit Overpayments at Appendix 1 to the joint exempt report.

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3. Approve the write off of the debts relating to 4 Housing Benefit cases, as detailed in the joint exempt report by the Chief Finance Officer and the Joint Heads of Housing Benefits and Housing Options, each being over the delegated amount contained in the Council's Constitution.

### 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 – 5 NOVEMBER 2009.**