

Karen Satterford
Chief Executive
Spelthorne Borough Council
Council Offices
Knowle Green
Staines TW18 1XB

Please Telephone: Richard Powell (01784) 446240 or e-mail: r.powell@spelthorne.gov.uk

14th July, 2004

TO THE MEMBERS OF SPELTHORNE BOROUGH COUNCIL

SUMMONS TO MEETING

You are hereby summoned to attend the **Meeting of Spelthorne Borough Council to be held in the Council Chamber, Council Offices, Knowle Green, Staines on Thursday 22nd July 2004, beginning at 7.30pm**, for the purpose of transacting the business specified in the Agenda **set out on the next page**.

KAREN SATTERFORD
Chief Executive

EMERGENCY PROCEDURE: - In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the Green adjacent to Broome Lodge, Staines. 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. **[THE LIFT MUST NOT BE USED]**

PUBLIC SPEAKING AT COUNCIL MEETINGS

(1) Question Time

Public "Question Time" is near the start of Council meetings. This is an opportunity for any person to ask the Leader of the Council a question about matters in which the Council has powers or duties or issues which affect the Borough.

(2) Petitions

The Council has a procedure to enable petitions to be presented formally at Council meetings and for the person presenting the petition to address the Council for a maximum of three minutes about it.

(3) Representations on Recommendations

When the Council is considering a recommendation made to it by the Executive or a Committee, any resident can put forward views on the issues involved by making representations to the Council for a maximum of three minutes before the Council discusses the recommendation and makes a decision.

Anyone wishing to (1) ask a question, (2) present a petition, or (3) make representations on a recommendation, must notify the Chief Executive's office before Noon on the day of the meeting.

A G E N D A

1. APOLOGIES FOR ABSENCE

To note apologies received from Councillors Miss Bain, Mrs. Langridge-John and Paton and to receive any other apologies for absence.

2. MINUTES

To confirm as a correct record the Minutes of the Meeting of the Council held on 24th June 2004. **(Attached at APPENDIX 1 [pages 3 to 6])**

3. DISCLOSURES OF INTEREST

To receive any disclosures of interest from Members in accordance with the Council's Code of Conduct for Members.

4. ANNOUNCEMENTS FROM THE MAYOR, THE LEADER OR THE CHIEF EXECUTIVE

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Leader or his nominee to answer any questions raised by members of the public (*provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting*).

6. PETITIONS

To receive any petitions submitted to the Council.

7. RECOMMENDATIONS OF THE EXECUTIVE

To consider the recommendations of the Executive on the following matter:-
(APPENDIX 2 [to follow])

1. **Statement of Accounts 2003/2004 [to follow]**

(A copy of the Council's Accounts for 2003/2004 will follow under separate cover.)

Note: Members of the public may make representations not exceeding 3 minutes on individual recommendations before they are discussed (*provided notice of their wish to do so has been given to the Chief Executive's office before Noon on the day of the meeting*).

8. RECOMMENDATIONS OF THE STANDARDS COMMITTEE

To consider the recommendations of the Standards Committee on adopting a Monitoring Officer Protocol. **(Attached at APPENDIX 3 [pages 7 to 12])**

9. REPORT FROM THE LEADER OF THE COUNCIL

To receive a report from the Leader of the Council on the work of the Executive.
(Attached at APPENDIX 4 [pages 13 to])

10. REPORTS FROM THE CHAIRMEN OF THE PLANNING AND STANDARDS COMMITTEES

To receive the reports from the Chairmen of the Planning and Standards Committees on the work of their Committees. **(Attached at APPENDICES 5 and 6) [pages to]**

11. MOTIONS

Under Standing Order 14 the Council has received Notice of the following Motion:

“That this Authority notes the proposals by the Post Office in its recent letter, and that the Council deplores these measures as unhelpful and damaging to the interests of the Community generally, and to elderly and infirm people particularly.

In the event that the Post Office is minded to proceed with these changes, then this Council asks that the Post Office delay implementation, and discuss with local representatives, how the changes may be tempered by the introduction of automatic teller machines and any other appropriate measures.”

Proposed by: Councillor E. O'Hara
Seconded by: Councillor P.R. James.

12. QUESTIONS ON WARD ISSUES

The Leader or his nominee to answer any questions from Members on issues in their Ward. *(provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting).*

13. GENERAL QUESTIONS

The Leader or his nominee or relevant Committee Chairman to answer any questions from Members on matters affecting the Borough or for which their committee has responsibility *(provided questions have been submitted in writing to the Chief Executive's office before Noon on the day of the meeting).*

14. APPOINTMENTS TO OUTSIDE BODIES

(a) **Appointment of Trustees - Spelthorne Mental Health Association [SMHA] Management Committee**

To consider nominations for the appointment of Members as Trustees to the Spelthorne Mental Health Association [SMHA] Management Committee. This matter was deferred by the Council at its meeting on 24th June 2004 [Minute 198/04 (a) refers].

15. URGENT BUSINESS

To consider any urgent business.

MINUTES OF THE COUNCIL MEETING HELD ON 24TH JUNE 2004

AT THE MEETING OF THE SPELTHORNE BOROUGH COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, KNOWLE GREEN, STAINES ON THURSDAY 24TH JUNE 2004 AT 7.30PM

Amos Mrs. P	Hirst A P	Pinkerton J D
Ayers F	Hyams Mrs M	Ponton Mrs J E
Bain Ms M	Jaffer H R	Royer M R
Beardsmore I J	James P R	Searancke E J
Bhadye S	Leighton Mrs V J	Sider R W
Colison-Crawford R B	Napper Mrs I	Spencer Mrs C L
Davies F (Leader)	O'Hara E	Strong C.V
D'Sa R V	Packman J D (Deputy Leader)	Trussler G F (Mayor)
J.M. Fullbrook	Paton J M	Turner D
Grant Mrs D L	Pinkerton Mrs J M	Wood-Dow J.M

G F Trussler, Mayor, in the Chair

184/04 APOLOGIES

Apologies for absence were received from Councillors G S Ceaser, R Chouhan, E K Culnane, G E Forsbrey, Mrs J B Langridge-John, S B S Lorch, Mrs M Madams and Mrs P Weston (Deputy Mayor) who was attending a Mayoral function in Surrey.

185/04 MINUTES

RESOLVED that the minutes of the Annual Council meeting held on 20th May 2004 be approved as a correct record.

186/04 DISCLOSURE OF INTERESTS

Councillor I.J. Beardsmore disclosed an interest in exempt item 16(a) on the Agenda – Surrey County Council Highways Claim - in his capacity as a County Councillor.

Councillor Mrs V.J. Leighton disclosed a personal interest under Section 4 of the Spelthorne Members' Code of Conduct in relation to the item about Police Community Support Officers – Parks, in the Report of the Leader on the work of the Executive.

Councillor H.R. Jaffer disclosed an interest under the Council's Planning Code in respect of 398 Staines Road West, Ashford, in the Report of the Chairman on the work of the Planning Committee.

187/04 ANNOUNCEMENTS BY THE MAYOR

Trident Memorial

The Mayor reported that, in the company of other Borough Councillors, he had attended the dedication of the Memorial erected in remembrance of those who had lost their lives in the BAC one-eleven air crash in 1970. He recalled that the ceremony had been quiet and dignified. He then thanked Councillor O'Hara and Nigel Lynn, the Strategic Director (Community) for their work in achieving this Memorial.

Civic Service

The Mayor reminded Members that if they wished to attend the Civic Service, replies would have to reach the Mayor's secretary by tomorrow, 25th June.

Mayors Charity Luncheon

The Mayor announced that tickets were still available for the Mayor's Charity Luncheon being organised by Councillor Ceaser and that numbers were limited.

188/04 ANNOUNCEMENTS FROM THE LEADER

Trident Memorial

The Leader, Councillor F. Davies, endorsed the comments and thanks proffered to Councillor O'Hara and Nigel Lynn by the Mayor and wished to extend the Council's thanks to Father Cosh for his involvement, participation and assistance with the event.

It was agreed that the Mayor should write, on behalf of all Councillors and residents thanking Father Cosh for his involvement, participation and assistance with the Memorial and event.

189/04 ANNOUNCEMENTS FROM THE CHIEF EXECUTIVE

Memorial Gardens – Award

The Chief Executive reported that, in the company of the Mayor, she had attended a ceremony to receive an award for Memorial Gardens, Staines which had been judged the Best Urban Green Space Development by the Local Government News. The Award was displayed at the meeting.

190/04 SPELTHORNE CORPORATE PLAN 2004/07

The Council considered the recommendations of the Executive on the Spelthorne Corporate Plan 2004/07 and

RESOLVED:

- (a) to note the corporate strategic aims and targets for the Council listed in the Corporate Plan 2004/2007 and
- (b) to approve the Corporate Plan for adoption.

191/04 LOCAL GOVERNMENT PENSION SCHEME – DISPUTE RESOLUTION PROCEDURES

The Council considered the recommendations of the Executive on the Local Government Pension Scheme – Dispute Resolution Procedures and

RESOLVED:

- (1) To nominate the Monitoring Officer, the Assistant Chief Executives, the Strategic Directors and the Chief Executive within Spelthorne and the Pensions Manager at Surrey County Council as 'specified persons' to consider and determine first stage appeals against decisions made, or not made that affect employees' or their dependants' Local Government Pension Scheme [LGPS] benefits.
- (2) To adopt a procedure for dealing with disputes relating to the operation of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) regulations 2000 which mirrors the LGPS IDRPs with the same timescales and requirements for contact with appellants.

- (3) To nominate the Monitoring Officer, the Assistant Chief Executives and the Strategic Directors as 'specified persons' to consider and determine first and second stage appeals relating to disputes in relation to compensation benefits under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000.
- (4) That the decisions at (1) and (3) above could include nominating Surrey County Council to hear appeals on Spelthorne's behalf.
- (5) To agree that the same persons nominated in (3) above could be nominated to hear injury allowance appeals in the event that they become the responsibility of employers at some point in the future.
- (6) To agree that the person considering disputes at each stage should not have been involved in the original / previous decision.
- (7) That appropriate amendments be made to the Scheme of Delegations to Officers in the Council's Constitution to delegate the Local Government Pension Scheme [LGPS] and compensation benefit appeals to the nominated 'specified persons' in the recommendations above.

192/04 REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council, Councillor F. Davies, presented his report which outlined the matters the Executive had dealt with since the last Council meeting.

193/04 IMPROVEMENT AND DEVELOPMENT COMMITTEE

The Chairman of the Improvement and Development Committee, Councillor A.P. Hirst, presented his report which outlined the matters the Committee had dealt with since the last Council meeting. He also drew Members attention to the change of date of the next Improvement and Development Committee from 23 September to 30 September, 2004.

194/04 PERFORMANCE MANAGEMENT AND REVIEW COMMITTEE

The Chairman of the Performance Management and Review Committee, Councillor F. Ayers presented his report which outlined the matters the Committee had dealt with since the last Council meeting.

195/04 LICENSING COMMITTEE

The Chairman of the Licensing Committee, Councillor R.W. Sider, presented his report which outlined the matters the Licensing Sub-Committees had dealt with since the last Council meeting. He also reported that training in respect of the new licensing legislation was being arranged for Members during October 2004.

196/04 PLANNING COMMITTEE

The Vice-Chairman of the Planning Committee, Councillor Mrs C. Spencer, presented her report which outlined the matters the Committee had dealt with since the last Council meeting.

197/04 WARD ISSUES

Under Standing Order 13 Councillor D. Turner asked Councillor J. D. Packman, the Portfolio Holder for Community Safety and Community Liaison, the following question:

"Will the Portfolio Holder for Community Safety investigate with Surrey Police whether Shortwood Common and Shortwood Pond, Sites of Special Scientific Interest, can be better protected from ongoing incursion from youths who consume drugs and alcohol, stone and destroy wildlife, light fires and intimidate the farmer and cattle. Recent Section 30 orders in

Leacroft have had some effect, but residents continue to be concerned at the extent of the problem which requires immediate attention."

Councillor J D Packman, the Portfolio Holder for Community Safety and Community Liaison, responded as follows:

"Following complaints from residents during May this year concerning anti-social behaviour on the Shortwood Common, the matter was raised at the multi-agency Joint Action Group [JAG] that aims to tackle crime hot-spot areas. As a result, additional Police patrols, including the Neighbourhood Officers, Police Community Support Officers [PCSOs] and the Parks PCSO were allocated to the area. In addition, the Borough Council cleared graffiti and the County Council repaired the damaged fencing.

At the last JAG meeting, it was reported that no further complaints had been made to the Police and that the local residents panel representatives felt that the situation had improved significantly.

I am also aware of the recent local newspaper reports about ongoing problems, which are refuted by the Police for the reasons outlined above.

However, as there appears to be disagreement about the current levels of anti-social behaviour, I have asked the Officers to discuss the matter further with the Police and to report back to me on the outcome. These discussions will include the possible use of new dispersal powers open to the Police, which can be implemented with the consent of the Council. I will write to all Members on the outcome of these discussions."

198/04 APPOINTMENTS TO OUTSIDE BODIES

(a) **Appointment of Trustees - Spelthorne Mental Health Association [SMHA] Management Committee**

RESOLVED that the appointment of Trustees to the Spelthorne Mental Health Association [SMHA] Management Committee be deferred to the next meeting of the Council.

(b) **Appointment to the Arts Council England, South East Regional Council**

RESOLVED that Councillor E.K. Culnane be nominated to serve as a Regional representative for Surrey on the Arts Council England, South East Regional Council.

(c) **Appointment of a Corporation Governor - Spelthorne College Corporation**

RESOLVED that Councillor Mrs J. Pinkerton be appointed to serve as a Governor on the Spelthorne College Corporation.

199/04 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated above.

200/04 SURREY COUNTY COUNCIL HIGHWAYS CLAIM

(Paragraph 9 – Terms of a Contract)

RESOLVED that the Chief Executive be authorised to seek the settlement of this outstanding dispute with the County Council in the sum of £250,000.

RECOMMENDATIONS OF THE EXECUTIVE

1. STATEMENT OF ACCOUNTS FOR 2003/2004

- 1.1 The Executive has considered a report on the Council's Financial Statement of Accounts for 2003/2004. Under the Accounts and Audit Regulations 2003, the Council is required to formally approve the Statement of Accounts for the financial year ending 31st March 2004 by the 31st August 2004.
- 1.2 **The Executive recommend that the Council approve the Council's Statement of Accounts for 2003/2004 and that they be signed by the Leader of the Council.**

[A copy of the Council's Statement of Accounts for 2003/2004 (Green cover booklet) has been previously circulated under separate cover.]

2. MANDATORY DISABLED FACILITIES GRANT BUDGET 2004/2005

- 2.1 The Executive has considered a report on the spend to date against the allocated budget for Mandatory Disabled Facilities Grants during the current financial year 2004/2005. Members have been advised that to meet the costs of works for grants that were currently being administered and were likely to be ready for approval and for payment during the remainder of 2004/2005, the current budget allocation was likely to be insufficient and there was a need for a supplementary budget to fund the additional costs involved.
- 2.2 **(1) That a supplementary budget of £250,000 for 2004/2005 be approved for Mandatory Disabled Facilities Grants.**
- (2) That the Head of Environmental Health and Building Control Services be authorised to make representations to the Government Office of the South East [GOSE] to request that Spelthorne receives a 60% contribution (i.e. £150,000) from the Government towards the additional costs at (1) above.**

Councillor Frank Davies
Leader of the Council

22nd July 2004

RECOMMENDATIONS OF THE STANDARDS COMMITTEE

1. MONITORING OFFICER PROTOCOL

- 1.1 The Committee has considered the draft Motoring Officer Protocol, **attached at Appendix A to these recommendations**, for inclusion in the Council's Constitution. It is based on a national model and is similar to that adopted by a number of other local authorities. The protocol emphasises the key roles the Monitoring Officer is expected to play in relation to the Council, particularly in terms of the work of the Standards Committee, the ethical framework and the Council's Constitution.
- 1.2 The protocol covers four main areas. The first summarises the key responsibilities the Monitoring Officer has to undertake under the Local Government and Housing Act 1989 and the Local Government Act 2000. The second makes it clear that while the Monitoring Officer's functions are often performed by staff within Committee Services and Legal Services, the responsibility for the discharge of the functions is a personal one for the Monitoring Officer. The third area sets out the working arrangements / understandings that are required with Members and Officers to ensure the efficient discharge of the Monitoring Officer's statutory responsibilities and the final area outlines the consequences if Members and Officers fail to abide by the protocol.
- 1.3 The Committee felt that the protocol did not require any significant changes to current practices but it did highlight several areas where practice could be improved, such as instituting regular meetings between the Council's three statutory officers and the inclusion of a reference to the appointment of a Deputy Monitoring Officer in the Council's Constitution.

2. RECOMMENDATION

- 2.1 **The Standards Committee recommend that the Council:-**
- (a) **Adopt the attached Monitoring Officer Protocol for inclusion in Part 5 of the Council's Constitution; and**
 - (b) **Include reference to the appointment of a Deputy Monitoring Officer in the Council's Constitution.**

Murray Litvak
Chairman of the Standards Committee

22nd July 2004

SPELTHORNE BOROUGH COUNCIL **MONITORING OFFICER PROTOCOL**

1. Introduction

- 1.1 Section 5 of the Local Government and Housing Act 1989 (the 1989 Act) requires local authorities to appoint a Monitoring Officer. This protocol provides some general information on the statutory role the Monitoring Officer undertakes and how the functions will be discharged within Spelthorne Borough Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Head of Corporate Governance, Ann Davey, who undertakes to discharge her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, she will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 A summary list of the Monitoring Officer's functions appear in **Appendix B** to this protocol. The Monitoring Officer's ability to discharge these responsibilities will depend, to a large extent, on Members and Officers:
- a) complying with the law (including any relevant Codes of Conduct),
 - b) complying with any statutory guidance and other guidance/advice issued from time to time by the Standards Committee and the Monitoring Officer,
 - c) not doing anything that would bring the Council, their offices or professions into disrepute, and
 - d) making lawful and proportionate/reasonable decisions.
- 1.4 In general terms the Monitoring Officer's ability to discharge her duties also depends on good working relations with Members and Officer colleagues, particularly the Council's Officer Management Team (MAT) and Heads of Service, and also access to information and debate during the decision making process.
- 1.5 The Monitoring Officer has appointed Karen Whelan, Head of Legal Services, as the Deputy Monitoring Officer. Karen Whelan will perform the functions of the Monitoring Officer where Ann Davey is unable to act. The Monitoring Officer is assisted from time to time by staff in Committee Services and Legal Services but the responsibility of discharging the functions of Monitoring Officer is a personal one.

2. Working Arrangements/Understandings

- 2.1 Good working relations with Members and Officers will assist in the discharge of the statutory responsibilities on the Monitoring Officer and ensure the Council's interests are safeguarded. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, work with the Monitoring Officer (and her staff) to discharge the Council's statutory and discretionary responsibilities.

2.2 The following arrangements and understandings between the Monitoring Officer, Members and Senior Officers are designed to help ensure the effective discharge of the Council's statutory powers and duties.

- a) **Lawfulness etc** – Members and Chief Officers must alert the Monitoring Officer to all emerging issues that may become a concern to the Council including in particular issues around legal powers to do something or not (e.g. lawfulness) ethical standards, probity, procedural or other constitutional matters and give advance notice to the Monitoring Officer of meetings (whether formal or informal) where these issues are likely to arise.
- b) **Attendance at and access to papers for meetings** – The Monitoring Officer will have the right to attend and be heard at any meeting of the Council, the Executive and the Officer Management Team (MAT) before any binding decision is taken (including a decision not to take action) and have access in advance to the agendas, minutes, reports and related papers for such meetings.
- c) **Liaison with the Statutory Officers** – The Monitoring Officer will meet with the Head of Paid Service (the Chief Executive) and the Chief Finance Officer (Strategic Director Support) to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
- d) **The Council's Constitution** – The Monitoring Officer will monitor and review the operation of the Constitution in consultation with the Head of Paid Service (the Chief Executive) and the Chief Financial Officer (Strategic Director Support) where appropriate to ensure that the aims and principles of the Constitution are given full effect.
- e) **General Advice** – The Monitoring Officer will give general advice on the interpretation and application of the Council's Constitution to Members and Officers alike (i.e. responsibility for functions, procedural rules, codes and protocols, standing orders, member allowances scheme etc.).
- f) **Registers** – The Monitoring Officer will compile and maintain the Council's Registers of Members' Interests and Gifts and Hospitality.
- g) **Training** – The Monitoring Officer will be responsible for preparing and implementing a training programme for Members on the Council's ethical framework subject to the approval of the Standards Committee.
- h) **External Relations** – The Monitoring Officer will develop good and effective working relations with the Standards Board for England, the Council's Auditors and the Local Government Ombudsman (including the giving and receiving of relevant information whether confidential or otherwise).
- i) **Internal Relations** – The Monitoring Officer will have a special relationship of mutual trust and respect with the Mayor, Deputy Mayor and the Chairmen of the Executive, Standards, Planning, Licensing and Overview and Scrutiny Committees with a view to ensuring the effective and efficient discharge of the Council's functions.

- j) **Complaints/Investigations** – The Monitoring Officer will
- receive and act on reports made by Ethical Standards Officers and decisions of any Case Tribunal.
 - conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
 - be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received by the Standards Board for England and if appropriate will make a written report to the Standards Committee unless she and the Chairman of the Standards Committee agree a report is not warranted.
 - have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of her functions when carrying out any investigation.
- k) **Appointment of Deputy** – The Monitoring Officer will appoint a Deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with where she is unable to act.
- l) **Resources** – The Monitoring Officer will report to the Council from time to time on the staff, accommodation and resources required to discharge her functions. Where the Monitoring Officer requires specialist advice on any matter concerning her statutory responsibilities she will seek Counsel's Opinion and will have a budget to enable her to do so.
- m) **Deferral of Report** – In consultation with the Mayor of the Council and the Standards Board for England the Monitoring Officer may defer the making of a formal report under Section 5 of the 1989 Act where another investigative body is involved.
- n) **Maladministration** – Directors and Heads of Service must consult the Monitoring Officer prior to making any compensation payments for alleged or actual maladministration found against the Council.
- 2.3 To ensure the effective and efficient discharge of the above working arrangements/understandings Members and Senior Officers will report any breach of statutory duty or material breach of Council policy/procedures and other vires or constitutional concerns to the Monitoring Officer as soon as practicable.
- 2.4 The Directors and Heads of Service agree to inform and explain the terms of this protocol to their service managers so that they understand the issues highlighted in paragraph 2.1 and 2.2 above and report concerns accordingly.
- 2.5 The Chief Financial Officer will ensure that adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer's role.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Key Source
1.	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
2.	Report on resources	Section 5 Local Government and Housing Act 1989
3.	Establish and maintain Registers of Members' Interests and Gifts and Hospitality	Section 81 LGA 2000 and Local Code of Conduct
4.	Advice to Members and Officers on the interpretation and application of the Constitution	Article 12 of the Council's Constitution
5.	Receive copies of whistleblowing allegations of misconduct	Anti Fraud and Corruption Strategy, Council Constitution
6.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Statutory Guidance on Council Constitutions paragraph 8.21 and Article 12 of the Council's Constitution
7.	Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	Article 12 of the Council's Constitution and Statutory Guidance on Council Constitutions
8.	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
9.	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
10.	Liaison with Standards Board for England and Ethical Standards Officers	Section 66 Local Government Act 2000
11.	Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers	Section 66 (1) + (6) Local Government Act 2000 and Regulations made thereunder
12.	Compensation for maladministration	Section 92 Local Government Act 2000

REPORT OF THE LEADER OF THE COUNCIL ON THE WORK OF THE EXECUTIVE

Since my previous report to the Council, the Executive has met once on 20th July. This report, however, is an overview of the main items considered on 22nd June and sets out a brief summary of some of the more significant issues we have been discussing. We have made recommendations to the Council on one matter, which appears in a separate item on this Agenda. I will report on the items considered on 20th July at the next Council meeting.

ISSUES INCORPORATING ALL 4 CORPORATE PRIORITIES

AREA FORUMS - We have considered a report on the outcome of the latest set of Area Forums and on options and proposals for future Forums.

We have noted the improved attendance at the Area Forums and have agreed (1) the continuing publicity and format of meetings; (2) that the October / November Forums are pulled forward to late September / October from 2005; and (3) that a press release be issued about the latest set of Area Forums and a copy sent to each attendee.

CITIZENS ADVICE BUREAU - We have considered a report seeking approval to terminate the lease on the Citizens Advice Bureau (CAB) offices at Sunbury. We have agreed (1) that notice be given by the Council on the Sunbury offices lease and (2) that a sum of up to £20,000 be made available from the New Schemes Fund to convert the areas identified at the Benwell Day Centre and the Stanwell Day Centre for use by the Citizens Advice Bureau.

LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY – We have considered the recommendations of the Local Development Framework Working Party held on 7th June 2004.

We have agreed (1) Local Development Scheme – that the Scheme, set out at Appendix A to the report of the Strategic Director (Community), be approved and, following enactment of the Planning and Compulsory Purchase Act 2004, be forwarded to the Government Office for the South East [GOSE] for the Secretary of State's formal approval in accordance with the provisions of the new Act and associated regulations.

We have also agreed (2) Approach to Community Involvement – (a) that the Borough Bulletin, the web and existing contacts lists be used as the means of an early community engagement exercise timed to commence in late September for 6 weeks; (b) that appropriate details are also provided in the Bulletin feature about the Community Strategy and the relationship between the two documents; and (c) that members of the Local Development Framework Working Party be given a draft of the September Borough Bulletin feature for comment back to officers before the deadline for articles on 23rd July 2004.

MAKING SPELTHORNE A BETTER PLACE

COMMISSIONING A TRAFFIC STUDY – GREEN STREET, SUNBURY – We have considered a report on a proposal to commission a traffic study, to assess potential highway capacity in the light of additional vehicle movements associated with new residential developments, in and in the vicinity of Green Street, Sunbury.

We have agreed to endorse the request from the Planning Committee, on the basis that this would not set a precedent for the future, and have authorised the Strategic Director (Community) to proceed with a traffic study in the Green Street, Sunbury area in 2004/2005. We have also authorised the Strategic Director to approach Surrey County Council's Local Area Committee for Spelthorne to seek a contribution towards the cost of the traffic survey; and

agreed that, subject to this, a supplementary estimate of up to £25,000 be agreed for undertaking this traffic study.

ACCEPTANCE OF FLOODING REPORT – We have considered a report seeking agreement, in principle, on the conclusions contained in the executive report summary, written by the independent chairman, as part of the Flood Risk Action Group's (FRAG's) 'Mechanisms of Flooding' report.

We have agreed that the FRAG's or the Mechanisms of Flooding Group should continue to meet on a twice-yearly basis. We have also agreed that the Council accept the conclusions of the Mechanisms of Flooding Report in Appendix A to the report of the Strategic Director (Community). In addition, we have noted the flooding related actions detailed within Appendices B and C to the report of the Strategic Director.

ASSET MANAGEMENT SERVICES – WORK PROGRAMME AND PROGRESS REPORT – We have noted and approved the report of the Strategic Director (Community) on the progress of various projects being undertaken by Asset Management Services.

POLICY ON SPORTS PROVISION IN SPELTHORNE'S PARKS – We have considered a report on proposals to establish a Sports Provision policy for the development of team sports in Spelthorne's Parks.

We have agreed (1) to develop self-management models with football clubs and sites, as identified in the report of the Strategic Director (Community), subject to the appropriate agreement; (2) that the priority for casual use for football be given for youth teams; (3) that all football clubs will operate to the Football Association Good practice guide / Charter Standard; (4) that the adult fees for football for 2005/2006 should be increased to a minimum charge of £70 per game to help cover the cost of maintenance of football pitches; (5) that the policy for bowls and tennis be continued and that putting is provided free of charge; and (6) that the cricket square at Laleham is not maintained for the future and that consultation with the proposed club at Long Lane commences with a view to developing a partnership.

Councillor Frank Davies
Leader of the Council

22nd July 2004

**REPORT OF THE CHAIRMAN ON THE WORK
OF THE PLANNING COMMITTEE**

The Planning Committee has met once since the previous report was prepared for the Council meeting. This report therefore gives an overview of the key applications considered by the Planning Committee at its meeting on 23 June 2004.

1. The Planning Committee meeting on **23 June 2004** dealt with seven items in total.

Public speaking took place on three of the items with a total of four people taking the opportunity for public speaking.

The most notable items on the agenda were:-

- (a) the approval of a three storey building incorporating 14 flats at 70-74 Gresham Road, Staines.
- (b) the request from London Irish RFC, The Avenue, Sunbury, to retain the grandstand (despite an earlier undertaking for it to be removed pursuant to the Leisure Club development) – this application was approved by the Committee subject to additional compensatory landscaping and tree planting on the site.
- (c) the decision of the Committee to refuse permission for an extension to the residential care home at Inglewood Hall, Green Street, Sunbury.

Councillor Gerry Ceaser
Chairman of the Planning Committee

22nd July 2004

REPORT OF THE CHAIRMAN ON THE WORK OF THE STANDARDS COMMITTEE

The Standards Committee has met once since the last Council meeting and this report gives an overview of the key issues considered by the Committee.

1. MONITORING OFFICER PROTOCOL

- 1.1. The Committee's recommendations on introducing a Monitoring Officer Protocol, which falls in line with current practices apart from three areas, was considered earlier on this Agenda this evening.

2. OVERVIEW OF WORK UNDERTAKEN AND FUTURE BUSINESS

- 2.1. The committee discussed a report outlining the work it had undertaken to date as well as highlighting issues to be considered in the future.
- 2.2. The committee had previously agreed that a code of conduct and ethical issues web page providing information and guidance on ethical standards issues be set up on the members area of the Council's web site. I am please to report that this has now gone live and it is hoped that members find the site useful.
- 2.3. A further training event on the code of conduct will be arranged shortly and on this occasion will concentrate on how the code relates to the planning process. The members of the committee hope that as many members as possible will find the time to attend.
- 2.4. The committee in considering its future work programme agreed that it was an appropriate time to review the numerous codes and procedures contained in the Council's Constitution. In addition to this it will look at organising training/advice for all members on local determination of allegations of breaches to the code as well as considering the governments consultation paper and draft order on a model code of employee's conduct, once published.
- 2.5. The regulations, which allow the Standards Board to refer complaints that members have breached the Code of Conduct to the Monitoring Officer to investigate, is still awaited. However it is understood that these may be laid before parliament in August/September this year. It seems likely that the details will be issued to coincide with the Standards Board's annual assembly in September. Once the regulations are issued the Standards Board will be issuing guidance notes on how to investigate complaints.

3. COUNCILLORS ANNUAL ACCOUNTS ON THEIR ACTIVITIES

- 3.1. The Committee discussed the returns made to date by Members on their activities for the period April/May 2003 to March 2004 and ways of encouraging members to complete their forms on time.
- 3.2. The Committee have agreed to undertake a further review in the spring and if any member wishes to make any comments on the current system or suggest changes please let the Monitoring Officer know.
- 3.3. The main purpose of the reports are both to enhance accountability to the community and enable councillors to highlight and make their electorate aware of their particular personal contributions to community life and well being not just within the Council but in the community generally, where many are involved in local organisations.

4. THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

- 4.1. The Committee has appointed Councillor J.D. Pinkerton to accompany me to the Standards Board's Annual Assembly this year.

Murray Litvak
Chairman of the Standards Committee

22nd July 2004

APPOINTMENT OF HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER

COUNCIL – 22ND JULY 2004

RESOLUTION REQUIRED Report of the Chief Executive

1. PURPOSE OF REPORT

- 1.1 To constitute an Appointments Committee to make an appointment to the post of Head of Corporate Governance and Monitoring Officer.
- 1.2 This officer post supports delivery of all the Council's priorities and the Council is statutorily required to appoint a Monitoring Officer. The appointment of the Committee is required now as the next scheduled Council meeting is not until 21st October and the existing post holder is leaving at the end of September.

2. BACKGROUND

- 2.1 Management Team have considered the arrangements within the existing Corporate Governance Service and consider a new Head of Corporate Governance should be appointed and the overall structure of the service reviewed. Appointments to officer posts above grade SM2 need to be made by a committee or sub committee appointed by the Council.

3. PROPOSALS

- 3.1 I recommend the Council appoint a committee of four members to make an appointment, at least one of whom must be a member of the Executive. I consider the appropriate allocation of seats on this would be three conservative and one liberal democrat member.

4. OPTIONS

- 4.1 Appointment of a committee could be delayed until October but this would mean the Council would have no Monitoring Officer in place for a period and new working arrangements would be delayed.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications as there is an existing post and the restructure of the section will be within existing budgets.

6. LEGAL IMPLICATIONS

- 6.1 The Council is required to appoint a Monitoring Officer by the Local Government and Housing Act 1989.

7. RECOMMENDATION

- 7.1 The Council is recommended to appoint an Appointments Committee of four members to make an appointment to the post of Head of Corporate Governance and Monitoring Officer.

Contact: Sue Sturgeon (01784) 446221

Portfolio Holder: Councillor E. Searancke

Background Papers: The Council's Officer Employment Procedure Rules

